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THE PUBLIC PRIVATE PARTNERSHIP COMMISSION

DIGITAL MALAWI ACCELERATION PROJECT (P505095)

RESETTLEMENT POLICY FRAMEWORK (RPF)

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Abbreviations and Acronyms

AIDS	Acquired Immuno deficiency Syndrome
ADC	Area Development Committee
ARAP	Abbreviated Resettlement Action Plan
DC	District Council
DEC	District Executive Committee
DMAP	Digital Malawi Acceleration Project
DP	Displaced Persons
DPA	Data Protection Authority
EAD	Environmental Affairs Department
EMA	Environment Management Act
ESCOM	Electricity Supply Corporation of Malawi
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESS	Environmental and Social Standards
GoM	Government of Malawi
GBV	Gender Based Violence
GIIP	Good International Industry Practice
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HIV	Human Immuno Deficiency Virus
ID	Identity Document
ICT	Information and Communication Technology
LMP	Labour Management Procedure
LGI	Local Government Institutions
MACRA	Malawi Communications Regulatory Authority
MAREN	Malawi Research and Education Network
MCERT	Malawi Computer Emergency Readiness Team
MDAs	Ministries, Departments and Agencies
MEPA	Malawi Environmental Protection Authority
MITA	Malawi Information Technology Authority
M & E	Monitoring and Evaluation
MoLHUD	Ministry of Lands Housing and Urban Development
MoLGRD	Ministry of Local Government and Rural Development
MoID	Ministry of Information and Digitization
NGO	Non-Governmental Organization
NRB	National Registration Bureau
OP	Operational Policy
OVI	Objectively Verifiable Indicators
PAP	Project Affected Person
PDO	Project Development Objective
PKI	Public Key Infrastructure
PIM	Project Implementation Manual
PIU	Project Implementation Unit
PPPC	Public Private Partnership Commission

RAP	Resettlement Action Plan
RC	Resettlement Committee
RCIPMW	Regional Communications Infrastructure Program-Malawi Project
RoW	Right of Way
RPF	Resettlement Policy Framework
RRB	Road Reserve Boundary
SADC	Southern African Development Community
SEA	Sexually Exploitation and Assault
SEP	Stakeholder Engagement Plan
SH	Sexually Harassment
TA	Traditional Authority
USF	Universal Service Fund
VDC	Village Development Committee
VLP	Virtual Landing Point
WB	World Bank

Definitions of Terms

Census	a field survey carried out to identify and determine the number of Projected Affected Persons (PAP) or Displaced Persons (DPs) as a result of land acquisition and related impacts under various investments in the DMAP. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions (LGIs).
Compensation	Refers to the payment in kind, cash or other assets, given in part or total, in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from DMAP activities
Cut-off date	is the date after which any development, within an area demarcated for payment of compensation, will not be considered for such compensation
Displaced persons	Mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the various investments in DMAP, will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people may have their standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
Disturbance Assistance/Resettlement Assistance	Means the provision of development assistance (in addition to compensation) such as for 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 to maintain them at pre-project levels. Resettlement assistance may consist of, among others, land, assets, cash, employment as appropriate
Grievance Redress Mechanism	Is a set of procedures that are designed to ensure that the complaints or disputes about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, etc. are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time period.
Implementation Schedule	An outline of time frame for planning, implementation, monitoring and evaluation of the RAPs for subprojects, if applicable
Involuntary Displacement	Means the involuntary acquisition 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 the Displaced Persons has moved to another location or not
Involuntary Land Acquisition	Is when the project affected people need to be relocated or give up their rights to land and other assets as a result of development projects or other reasons which are beyond their control in this case the DMAP PAPs.
Land	Refers to all types of agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project
Land acquisition	Means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project
Occupier	Means a person who occupies a piece of land or building/property but is not a legal owner of the land or property
Project impacts	Refers to impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project
Project Affected Persons (PAPs)	Are persons affected by land and other assets loss as a result of a number of projects under DMAP. These people are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location.
Resettlement action Plan (RAP)	The RAP is a resettlement instrument (document) to be prepared when subproject 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. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation
Resettlement Policy Framework (RPF)	RPF is an instrument to be used throughout the DMAP implementation. The RPF sets out the resettlement objectives and principles, organisational arrangements and funding mechanisms for any resettlement, that may be necessary during DMAP investments implementation. The RPF guides the preparation of Resettlement Plans of individual investments in order to meet the needs of the people who may be affected by the project
Replacement cost	Means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. It includes expenses that a person will incur in order to replace his or her house or land (at market price) which could include taxes and moving allowance. In terms of land, this may be

	categorised as follows; (a) “Replacement cost for agricultural land” means the pre-DMAP 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 others costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes;
Vulnerable Groups	<p>Refers to:</p> <ul style="list-style-type: none"> • Low-capacity households - widows, the disabled, marginalized groups, low-income households and informal sector operators; • Incapacitated households – those not fit to work; and • Child-headed households and street children. <p>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.</p>
Title holder	Refers to an individual or entity that legally owns a piece of land or property. This ownership is documented through a title deed, which is a legal document proving ownership and outlining the rights and obligations of the owner. The title deed is registered with the relevant authorities, such as the Deeds Registry, to ensure the ownership is officially recognized and protected under Malawian law
Leaseholder	<p>Refers to an individual or entity that holds the right to use and occupy land or property for a specified period under a lease agreement. This lease is granted by the landowner (lessor) and is documented through a lease deed, which outlines the terms and conditions of the lease, including the duration, rent, and any other obligations or rights of the leaseholder¹².</p> <p>Leaseholders in Malawi can hold leases for various durations, with common terms being up to 99 years for customary land and up to 50 years for public land, especially for non-citizens². The lease must be registered with the relevant authorities to ensure legal recognition and protection.</p>
Encroacher	Refers to someone who unlawfully occupies or uses land or property that they do not own or have legal rights to.

Executive Summary

1.0 Introduction.

The World Bank intends to provide technical and financial support to the Government of Malawi for the implementation of the Digital Malawi Acceleration Project (DMAP). The line ministry for the DMAP is the Ministry of Information and Digitization (MoID) but the project will be implemented by the Public Private Partnership Commission (PPPC). The development objective of DMAP is to increase access to, and inclusive use of, the internet and improve the government's capacity to deliver digitally enabled services. The project is expected to run for a period of six years from 2024 to 2030. The budget for the project is US\$150 million.

This document is the Resettlement Policy Framework (RPF) for the DMAP. The RPF is prepared to fulfil requirements of World Bank Environmental and Social Framework (ESF), particularly the Environmental and Social Standards (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. ESS5 recognises that project related land acquisition and restrictions on land use can have adverse impacts on communities and persons. It may cause physical displacement (relocation, loss of residential land or loss of shelter) economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. ESS5 was one of the Environmental and Social (E&S) Standards triggered under DMAP and the RPF is among the mandatory E&S safeguards instruments prescribed in the Environment and Social Commitment Plan (ESCP), which forms a part of the legal agreement between the Government of Malawi and the World Bank. The RPF is also consistent with the Environmental and Social Management Framework (ESMF) for DMAP, relevant Malawi's national land and compensation related legislations.

The RPF will be applied to only project activities under DMAP with potential adverse impacts that may cause either physical displacement or economic displacement or both.

2.0 Project components.

DMAP is structured around four components as follows:

Component 1: Affordable Broadband and Secure Data Hosting.

This component focuses on expanding broadband coverage in rural areas to achieve universal mobile broadband, targeting marginalised and climate-vulnerable communities. It involves incentivising private sector investments through matching funds, upgrading 2G sites to 4G/5G, and installing Internet Exchange Points to improve connectivity. Additionally, it aims to close last-mile connectivity gaps for government institutions, including schools, through the Malawi Research and Education Network (MAREN), and enhance regional connectivity by addressing cross-border broadband links. The component also supports the national data centre, enabling cloud services, ensuring the safe migration of government data, and developing a National Data Strategy. Subprojects under this component, particularly those associated with expanding the rural broadband, last mile connectivity to government offices and education connectivity could be associated with resettlement actions.

Component 2: Interoperable and Secure Data Platforms.

This component is dedicated to enhancing digital ID systems and data exchange platforms. It involves transitioning to a next-generation digital ID, developing e-signatures, and facilitating cross-border recognition of IDs within the SADC region. The component also seeks to extend the *Bomalathu* government data exchange platform, onboard more government agencies, and expand e-services. Additionally, it focuses on harmonising regional policies to support digital integration and operationalising the Data Protection Authority, emphasising strengthening cybersecurity resilience through the Malawi Computer Emergency Response Team (MCERT).

Component 3: High Impact Digital Services and Productive Digital Usage.

This component aims to boost digital skills, literacy, and entrepreneurship across Malawi. It expands support to tech hubs, provides sub-grants to digital start-ups, and facilitates the establishment of tech entrepreneur associations. Furthermore, the component addresses device affordability by supporting initiatives to reduce costs and manage e-waste. It also delves into key sectors such as social protection, financial inclusion, disaster response, and land management, promoting digital solutions to enhance efficiency and resilience.

Component 4: Project Management.

This component supports establishing and operationalising the Malawi Information Technology Authority (MITA), ensuring a smooth transition from the existing e-government department. It also includes program management and coordination activities, covering procurement, financial management, and adherence to environmental and social safeguards. This ensures effective communication, monitoring, evaluation, and security throughout the project's implementation.

3.0 Objectives of the RPF.

The purpose of this Resettlement Policy Framework (RPF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects should risks related to land acquisition, restrictions on land and involuntary resettlement be present.

Specifically, the RPF defines the procedures for:

- Acquiring land (after all technical alternatives have been exhausted),
- Dealing with any impacts from land acquisition i.e., identifying, establishing the valuation of, and compensating people that suffer economic losses or loss of private property,
- Monitoring and verification that policies and procedures are followed and PAPs are adequately compensated, and
- Grievance redress mechanisms

4.0 Rationale of RPF.

DMAP activities will involve construction of cellular network towers in rural areas as well as building optic fibre networks for connecting secondary schools, universities and colleges as well as other unserved government offices throughout the country. These project activities may cause adverse socioeconomic impacts related to land acquisition, restrictions to land use, or resettlement. This RPF will therefore guide

management of resettlement related impacts and subsequent resettlement action plans where they are necessary. A key principle will be to ensure that every affected asset is compensated to replacement value in case of structures and market rates for land acquired by the project, and that all livelihoods impacted are restored.

5.0 Justification for RPF.

The preparation of this RPF is necessary at this stage because specific locations of subproject activities and the likely nature or magnitude of land acquisition or restriction on land use related to the project with potential to cause physical and/or economic displacement is unknown. Site screening and other necessary procedures including stakeholder prioritisation, land consultations have not been undertaken. When subproject locations for the activities are known, appropriate environmental and social assessments will be undertaken to identify risks related to land acquisition and resettlement. Resettlement Action Plans (RAPs) will be prepared to ensure impacts are adequately addressed.

6.0 Potential Resettlement Risks.

Some of the DMAP activities, under component 1, particularly those associated with expanding the rural broadband, last mile connectivity to government offices and education connectivity could be associated with resettlement actions. To mitigate these potential resettlement risks and impacts the project will follow the avoidance, mitigation and compensation procedures described in this RPF.

As a first measure, the project will attempt to avoid to the extent possible adverse impacts on land and property and will clearly document all efforts made to avoid land acquisition, restrictions on land use and resettlement impacts. Where such impacts are unavoidable, they will be minimized to the extent possible, and the project will follow the procedures laid out in the RPF to ensure that adequate compensation and restoration measures have been provided to the PAPs.

7.0 Legal Framework for the RPF.

This RPF maps out the relevant Malawi laws as well as the World Bank Environmental and Social Standard (ESS) 5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement. At National level, the land legislation is the guiding framework and provides the legal basis for resettlement and compensation. The provisions of this RPF apply to all the investments financed by DMAP. The RPF applies to all economically and/or physically displaced persons regardless of the total number affected, by the severity of impact or whether they have legal title to the land or not. Particular attention will be paid to the needs of vulnerable groups including women-headed households, low-income households, households headed by the elderly with no support, and households headed by physically challenged people.

To ensure that ineligible persons do not take the opportunity to claim eligibility, a cutoff date will be established and gazetted per national laws.

8.0 Institutional and Implementation Arrangements.

Successful implementation of resettlement activities depends on the collaboration of different stakeholders; at local level (village/area level), district level and national level. PPPC, as the project coordinating institution, through Project Implementation Unit (PIU), will have the overall responsibility for coordinating and monitoring implementation of the RPF and Resettlement Action Plans (RAPs) that

may be prepared for the sub-projects. Key central government ministries including The Ministry responsible for Finance, Economic Planning and Development, The Ministry responsible for Lands, and The Ministry responsible for Local Government, will provide policy leadership in resettlement planning and implementation of DMAP. The local authorities will coordinate implementation of RAPs and considerations of resettlement issues within the sub project implementation processes. Specific tasks will include support for screening and appraisal of the projects on resettlement issues. In addition, local authorities will monitor and provide necessary technical assistance to management of resettlement activities to be done by the PIU or its appointed qualified consultant.. The private sector companies that will be awarded civil works that triggers resettlement action will take the responsibility for paying compensation to PAPs.

9.0 RPF and Related Documents Disclosure.

This RPF and resettlement related documents will be disclosed to the public through PPPC website. Other information disclosure channels to the public may include print and electronic media, posters and brochures. Summaries of resettlement information such as a list of eligible PAPs, the criteria for their eligibility, overall entitlements will be translated in vernacular languages, such as Chewa, Tumbuka, Lomwe, Ngoni, Yao, Tonga. This information will also be made available locally.

10.0 Monitoring and Evaluation of the RPF.

Monitoring and evaluation will form an integral part of project implementation, providing the necessary information about the involuntary resettlement aspects of the project and measuring the extent to which the goals of the RAPs will have been achieved and the effectiveness of mitigation measures.

Indicators and targets will be established for the project, in consultation with representatives of the affected communities and other key stakeholders. Indicators will be grouped into different categories as spelt out in the RAPs including input indicators, output indicators, outcome indicators, impact indicators and performance indicators.

11.0 Approach used to Prepare RPF.

National laws, including the land, environmental and social legislation, require due consultation of stakeholders in the development of environmental and social safeguard instruments such as the RPF. This RPF was prepared through an extensive consultative process with various stakeholders. The stakeholders consulted included representatives from selected local councils such as Zomba District Council, Zomba City Council, Chikwawa District Council, Mzuzu City, Dedza and Mchinji. Annex 11 provides evidence of the stakeholders consulted. Additionally, section 4.1 of the Stakeholders Engagement Plan (SEP) for DMAP, as disclosed on the PPPC website, summarised the consultations made during project preparation phase (between April and September 2024) including the targeted stakeholders, topics (which included E&S issues) methods of consultations used and minutes of issues discussed as well as list of participants.

12. References to other Environmental and Social Risk Management Instruments.

An Environment and Social Management Framework (ESMF) has been prepared for the Project, based on the World Bank's Environmental and Social Standard 1. The ESMF outlines the key procedures to be undertaken to ensure that the Project is compliant on E&S requirements. The ESMF has been disclosed

and can be found on the PPPC website. A Stakeholder Engagement Plan (SEP) has also been prepared for the Project, based the World Bank's Environmental and Social Standard 10 on Stakeholder Engagement, as well as a Grievance Redress Mechanism (GRM) Manual that describes the means through which all project related complaints will be received, processed and addressed at local, district and national levels. The SEP and GRM can be found on the PPPC website.

Chapter 1. Introduction

1.1 Background Information.

The World Bank intends to provide technical and financial support to the Government of Malawi for the implementation of the Digital Malawi Acceleration Project (DMAP). The line ministry for the project is the Ministry of Information and Digitization (MoID) but the project will be implemented by the Public Private Partnership Commission (PPPC). The development objective of DMAP is to increase access to, and inclusive use of, the internet and improve the government's capacity to deliver digitally enabled services. The project is expected to run for a period of six years from 2024 to 2030. The budget for the project is US\$150 million.

The purpose of this Resettlement Policy Framework (RPF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects should risks related to land acquisition, restrictions on land and involuntary resettlement occurs.

The RPF is prepared to fulfil requirements of World Bank Environmental and Social Framework (ESF) particularly the Environmental and Social Standards (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. ESS5 recognises that project related land acquisition and restrictions on land use can have adverse impacts on communities and persons. It may cause physical displacement (relocation, loss of residential land or loss of shelter) economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. ESS5 is one of the Environmental and Social (E&S) standards triggered under DMAP. In order to mainstream requirements under ESS5, the RPF is among the mandatory E&S safeguards instruments prescribed in the Environment and Social Commitment Plan (ESCP) for DMAP. The preparation of the RPF is also consistent with Environmental and Social Management Framework (ESMF) and other requirements stipulated in relevant land related legislations in Malawi.

