LILONGWE

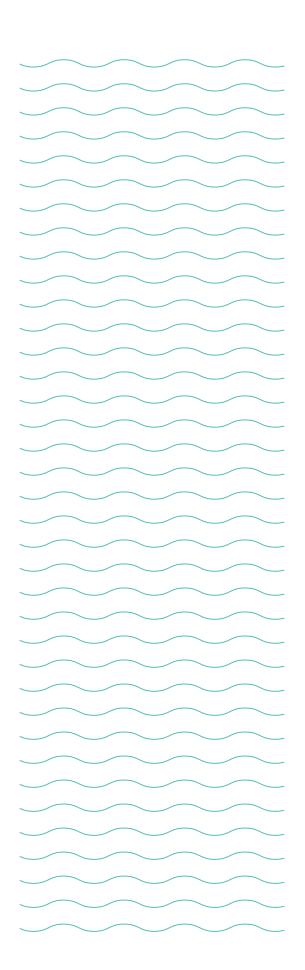
**WATER** 

PROJECT:

COMMUNITY

**OUTREACH** 

CFJ REPORT



#### TABLE OF CONTENTS

Introduction	6
Methodology	8
Research Findings/Results	10
Recommendations	18
Community Members	19
Citizens for Justice (CFJ)	19
Conclusion	24
Appendices	26
Annex A: Consultation and Involuntary Resettlement Process	26
Annex B: Affected Areas Outreached	27
Annex C: Community Outreach Photos	28
Annex D: Infographic – Results of the Community-led Survey	29

#### **ABBREVIATIONS**

**CFJ** 

Citizens for Justice

District Commissioner

**CSO** 

Civil Society Organization

**DPC** 

Dam Project Committee

**ESIA** 

Environmental and Social Impact Assessment

GM

Grievance Mechanism

GO

Grievance Officer

**GPS** 

Global Positioning System

**GVH** 

Group Village Headman

International Accountability Project

**MoAIWD** 

Ministry of Agriculture, Irrigation and Water Development

**PAP** 

Project Affected Person

Resettlement Action Plan

Traditional Authority

Village Heads

World Bank

## INTRODUCTION

The World Bank is considering financing a \$71 million investment in the Lilongwe Water Project in Malawi (the "Project").

THE PROJECT has the stated aim of expanding access to water services in Lilongwe and improving the financial and operational performance of the Lilongwe Water Board. This is a Category A project, which is co-financed by the European Investment Bank, the African Development Bank, the Government of Malawi, in addition to unidentified foreign private commercial sources. Malawi, the poorest country in the world, is predominantly agricultural. Agriculture accounts for estimated values of 37% of GDP and 85% of export revenues. The basic livelihood of a local Malawian in the country (more than 80%) depends on subsistence farming.

6

The Project will support the Lilongwe Water Program, which has several components. We highlight one component that is related to the problems identified in the independent study that was conducted by Citizens for Justice (CFJ), a local non-profit civil society organization. The component will include investments in the Diamphwe Multipurpose Dam on the lower Diampwhe River, a water treatment plant, and a transmission line that will pump water from Diamphwe Dam to the water treatment plant. According to bank documents, the dam and its associated infrastructure is expected to directly affect 6,015 persons from Dedza and Lilongwe districts,

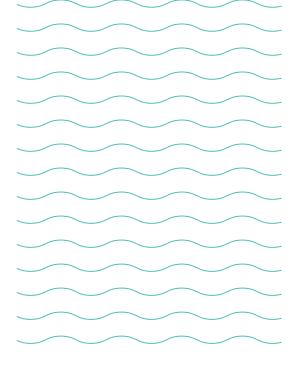
but note that approximately, 30,535 people will be impacted, as they are members of the affected households.

In our recent undertaking to protect social rights of the vulnerable and marginalized groups, CFJ has taken upon its mandate to intervene in the water supply projects of the Government of Malawi.

This survey
therefore
sought to find
out the level
of knowledge
of the affected
communities on
this project.

It also sought to find out the practice that the project proponent used in approaching the communities regarding this project and their rights pertaining to involuntary resettlement.

The survey chose a fraction of the affected communities, which were a representative sample of all the affected communities. This report does not list the specific names of all affected people or those surveyed. Nonetheless, this report provides a list of Traditional Authorities, Village Headmen and Group Village Headmen consulted, and from which the project officers conducted surveys and interviews with the community members. To exchange updated information with the communities, it would be in the best interest of the affected persons to conduct follow up surveys.