The RPF will be applied to project activities under DMAP with potential social impacts related to land acquisition, restrictions on land use and involuntary resettlement leading to loss (or loss of access to) land, livelihoods or economic assets.

The subprojects will be screened based on checklist and screening form (sample in Annex 2). If there is any involuntary land acquisition, a RAP will be required. The RAP will be prepared under Sample ToRs provided in Annex 9. An outline of the contents of a Resettlement Action Plan is provided in Annex 10. The RAPs prepared for specific projects will have to firstly be approved by the Government of Malawi, through Ministry responsible for Lands. The Ministry, where necessary will deploy its staff to verify certain components of the projects to ascertain details of the RAPs. After this process the RAPs will be sent to the World Bank for final Approval. Once approved, the private sector company contracted for the works that triggers resettlement action will be informed of the compensation packages required for them to compensation release funds. The funds will be released to PAPs through the Ministry responsible for lands and the district lands office.

1.2 Objectives of the RPF.

The RPF aims to guide the implementation of project activities under DMAP that will have physical footprint likely to cause adverse socioeconomic impacts related to land acquisition, restrictions to land use, or resettlement and those leading to loss of access or livelihoods of project affected persons.

Specifically, the RPF defines the procedures for:

- Acquiring land (after all technical alternatives have been exhausted),
- Dealing with any residual impacts from land acquisition (i.e., identifying, establishing the valuation of, and compensating people that suffer economic losses or loss of private property,
- Monitoring and verification that policies and procedures are followed, and PAPs are adequately compensated, and
- Grievance redress mechanisms (GRM).

1.3 Rationale of RPF

DMAP activities will involve construction of cellular network towers in rural areas as well as building optic fibre networks for connecting secondary schools, universities and colleges as well as other unserved government offices countrywide. These project activities may cause adverse socioeconomic impacts that may relate to land acquisition, restrictions to land use, or resettlement. This RPF will therefore guide management of resettlement related impacts and subsequent resettlement action plans where they are necessary. A key principle will be to ensure that every affected asset is compensated to replacement value in case of structures or market rate for land acquired by the project, and that all livelihoods impacted are restored.

1.4 Justification for RPF

The preparation of this RPF is necessary at this stage because specific locations of subproject activities and the likely nature or magnitude of land acquisition or restriction on land use related to the project with potential to cause physical and/or economic displacement is unknown. Site screening and other necessary procedures including stakeholder prioritisation, land consultations have not been undertaken. When subproject locations for the activities that will have physical footprint will be known, appropriate environmental and social assessments that will be detailed in this RPF and Environmental and Social Management Framework (ESMF) - to be prepared separately- will be undertaken prior to implementation of those subproject activities to ensure risks related to land acquisition and resettlement adequately addressed.

1.5 Principles Guiding the RPF

The World Bank ESF, Malawi legislations and standards including the Good International Industry Practices (GIIP) promote environmentally-sound design and managed projects where environmental and social safeguards are adequately considered and incorporated into Bank funded activities.

DMAP will follow the avoidance, mitigation and compensation procedures described in this RPF. At the earliest opportunity, the project will attempt to avoid to the extent possible adverse impacts on land and property and will clearly document all efforts made to avoid land restriction and resettlement impacts. Where such impacts are unavoidable, they will be minimized to the extent possible, and the project will follow the procedures laid out in the RPF to ensure that adequate compensation and rehabilitation measures have been provided to eligible PAPs while safeguarding interests of the vulnerable persons such as the youth, elderly, women, disabled etc.

The implementation of DMAP activities will utilise a set of principles in order to avoid and/or minimize resettlement related risks. The principles revolve around the basic tenets of the World Bank ESS5 as well as the existing policies and pieces of legislation in Malawi. Key principles are:

- **Principle 1:** Sub projects under DMAP shall be undertaken on suitable sites that have been screened for environmental and social risks. Priority will be given to sites where the implementation of project activities would not bring about involuntary resettlement, involuntary physical relocation, loss of land (whether ownership is recognized by customary land tenure or land titles), impact on cultivations and property, loss of access to property, loss of access to natural resources and other economic resources. The project will, however, employ alternative technologies of the project infrastructure to avoid significant resettlement impacts so as to minimize the need to exclude potential project sites.
- **Principle 2:** In cases where land acquisition is found to be inevitable for subproject implementation, The Government of Malawi, through PPPC and the Ministries responsible for Lands, Finance, Economic Planning and Development, Local Government, in consultation with local council and leaders, will make sure that appropriate compensation and resettlement assistance to the project affected persons, either in cash or kind, is done in accordance with the process outlined by this RPF.
- **Principle 3:** During sub-project planning phase, availability of a written proof of the acquired land for the sub-project will be one of the pre-requisite conditions for allowing the contractor to commence civil works. The responsibility for identification of a suitable site for a proposed subproject will be led by the PPPC through the PIU and in consultation with the key stakeholders.

1.6 Users of the RPF

The RPF contains the procedures for acquiring land, resettlement, and compensation for physical and economic displacement in relation to sub-projects. In addition to the framework for mitigating the environment and social risks associated with land acquisition, it contains information on the existing national legal framework guiding valuation, resettlement, and compensation in Malawi. Such information will be used in planning and implementation of sub-projects under DMAP.

The information contained in this RPF is vital and useful to the following agencies and stakeholders including PPPC, Ministry of Local Government, Ministry of Lands, Local councils, project consultants, project construction contractors. In addition, the framework will be useful to non – governmental organizations (NGOs) and civil society organizations, development partners such as World Bank during support missions.

This RPF also references other independently developed safeguard instruments such as the ESMF, GRM Manual and Stakeholder Engagement Plan (SEP). It forms the basis for the development of project site specific plans such as the RAPs, Environmental and Social Management Plans (ESMPs), Community Health and Safety Plans and any other sub-plans triggered by DMAP activities.

1.7 Approach used to Prepare the RPF

The preparation the DMAP RPF involved several steps, including desk review of literature and applicable legislations, consultation of key stakeholders, impact assessment and management, and reports development.

Desk studies involved a review of literature related to DMAP, World Bank ESF and Malawi legislations such as the National Environment Policy, National Land Policy, Environment Management Act, Land Act, other land related laws, National Roads Act, Occupational Safety, Health and Welfare Act, Employment Act, and Malawi Standards.

A series of stakeholder consultations were conducted during project preparation phase. Section 4.1 of the SEP for DMAP, as disclosed on the PPPC website, summarised the consultations made during project preparations (between April and September 2024) including the targeted stakeholders, topics (which included E&S issues), methods of consultations used, and minutes of issues discussed as well as list of participants. Additionally, specific consultations were held from 29 August to 5 September 2024 during the preparation E&S safeguards instruments such as RPF, ESMF, and LMP targeting local councils namely Chikwawa District, Blantyre District, Zomba City, Zomba District, Dedza District, Mchinji District, and Mzuzu City. The consultations provided inputs on the screening of the impacts and risks related to land acquisition, resettlements and disruption of livelihoods of the PAPs. They also provided input useful for designing appropriate measures to avoiding or mitigating adverse/negative impacts and enhancing the positive impacts. Annex 11 provides a list of stakeholders consulted and the issues that arose from the consultations are provided in Annex 12.

Chapter 2. Project Description

2.1 Project Development Objectives

The Project Development Objective (PDO) for DMAP is to increase access to, and inclusive use of, the internet and improve the government's capacity to deliver digitally enabled services in Malawi. This objective aims to enhance digital connectivity and improve the quality and availability of digital services to support broader development objectives in the country.

The Project has four main components, twelve subcomponents, and 31 activities, as shown in Table 0-1.

Table 0-1: Overview of project components

Component	Subcomponent	Activities
Component 1: Affordable Broadband and Secure Data Hosting. This component focuses on expanding broadband coverage in rural areas to achieve universal mobile broadband, targeting marginalised and climate-vulnerable communities.	Subcomponent 1.1: Rural Connectivity	Expand broadband in rural areas.
		Upgrade 2G to 4G/5G.
		Close last-mile connectivity gaps for government institutions.
	Subcomponent 1.2: Education Sector Connectivity	Connect up to 2000 schools.
		Coordinate connectivity with renewable energy and digital skills training.
	Subcomponent 1.3: Regional Connectivity and Climate Resilience	Address gaps in cross-border broadband links.
		Integrated planning of digital corridors for Southern Africa.
	Subcomponent 1.4: Enhancing Data Hosting Capacity and Transition to Cloud Computing	Support national data centre.
		Enable cloud services.
Component 2: Interoperable and Secure Data Platforms. This component is dedicated to enhancing digital ID systems and data exchange platforms.	Subcomponent 2.1: Next Generation Digital ID and Identity Verification Services	Transition to cost-effective digital ID.
		Develop e-signatures.
		Secure digital authentication services.
	Subcomponent 2.2: Extending the Bomalathu Data Exchange Platform	Onboard more government agencies to the platform.
		Expand e-services portal.
		Develop APIs for public and private sectors.
	Subcomponent 2.3: Enhancing Policy and Regulatory Frameworks	Harmonize regional policy and regulatory frameworks.
		Operationalize the Data Protection Authority (DPA).
Component 3: High-Impact Digital Services and Productive Digital Usage	Subcomponent 3.1: Support to Tech Hubs and Sub-Grants for Digital Start-ups	Enhance cybersecurity resilience.
		Expand support to tech hubs.
		Provide sub-grants to digital start-ups.
		Establish tech entrepreneur associations.
		Reduce device costs.

Component	Subcomponent	Activities
This component aims to boost digital skills, literacy, and entrepreneurship across Malawi. It expands support to tech hubs, provides sub-grants to digital start-ups, and facilitates the establishment of tech entrepreneur associations.	Subcomponent 3.2: <i>Participation in Regional Program on Device Affordability</i>	Develop e-waste management initiatives.
	Subcomponent 3.3: <i>Sectoral Deep Dives in Social Protection, Disaster Response, Financial Inclusion, and Land Management</i>	Digitize social protection services.
		Improve financial inclusion.
Component 4: Program Management. This component supports establishing and operationalising the MITA and it also includes program management and coordination activities.	Subcomponent 4.1: <i>Establishment of Malawi Information Technology Authority (MITA).</i>	Support land management through digital systems.
	Subcomponent 4.2: <i>Program Coordination and Management</i>	Operationalize the newly created MITA.
		Embed consultants in MITA for smooth transition.
		Oversee program coordination.
		Manage procurement, FM, ESS, and other standard project management functions

2.2 Detailed Summary of Project Components and Subcomponents

A summary of the project components is described in the Project Information Document (PID) was disclosed on 10 April 2024 and can be accessed at:

https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099041024100022386/p50509518c82f00c19a87183ec87a3fa99?_gl=1*_sa4j63*_gcl_au*MTA2MzEyOTc1OS4xNzlxODk5OTQ1

2.3 Institutional Arrangements

The PPPC will coordinate project activities, including day-to-day implementation, coordination, supervision, and overall management. The PPPC will oversee the overall coordination of the DMAP and ensure that the various components and subcomponents are effectively implemented in line with project objectives.

The contact details for the PPPC are as follows:

Public Private Partnership Commission (PPPC)
2nd Floor, Livingstone Towers, Glyn Jones Road,
P.O. Box 937, Blantyre, Malawi
Phone: +265 1 824 282
Email: info@pppc.mw

In addition to the PPPC, several institutions will support the implementation of the project, each with specific responsibilities as follows:

- **The Ministry of Information & Digitalisation** will provide technical expertise, policy guidance, and oversight to ensure the project's alignment with national digital strategies.
- **Malawi Research and Education Network (MAREN)** will handle the implementation of the Education Sector Connectivity component, working to connect educational institutions to the Internet.
- **National Registration Bureau (NRB)** will implement the Next Generation Digital ID component, focusing on the rollout of digital identification systems.
- **Malawi Communications Regulatory Authority (MACRA)** will oversee the regulation of internet service provision and cybersecurity measures within the project.
- **Malawi Information Technology Authority (MITA)** will support the transition to cloud computing and government data management, ensuring that data hosting and digital infrastructure meet international standards."

Chapter 3. Resettlement Impacts, Land Acquisition, Compensation and PAPs

3.1 Potential Land Acquisition Requirements for Project Activities

DMAP aims to increase access and enhance digital connectivity and use across Malawi, focusing on rural areas, government services, and digital infrastructure. DMAP, including its subproject activities, have potential resettlement related risks which could result from land acquisition, loss of access to land resources, physical relocation and loss of economic activities.

Much of land in rural areas of Malawi is under customary land tenure. Customary land tenure involves ownership of land by families through succession from one generation to the other. Over the last 20 years, land holding sizes in rural areas have been declining due to rapid population growth, agriculture expansion and other factors. Further developments, such as those under DMAP, has the potential to impact community livelihoods. Most of the significant risks to land are anticipated under component 1 of the project, particularly on the project activities associated with expanding the rural connectivity to underserved rural areas, last mile connectivity to government offices and education sector connectivity discussed below.

3.1.1 Expanding Rural Connectivity and Broadband Access

One of the core activities under DMAP is expanding broadband access in rural areas, particularly under Sub-component 1.1: Rural Connectivity. This initiative involves building and erection of new broadband towers, layering and installation fibre-optic cables and other telecommunications infrastructure under “closing last mile connectivity gaps for government institutions” to bring high-speed internet to underserved regions.

It is envisaged that development including construction, installation of these telecoms and broadband related equipment and infrastructure would potentially require land acquisition from households for the project related activities. This may result in the loss of the household’ sources of livelihood or the disruption of local land use patterns.

3.1.2 Education sector connectivity

DMAP under Sub-component 1.2: Education sector connectivity, will aim to connect 2,000 schools in Malawi. This will be done through the Malawi Research and Education Network (MAREN), which use the existing connected Higher Education Institutions (HEIs) under a hub-and-spoke model to reach the surrounding schools.

Civil works expected under this subcomponent such as installation of optic fibre cables have potential to affect property values, economic activities and other resources for example agricultural activities, forestry, and cultural heritage.

The sub-component activities will undergo screening process for resettlement and associated RAPs will be prepared where necessary to mitigating the adverse socioeconomic impacts that may occur due to the implementation of subprojects activities.

3.2 Project Affected People

The Project Affected Persons (PAPs) refer to those households or members of society directly affected, socially and economically, by a implementation of subproject, as a result of:

- The acquisition of land and other assets causing (relocation or loss of shelter);
- loss of assets or access to assets;
- loss of income sources or means of livelihood; and
- The restriction or denial of access to land that result in adverse impacts on the livelihood of the economically or physically displaced persons.

It is not possible at this stage to identify the specific households to be affected by acquisition of land for DMAP. However, the likely displaced (economically or physically) persons can be categorized into three groups: individuals; households; and vulnerable groups or people.

- **Individuals:** This category refers to those people with personal property/ businesses/ assets that may be affected in the form of losses of their personal assets, land, property, or access to natural and/or economical resources as a result of land acquisition for construction of data centres, erection of towers, expansion/maintenance of existing infrastructure, installation of fibre cables or construction of feeder roads and other facilities.
- **Households:** A household is affected if one or more of its members is affected by the project activities, either by loss of property, land or access, or is otherwise affected in any way by project or subproject activities. In this project, some households may lose family plots/gardens, family trees and fruit trees, family winter gardens, family houses, family livestock kraals among others.
- **Vulnerable groups of people:** Vulnerable groups refer to underprivileged members of the society. Most of vulnerable groups are resource-poor people. In implementation of a project of this nature, vulnerable groups may be made worse off if they are not protected from undue negative risks. In rural areas of Malawi, vulnerable groups who may be affected by land acquisition and loss of properties may include the following:
 - *Elderly:* Elderly people farm or work if they are able. Their economic viability may depend on how much land they farm or how much they produce, because by producing even small amounts of food to "exchange" with others, they can subsist on cooked food and generous return gifts of cereal from relatives, friends, and neighbours. Losing land will affect their economic viability.
 - *People living with HIV and AIDS:* Some parts of rural areas of Malawi where DMAP will be implemented have relatively high percentages living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health programs from government, international organizations, and NGOs.
 - *Female-headed households:* These households may depend on sons, brothers, or others for support. However, there are also cases where women are the main breadwinner in their household as well as managing the household. In some case, some women have no formal rights to land and lose such pieces quite easily. Special considerations must be made on land acquisition for construction/rehabilitation of broadband infrastructure to minimize displacement of female headed households.

- *Child headed households/Youth*: Child headed households and youth are vulnerable because most of them are voiceless. During land acquisition for data centres, broadband infrastructure and associated facilities, children/youth may lose family houses/land and require special assistance to be manage any resettlement risks (physical and / or economic).

3.3 Application of the RPF

The RPF applies to all components and activities under DMAP, despite the preliminary assessment of impacts highlights subcomponent 1.1 and 1.2. The RFP applicability is not limited to activities supported directly by the Bank but includes all related activities financed by the Government of Malawi (GoM) or other partners related to DMAP.

The policy applies to all affected persons regardless of the total number affected, the severity of the impact and whether they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those impacted; especially the elderly, female and child headed households and people living with HIV and AIDS, who may not be protected through national land compensation legislation.

The RPF requires that the implementation of individual resettlement and compensation plans are a prerequisite for the implementation of project or its subproject activities resulting into land acquisition or impact on assets, to ensure that impacts or restriction to access does not occur before necessary measures for compensation are in place.

Chapter 4. Review of Policy, Legal and Administrative Framework

4.1 Malawi Legal Framework

Table 0-1 provides the Malawi policies, laws, and regulations relevant and directly applicable to DMAP and subproject activities' environmental and social risks and impacts. Reference has been made to principal and related national environmental and social policies, laws, and regulations applicable to the DMAP, as well as an overview of the World Bank ESF.

Table 0-1: Malawi Relevant Legal Framework

Policy / Regulation / Law	Summary of Relevance to DMAP	Implications for DMAP Subprojects
Environment Management Act (2017)	Mandates protection and sustainable use of natural resources, requiring environmental planning and assessments.	Subprojects with environmental impacts must be screened and conduct a relevant assessment, either ESIA or ESMP, adhere to environmental standards, engage communities in planning, and ensure continuous environmental monitoring and audits.
Constitution of Malawi (1995)	Provides for responsible management of the environment and accords full recognition to the right of clean environment and that of future generations.	Subprojects must follow required procedures to prevent human rights violations and ensure stakeholders are consulted adequately.
National Environmental Policy (2004)	Promotes sustainable development through environmental management, including the need for Environmental Impact Assessments (EIA).	All subprojects must incorporate environmental sustainability, conduct Impact Assessments, and ensure minimal impact on natural habitats and biodiversity. Ongoing environmental monitoring and community engagement are essential.
Land Laws (Land Act 2016, Customary Land Act 2016, Land Acquisition and Compensation Act 2017)	Regulates land acquisition, compensation, and categorization to ensure fair treatment and property rights protection.	Subprojects must follow legal procedures for land acquisition, provide fair compensation, prepare Resettlement Action Plans (RAPs), and ensure transparency in land-related decisions to protect community rights.
Physical Planning Act (2016)	Regulates physical planning and the orderly and progressive development of land in both rural and urban areas and for issues relating to the grant of permission to develop land and for other powers of control over the use of land	Subprojects involving land developments will be undertaken only after appropriate permissions or waivers have been obtained from Planning Committees.
Malawi National Land Policy (2002)	Regulates land administration, acquisition, and compensation, ensuring fair	Subprojects involving land acquisition must ensure fair compensation and protection of property rights, conduct environmental impact assessments for

Policy / Regulation / Law	Summary of Relevance to DMAP	Implications for DMAP Subprojects
	treatment and protection of property rights.	sensitive ecosystems, and follow national land use planning objectives.
Water Resources Act (2013)	Governs water management, conservation, and use, emphasizing pollution control and safe waste disposal.	Subprojects involving water use must obtain necessary licenses, implement strict pollution control, and adopt sustainable water management practices to protect water resources and ensure compliance.
National Water Policy (2005)	Ensures sustainable water management, access to potable water, and adequate sanitation services.	Subprojects involving water use must incorporate measures to prevent environmental impacts on water bodies, implement water-efficient technologies, and engage the public in water management discussions.
Childcare, Protection and Justice Act (2010)	Provides legal protection for children, prohibiting exploitation and hazardous work.	Subprojects must prevent child labour, particularly in hazardous conditions, and establish mechanisms for reporting and addressing child protection concerns, ensuring community engagement and compliance.
Gender Equality Act (2013)	Prohibits sex discrimination, harmful practices, and mandates workplace policies to prevent sexual harassment.	Subprojects must implement gender equality policies, prohibit sex discrimination, and enforce workplace policies to prevent sexual harassment, creating a safe and respectful environment for all employees.
National Gender Policy (2015)	Provides guidelines for gender mainstreaming to reduce inequalities and promote equitable participation.	Subprojects must ensure gender equality in employment, decision-making, and benefits from digital services, while also addressing gender-based violence and promoting economic empowerment of women.
Disability Act (2012)	Prohibits discrimination based on disability and mandates accessibility and inclusion for persons with disabilities.	Subprojects must ensure accessibility, provide reasonable accommodations, and prevent discrimination against persons with disabilities, ensuring digital services are inclusive and align with the Disability Act.
National Energy Policy (2018)	Promotes access to affordable, reliable, and sustainable energy with a focus on efficiency and conservation.	Subprojects should integrate energy-efficient technologies, use renewable energy sources like solar power, and align with national energy goals to support sustainable digital infrastructure.
HIV and AIDS (Prevention and Management) Act (2018)	Prohibits discrimination based on HIV status and mandates workplace HIV/AIDS policies.	Subprojects must ensure non-discrimination, privacy, and support for employees living with HIV, providing regular training on HIV prevention and management, and conducting audits to ensure compliance.
Occupation Safety Health and Welfare Act (1997)	Regulates workplace safety, health, and welfare, requiring safe work systems and accident prevention measures.	Subprojects must register workplaces, implement safe work systems, provide training, ensure proper material handling, and conduct regular inspections to maintain a safe work environment and comply with safety standards.
Employment Act (2000)	Sets minimum standards for employment, including prohibitions on forced labour,	Subprojects must enforce anti-discrimination policies, ensure equal pay, prohibit forced labour, and provide equal opportunities to all workers, promoting a fair and equitable work environment.

Policy / Regulation / Law	Summary of Relevance to DMAP	Implications for DMAP Subprojects
	anti-discrimination, and equal pay.	
Public Health Act (1948)	Regulates public health, sanitation, waste management, and infectious disease prevention.	Subprojects must prevent public health risks, ensure proper waste management and sanitation, and comply with health standards for disease prevention, drainage, and sanitation facilities.
Forestry (Amendment) Act (2020)	Protects forest resources, requiring licenses for removal and promoting reforestation and compensation.	Subprojects involving forest products must obtain licenses, implement reforestation, provide compensation, and ensure compliance with forestry regulations to support conservation goals.
Telecommunication Act (2016)	Regulates communication services, establishing MACRA to oversee licensing, compliance, and consumer protection.	Subprojects must comply with MACRA regulations, obtain licenses, ensure reliable communication services, protect consumer interests, and adhere to international communication standards, promoting efficiency and competition.

4.2 National Environmental and Social Assessment and Permitting

The Malawi Environment Protection Authority (MEPA) manages environmental assessments and permits in Malawi, as outlined in the Environment Management Act of 2017. The ESIA process guided by the Environmental Impact Assessment Guidelines (1997) considers not only environmental risk but also social risks. However, Resettlement Policy Framework and RAPs review, approval and monitoring fall under the jurisdiction of Ministry responsible for Lands.

Below are specific roles for different institutions in relation to RPF and RAPs:

- District Commissioner for affected districts has the responsibility to request the Department of Lands to provide the technical assistance for assessment of land and assets for the purpose of compensation.
- The Department of Lands in conjunction with the Local Council undertakes land and assets assessments of PAPs.
- The Department of Forestry provides schedule for assessment of trees during land and assets assessments.
- Ministry of Agriculture provides crop assessments.
- Traditional leadership coordinates with the developer and District Council, helps in identifying the PAPs and alternative Land for PAPs
- PAPS participate in the planning and implementation of the compensation process
- Grievance redress committee hear and resolve complaints on compensation packages and relocation sites. Usually composed of national, district and local level committees.

4.3 World Bank Standards

The World Bank ESF sets out the World Bank's commitment to sustainable development through a Bank Policy and a set of Environmental and Social Standards designed to support Borrowers' projects to end extreme poverty and promote shared prosperity. All World Bank Funded Investment Project Financing

(IPF) are required to follow the ESF consisting of ten (10) Environment and Social Standards (ESSs). These ESSs set out their requirement for the DMAP relating to the identification and assessment of environmental and social risks and impacts associated with any of the sub projects. The ESSs support the DMAP in achieving good international practice relating to environmental and social sustainability, assist them in fulfilling their national and international environmental and social obligations, enhance transparency and accountability and ensure sustainable development outcome through ongoing stakeholder engagement.

The World Bank recognizes that involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. The Bank's ESS 5: Land Acquisition, Restriction on Land and Involuntary Resettlement includes safeguards to address and mitigate the economic, social, and environmental risks arising from involuntary resettlement. The objectives of the WB's ESS5 prescribed in Table 0-2.

Table 0-2: Relevant World Bank ESS

E&S Standard	Relevance
5. Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	ESS5 is relevant due to the need for land acquisition for development including construction/maintenance, erection and installing infrastructure such as data centres, school infrastructure, fibre cables and towers, which may lead to resettlement and restrictions on land use. The project will utilize road reserves and Government owned land to avoid any involuntary displacements from personal property. This RPF has been developed to provide guidance if land has to be acquired.
10. Stakeholder Engagement and Information Disclosure	ESS10 is relevant for all projects, including this one, given the need to systematically engage with a diverse range of stakeholders at national, district, and community levels. The project will implement a Stakeholder Engagement Plan (SEP) and a Grievance Redress Mechanism (GRM).

4.4 Gap Analysis of World Bank Requirements and National Laws

There are some gaps between existing laws of the country and WB ESSs on various issues. Gaps between World Bank's ESS5 and Malawi's Legislation on Resettlement are in the following areas:

- *Extent of entitlement:* World Bank ESS5 includes affected parties with non-formal property rights, while this does not apply in all instances in Malawi.
- *Timing of payments:* World Bank ESS5 requires payment before loss of assets, while the Malawi legislation does not have this requirement.
- *Relocation and resettlement:* World Bank ESS5 require additional assistance with resettlement while this is not provided in Malawi's laws.
- *Livelihood restoration:* The World Bank ESS5 requires that livelihoods are improved or at least restored, while the Malawi's laws contain no requirements for livelihood restoration.
- *Grievance mechanisms:* World Bank ESS10 requires that a grievance mechanism is established as early as possible in the project development phase, while the Malawian legislation provides for dispute resolution mechanisms in the form of land tribunals and the court system.

NB: In case of conflict between the national laws and World Bank ESS 5, the latter will prevail.

Chapter 5. Principles Governing Resettlement and Procedures for Preparation and Implementation of Resettlement Action Plans

5.1 Prerequisites for RAPs

DMAP will seek to avoid and where avoidance is impossible minimize displacement of people. Where resettlement action is required, the project will prepare RAP(s) to guide compensation of affected assets. In the case of customary land as defined in the Customary Land Act No.19 of 2016, traditional leaders, customary land committees and respective district councils and the affected communities, including youths and women must be consulted and consent to acquisition of land by the project.

The involuntary resettlement from DMAP sub-projects activities may give rise to economic, social and environmental impacts resulting in production systems being disturbed, people facing impoverishment when their productive assets or income sources are lost, people being relocated to environments where their productive skills may be less applicable; increased competition for resources; community institutions and social networks being weakened; members of kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help being diminished or lost.

The ESS5 is triggered when a person experiences an impact on assets, a loss of income, or the project requires land acquisition, namely: a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on that land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people will appropriately be compensated for their loss (of land, property or access, and assets).

The principles of any resettlement programme under DMAP have been highlighted under Section I.5 in Chapter One.

Implementation of resettlement activities will ensure the following:

a. Stakeholder Consultation Process

Community sensitization and consultation meetings will take place in all the project areas where resettlement effects are anticipated during RAP preparation process. The Community sensitization and consultation process is usually divided into two principal phases. The first phase includes project area reconnaissance, village identification and creation of awareness among community members. During this phase villages in the project area are identified for community meetings and their Chiefs and other prominent members of society will be identified for key informant interviews, and potential PAPs isolated for Focus Group Discussions. A draft Resettlement Factsheet will be used as a reference document during stakeholder sensitization and consultation. In case Government intends to implement some activities of the project component on a piece of land that shall lead to resettlement, Government will adequately consider the views, rights and interests of the displaced and to-be-resettled people.

b. Census and Asset Inventory Exercise and Cut-off date

A team of experts comprising a Valuation Expert, Mapper/Cartographer/surveyor, will be formed to conduct census (including socio-economic survey) of the PAPs and their assets and prepare an

inventory of the same. The Census questionnaire aims to enumerate all PAPs in respect of household demography for the members, their gender, marital status, education, physical conditions (handicap by birth/chronic sickness), occupation, assets (structures both affected and non-affected), land tenure and use, income and expenditure, compensation choices and preference of compensation mode of payments will be prepared and administered. The Asset Inventory form will be used to record details of the PAP with respect to the assets within the project area – trees, crops, structures and land. Information on: i) trees and crops by type and by stage of growth and ii) structures with all specifications for material used for construction will be recorded.

c. *Asset valuation and computation of compensation packages*

The details from the asset inventory exercise will be recorded against each PAP and will be grouped by District/TA/GV/VH with PAP identification number, PAP name and Vulnerability Status. Approved rates will be inserted against each of the assets to be recorded to help compute the compensation and assistances payable to each PAP. The exercise will help to come up with a Disclosure Sheet for all impacted assets, their applicable rates and amounts payable to each PAP.

d. *Compensation options*

In case of any resettlement, Government will put in place different compensation options (cash, in-kind or assistance) for the PAPs to choose from based on replacement values.

e. *Disclosure and Compensation Agreement Forms Signing*

Disclosure and Compensation Signing will involve compilation of all data that will be collected and its analysis towards report preparation and the signing off of compensation packages.

A Disclosure database will be prepared using the database developed for the RAP with valuation data incorporated. Specifically, the data base will comprise the following:

- Data with Asset valuation – Valuation of different Asset of PAPs will be included like - number of trees, varieties of trees (Indigenous, Fruit, Exotic etc.) with sizes.
- Disclosure Database - Status of Ownership, area of plot, occupation, vulnerability status along with their signature will be included in the database apart from the valuation data for asset.

Details from these Disclosure Sheets will also be copied onto Compensation Agreement Form. The Compensation Agreement will be translated into Chichewa language and will be printed with all cells populated with payable amounts.

f. *Report Preparation*

The RAP reports will be prepared including analysed data from Census and Socio-economic survey. Land Availability Assessment and Videography footage will be analysed along with minutes of all meetings with communities and institutional stakeholders and will be appropriately documented for usage in the report.

g. *RAP Approval process*

The RAPs prepared for specific sub-projects will have to firstly be approved by the Government of Malawi, through Ministry responsible for Lands. The Ministry, where necessary will deploy its

staff to verify certain components of the projects to ascertain details of the RAPs. After this process the RAPs will be sent to the World Bank for final Approval.

Once approved, the private sector company that will be awarded the subproject requiring resettlement action will be informed of the compensation packages required for them to release compensation funds. The funds will be released to PAPs through the Ministry responsible for lands and the district lands office. Annex 5.6 of this RPF gives a template of an outline for preparing a RAP

h. Disclosure of RPF/RAP

Subsequent to approval, the RAP will be disclosed to the communities and PAPs with translation into a language they understand. The RAP will also be disclosed in the World Bank external website. For any changes to the disclosed RAP the same approval/disclosure protocols will be followed".

i. Special consideration of vulnerable social groups

Compensations and resettlement assistance whether cash or in-kind will cover all entitled categories of project affected persons. The vulnerable groups such as female headed households, widows, the aged, child headed families, orphans, widowers and people with disabilities will be recognised and prioritised.

j. Setting up of accessible grievance redress mechanisms

Government will put in place user friendly and cost-effective mechanisms for addressing complaints from PAPs. The mechanisms will include use of local grievance redress mechanisms administered by a project committee, local village heads, Traditional Authorities as well use of formal courts under the Judiciary. The use of the Customary Land Tribunal in every Traditional Land Management Area, District Land Tribunal and Central Land Board established under the Customary Land Act No.19 of 2016 will allow project affected people in Traditional Land Management Areas to access such services within short distances.

k. Compliance to relevant policies and laws

Land acquisition and resettlement activities by government will be implemented in compliance with the World Bank ESS5 and Malawi Government policies and laws.

5.2 Methodology for Preparation of RAP

The RAPs will be prepared in accordance with the principles and guidelines provided in this RPF and implemented through the Terms of Reference that will be provided by the PPPC.

5.2.1 Desk Review

Key documents already prepared on the proposed project and different project components will be reviewed which will include: this Resettlement Policy Framework; Project Appraisal Document; Environmental and Social Management Framework and Stakeholder Engagement Plan. In addition, Socio-Economic profiles and District Development plans of concerned districts will be during RAP preparation.

5.2.2 The Screening Process

The first step in the resettlement screening process will be done by the PPPC and the contractors awarded the works that will trigger resettlement, in liaison with the District Executive Committee, Village Development Committee (VDC) or Area Development Committees (ADC) falling under the proposed site of the subproject.. The screening exercise shall be based on checklist and screening form (sample in Annex 2).