## **METHODOLOGY**

In April 2016, CFJ, in partnership with the International Accountability Project (IAP) and with the support of the Coalition for Human Rights in Development,

worked together to provide project information through the Early Warning System to enable communities to meaningfully engage in the project process. This has been done through outreach meetings and a survey in the affected areas of the two districts of Lilongwe and Dedza. During the outreach meetings, we gauged communities' knowledge of the project and learned about their involvement in its development at each stage. About 700 community members from 28 group village head (GVH) areas attended the outreach meetings and raised concerns and questions, while 129 community members were surveyed one-on-one. Once collected, the data was analysed using Survey Monkey. Some other data that the survey questionnaires did not capture and CFJ project officers could not possibly be anticipate was also included in the qualitative data analysis.

Prior to CFJ conducting the community outreach and survey, the team analysed the available draft Environmental and Social Impact Assessment report to get primary information on the project, the affected areas and the affected persons. During preparation of this report, Ministry of Agriculture, Irrigation and Water Development released the draft Resettlement Action Plan

report. The team also analysed this document to finalize their report and complement the report in line with the recommendations made and the concerns of the affected persons.

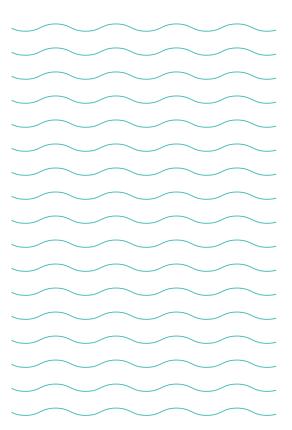
Afterwards, CFJ project officers conducted follow-up phone interviews with a few selected community members and dam project committee (DPC) members.

CFJ project officers conducted this exercise after they had started receiving a string of phone calls and messages with complaints and concerns from community members soon after MoAIWD had produced the draft Resettlement Action Plan report.



## RESEARCH FINDINGS / RESULTS

The results of the survey were analysed and assessed against the following platforms:



Stakeholder consultation done by the project proponent as reported in the project's draft Environmental and Social Impact Assessment report. This was conducted with the purpose of verifying if what was reported in the report was in agreement with the findings of the community outreach and survey conducted by CFJ.

World Bank Environmental and Social Safeguard Policy.

The draft Resettlement Action Plan (RAP) released during preparation of this report

Findings and results of follow-up phone interviews done by CFJ with a few selected community District Project Committee (DPC) members.

The findings of the outreach meetings and survey have raised concerns regarding the lack of access to information for affected communities and civil society, the lack of meaningful consultation in the process thus far, and flaws in resettlement plan design.

## Lack of meaningful Consultation

#### 98%

of the survey respondents indicated that they were never consulted during the planning phase of the project. They were consulted after plans were finalized and were not given an opportunity to give their views because everything had already been decided upon for them.

Traditional leaders (Traditional Authorities, Village, Headmen, Group Village Headmen) were the only group of people who had heard of the project prior to asset evaluation from the meetings they had attended at the District Commissioner's (DC) offices. The findings of the community outreach indicate that the traditional leaders were not consulted, but merely informed of the project since the activities would be conducted in their communities.

#### **76%**

of the survey respondents indicated that they had no information needed to provide informed opinions and ideas about the project plans. They attributed this to lack of knowledge on how to get the information, inability to get project information and to access it from the far places where it is found. The only information the community members had was that given to them by company officials during asset assessment when they had to justify their work. In some areas (e.g. Traditional Authority Chilikumwendo), this was not done altogether as reported by the community members.

#### **55%**

of the survey respondents felt safe to express their opinions while 44% did not feel free to speak their mind. Those who did not feel safe said that they had no option but to accept because they could not change anything. They were not given an opportunity to express what they felt about the Project.

#### 49%

agreed with the project as it was planned, while other respondents felt they could propose changes to the project or have it stopped altogether. To those who disagreed, they felt that the project proponent

had not given them an option for they were told to move from the land and look for another land in the same or surrounding communities with no alternatives provided.