The aim of this exercise will be to assess the suitability of the proposed site or identify any form of hindrances. The Screening Process will principally be looking at site selection, size of land required, and type of assets/property that will be affected and identify if mitigation can be developed to minimise the impact. In case the land on the chosen site is owned by someone or has assets for somebody, the PPPC, through a qualified land valuers, will identify necessary compensatory measures for affected persons or ways of avoiding any compensation issues.

5.2.3 Census of Displaced Persons and Cut-off Date

Cut-off date is the date when the team that is facilitating resettlement/relocation of PAPs finalizes conducting census and compiling an inventory of the PAPs and their property in a project area. Information regarding the cut-off date will be documented and disseminated throughout the project area and in relevant local languages. This will include posted warnings that persons settling in the project area after the cut-off date may be subject to removal.

Census of the PAPs and their property is conducted in order to get pre-resettlement data and information regarding those PAPs that will be re-located and/or economically displaced in order to plan for their compensation and resettlement. The exercise involves head count of the people and their property in the project area. All heads of households who were not residents in the area prior to the cut-off date are not eligible for resettlement assistance and compensations. The steps which are undertaken to conduct census of the PAPs, and their property include the following:

- a. Site visit to the project areas: This will help to appraise the pattern of the structures, scope of activities and density of residential properties on the site;
- b. Identifying boundaries of the proposed project areas: The purpose would be to prepare boundaries of the site within which to work on;
- c. Determining the size of land to be lost: The exercise will involve estimating the size of land the PAPs will lose to the project;
- d. Conducting physical check and count of the houses within project area: The activity will be conducted to find out the number of households who will likely require resettlement action from the project;
- e. Establishing number of persons per household: The activity will establish the number of persons living in one house in the project area especially those people who will lose their houses to the project;
- f. Socio-economic survey: This will be done to identify the persons who will be affected by the project to determine who is eligible for assistance and benefits, determine levels of asset loss (i.e. land, structures or crops/trees) and assign economic values to them. To effectively do this, a socioeconomic survey will be undertaken, which will coincide with an inventory of all assets for PAPs. The socio-economic survey process will involve a review of tenure documents owned by occupants, and interviews with individuals, households and groups in the affected area(s).

Resettlement plans would be based on recent information about the scale and impact of resettlement on the displaced population. In addition, to documenting standard household characteristics, the socio-economic survey will describe:

- The magnitude of displacement;
- Information on the full resource base of the affected community;
- Extent to which the groups will experience total or partial loss of assets;
- Public infrastructure and social services that will be affected;
- Formal and informal institutions (such as community organizations, ritual groups, etc.) that could assist with designing and implementing the resettlement program; and
- Patterns of group and individual livelihood strategies and how these would be affected by resettlement.

5.3 Preparation of Resettlement Action Plan

The RAP will be prepared under Sample ToRs provided in Annex 9. PPPC will engage qualified and experienced resettlement professionals, to prepare RAPs within a reasonable time. An outline of the contents of a RAP is provided in Annex 10. In general, a RAP for a sub project must consist at least the following aspects:

- a. Description of the location of the proposed sub project;
- b. The size of land which the sub project will take up and its existing uses;
- c. Detailed inventory of all assets to be lost or impacted by all households and individuals affected by having to move their place of residence or business to allow for the construction of the facility. This must be made from baseline survey (census of the area) against which the future wellbeing of the household can be measured. A plan of action for the resettlement of the homestead must be drawn. Sample Inventory of Land and assets to be affected has been provided in Annex 4.
- d. Inventory of the people who will lose land over which they have established ownership or rights of usufruct (either permanent or temporary fashion) to allow for construction of the facility. This must be made from baseline survey (census of the area) against which the future wellbeing of the households can be measured. A plan of action for the resettlement or replacement of homestead and/or impacted assets must be drawn. This should also detail how compensation for crops will be paid, where replacement of land will be found (if necessary), and which steps will be followed to ensure that the households productive base is re-established; and
- e. A plan of action for ensuring that the communally held resource base is replaced/re-established to ensure that no one is worse off after project implementation than before is established.

The preparation of a RAP will be done in consultation with the community level committees as well as the District Executive Committees. The Department of Lands at the Ministry responsible for Lands, may provide technical skills (such as valuation experts) during the process. When completed, RAP will be reviewed and approved by the Ministry responsible for Land. Nonetheless, considering the gaps observed in chapter four on RFPs, DMAP RAPs will adhere to World Bank Environmental and Social Framework which basically require that all RAPs to undergo World Bank review and clearance.

5.4 Livelihood Restoration

The World Bank ESS5 outlines additional livelihood improvement measures for PAPs in order to improve livelihoods or restore livelihoods to pre-project levels in order to reduce vulnerability and inequality. In the case where the subprojects will affect livelihoods or income generation, measures will be put in place

to improve or at least restore livelihoods and incomes. Eligibility for livelihood restoration will pay particular attention to gender aspects and the needs of vulnerable groups. Some of the strategies that will be used to enhance livelihoods for the PAPs will include judicious usage of compensation amount by providing training in areas such as financial management skills that would enable them to supplement incomes.

5.5 Alternative to Land Acquisition - Voluntary Land Use Agreements.

Under this project there would be very limited scenarios where voluntary land donation would be appropriate. However, voluntary land use agreement may be required for project activities such as installation of fibre optic cables. This activity will have limited linear impact, mainly along existing road reserves and during last mile connections to the target institutions. It may also cause temporary business displacement and temporary financial loss from disruption of trade activities. When such cases arise, the sub-project should be able to meet the basic principles of informed consent to use the land and the choice of the owner to agree or disagree. The act of land use agreement should be undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. Further, due diligence will be carried out to establish the status of ownership of the land and completion of consent forms where applicable. The procedure for land use agreement is as follows: -

- a. Meeting with District Council Officers comprising at least District Lands Officer and District Environmental Officer to understand the land agreements that would be made before the land is donated;
- b. Proceed to the proposed sites in the district to get the perspective of the communities on the ownership of land;
- c. Through the District Council, the signing of land use agreement forms is facilitated;
- d. The District Council will be requested to verify the signing of the land use agreement form(s) for the proposed infrastructure development and send the signed form(s) to PIU.

The signed land use agreement form will then be attached to the RAP that will be prepared for the sub-project which will be sent to the Bank for approval. Annex 4.2 is the sample 'Land Use Agreement Form' that has been prepared and will be used for DMAP.

Chapter 6. Eligibility Criteria, Entitlement, Valuation and Compensation

6.1 Asset Valuation Methodology

This section describes the approach and methodology used in the valuation of project affected assets. It also describes how the asset inventory was conducted in the sub-project areas.

6.1.1 Basis of Valuation Methods

The valuation of assets in this Project is based on national laws and World Bank ESS5 on Land Acquisition, Restriction on Land use and Involuntary Resettlement.

6.1.2 National Legal Provisions.

There are a number of legal provisions in Malawi that govern compensation in the event that an affected person's assets are affected. Section 28 of the *Constitution of Malawi* provides that every person shall be able to acquire property and that having acquired that property; no person shall be arbitrarily deprived of the property. Section 44 (4) further 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. The principal Act on Land Matters- *The Land Act 2016* - 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. Additionally, the *Land Acquisition and Compensation Act 2016* provides the procedure for the assessment of appropriate compensation. It considers three steps as being necessary to arrive at an appropriate compensation, namely:

- a. The consideration which the person entitled to the land paid in acquiring it;
- b. The value of the unexhausted improvements to the land made at the expense of the person entitled thereto since the date of his acquisition thereof; and
- c. Any other appreciation in the value of the land since the date of such acquisition.

The approved 2002 *Malawi National Land Policy* (4:12, 16) carries the spirit with which valuations have to be conducted especially on customary lands. In part it says that land values shall be determined by open market procedures for customary lands acquired through compulsory acquisition by the government. It further notes that, "the inadequacy of compensation is always the direct result of excluding certain items or qualities from the factors considered when determining value and delays in payment of compensation".

The World Bank requires international best practice in resettlement matters and expects the host government entity to apply Environmental and Social Standard 5 (ESS5) on involuntary resettlement to all activities under the project. The World Bank defines involuntary resettlement as physical displacement (relocation, loss residential land or shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. Nonetheless, it is appreciated that the ESS5 take precedence in the case where national practices are below those of the World Bank. The ESS5 states that Replacement Cost as a rate of compensation for lost assets must be calculated at market value plus transaction cost and other assistance as may be necessary to help improve or at least restore the standard of living or livelihoods. It further expects the Project to compensate

affected people for loss of physical assets, revenue and income resulting from economic displacement or physical relocation regardless of whether these losses are temporary or permanent.

With regard to land and structures (buildings), the replacement cost is defined as follows:

- a. *Agricultural land*: The market value (MV) of land and the transaction cost of acquiring land of equal productive potential located in the vicinity of the affected land;
- b. *Land in urban areas*: The market value of the land of equal size and use and transaction cost of acquiring land with similar or improved public facilities and services located in the vicinity of the affected land;
- c. *Household and public structures*: the cost of purchasing or building a new structure within the area, with land size and quality similar or better than those of the affected structure or of repairing a partially affected structure.

6.1.3 Valuation Practice in Malawi

Valuation in Malawi is undertaken by Real Estate professionals registered under the *Land Economy Surveyors, Valuers, Estate Agents and Auctioneers' Act of 1989* (CAP:53.08) of the laws of Malawi. They are themselves members of the Surveyors Institute of Malawi (SIM). SIM subscribes to the International Valuation Standards of the International Valuation Standards Council. As such, valuation of assets is done in accordance with Practice Statements and Guidance Notes published by the *International Valuation Standards Council (IVSC)*. The IVSC (2009) defines Market Value as, '*...the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion*'.

6.1.4 Valuation Methods Applied

The Method used in valuing the assets affected is dependent on the use, type and market conditions of the asset. Based on the knowledge of the asset impacted by the project, the appropriate methods used in the valuation of the affected asset are Cost approach, Investment approach and Comparison approach. The cost approach method estimates the value of a property by calculating the cost to replace or reproduce it, minus depreciation. It considers the value of the land and the cost of constructing a similar property, adjusted for factors like physical deterioration and obsolescence. Investment Approach (also known as the Income Approach) on the other hand is used primarily for income-producing properties. It determines the value based on the income the property generates. Appraisers consider factors such as rental income, operating expenses, and capitalization rates to estimate the property's value. Lastly, the comparison Approach (also known as the Sales Comparison Approach) involves comparing the subject property to similar properties that have recently been sold in the same area. By analysing the sales prices and characteristics of these comparable properties, appraisers can estimate the value of the subject property

The following categories of assets will be affected:

- Loss of land;
- Loss of structures/ buildings;
- Loss of crops;
- Loss of trees (fruits, exotic and natural);
- Loss of access /damage on cultural heritage sites/burial grounds/shrines;

- Loss of livelihoods (businesses, rents, waged labour, access to resources).

6.1.5 Valuation for Loss of Land, Structures, Crops and Trees

a) Valuation for Loss of Land

Land values are derived by using two main methods of valuation: Comparison and Income/Investment Method as explained in section 6.1.4. These are market-based valuation methods. The use of each one of these methods results in derivation of land market values. However, in cases of scarcity of market evidence on sales of land within the project area, the preferred method of valuation for such land has been investment method. The valuation of commercial, retail and industrial property is always based on the primary method of valuation being an income-based valuation method, rather than by the use of the direct comparison method (API, 1997). Despite the importance of agriculture to the Malawian economy, there has not been the same importance placed on the valuation of rural property based on the income potential and profit generation of this asset class compared to other income producing property sectors.

A rural property is a property that has its value based on the level of productivity associated with the agricultural property with regards to location, soil type, climate and topography. The better these physical attributes combine with the management of these assets to produce income, the higher the value of the land (Eves, 1996, 2000, 2001). Although the location of the rural property will determine the general characteristics of a rural property and therefore the potential productivity, individual farmers within specific rural property markets can actually have considerable variations in both the commodity yields achieved from year to year and commodity prices received. These production variations also result in considerable differences in farm net profits across all farms in any one location. As over 80% of Malawian land is under agriculture, it offers good reason to value rural registered freehold estate (in this project area) but agricultural land using the income approach. This gives an objective approach in deriving land value. This approach considers the gross revenue less production costs, the result of which is capitalized at a market cap rate for a period of time. In deriving the values in our current situation, the crops grown in the district of impact will be identified through the district profile documents and other research articles including the data from the Ministry of Agriculture's Agri-economic Survey section, which provided the current prices of the crops on market. This will help to calculate the gross revenue and also the net revenue.

b) Loss of crops

The approach described in the section is provided for the loss of or damage to crops during construction of telecoms infrastructure. In the event that crops have been lost or damaged, the calculation of amount payable would be based on the average market unit price of the crop over a period of the past three years multiplied by the highest annual yield in kilograms and that multiplied by the land size on which it is grown. The market prices and yield per crop would be obtained from the Ministry of Agriculture, Irrigation and Water Development. At the time of asset inventory crops will be avoided in line with principle 1 of this RPF.

c) Tree Assessment

Unlike the assessment of land, the tree assessment will be based on Malawi Government Gazette of 2010 from Department of Forestry. This provides different approaches for assessment of trees

for both commercial and domestic purposes. An upward adjustment would be made to rate provided by the Forestry Department to cater for the prevailing market trends.

d) Fruit Tree Assessment

In terms of the assessment of fruit trees the use the average yield/tree/year, average current market price and expected productive life span is recommended. When considering the productive life only, the establishment cost is calculated by averaging the cost of a tree with the duration and longest duration to production. In calculating the yield per fruit tree and average prices, the assessor disregards the size of the trees as is the case with forest tree above. Prices adopted are the highest that could be obtained in the market at the time of the research.

e) 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 implementation of a certain project. Value for each type of loss of profit will be paid to the affected person. The appraisal will cover the type and number of such losses that individual will suffer, in addition to total compensation payable in loss of Land and improvement thereon.

f) Disturbance allowance

Disturbance allowances shall be paid in addition to the compensation of value of land and exhausted improvements. A disturbance allowance is paid to a PAP as per Lands Acquisition and Compensation Act (2016).

g) Valuation for the loss of livelihoods

Valuing the loss of livelihoods will be based on the of loss of income. This is often calculated based on the net operating loss method – where the taxable income offset against net operating loss.

6.2 Category of Project Affected Persons

The project affected groups under DMAP sub-project investments in this RPF have been included under section 3.2 of Chapter three. .

6.3 Vulnerable Assistance Measures

A Vulnerable Assistance Programme will be developed by DMAP for specific RAP to provide a safety net for vulnerable households. The objective will be to identify, assess, support, remediate, and monitor project-affected households experiencing severe hardship, as part of the overall Livelihood Assistance Package for each household. Vulnerable persons will be specifically identified, registered, and tracked through the following means:

- a. Analysis of RAP socio-economic survey data and case work on household composition, assets, source of income, and food security
- b. Community identified households receiving charity
- c. Analysis of records or case work on each household being compensated.

6.4 Eligibility for Vulnerability Assistance

The eligibility for assistance of vulnerable groups such as the elderly, *people living with HIV AND AIDS*, *female-headed households* and *child headed households/Youth*

will be based on the following criteria:

- a) Predisposition to economic vulnerability;
- b) Age;
- c) Disability and Infirmary; and
- d) Gender.

6.5 Form of Assistance to Vulnerable Groups

Assistance may take the following forms, depending upon vulnerable persons' requests and needs:

- a. Assistance in the compensation payment procedure (e.g., specifically explain the process and procedures, make sure that documents are well understood);
- b. Assistance in the post-payment period to secure the compensation money and reduce risks of misuse/robbery;
- c. Additional cash to enable them to restore their livelihood
- d. Counselling in matters such as family and health;
- e. Ensuring that the vulnerable enjoy equal opportunity during employment procedures; and
- f. Where alternative farming land is to be found, ensure it is at the most easily accessible locations.

6.6 Eligibility for Compensation

The following are some of the categories of impacts eligible for compensation. The list, though, can be added to when socio-economic study and census undertaken for individual investments under DMAP, where other types of impacts could be identified.

- a) Land
- b) Property
- c) Land and property
- d) Structures on land
- e) Crops and trees
- f) Livelihoods
- g) Grazing land
- h) Businesses
- i) Community assets
- j) Sacred sites

All affected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the assessment of persons and their property in the area is carried out for the preparation of investment specific RAPs. Table 6 1 below summarizes the entitlements for each group of affected persons.

Table 6 1: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Less than 20% of land holding affected Land remains economically viable.	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value
		Tenant/ lease holder	Cash compensation for the affected land or asset, equivalent to average market value of last 3 years, or market value of the remaining period of tenancy/ lease agreement, whichever is greater.
	Greater than 20% of land holding lost Land does not become economically viable.	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice equal to replacement cost. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance) Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)
		Tenant/Lease holder	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)
Land users	Impact on livelihood	Landless, encroachers	Compensation to restore livelihood and ensure they will not be worse off as a result of the investments' activities.
Commercial Land	Land used for business partially affected Limited loss	Title holder/ business owner	Cash compensation for affected land Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business or estimates where such records do not exist).

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Businessperson is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to re-establish the business.
Residential Land	Land used for residence partially affected, limited loss	Title holder	Cash compensation for affected land
	Remaining land viable for present use.	Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
	Land and assets used for residence severely affected	Title holder	Land for land replacement or compensation in cash according to PAP's choice, based on the replacement cost.

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	Remaining area insufficient for continuing use or become smaller than minimally accepted under zoning laws		<p>Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
	<p>Land and assets used for residence severely affected</p> <p>Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</p>	Rental/lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal</p> <p>Cash compensation equivalent to 3 months of lease/ rental fee</p> <p>Assistance in rental/ lease of alternative land/ property</p> <p>Relocation assistance (costs of shifting + allowance)</p>
Buildings and structures	Structures are partially affected	Owner	Cash compensation for affected building and other fixed assets
	Remaining structures viable for continued use	Rental/lease holder	<p>Cash assistance to cover costs of restoration of the remaining structure</p> <p>Cash compensation for affected assets (verifiable improvements to the property by the tenant).</p> <p>Disturbance compensation equivalent to two months rental costs</p>
	<p>Entire structures are affected or partially affected</p> <p>Remaining structures not suitable for continued use</p>	Owner	<p>Cash compensation for entire structure and other fixed assets without depreciation equal to replacement cost, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + allowance)</p>

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Rehabilitation assistance if required (assistance with job placement, skills training)
Buildings and structures		Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant)</p> <p>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</p> <p>Assistance to help find alternative rental arrangements</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Squatter/informal dweller/Persons without formal legal rights to land	<p>Cash compensation for affected structure without depreciation</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project)</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</p> <p>Rehabilitation assistance if required assistance with job placement, skills training)</p>
		Street vendor (informal without title or lease to the stall or shop)	<p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re- establish the business.</p>
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation for one year (calculated as the average of last 3 years market value) for the mature and harvested crop, plus the labour cost.

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Loss of access to water sources	Loss of access to water for household use, for household plots, etc.	Affected households	<i>Replace water access:</i> Provide alternate access to water sources in the interim period. Ensure that the investments' design take into consideration different use and need for water and accommodate the users accordingly.
Loss of communal properties such as Social Buildings, Dispensaries etc	Loss of access to these sites, temporarily or permanently, loss of investment made.	Communities affected	Replacing the social building such as schools and dispensaries. Ensure replacement is made before demolition of existing structures to minimise disturbance
Loss of livelihoods (losing commercial unit, working/using agricultural/other land including rented land)	Loss of means of livelihoods such as a trade, small production, such as collection of forest product, fishery, bee keeping, small dependent jobs on affected assets, such as sand, forest, inaccessible water bodies and forest	Wage earners (Workers employees within shop/business/ industries) and persons engaging in non-farming livelihoods such as hunters and gatherers, fisher folk, beekeeper.	Livelihood restoration measures- land or non-land based: Undertaken to help the affected persons restore their livelihood. Restoration, replacement or compensation of all assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of loss of income.
Additional support to vulnerable people		PAP or PAH	Additional financial assistance of 20% on the base compensation amount payable. Provision of livelihood support if eligible as per criteria. Provision of financial literacy training as given to all PAPs This amount will be in addition to other compensation and assistance amounts given above per type of loss

6.7 Eligibility Criteria for Compensations for PAPs

The procedures for determining eligibility for compensation, resettlement assistance and the actual displaced persons shall consider the following:

- a) Those who have formal legal rights to land, including customary and traditional rights recognized under the laws of Malawi. This class of people includes those holding leasehold land, freehold land and land held within the family or passed through generations;
- b) Those who have no formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Malawi. This class of people includes those that come from outside the community and given land by the local chief to settle;
- c) Those who have no legal right and/or claim to the land they are occupying. This class of people includes those that settle at a place on semi-permanent basis, or those settling at a place without any formal grant or authority. These include squatters on titled private land or on public land as well as squatters on community land held in trust by the traditional authorities but who have no recognizable claim to such land, as well as any squatters without recognizable membership. All PAPs who are eligible for compensation under any of the three eligibility criteria, including unregistered community lands and squatters, will be compensated for all their eligibility entitlements, especially land, prior to start of works in accordance with the provisions of this RPF and the RPs that will be prepared for the subprojects on the basis of this RPF.
- d) Impacted persons classified under paragraph (a) and (b) shall be provided compensation for the land, building or fixed assets on the land and buildings taken or affected by the project activities if they occupy the project area prior to the cut-off date (date of commencement of the census). Impacted persons classified under paragraph 4(c) shall be eligible to receive compensation that will be paid by the private sector company that will be contracted by the project for the assets lost. Persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

6.8 Entitlements for Compensations

Entitlements for compensation by project affected persons shall be based on the criteria outlined in 6.7 and the various categories of losses identified in the desk studies and field consultations. The matrix in Table 6.1 will be used in the settlement of claims for compensation for lost assets of project affected persons based on the principles in 6.7 above and legal framework where land is involuntarily taken. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be given to asset owner and in the case of houses and household assets efforts should be made to pay men and women jointly or at least to ensure the wives are informed... Table 6 1 provides details of entitlements to compensations to various potential categories of project affected persons.

6.9 Approach and Procedures for Delivery of Compensations

Once valuation of land and assets has been finalized, there is need to disclose the compensation schedules and values to the PAPs. This helps to get views from the PAPs in terms of rejecting and or accepting the values as this eventually reduces levels of queries in the schedules. The PAPs shall accept the compensation payment values by signing on forms that will be designed. After disclosure the District Land Officer will circulate the compensation schedule to District Executive Committee for their information and

knowledge while the same is submitted to the Chief Valuation Officer for approval. The process of compensation payments which is done by the office of the respective District Commissioner has to be fast tracked to reduce risks of inflation and devaluation of the sums of the money. Normally the compensations have to be delivered to project affected persons before resettlement of the affected persons. The recommended procedure for the community to deliver compensation to project affected people is as follows:

- a) Delivery of compensation based on official valuations. These are arrived at after applying guiding principles for compensation under ESS5.
- b) This delivery mechanism is based on what the project offers such sums deemed adequate as compensation to displaced person; and that person may accept that amount as compensation payable to him. Normally, the sums are disbursed to the District Commissioners or Chief Executive Officer (CEO) for the district in question for payment to the displaced persons. Local village headmen, traditional authority and council shall maintain records of impacted persons their claims and entitlements. During compensation payment the RCC is used to identify the PAPs in case some PAPs do not have identification cards. After payment of such sums, council documents the name(s) of the impacted persons, the amount of compensation and the records of how the compensation was arrived at. A copy of such records shall be made available to the government, local authorities and the general public.
- c) Delivery of Compensation based Values Arbitrated by Formal court

Normally this approach is based on the recommended figures for compensations from courts. Such incidents occur when some people appeal to courts for review of the compensation packages. What is decided by the courts can be used for compensation to project affected people.

It should be highlighted that in case some project affected persons have objections to land acquisition and resettlement, their objections have to be done in writing to District Commissioner or Commissioner for Lands within 21 working days after the public notice; or formal complaint lodged via local village headmen and traditional authority. It should also be pointed out that normally claims are not entertained after five years from the date of the proclamation; and or 6 months after the execution of the purpose out of which the claim has arisen in respect of any damage done to the land acquired.

6.10 Establishment of Resettlement and Compensation Committee (RCC)

Each project area will have a Resettlement and Compensation Committee (RCC) that will be established to help ensure that all legal processes involving valuation and compensation are followed in a just and transparent manner. This committee is proposed to ensure participation and inclusion of stakeholders.

The RCC will ensure effective communication among affected persons, Ministry of Lands, Housing and Urban Development, District Councils and implementing entities. The RCC will include representative of District Councils, Ministry of Lands, Housing and Urban Development, representative of implementing entity, representative of an NGOs, and gendered representation of the PAPs, among other members.

Chapter 7. Stakeholder Engagement, Disclosure, and Consultations

7.1 Requirements of ESS 10: Stakeholder Engagement and Information Disclosure

A separate Stakeholder Engagement Plan (SEP) has been prepared for DMAP, based on the World Bank's ESS 10 on Stakeholder Engagement and Information disclosure. The SEP identified stakeholders for DMAP and provided information disclosure requirements and suggested methodologies. The SEP can be found on PPPC website.

7.2 Grievance Redress Mechanisms on Sub-Project Activities

Implementation of projects activities under DMAP will take place in various locations countrywide. Implementation of the activities may generate several challenges and complaints especially to those which relate to infringement of rights of sections of the society. Examples of complaints may include compensation related grievances, encroachment on private land, gender-based violence, harassment of women, and marginalization of women and other vulnerable groups.

In relation to this RPF, Grievance Redress Mechanism (GRM) is required to ensure that PAPs, other interested parties and vulnerable groups have the ability and opportunity to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The GRM process will also ensure that the redress is effectively rendered to PAPs. All PAPs, other interested parties and vulnerable groups will be informed of the GRM, and the procedures at the time of the preparation of subproject specific Resettlement Action Plans (RAPs). Examples of land acquisition related grievances include unfair compensation, delayed compensations, encroachment on private land, etc.

Proper channels of GRM have been provided in the SEP and GRM Manual for DMAP which were already disclosed. The GRM for DMAP adopts a cascade model in which grievances will be managed successively, through grievances redress committees (GRCs) at community, local council and national levels. DMAP GRM system will leverage the GRM system, and its committees already established through Digital Malawi Project. The following forms have been annexed to support reception, logging, tracking, resolution and escalation of grievances between the different committees:

- Annex 5: Grievance Redress Mechanism Report Form
- Annex 6: Grievance Receipt Acknowledgement
- Annex 7: Grievance Eligibility Assessment Checklist
- Annex 8: Grievance Resolution Form

Chapter 8. Organizational Arrangements for Implementation of the RPF

8.1 RPF implementation arrangements

This section describes the implementation arrangements of the RPF and subsequent site-specific RAPs. The implementation of the RPF is the responsibility of the PPPC through DMAP PIU. Different stakeholders are anticipated to be engaged during RPF implementation including government ministries, departments and local authorities. These stakeholder roles and responsibilities in the RPF implementation are presented in the below subsequent sections.

8.1.1 Project Implementation Unit (PIU):

The daily management of the project will be vested in a dedicated PIU at PPPC. The staff of the PIU will include an Environmental Specialist and a Social Specialist(s) who will be responsible for the follow-up of the implementation all aspects of the RPF/RAPs and ESMF/ESMPs of the Project.

- **Project Manager:** the coordinator will oversee the Project's implementation. He will be responsible for initiating the RAPs process of subprojects that require clearance from Ministry of Lands.
- **Environmental Specialist and Social Specialist of the PIU:** These specialists will provide progress reports on all environmental and social issues and activities, including preparation and implementation of the RPF and RAPs including development of scope of works for national consultants responsible for RAP preparations, capacity building of stakeholders, clearance of deliverables and final RAPs prior to submission to national authorities such as Ministry of Lands, MEPA etc. Progress reports will be submitted to the PPPC and World Bank.

8.1.2 District Councils

District councils have long-established relationships with beneficiaries' communities and, therefore, can play a role, for example, in convening and facilitating discussions between the Project and stakeholders.

The District Executive Committee (DEC) members supported by PIU E&S specialists, will undertake RAP verification screening of the proposed activities. The RAP screening could also be delegated to Members of District Environmental Sub Committee (DESC) at the District Council led by the District Land Officer. The Committee may include the District Forestry Officer, District Water Officer, Director for Planning and Development, District Agriculture Officer, District Lands Officer, Environmental District Officer, and District HIV Officer. Members of Environmental District Sub Committee will be responsible for preliminary determining and recommending the need for RAPs to DEC and PIU. The PIU will arrange for the appropriate level of resettlement work to be carried out.

Subject to nature and scale of subproject activities, the PIU will provide the working budget for the DEC/DESC. Additionally, the DEC will supervise the identification of alternative land or livelihood restoration activities; plan, organise, implement resettlement activities in the district; undertake sensitization and stakeholder consultations; assist grievance redress committees in resolving grievances.

8.1.3 Consultants

The Consultants guided by the scope of works/statements developed and issued by the PIU will support district councils in the consultation with PAPs, undertaking RAP process and develop subprojects RAPs. The Consultants will facilitate RAPs approval and clearance process including ensuring feedback from government Ministries, Departments and Agencies (MDAs) and World Bank is adequately incorporated into RAPs.

8.1.4 Private sector Companies

The private sector companies that will be awarded contracts on sub-projects requiring resettlement action will be responsible for implementation of all environmental and social related activities under the subproject including providing funds for compensating PAPs. Each company is obliged to follow the RPF and RAPs and ESMF/ESMPs provisions during project implementation, including preparation and delivering to implementing agencies for approval of the site-specific implementation plans. The Private sector companies will make proposals for environmental/social protection, including legal acquisition of land, safety of persons associated with the works and the public, during a preconstruction period. The proposal will be reviewed and approved by implementing agencies (PPPC).

8.1.5 Project Affected Persons (PAPs)

These are individuals, families, communities, or entities whose lives, livelihoods, and properties are directly impacted by a project. Throughout the resettlement action planning and implementation, PAPs will be adequately engaged and consulted as described in the Stakeholder Engagement Plan (SEP).

8.1.6 Community Level Committees

Committees at community level such as VDCs and ADCs comprising of local leaders, extension workers and representatives of various village sub-committees such as women and youth will be consulted and engaged during resettlement activities. These local level community committees will be empowered by the project to undertake awareness and sensitisation campaigns on the subprojects, coordinate resettlement activities and coordinate the grievance redress mechanism activities.

8.1.7 Ministry of Lands

Ministry of Lands will be responsible for overall external monitoring of the implementation of this RPF and subsequent RAPs. It will provide technical support and participate in training and sensitization of stakeholders (if requested) to enhance understanding of the national environmental and social safeguard instruments. The Ministry has a monitoring and supervisory role and shall be responsible for confirming the results of the screening process, reviewing and clearing subproject-specific safeguard instruments, and conducting compliance monitoring within the context of the national laws and regulations, as well as the World Bank's policies and procedures.

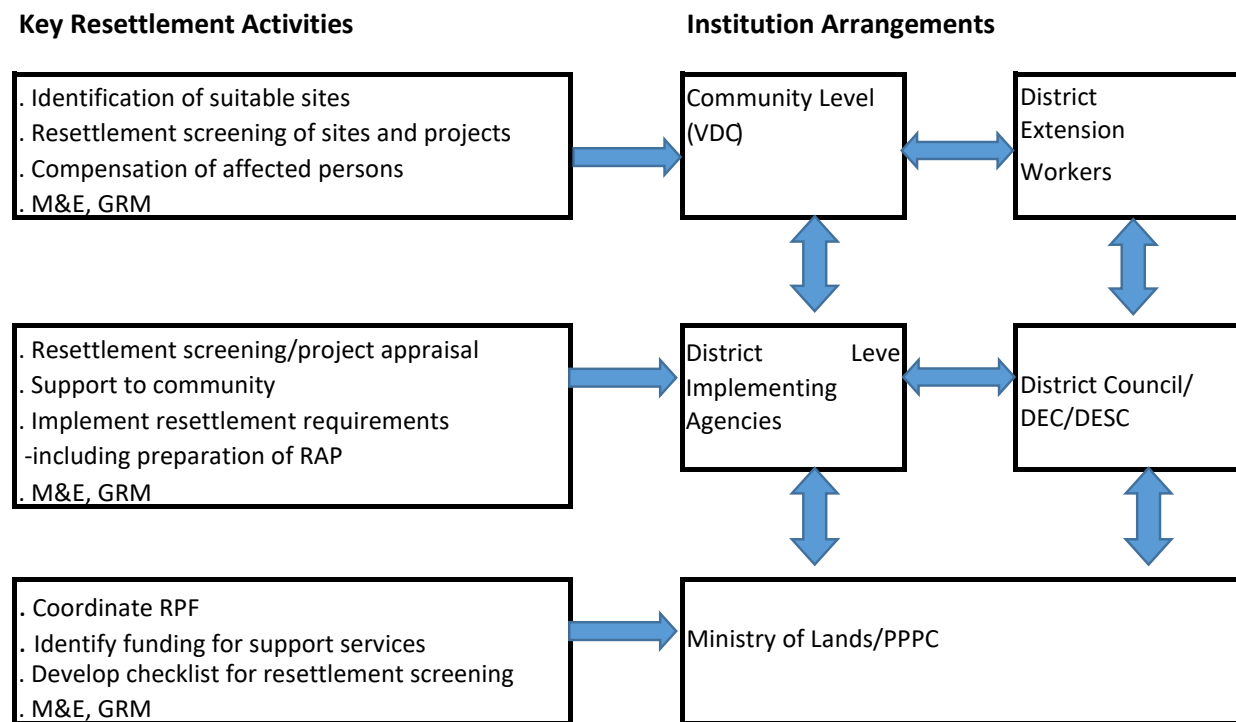


Figure 0-1: Diagrammatic Arrangements of Key Institutions in Resettlement Activities

Chapter 9. Capacity Development and Training

9.1 Capacity Building

Capacity building is a key element of the effective implementation of this DMAP RPF. Capacity building on environmental and social safeguards, for both this RPF and sister document ESMF, will need to be carried out jointly at all tiers of the project. At the district level, it is envisaged that the DEC and DESC will need capacity building. The orientation of the DESC will be a sub-set of the orientation of District Executive Committee on proposed project works in the districts. At the project sites that will trigger resettlement activities, PIU will take the lead in implementing the capacity building plan. The contractors will also be responsible to conduct trainings for their own staff and workers on a construction site.