#### **78%**

indicated that if they have a complaint about the Project, they do not know where to file their complaint. Those that indicated that they know where to file their complaints reported that the project proponent told them to give their concerns and queries to Dam Project Committee members who would then relay them back to the project proponent.

The Draft Environmental and Social Impact Assessment Report indicates that the project proponent would establish the Grievance Mechanism "during the early stages of resettlement". This would include allocating a Grievance Officer (GO) who would be responsible for implementation and managing the Grievance Mechanism.

Traditional Authority
Chilikumwendo community
members reported that there was
not a single Committee member

representing their area in any of the established Dam Project Committees. Therefore, they were unable to reach the committee members with their concerns and complaints. A string of messages and phone calls of complaints and concerns received by the CFJ project coordinators from the community members have evidenced this.

Most community members
expressed that they do not have
faith in the Dam Project Committees
established. Even though they are
volunteers, the community members
reported that the committee
members receive benefits from
the project implementers so that
they help to ease their work. Most
community members expressed
that they wished a local CSO had
been present during this process to
represent them and their interests,
and to make sure that their rights
are protected.

# Flawed and Not Participatory Resettlement Plan Design

Community members expressed concern over the process of determining resettlement entitlements because government officials did not declare the size of each parcel and asset measured and the amount that would be awarded for each of the assets. They also feared that they would lose their land if they were not present during the valuation process and therefore some unwillingly participated in the process even though they did not understand the process and the related project activities. One community member stated, "Project developers forced us to declare our land and threatened that the land will not be compensated if one does not take part in the process."

Another community member shared, "A photo of me was taken on the land. The land was measured but I didn't see the recorded value". This was true to all the community members who participated in this survey as they all reported that they did not

see the recorded value of their land, compounds and other assets.

The project proponent prepared verification documents and conducted the process of asset verification while they had not yet finalized the draft Resettlement Action Plan. The verification documents included the assets, their values (size and quantity) and the amount to be compensated and the affected persons were being told to sign off on this, as reported by the Project Affected Persons from the follow-up phone interviews. From the follow-up phone interviews, we highlight the following three concerns raised by the interviewees:

"The value allocated to my assets and land did not provide a breakdown of how much each asset was being compensated for."

This lack of transparency presented them with so many concerns and questions.

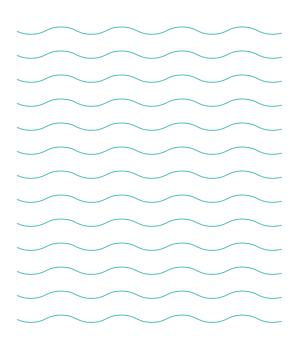
"The value that has been allocated for my land is way less than the market value of land in the area. I am being given MK400, 000 for my 1 acre piece of land whereby I would need to have MK1, 300,000 – MK1, 500,000 to buy the same size of piece of land in the area."

"We are being forced into signing these documents because they said that the government would come and get the land for free if we do not sign."

The community members also reported that the project proponent offered no alternatives or options to monetary compensation for their affected land, homestead and other assets taken by the Project. The project proponent imposed it on them without informing them of their rights pertaining to involuntary resettlement.

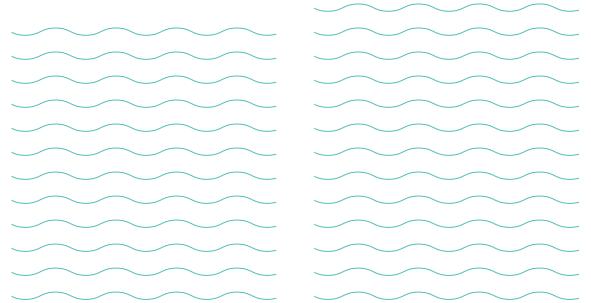
The findings of the survey indicate that the project proponent coerced the community members into choosing cash compensation so that they buy the land themselves, and into relocating into the same or surrounding communities. The community members reported that if someone would choose to relocate somewhere else not closer to the community, the project proponent would tell them not to do so but choose to move into the same area so that they can also be able to benefit from the dam itself. Most community members also reported that there is not enough land in the communities for them to resettle and practice agriculture.

Some community members (e.g. Traditional Authority Kalumbu area) reported that if the project proponent were to implement the Resettlement Action Plan as is designed, then they would be left in a community with one or two other homesteads. These Project Affected Persons expressed fears to be living in a deserted community. Some community members who indicated that they had moved to the area to conduct business also reported this. These businesspersons' basic livelihoods depend on interaction and trade with other community members. Leaving them in a deserted community would mean that they would not be able to conduct the business and be able to sustain their lives anymore. These affected persons opted to be resettled together with the rest of the communities.



The community members reported that the company officials worked in a rush in some areas and did not follow through with the procedure during asset assessment (e.g. Traditional Authority Chilikumwendo). Some community members reported that the company officials would tell them to stop measuring their land before they had finished. Others reported that they were told to take a shortcut going round their land with the portable GPS and not to get to the edge of the land saying they had more places to go and more land to measure and they would know how to make it right on the papers. Some affected persons also reported that the company officials counted trees on their land in groups, e.g. five trees on one area counted as one. Others also reported that the company officials deliberately skipped trees in their land.

Some affected persons reported to have only part of their compound affected (e.g. outdoor kitchen or toilet). The company officials told these Project Affected Persons that they would not be resettled, but would only be compensated for that affected part of the compound. The main concern for them was that they did not have enough land on the compound to build another outdoor kitchen. It also means that other affected persons will have to build their outdoor toilet and bathroom closer to the house, which presents them with sanitation and health problems. Many of the affected persons indicated that they prefer to be resettled altogether for their well-being to have the standards of their lives improved or maintained, and not made worse as this design would.



After the asset evaluation, the company officials did not inform the community members what the next step in the process is and when it will take place. They reported that the project officials told them that when the time comes, they would be given a three-month period to vacate their lands. Most community members report living in mental distress and are not practicing any agricultural activities on their lands in fear of the government coming at any time and taking the land, meaning they will have lost any resources put in the farming. They reported that they prefer to be granted enough period of about 6 months for eviction so that they can be able to prepare themselves for relocation and to harvest the crops on their lands.

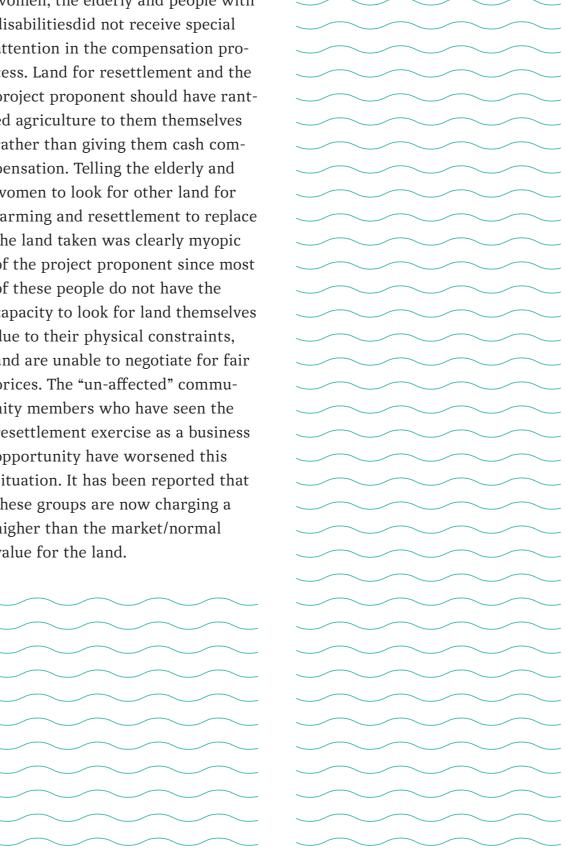
Some community members were not present during asset evaluation and do not know who represented them. Others' names and details were lost in the system and were told that the company officials would revisit them to finish the work. The project proponent has produced the draft Resettlement Action Plan, but they have not done this exercise yet. During the preparation of this report, the project proponent to address these issues was conducting the process of asset verification.

Some farmers (e.g. T.A. Chilikumwendo area) practice commercial irrigation farming in groups/clubs. During asset evaluation, one person from each group would be used for the process and groups would then be told that the compensation funds would be given to the particular person after which they shall share with the rest of the group. Club members groups expressed concern with the system used indicating that the person used might swindle the money from the rest of the group. The Project Affected Persons requested that it would have been better for this exercise to use the whole group after which the project proponent themselves would disburse the funds to individual group members accordingly.