9.2 Identification of Capacity Building Needs

The first step in pursuing capacity building will be to identify the capacity building needs of the various stakeholders including MDAs, district councils, local community committees, PAPs etc. However, in addition to the needs identified, an indicative list of areas of training has been proposed which includes the following:

- Infrastructural development activities likely to trigger resettlement issues under DMAP
- Principles of this RPF and implications on project activities
- Resettlement impacts screening checklist.
- Preparation of RAPs and Livelihood restoration plans for sub-projects.
- GRM
- Monitoring and evaluation of the RPF/RAPs including other social safeguards.

Specific information, education and communication materials will be prepared to guide on the RPF and RAPs targeting various stakeholders including MDAs, councils and communities. Materials will include fact sheets and briefing notes.

There will be 2 Training of Trainers Programs; one for national participants and the second one for District Council staff and the tentative training program is indicated in Table 0-1.

Table 0-1: Tentative Training Program

Day	Topic
Day 1	• RPF process
	• Concept and principles of RPF
	• World Bank ESSs (ESS5)
	• Malawi Land and related Policy and Regulatory Framework
	• Difference between RPF and RAP
	• Brief overview of other safeguards instruments
Day 2	• Screening Process and tools to be used (Social Screening Form/Checklist)

	<ul style="list-style-type: none"> • Roles of stakeholders
	<ul style="list-style-type: none"> • Environment and Social priority issues;
	<ul style="list-style-type: none"> • Environmental and Social Clauses in Local contractor's contract documents
	<ul style="list-style-type: none"> • HIV and AIDS and other STIs
	<ul style="list-style-type: none"> • Gender Based Violence
	<ul style="list-style-type: none"> • Child Labour
	<ul style="list-style-type: none"> • Occupational and public/learners health and safety risks
	<ul style="list-style-type: none"> • COVID-19 prevention
	<ul style="list-style-type: none"> • Grievance Redress Mechanism
Day 3	<ul style="list-style-type: none"> • RAP Development
	<ul style="list-style-type: none"> • identifying mitigation measures and filling into RP'
	<ul style="list-style-type: none"> • Responsibilities and Budget for implementation of RP
	<ul style="list-style-type: none"> • Monitoring implementation of social safeguards instruments
	<ul style="list-style-type: none"> • Project monitoring and reporting
Day 4	<ul style="list-style-type: none"> • Incident reporting
	<ul style="list-style-type: none"> • Practical Session on how to conduct Screening and develop RAP for a subproject at the identified site

9.3 Technical Support in Preparation of RAPs for Sub-Projects

Consultants will prepare detailed resettlement action plans for the sub-projects such as erection of towers under the expanding rural broadband services subcomponent. The PPC through the PIU will provide the resources to carry out social impact assessment and support development of resettlement action plans for sub-projects.

9.4 Estimated Costs to Implement the RPF

This section estimates all costs that will be incurred to implement the requirements or recommendations of this RPF. The RPF requires that implementation of the project integrates environmental and social issues for the long term environmental and social sustainability of the project as well as its components and sub-components. Among other things the RPF recommends the following key issues, namely; preparation of site-specific RAPs, training and capacity building, reviewing and monitoring mechanisms among other requirements.

Building the capacity of staff from the implementing unit and the project implementers as well as local government officials at district level will be very vital. This will enable them to screen, review and monitor land acquisition and resettlement issues in the project to ensure compliance with requirements of the national policies and Acts as well as World Bank ESF.

Details of the estimated costs are presented in Table 0-2. PIU and local government officials at district level will be responsible in the implementation of capacity development activities on this RPF. Budget estimated costs for the various activities under this project will be built in the overall project budget.

Table 0-2: Summary of budget estimates

No.	Activity	Timeframe	Responsibility	Cost (USD)
1	Training of project implementers, District Council	Years 1 and 3 of project implementation	PPPC / PIU	100,000.00
2	Preparation of site-specific RAPs	Years 1, 2 and 3 of project implementation	PIU / Consultants	250,000.00
3	Capacity building of community level committees in environmental and social risk management	Years 1, 2 and 3 of project implementation	PIU / District Council	80,000.00
4	Support extension work and local community committees in GRM.	Years 1 and 2 of project implementation	PIU/District Council	20,000.00
5	Institutional strengthening in implementation of environmental and social mitigation measures	Throughout the project management period	PIU / District Council	50,000.00
6	RAPs Monitoring – supervision and control missions	Throughout the project management period	PPPC / PIU	100,000.00
Total				500,000.00

Chapter 10. Arrangements for Monitoring and Evaluation and Reporting

10.1 Overview

The arrangements for monitoring will fit the overall monitoring plan of the entire DMAP, which will be through the PPPC. The PPPC will develop a monitoring plan and an administrative reporting system for DMAP.

All RAPs are anticipated to have major socio-economic goals including the following: (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project (iii) the absence or prevalence of conflicts and (iv) project affected persons reporting satisfaction with the resettlement operation. In order to assess whether these goals are met, RAPs and project monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources and responsibilities necessary to carry out the monitoring activities.

The objective of the monitoring will be to determine;

- a) If affected people are satisfied with the actual resettlement process.
- b) If affected people have been paid in full, before implementation of any DMAP sub project that has triggered resettlement.
- c) If affected individuals, households, and communities have been able to maintain their pre-project standard of living, and even improve on it.

The census and/or the socio-economic survey study which are the basis for the preparation of investment specific RAPs under DMAP, will be used as the base line for the evaluation of the individual RAPs.

10.2 Indicators to Determine Status of Affected People

A number of indicators will be used in order to determine the status of all affected people under DMAP sub projects and monitor the impacts of the resettlement activities. These include:

- a) Size of land being used compared to before,
- b) Standard of house compared to before,
- c) Status of income compared to before
- d) Level of participation in project activities;
- e) Access to water, access to schools and health centres as it was before the project
- f) Status of vulnerable people compared to before

Specific indicators may include the following, which would indicate a change:

- a) Access/ distance/ quality of agricultural plots
- b) Quality of, and access to, water
- c) Number of people employed

- d) Number of 'vulnerable' people
- e) Number of grievances and time taken to resolve them. If not resolved, what were the next steps
- f) Status of income of the project affected persons
- g) The local communities remaining supportive of the project.
- h) The local communities reporting satisfaction with project resettlement

Most of the information for these indicators will be collected through survey, interviews and focus group discussions with the affected communities. The data for these indicators will be collected every six months during the RAP implementation by PPPC, RCC and an independent NGO working in the area to ensure triangulation of data.

The pre-project census information will provide most, if not all, of the required information to set a baseline against which performance can be tracked. In addition to the existing baseline data, the following steps will be taken to ensure the proper monitoring of the RAPs:

- a) Questionnaire data will be entered into a database for comparative analysis;
- b) Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- c) RCC specifically the land's office and Ministry of Gender Officer will maintain a complete database on every individual impacted by the sub-project land use requirements; and
- d) Regular resettlement status reports submitted by the implementing agency will be reviewed.

10.3 Monitoring of RPF/RP Implementation

The Resettlement and Compensation Committee (RCC) will assist in compiling basic information related to compensation and send them to PPPC, through Monitoring and Evaluation (M&E) Section of participating District Councils, as part of the regular monitoring. This information will be relayed to the project through M&E Specialist that will be engaged by DMAP. The M&E Specialist will set up an M&E system for the DMAP and this will be used by RCC and participating District Councils.

Some of the information which will be collected at the RCC level will include:

- a) Number of unresolved grievances.
- b) Number of vulnerable people assisted.
- c) Length of time from project identification to payment of compensation to PAPs;
- d) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- e) Number of people raising grievances in relation to each project investment;
- f) Timing of compensation in relation to commencement of physical works;
- g) Number of livelihoods restored and types of the livelihood restoration;
- h) Amount of land acquired and method used;
- i) Number of structures, trees, land etc., acquired;
- j) Amount compensated with timelines; and
- k) Number of consultations held.

The PIU will review the statistics to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. Financial records will be maintained by PPPC to permit calculation of the final cost of resettlement and compensation per individual or household, and they will be included in the monitoring report. The statistics will also be provided to the external independent consultant/agency that will be contracted on an annual basis to monitor the implementation of the RPs.

10.4 Quarterly Reporting and Performance Review on RAP

Quarterly progress reports will be prepared on RAP by the Coordinator at DMAP PIU and the preparation of the progress reports will be supported by the environmental and social safeguards experts with information solicited from the district council and community committees. These reports will be submitted to PPPC and will form part of the overall ESF report to the Bank.

Chapter 11. Conclusion and Recommendation

DMAP has potential to increase access to, and inclusive use of, the internet and improve the government's capacity to deliver digitally enabled services. Development of various infrastructures during the implementation of the project and its subprojects is envisaged to lead loss of land, loss of access to land and other natural resources, loss of livelihoods which have the potential to undermine the gains of the project. To ensure environmental and social safeguards are adequately addressed, this RPF has been developed to promote transparent, participatory and equitable design of land acquisition, resettlement and restoration of livelihoods of DMAP affected persons. The RPF also predefine and document measures to avoid, minimise and compensate the resettlement led by subproject activities during land acquisition.

A couple of challenges exist related to land acquisition and resettlement processes including methods of valuation, calculation of compensation, different types of compensations, timing of compensations, information disclosures, and grievance redress mechanisms among others. The RPF provides a framework to address these challenges.

To codify the principals and measures in this RPF, it is therefore recommended that:

- Ensure to maintain a fulltime social specialist within the PIU throughout the project lifecycle who will provide oversight role of social safeguards including resettlement processes under this project. The Social Safeguards Specialist shall work jointly with the Environmental Safeguards Specialist.
- All subprojects must be screened for adverse impacts on land, assets, property, loss of access and livelihoods.
- RAPs must be developed for subprojects where PAPs will be resettled.
- Ensure the PAPs are involved, engaged and consulted during the resettlement process.
- Ensure a GRM is in place during the resettlement process to ensure grievances related to the project are heard, logged and resolved.
- Ensure the resettlement action plans (RAPs) are developed, disclosed as per national and World Bank requirements.
- Ensure the RPF and associated RAPs are adequately resourced. No activities will be implemented prior to compensation of PAPs.
- Ensure the stakeholders including PAPs are capacitated on the RPF processes, and
- Ensure the RPF and RAPs are continually monitored and evaluated during the project implementation.

Annexes

Annex 1: Terms of Reference for Preparing the Resettlement Policy Framework (RPF)

PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK

The following are terms of reference for the preparation of a Resettlement Policy Framework (RPF), which will inform the approach to meeting national requirements, as well as the World Bank's Environmental and Social Framework's specific objectives of ESS 5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement on activities under the Project that require land or access to land. The objectives of the RPF are to set out the procedures, principles, institutional arrangements, schedules, and budgets for managing resettlement requirements.

Objectives of the consultancy for preparation of the RPF

The objective of this consultancy is to develop a Resettlement Policy Framework for the DMAP Project. The development of the RPF will ensure systematic management of land acquisition, resettlement, and business disruptions; and social impacts that would result from project implementation.

The overall objectives of RPF as part of the requirements stated in the World Bank's Environmental and Social Standard 5 (ESS5) on land acquisition, resettlement and restrictions on land use are to:

- a) To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- b) To avoid forced eviction.
- c) To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- d) To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- e) To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- f) To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

Scope of the consultancy for preparing the RPF

The purpose of RPF is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects or project components. This assignment shall cover the following key areas as described below. Other areas considered relevant may be considered by the consultant so far as they add value to the outlined areas below. The key deliverable will be the RPF which will be prepared through the scope below:

Document review

Review the World Bank Environmental and Social Framework (ESF) and relevant guidance notes; and Malawi government legal and other regulatory requirements with emphasis on the ESS5 requirements for an RPF.

Review the existing set of environmental and social safeguards documentation prepared for the DMAP project and those of the ongoing Digital Foundations Project.

Project Description

Describe the DMAP project to place the RPF in context, including background and a typology of the DMAP components, based on their potential size/scale, locations and the social risks and impacts, paying particular attention to how and what works. Most importantly, the consultant shall identify the possible resettlement issues that each component and subcomponents are likely to generate, and for which reason this RPF is being developed.

Review of Legal and Policy Requirements

Review the national laws governing land acquisition and other assets. This review shall also look at the various land tenure and ownership systems in Malawi, the different legal instruments regarding government and individual acquisitions, resettlement, and compensation policies. The consultant shall describe any discrepancies identified in the different national legal and policy instruments against the requirements of the ESF. Where the differences are significant whichever policy is considered to be of a comparatively higher standard shall apply.

The RPF shall also identify the legally mandated institutions associated with these legal instruments and their respective roles at all levels where implementation of project activities is likely to take place. Particular attention should be given to local-based institutions and structures at the project site(s).

Principles and objectives governing resettlement preparation and implementation

The consultant shall outline the principles governing the resettlement preparations and implementation as outlined in ESS5 as well as the objective to be achieved during the preparation and implementation of the resettlement activities.

Description of the process for preparing and approving resettlement Plans

Include the processes and requirements for undertaking resettlement and compensations including the following processes for social assessments, population estimates, identification of numbers of PAPs to be displaced and categories of PAPs, valuation of assets, eligibility criteria for compensations, and entitlement for compensation. Outline the institutional arrangements and processes for approval of resettlement plans.

Social Assessment and Socio-Economic Surveys

The consultant shall provide a framework for conducting social and economic survey for the project activities required under the different components that trigger the involuntary resettlement standard (ESS5). The survey shall cover issues on the social structure, economic activities, social characterization of

potential affected persons, and the numbers likely to be involved, the different social institutions, social capital, and mechanism for social cohesion. This information will serve as critical baseline data for a future Resettlement Action Plan (RAP).

Estimated Population, Displacement impacts and Categories of Affected People

This requires a record of the categories of PAPs likely to be affected or displaced by the project activities as noted in the project component description above. The different categories of affected persons may include those who may be losing legal title to land and those without legal title but who use the land for economic activities or for residential purposes. There may be those who may be losing temporary access to property or business sites. These are only examples of those who are likely to be affected through displacement. The RPF shall identify the right categories based on the impacts noted or expected.

Eligibility Criteria for defining various Categories of Affected People

Determine the method for setting a cut-off date for eligibility for compensation and also as a means for making this information reach the wider public. Determine the compensation type for the different categories, losses and affected persons. These may include persons affected by land take, rights of access to resources or properties like housing, and water sources, loss of livelihood, and loss of cultural properties. The RPF shall take particular note of the multidimensional impact of the project and factor that into the analysis especially with regard to different sites, nature of the project and different forms of social impacts.

The criteria for compensation should be in line with national legal requirements and provisions and the World Bank ESS5 to ensure social sustainability, poverty reduction factors and fairness to avoid conflict and dissatisfaction. Indicate the scenarios or cases for application of compensation to individuals, families or groups.

Entitlement Matrix for proposed Resettlement and Compensation Policy

Following from the above, the RPF shall develop a matrix that detail the type of compensation that each identified PAP will be entitled to and a rationale as part of the matrix explaining the reasoning behind the entitlement as will be proposed in the Matrix.

Methods for Valuing Affected Assets

Describe in detail the methods used for valuation of assets that will be eligible for compensation as per national policy. This method shall be consistent with both national policy requirements and regulations and ESS5. This process should capture the methodology for taking inventory of assets, values assigned, and agreement reached with each identified PAP and consider inflationary realities in the final determination of values. The RPF shall include a clear statement alluding to the possibility of revised values should there be major discrepancies between dates for value determination and actual date for payments. The PAPs should have an opportunity to do their own valuation if they have doubts or misgivings through the facilitation of the project for further negotiations between the PAP(s) and the client. Valuing of assets should be a process of engagement with PAPs and not an imposition. The RPF

shall demonstrate that the methods used for the exercise in its entirety were fully participatory and acceptable to all stakeholders.

Organisational procedures for delivery of compensation and other resettlement assistance

The RPF shall describe the process for organizational arrangements, responsibilities and roles. The RPF shall describe the approval processes for the various stages of the compensation work including the various actors and their roles and responsibilities. This section will also spell out the actual process for delivering the compensations including the roles for the different agencies and reporting formats.