#### 100%

of the survey respondents reported that they have never before been relocated or resettled by any other development project before. This means that no community member had any knowledge or experience in involuntary resettlement process. Keeping in mind that they are ignorant in this area, there was a need to pay attention to the process. Due diligence was supposed to be exercised at all stages of the process with the best interest of the affected communities, which is unlike what the initiative undertaken by CFJ uncovered.

Vulnerable groups, more especially women, the elderly and people with disabilitiesdid not receive special attention in the compensation process. Land for resettlement and the project proponent should have ranted agriculture to them themselves rather than giving them cash compensation. Telling the elderly and women to look for other land for farming and resettlement to replace the land taken was clearly myopic of the project proponent since most of these people do not have the capacity to look for land themselves due to their physical constraints, and are unable to negotiate for fair prices. The "un-affected" community members who have seen the resettlement exercise as a business opportunity have worsened this situation. It has been reported that these groups are now charging a higher than the market/normal value for the land.



## **RECOMMENDATIONS**

The recommendation are divided into two: those made by the community members and those made by Citizens for Justice (CFJ) as an independent body acting to protect the human rights of the community members of the community members.

#### Community Members

The community members urge the responsible bodies to influence and intervene so that World Bank does not approve the project until there is a commitment and clear plan of consultation and resettlement that will allow the meaningful involvement of local affected communities.

This will include:

Ensure a robust and meaningful consultation with the affected communities throughout the project cycle and their concerns addressed in the Resettlement Action Plan.

The affected communities understand and be sure that their compensation sum is equivalent to the value of their assets.

Those that the process skipped or had their names and details lost in the system and whose assets were evaluated will receive the right compensation.



#### Citizens for Justice (CFJ)

Lack of allocation of allowance funds in the RAP for relocation/resettlement.

#### **RECOMMENDATION:**

The Resettlement Action Plan needs to include allowance for relocation/ resettlement of the Project Affected Persons as is required by the bank policy. The funds indicated are for the assets affected and land taken by the project. A relocation allowance would ensure a smooth and peaceful, and therefore a successful relocation by not using the same funds meant for asset compensation.

## Lack of proper grievance mechanisms thus far.

#### **Recommendations:**

There was a need for establishment of a Grievance Mechanism as early as during stakeholder consultation stage of the project. This would ensure facilitation of prompt resolution communities' concerns and queries on the project, and transparency during consultations. During Resettlement Action Plan designing and asset evaluation process, it would also address such issues and any grievance about resettlement and compensation.

Non-disclosure of the recorded value of land, size of compound and other assets to the PAPs during asset evaluation.

#### **Recommendation:**

The Project Affected Persons are not required to sign off on the verification documents at all since they cannot verify something they had not seen before. The project proponent therefore needs to conduct this process - asset assessment and verification — all over again.

The exercise of compensation was supposed to be transparent from the beginning during asset evaluation. First of all, the community members were supposed to be informed of how much money would be allocated for a particular size/unit of land, how much per tree in a field (depending on its specie, size/age, etc.), how much for a particular asset on a homestead, etc. This would be helpful for the Project Affected Persons to do a research of their of their own, if necessary, so that they verify that the values indicated against their assets is the right amount they are supposed to get and enough to get other land. When disclosing the amount allocated for assets of the affected persons, there was also a need for a breakdown of the funds per asset.

Coercing the PAPs into choosing cash compensation and telling them to look for relocation/resettlement land in the same or surrounding communities.

#### Recommendation:

The World Bank involuntary resettlement safeguard policy guidelines says "payment of cash compensation for lost assets may be appropriate where active markets for land, housing, and labour exist, displaced persons use such markets, and there is sufficient supply of land and housing." It is also in the best interest of Project Affected Persons to assess viability of relocating them to a particular area/community and availability of different resources in such areas including schools, hospitals, water, etc. The draft Resettlement Action Plan has not reported this to have been done in the project.