Methods for Consultation with and participation of Affected People

The consultant should as a matter of importance, describe in clear terms the methodology for consultation and participation by the PAPs in the process until they have received their entitlements. This process should be elaborate and clear to avoid and minimize confusion and suspicion. This could be done according to the different levels of consultations, the expected outcome from the different stages of the consultation and participation approach that would be adopted. The consultation process includes that for the development of the RPF and subsequent RAPs. The records of consultation and participation for this RPF should be attached as an annex to the final RPF report for the client. As part of this, the consultant will develop a program for the disclosure of the RPF to facilitate the work of the client on this matter.

Grievance Redress Mechanisms

Under the grievance redress mechanism, the consultant shall describe the options available to PAPs for grievance redress they may have regarding the process, identification of eligible people for compensation, valuation and compensation and any other complaints. The RPF shall indicate how this information would be disseminated and accessible to PAPs in a way that is clear and comprehensible to the PAPs.

Description of the arrangements for funding resettlement

The RPF should clearly state the sources of funding for subsequent RAPs, an overall cost estimates for resettlement including for monitoring of the resettlement activities. If there are multiple sites, the RPF should give an indicative budget for resettlement for each of the sites or communities. The financial responsibility of the relevant stakeholders, where applicable, should be categorically stated to avoid ambiguity of source of funds for resettlement activities. These budgets should take into consideration inflationary tendencies.

Monitoring Arrangements

The RPF shall provide appropriate mechanism for monitoring the implementation of the resettlement activities. The consultant shall propose current and participatory monitoring methodologies that would involve the PAPs themselves. The roles of different players like the PAPs, civil society, traditional authorities, and local government authorities among others, in the implementation and monitoring process will need to be clarified. The RPF shall develop, as part of this, a template for monitoring with indicators based on the main issues identified and spelt out in the RPF.

Implementation Schedule

To avoid confusion with cut-off dates and other timelines especially because compensation will have to be paid prior to commencement of any civil works, it is important for the RPF to set out implementation schedule for the resettlement. The RPF shall in addition to the implementation schedule identifies potential risks that could militate against the smooth implementation of the resettlement actions and suggest plausible mitigation measures to serve as a guide to the client and the team who will be working on the implementation.

Outline of Resettlement Policy Framework

The Resettlement Policy Framework to be developed under this project will have the following outline:

a. Executive Summary

b. Introduction

Introduce the RPF and its connections with the project and the World Bank ESF standard ESS5, related ESF documents and its objectives.

c. Project Objectives and Description

Introduce the project, its objectives, and components. Identify project activities that have risks of land acquisition, resettlement of livelihood impacts

d. Key Principles and Definitions

Define terms related to resettlement, land acquisition activities and outline key principles guiding implementation of resettlement activities and compensations.

e. Legal and Regulatory Framework

Include the national legal and policy framework including the World Bank ESS5 requirements.

f. Resettlement Action Plan

Include the processes and requirements for undertaking resettlement and compensations including the social assessments, estimate population, numbers to be displaced and categories of PAPs, valuation of assets and eligibility criteria for compensations and entitlement for compensation.

g. Consultations and Public Disclosure

Include arrangements for stakeholder consultation and public disclosure of the RPF processes and documentation. This to be done in line with the provisions of the DMAP's Stakeholder Engagement Plan.

h. Monitoring and Evaluation

Outline the arrangements for monitoring and evaluation of the resettlement and compensation processes including grievance resolution related to resettlement and compensation.

i. Grievance Mechanism

Outline the GRM processes to be followed for redressal of resettlement and compensation issues. The processes to follow the GRM Manual.

- *Annex 1: Outline for preparation of Resettlement Entitlements Matrix*
- *Annex 2: Template/ outline for the design of a Resettlement Action Plan*
- *Annex 3: List of Methods of Valuation of Assets*
- *Annex 4: References*

Annex 2: Sample Resettlement Screening Form

Project name:

Project Location

(Include map/sketch): (e.g. Area, Division, Ward, Location, and etc.).

Type of activity: (e.g. new construction, rehabilitation, periodic maintenance)

Estimated Cost:

(Malawian Kwacha)

**Proposed Date of
Commencement of Work:**

Technical

Drawing/Specifications

Reviewed: (circle answer): Yes No

This report is to be kept short and concise.

1. Site Selection:

When considering the location of a project, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

Issues	Site Sensitivity			Rating
	Low Medium High	Low Medium High	Low High Medium	
Involuntary Resettlement	Low population density; dispersed population; legal tenure is well-defined.	Medium population density; mixed ownership and land tenure.	High population density; major towns and villages; low income families and/or illegal ownership of land; communal Properties.	

2. Checklist questions:

Physical data:	Yes/No answers and bullet lists preferred except where descriptive detail is essential.
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to sub-project	
Any plans for new construction	

Refer to project application for this information.

Land and resettlement:	Yes/No answers and bullet lists preferred except where descriptive detail is essential.
Will the project involve loss of land and other resources?	
Will the project result into temporary or permanent loss of crops, household infrastructure like shelter, granaries or latrines?	
What is the likelihood of land purchase for the subproject?	
How will the proponent go about land purchase?	
What level or type of compensation is planned?	
Who will monitor actual payments?	

Refer to the Resettlement Policy framework.

Actions:	
List outstanding actions to be cleared before project appraisal.	
Approval/rejection	Yes/No answers and bullet lists preferred except where descriptive detail is essential.

Recommendations:

☐ Requires a RAP to be submitted on date: _____

☐ Does not require further studies

Reviewer: _____

Name: _____

Signature: _____

Date: _____

Annex 3: Census Form

Socio-economic Household Datasheet of PAPs

<i>Name of Interviewer</i>		<i>Signature</i>
<i>ID Code</i>		
<i>Name of Supervisor</i>		<i>(after verification of interview)</i>
<i>ID Code</i>		

<i>Cell Name</i>		<i>Number of Concession in Village</i>	
<i>ID Code</i>		<i>(GPS Coordinates)</i>	

Date:

Day Month Year

<i>Name of Head of Extended Family:</i>	
<i>Number of Nuclear Families in Extended Residential Group (including household of head of extended family)</i>	

Household Interview

Name and Surname	Relationship to Head of Family	Sex		Place of Birth	Age	Marital Status	Residence Tenure	Ethnic Group	Religion	Educational Level	Income Earner		Economic Activities	
		M	F								Yes	No	Primary	Secondary
1.														
2.														
3.														
4.														
5.														
6.														
7.														

Key:

- **Relation to Head of Family:** 1 HoH; 2 Spouse of HoH; 3 Child of HoH; 4 Spouse of child of HoH; 5 Grandchild of HoH; 6 Parent of HoH; 7; 8 9 Other (specify); 0 No Answer.
- **Marital Status:** 1 Married; 2 Widowed; 3 Divorced; 4 Unmarried; 0 No Answer.
- **Residential Status:** 1 PRP (Permanent Resident); 2 RA (Resident absent); 3 Member of non-resident HH; 4 Visitor; 9 Other (specify); 0 No Answer.

Occupations: -

- **Principle Occupation:** 1. Farmer; 2 Shepherd; 3 Household; 4 Merchant; 5 Religious leaders, teacher; 6 Artisan; 7 Transport; 8 Unemployed; 9 Other (specify); 0 No Answer Secondary Occupations: idem.
- **Educational Level:** 1 Illiterate; 2 Three years or less; 3 Primary School; 4 Secondary School; 5 Technical School; 6 Religious School; 0 No Answer
- **Religion:** 1 Christian (specify denomination); 2 Muslim; 9 Other (specify); 0 No Answer

Annex 4: Land Asset Inventory for PAP

Village: _____
 Cell: _____

Date: _____

Survey no.	Name of Head of Household	No. of Persons in household	Total land holding of Hhold (m ₂)	Land to be acquired (m ₂)	Land Use Type *	Loss of % total	Loss of assets			Loss of crops			Loss of other assets	Other losses		
							Structures Permanent (m ₂)	Structures temporary (m ₂)	Area of residential land lost (m ₂)	Fruit trees lost type and number	Agricultural land lost (m ₂)	Other (specify)	e.g. graveyards, wells, etc. (Type and no.)	Residence (rented)	Business lost	Income loss

* Land types are as follows (please fill in the types of land for Malawi)

- | | |
|----|----|
| 1. | 3. |
| 2. | 4. |

Entitlements of Project Affected People

Location: _____

Date: _____

Village: _____

Survey no.	Name of Head of Household	Compensation for Land			Compensation for structures			Compensation for crops and Trees			Compensation for other assets and losses (e.g., graveyards, wells, businesses, etc)			Total (MK)
		Quantity (m ²)	Unit price (MK) per m	Entitlement (MK)	Quantity (m ²)	Unit price (MK) per m	Entitlement (MK)	Quantity (m ²)	Unit price (MK) per m	Entitlement (MK)	Quantity (m ²)	Unit price (MK) per m	Entitlement (MK)	

Annex 4.1 Community Assets and Infrastructure.

1. Village/town/city					
2. Location					
3. Camera and Photograph Number					
4. Type of structure or asset					
01	School	08	Well	15	Water Supply
02	Clinic	09	Public Latrine	16	Sewerage
03	Church, Mosque or Temple	10	Public Laundry	17	Garbage Site/Dump
04	Shrine	11	Play ground	18	Fish Pond
05	Town Hall	12	Cemetery	20	Other
06	Meeting Hall	13	Electric	If other (please Specify)	
07	Well	14	Public Telephone		
Name of structure					
5. Formal owner of the structure					
01	Sub-County Government				
02	Community or Voluntary Organization				
03	Private Individual				
04	Other (please Specify)				
6.Name and Address of owner (Please state name and address of responsible chairman or secretary if the structure is owned by a community organization or by government)					
Plot Number					
Telephone Number					
Number of users of structure per month					
Plot Dimensions			M		
Plot Area			M ²		
Land value per m ²			MWK		
Land Value (no.s 11x12 from Above)			MWK		
Estimate of building area			M ²		
Building materials					
a. Floor			b. Walls		
1.	Earthen	1.	Earthen	1.	Earthen
2	2Cement-plastered earthen walls	2.	Cement-plastered earthen walls	2.	Cement-plastered earthen walls
3	Straw or bamboo	3.	Straw or bamboo	3.	Straw or bamboo
4	Unbaked brick	4.	Unbaked brick	4.	Unbaked brick
5	Baked Brick	5.	Baked Brick	5	Baked Brick

6	Cement block	6.	Cement block	6	Cement block
7	Galvanized tin	7.	Galvanized tin	7	Galvanized tin
8	Tile	8.	Tile	8	Tile
9	Other (Specify)	9.	Other (Specify)	9	Other (Specify)
6. Building Value per m²		M ²			
7. Building Value					
Signature of owner of structure					
Print name (Block Capitals)					
Signature of Valuation Surveyor					
Print name (Block Capitals)					
Date					

Annex 4.2: Land Donation Agreement Form

CONSENT FOR VOLUNTARY LAND DONATION

I/We _____ household head male/female and or persons exercising customary rights over land as described as (legal description (GPS coordinates if available) in Village _____ TA _____ District _____ hereby declare that I/we/the group is the owners/ users of the land required for (description) _____ I/ we are voluntarily donating the use of land based assets (land area, land assets/trees/crops etc).

The owner(s)/user(s) is aware of the following World Bank requirements:

Item	World Bank requirement	Confirmed (Tick where applicable)
1	the potential land donor or donors have been appropriately informed and consulted about the project and the choices available to them	
2	donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation	
3	the amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels;	
4	no household relocation is involved;	
5	the donor is expected to benefit directly from the project; and	
6	for community or collective land, donation can only occur with the consent of individuals using or occupying the land;	
7	a transparent record of all consultations and agreements reached is maintained.	

In addition, the owner(s)/user(s) will have access to the GRM at the local levels.

We agreed to this purpose from (date) _____ for as long as the purpose is served or until (specify end date, typically life expectancy of the structure) _____ I/we make the donation on my/our own free will.

I/We are waiving my/our right to compensation of any kind for the duration of the activity prior to agreement has not been any form of coercion. Understand that I/We have the right to refuse and to seek redress of any grievance concerning this transaction.

Household Head _____ Signature _____

Village _____ Signature _____

GVH Head _____ Signature _____

Traditional Authority _____ Signature _____

Witnessed by VCD/ACD Chair _____ Signature _____

VCPC/ACPC Chair _____ Signature _____

Annex 5: Grievance Redress Mechanism (GRM) Report Form

DIGITAL MALAWI ACCELERATION PROJECT

SUB-COMPONENT NAME:			
PROJECT SITE (Location of grievance):			
Grievance Tracking Number: DMAP/ _____ / BT / _____ / GR_____			
1. RECEIVING DETAILS			2. COMPLAINANT'S DETAILS
Received on (Date):			Full Name:
Receiving time:			Gender: Male ☐ Female ☐
Means used to log a complaint <i>(tick against options provided)</i>			ID Number:
Email	Verbally	Phone	Others <i>(specify)</i>
Type of grievance <i>(tick against options provided)</i>			Contact Address:
			Phone Number:
			Email:
Damage	Theft	GBV/ SEA/ SH	Request for Confidentiality? Yes ☐ No ☐
Project progress	Work quality	Other <i>(specify)</i> _____	Category of complainant: Beneficiary ☐ Contractor ☐ Implementer ☐ Other _____
3. DESCRIPTION OF THE GRIEVANCE			
<i>(Provide the nature of the complaint including; what happened, when it happened, where it happened, who was involved, and the problem that occurred etc.)</i>			
Received by		Complainant	
Signature		Signature	
Date		Date	

Annex 6: Grievance Receipt Acknowledgement

[Insert the name and address of the Grievance Redressal Committee]

[Insert the Date]

Dear [Insert complainant name]

CONFIRMATION OF RECEIPT OF THE GRIEVANCE

I write to acknowledge receipt of the grievance that you logged with this committee on **[date of receipt]**. In your grievance, you raised the following issue(s) **[Insert brief description of the complaint]**.

Be advised that the committee met on **[Insert date]** and assessed the eligibility of your grievance in relation to the Digital Foundation Project activities. Your grievance has been recorded in the GRM register and is assigned a Grievance Tracking Number **[Insert the unique code]**.

The committee would like to invite you to the hearing session of your case scheduled as follows:

Date	
Venue	
Time	

The alleged offender will also be present during the hearing to accord him fair trial.

Yours Faithfully,

Grievance Redress Committee Chairperson.

Annex 7: Grievance Eligibility Assessment Checklist

This checklist is prepared to guide the Grievance Redressal Committee at any level when determining the eligibility of the grievances submitted by PAP

Question(s)	Answer(s)
Describe the grievance logged as recorded in the grievance registration form	
(a) What harm did the Digital Foundation Project caused or is likely to cause?	
(b) Is the alleged problem resulting from the Digital Foundation Project activities?	No ☐ Yes ☐
	If yes, please explain
(c) Are there any other supporting documents that have been shared as proof of the alleged problem?	
(d) Is the complaint raised with any other authorities?	No ☐ Yes ☐
If Yes (Please, provide the following details):	
(i) When?	
(ii) How and with whom the issues were raised?	
(iii) What response were received from and/or any actions taken?	
(iv) Why the response or actions taken were not satisfactory?	
If No	
(i) Why?	
(ii) How should the complaint be resolved?	
Name of the person who completed this form	Signature
	Date

Annex 8: Grievance Resolution Form



DIGITAL MALAWI ACCELERATION PROJECT

Grievance Tracking Number: DMAP/____ / BT / ____ / GR____

Grievance Resolution updated by:

1. GENERAL INFORMATION		2. RESPONDENT'S DETAILS	
Name of Complainant:		Full name:	
Project Site:		Name of Organization:	
Type of Grievance:		Designation:	
Date of Grievance Registration:		Phone number:	
Date of Grievance Resolution:		Email:	
3. SUMMARY OF GRIEVANCE RESOLUTION PROCESS			
(a) Brief description of complaint			
(b) Brief description of the Resolution/Recommendations from GRC			
4. GRIEVANCE RESOLUTION AGREEMENT			
Level of redress: Institutional ☐ Community ☐ District Council ☐ Project Level ☐			
Was the Grievance Resolution satisfactory: Yes ☐ No ☐			
If No, Grievance to be escalated to:			
Agreement and Consent of the Complainant to the above Decision			
I _____ Agree /Disagree with the resolution.			
Signature _____ Date _____			
Grievance Redress Committee Members (At least three members to sign)			
Name	Position	Signature	

Annex 9: Draft Terms of Reference (TOR) for Development of a RAP

The scope and level of detail for the development of Resettlement Action Plan will involve the following the following.

a) Description of the investment/project under DMAP, project area and area of influence: Information presented in this section will include description of the project area showing location, sitting of plants, structures, lands, affected dwellings etc.; DMAP objectives and strategy; the investment/project objectives; the main objectives of the resettlement program as apply to the subprojects, policy and legal framework; timeframe; geographical coverage; project strategic context and rationale.

b) Potential Impacts: Description of investment/project components or activities which would trigger resettlement; the cultural, social, economic and environmental impacts envisioned; the alternatives considered to avoid or minimize resettlement, and the mechanisms established to minimize resettlement to the extent possible during implementation.

c) Census and Socio-economic Assessments

Applying appropriate and up to date participatory methodologies, collect and evaluate both qualitative and quantitative baseline data on the socio-economic and socio-cultural characteristics of the study area. These will include the following:

- **Census:** Delineate the area of direct and indirect potential resettlement impacts and identify all the affected persons through a census survey. Indicate the extent of physical and economic displacement and provide an inventory of assets to be affected. Ensure that the PAPs census survey covers all people and assets in the affected area and using a cut-off date establish a baseline for the design of the resettlement program and exclude subsequent inflows of people from eligibility for compensation and resettlement assistance. Develop a gender and age disaggregated profile and a data-set for the PAPs, providing personal identification numbers corresponding to photo log and assets (structures/properties/crops) to be affected.
- **Socio-Economic Survey:** This will include a demographic profile of the population (i.e., full time and seasonal); land use (i.e., year-round and seasonal) and land tenure systems including common property and non-title based land ownership or allocation recognized locally; production systems, and household organization, planned development activities; Public infrastructure and social services; employment and Labor markets; distribution of income, livelihood patterns and standards of living, goods and services; recreation; public health; education; cultural properties (e.g., archaeological and historically significant sites); customs, aspirations and attitudes. The socio-economic survey should also describe magnitude of the expected loss (total or partial for individual or group assets) of assets, and the extent of displacement, whether physical or economic.
- **Vulnerability and Gender Baseline:** As part of the socio-economic baseline study, develop a profile on vulnerability clearly stipulating the levels of vulnerability of different categories of PAPs through an appropriate set of indicators and classification tool. Such groups and persons include those living below the poverty line, the landless, the elderly, children, and displaced persons who are not protected through national land compensation legislation. A specific gender analysis should be undertaken within this component and should clarify among others, gender roles, responsibilities, relations and power differences; examine gendered resource allocation, distribution and access; and clarify gender based differences that constrain the distribution of development opportunities and benefits, how the project intervention will affect men and women

and the risks of men and women benefiting or being disadvantaged disproportionately as a consequence of the planned interventions.

- Socio- cultural characteristics of displaced and host communities, including social capital and mechanisms for social cohesion, a description of formal and informal institutions (e.g. community structures/organizations, nongovernmental organizations (NGOs) that may be relevant to designing and implementing the resettlement activities. Appropriate patterns of social organization should be promoted and the existing social and cultural institutions of resettled persons and their host should be retained, supported and used to the extent possible.
- Provisions for updating information on the livelihood of displaced people and their standards of living at regular intervals;

d) Legal Framework: The analysis of the legal and institutional framework should cover the following:

- Scope of existing land and property laws governing resources, including state owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc.;
- Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RP for the sub-project;
- Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc. related to displacement and resettlement, and environmental laws and social welfare legislation;
- Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- Legal steps necessary to ensure the effective implementation of RAP activities in the subprojects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc. and which are specific to the sub-projects.

e) Community Participation: This sub-section includes:

- Description of the consultation and participation of the displaced and host communities in design and implementation of resettlement activities including a summary of the views expressed and how these views were incorporated during the preparation of the resettlement plan.
- A review of the resettlement alternatives identified, and choices made by the displaced people, including choices related to forms of compensation and resettlement assistance, relocating as individual families or as part of pre-existing families and to retaining access to cultural property (e.g. cemeteries, places of worship etc.)
- Description of procedures for redress of grievances by affected people throughout the planning and implementation period.
- Description of measures aimed at sensitizing and educating the affected and host communities on matters of resettlement.

f) Integration with host communities

- Arrangements for consultation with host communities and procedures for prompt payment to the host for land and other assets should be provided to the resettled persons.
- Arrangements for resolving conflicts which may arise between the resettled persons.
- Arrangements for resolving conflicts which may arise between the resettled persons and host communities should be put in place.
- Appropriate measures to augment public services such as education, water, health in host communities to avoid disparities between resettled persons and the host communities should be put in place.
- Plan for resettled persons should be integrated economically and socially into host communities so that adverse impacts to host communities are minimized.

(g) Institutional arrangement and responsibilities

The institutional framework generally covers:

- Agencies and offices responsible for resettlement activities and civil society groups (such as NGOs) that may have a role in RP implementation;
- Institutional capacities of these agencies, offices, and civil society groups in carrying out RP implementation, monitoring, and evaluation; and
- Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

(h) Eligibility

Definition of displaced persons and criteria for compensation and other resettlement assistance including relevant cut off dates. The assurance should be given that lack of legal title should not bar affected persons from being compensated.

(i) Valuation and Compensation for losses

- The methodology to be employed for valuing losses to determine their replacement cost. This is a description of the levels of compensation under the local laws and supplementary measures aimed at determining replacement of cost for lost assets.
- A description of the packages of compensation and other resettlement measures that will ensure that each category of eligible displaced persons get their fair compensation. In conformity with the World Bank Environmental and Social Standard 5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement), displaced persons should be provided with enhancement measures to assist in their efforts to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels or to levels prevailing prior to the start of project implementation whichever is higher.

j) Resettlement Measures: A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of ESS 5. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

k) Identification of alternative sites, selection of resettlement site(s), site preparation and relocation

- Institutional and technical arrangements for identifying and preparing relocation sites for which a combination of productive potential, location advantages and other factors, should be at least comparable to ancillary resources.
- Procedures for physical relocation including timetable for site preparation and land title transfer and description of resettlements sites.
- Measures to prevent the influx of ineligible person (encroachers and squatters) into the selected sites such as the identification and recording of affected people at the project identification stages.
- Legal arrangements for regularizing tenure and transferring titles to resettled persons.

l) Shelter, infrastructure and social services

This sub-section provides details regarding plans to provide or finance housing, infrastructure (e.g. roads, water supply etc.) and social services (schools, health services) and plans aimed at ensuring that services and any necessary site development to host.

m) Environmental protection: An assessment of possible environmental impacts of the proposed resettlement and measures to mitigate and manage the impacts.

n) Implementation Schedules

An implementation schedule covering all resettlement activities from project preparation through implementation to monitoring and evaluation. The schedule should indicate dates for achievement of expected benefits to resettled persons and hosts and dates for terminating the various forms of assistance.

o) Grievance procedures: The RP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should consider the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

p) Costs and Budget

The breakdown of cost estimates for all resettlement activities including allowances for inflation and other contingencies, timetable for expenditures, sources of funds and arrangements for timely disbursement of funds.

q) Monitoring and evaluation

Under this sub-section, information regarding arrangements for monitoring of resettlement activities by the implementing agency is presented. When appropriate, independent monitors will supplement the role of the implementing agency to ensure objectivity and completeness of information. Performance indicators for measuring inputs, outputs and outcomes of resettlement activities and for evaluating impacts for a reasonable period after the resettlement activities have been completed are also presented.

r) Commitment to follow RPF guidelines and requirement

A statement of assurance that the implementing agency will follow the guidelines and requirement of the RPF should be included in the RAP.

s) Description of programmes for improvement and restoration of livelihoods and standards of living of the affected people.

Programmes aimed at improving and restoring the livelihoods and standards of living of the affected people in line with the Resettlement Environmental and social framework

Annex 10: Outline of Resettlement Action Plan

Introduction

- Briefly describes the project.
- Lists project components including associated facilities (if any).
- Describes project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.

Minimizing Resettlement

- Describes efforts made to minimize displacement.
- Describes the results of these efforts.
- Describes mechanisms used to minimize displacement during implementation.

Census and Socio-economic Surveys

- Provides the results of the census, assets inventories, natural resource assessments, and socioeconomic surveys.
- Identifies all categories of impacts and people affected.
- Summarizes consultations on the results of the various surveys with affected people.
- Describes need for updates to census, assets inventories, resource assessments, and socio-economic surveys, if necessary, as part of RP monitoring and evaluation.

Legal Framework

- Describes all relevant local laws and customs that apply to resettlement.
- Identifies gaps between local laws and World Bank Group policies and describe project-specific mechanisms to address conflicts.
- Describes entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RP.
- Describes method of valuation used for affected structures, land, trees, and other assets.
- Prepares entitlement matrix.

Resettlement Sites

- Describes the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites.
- Describes the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.
- Demonstrates that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land.
- Provides data on land quality and capability, productive potential, and quantity.
- Give calculations relating to site requirements and availability.
- Describes mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands.
- Provides detailed description of the arrangements for site development for agriculture, including funding of development costs.

- Have the host communities been consulted about the RP? Have they participated in the identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RP.
- Do the host communities have a share of the resettlement benefits.

Income Restoration

- Describes if there are compensation entitlements sufficient to restore income streams for each category of impact.
- Describes additional economic rehabilitation measures are necessary.
- Briefly spell out the restoration strategies for each category of impact and describe their institutional, financial, and technical aspects.
- Describes the process of consultation with affected populations and their participation in finalizing strategies for income restoration.
- Explains if income restoration requires change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation.
- Describes how the risks of impoverishment are to be addressed.
- Describes the main institutional and other risks for the smooth implementation of the resettlement programmes.
- Describes the process for monitoring the effectiveness of the income restoration measures.
- Describes any social or community development programmes currently operating in or around the project area.
- If programmes exist, do they meet the development priorities of their target communities. Are there opportunities for the project proponent to support new programme or expand existing programmes to meet the development priorities of communities in the project area.

Institutional Arrangements

- Describes the institution(s) responsible for delivery of each item/activity in the entitlement policy.
- Describes the Implementation of income restoration programmes; and coordination of the activities associated with and described in the Resettlement Plan.
- States how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time.
- Identifies the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources.
- Describes the external (non-project) institutions involved in the process of income restoration (land development, land allocation, credit, and training) and the mechanisms to ensure adequate performance of these institutions.
- Discusses institutional capacity for and commitment to resettlement.
- Describes mechanisms for ensuring independent monitoring, evaluation, and financial audit of the RP and for ensuring that corrective measures are carried out in a timely manner.

Implementation Schedule

- Lists the chronological steps in implementation of the RP, including identification of agencies responsible for each activity and with a brief explanation of each activity.
- Prepares a month-by-month implementation schedule of activities to be undertaken as part of resettlement implementation.

- Describes the linkage between resettlement implementation and initiation of civil works for each of the project components.

Participation and Consultation

- Describes the various stakeholders.
- Describes the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning.
- Describes the process of involving affected populations and other stakeholders in implementation and monitoring.
- Describes the plan for disseminating RP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

Grievance Redress

- Describes the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication methods.
- Describes the mechanism for appeal.
- Describes the provisions for approaching civil courts if other options fail.

Monitoring and Evaluation

- Describes the internal/performance monitoring process.
- Defines key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring.
- Describes institutional (including financial) arrangements.
- Describes frequency of reporting and content for internal monitoring.
- Describes process for integrating feedback from internal monitoring into implementation.
- Defines methodology for external monitoring.
- Defines key indicators for external monitoring.
- Describes frequency of reporting and content for external monitoring.
- Describes process for integrating feedback from external monitoring into implementation.
- Describes arrangements for final external evaluation.

Costs and Budgets

- Provides a clear statement of financial responsibility and authority.
- Lists the sources of funds for resettlement and describe the flow of funds.
- Ensures that the budget for resettlement is sufficient and included in the overall project budget.
- Identifies resettlement costs, if any, to be funded by the government and the mechanisms that will be established to ensure coordination of disbursements with the RP and the project schedule.
- Prepares an estimated budget, by cost and by item, for all resettlement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies.
- Describes the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations.
- Describes the provisions to account for physical and price contingencies.

- Describes the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of resettlement.

Annexes

- Copies of census and survey instruments, interview formats, and any other research tools.
- Information on all public consultation including announcements and schedules of public meetings,
- Meeting minutes and lists of attendees.

Annex 11: List of Stakeholder Consultations



THE DIGITAL MALAWI PROGRAM PHASE I: DIGITAL FOUNDATIONS PROJECT

ESS DOCUMENTS (ESMF, RPF, LMP) PREPARATION STAKEHOLDER CONSULTATION

Attendance Register: Mzuzu

Date: 04/09/2024

No.	Name & Position	Firm & Address	Contacts
	Mtendere Chagwayapa Park officer	Mzuzu city Council Post Office Box 1 Mzuzu	Tel: 0995088513 E-mail:
	Tingo Mathupi Consultant	ESRC	Tel: 0995131202 E-mail: b2gomathupi@gmail.com

No.	Name & Position	Firm & Address	Contacts
	Happiness Mlewa Secretary	Mzuzu city Council Box 1	Tel: 0884753609 E-mail: happinessmlewa@gmail.com
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THE DIGITAL MALAWI PROGRAM PHASE I: DIGITAL FOUNDATIONS PROJECT

ESS DOCUMENTS (ESMF, RPF, LMP) PREPARATION STAKEHOLDER CONSULTATION

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Annex 12. Report on issues raised during stakeholders' consultation.

Background of the project

The Government of Malawi through the Ministry of Information and Digitalization and involvement of the Public Private Partnership Commission intends to implement the Digital Malawi Acceleration Project (DMAP) with support from the World Bank. DMAP is expected to run for a period of eight years from 2025 to 2033. The Project Development Objective (PDO) is to Increase access to and inclusive use of the internet and improve the government's capacity to deliver digitally enabled services. The Digital Malawi Acceleration Project is being implemented under the World Bank's Environment and Social Framework (ESF). The project will be implemented throughout the country for some components, while other component locations will be identified at a later stage.

Stakeholder Engagement, Disclosure, and Consultations

In consideration of the potential risks and impacts of the project on the environment and the communities around the project areas, and to ensure inclusive development and smooth implementation of the Project, different stakeholders will be engaged during preparation, implementation and closure phase of the project.

During the preparation phase, different Environmental and Social Management Documents have been/are being prepared which require the input of different stakeholders to be fully approved by the World Bank. These documents include the Environmental and Social Management Framework (ESMF), Stakeholder Engagement Plan (SEP), Environmental and Social Commitment Plan (ESCP), Labour Management Plan (LMP), Resettlement Policy Framework (RPF). Among these documents, some have been disclosed on the World Bank's website.

The Public Private Partnership Commission (Digital Malawi Acceleration Project) engaged a consultant to develop some Environmental and Social Safeguard Documents for the Project. These documents include the Environmental and Social Management Framework (ESMF), Labour Management Plan (LMP) and Resettlement Policy Framework (RPF). As part of the document finalization process, the consultant scheduled stakeholder consultations at district councils from 26th August to 6th September 2024 (Annex A). Among members present, the Social Safeguards Specialist from The World Bank accompanied by Safeguards and ICT personnel from the project made it to the meetings.

Methodology

A brief presentation was prepared by the consultant highlighting the overview of the Digital Malawi Acceleration Project, Social and Environmental potential risks and impacts, Environment and Social risk management procedures. The presentation was rendered to the members in the meeting and asked to provide their insights. The Environmental and Social Committee members from District Councils were involved in this activity to provide their input about the DMAP.

Findings

The consultations revealed that Local Councils have welcomed the project and are willing to be engaged at every phase. The following is the feedback that was obtained. The feedback includes other issues

emanated from the preceding Digital Malawi Project (DIGMAP). Councils recommended that these other issues must be well addressed to avoid repeating them in the accelerator project. The table below shows the summary of feedback that include questions and suggestions.

Stakeholder (group or individual)	Summary of feedback
Blantyre District Council	What is the timeframe of the project and at what phase is it at present?
	What measures have been put in place to ensure that grievances that might rise will be handled properly?
	Who are exactly the targeted beneficiaries of this project and end users?
	What measures have been put in place to ensure successful performance?
Chikwawa District Council	At what stage is the project at and how will the project make sure that local government/council is incorporated?
	What shall the project do to remove the fears that are brought about internet to especially local community
	Where will the cheaper gadgets that were mentioned in component 2 of the project be accessed?
Zomba City Council	How will the project ensure that the gadgets that are to be installed are secured in terms of vandalism and theft and how will you assist the community to help in securing the infrastructures say in remote areas.
	How will the compensations issues be handles especially on land issues where the network towers will be installed
	Has the PIU assessed the success of DIGMAP? And was the PIU satisfied to come up with the accelerator? How will the PIU ensure that the accelerator will not repeat the problems faced in the DIGMAP.
	Has the project considered the issue of job displacement?
Zomba District Council	How will the project incorporate with the CGRCs that were already established in the DIGMAP?
	What better ways have been put in place to ensure that the project will no longer disperse finances for activities of CGRCs late than expected?
	Suggestions: The project must ensure that the sites are monitored frequently for easy identification and maintenance of the shortfalls rising with the service rendered to the local councils

Conclusions

Responses were given accordingly with the help from the consultant's team, PIU team and the social safeguards specialist from the world bank. Where Follow-up actions are required, the project will do the needful and update the public accordingly.