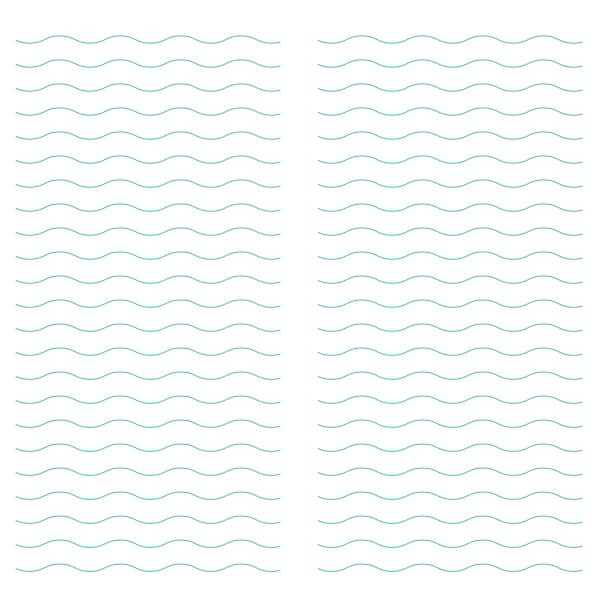
The project proponent prepared verification documents and conducted the process of asset verification while they had not yet finalized the draft RAP.

#### **Recommendation:**

The project proponent had to wait until they had finalized the draft Resettlement Action Plan before they start the process of asset verification. Lack of a breakdown of the compensation values for each of affected asset.

#### **Recommendation:**

The asset verification documents needed to provide a breakdown of the compensation values for each of the asset per Project Affected Person for transparency and for an effective process. CFJ therefore recommends that the project proponent conduct this process again.



## Inefficient compensation money allocated for land taken by the Project.

#### **Recommendation:**

The project proponent needs to provide enough compensation money that will be enough for the Project Affected Persons to get another land in relation to the size and quality of the land as negotiated between the two parties. The other option is for the project proponent to look for and provide the affected persons with other land of not less than equal size and quality.

Regardless whether the project proponent has provided the land for relocation or the Project Affected Persons have found it themselves, costs associated with the preparation of the resettlement site are a substantial part of the overall relocation costs. Resettlement site cost for preparation include costs for preparing or improving the sites to fully replace all lost private and community assets. Site preparation costs for agricultural land can include the provision of irrigation infrastructure, soil enhancement, and access, including roads, bridges, etc. CFJ therefore recommends that the Resettlement Action Plan report reflect these costs.

PAPs were forced and threatened into signing the asset verification documents telling them that the government will take the land without giving them compensation if they do no sign.

#### **Recommendation:**

This is a bad conduct by the project proponent, which is infringing on the human rights of the affected persons. This problem also relates back to lack of provision of information and sensitization on such issues to the Project Affected Persons. Community members were supposed to be told of all the options and what would happen to them should one choose to make, for example, such a choice. CFJ therefore recommends that the project proponent conducts the process all over again from stakeholder consultation through which the Project Affected Persons shall be provided with enough and relevant information at all stages in order for them to independently make informed decisions.

were not present during asset	
evaluation.	
Recommendation:	
CFJ recommends that the project pro-	
ponent conduct this process all over	
again to include provision of informa-	
tion and awareness to these Project	
Affected Persons since they conducted	
this exercise before they had finalized	
the Resettlement Action Plan.	

Some community members

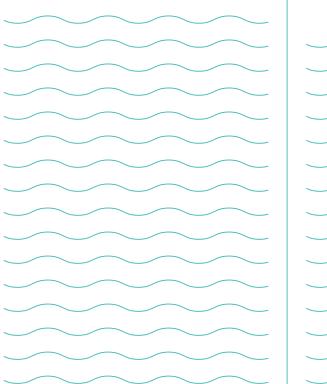
## CONCLUSION

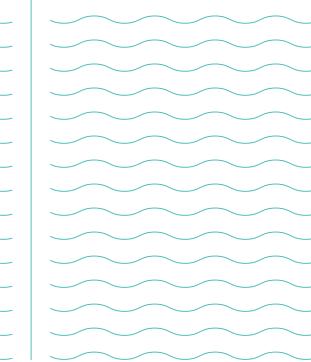
If a project calls for the resettlement of people, a significant commitment to understand a community's needs should be undertaken to avoid involuntary resettlement. It is therefore important to devote the same level of commitment and effort to involuntary resettlement just like it is done to the rest of the project.

This ensures that the affected persons are helped by achieving the improvement of the standards of their lives, or, at least, maintaining it. It also promotes the implementation of the project by making sure that the project is not delayed through, e.g., complaints raised by the affected communities.

The need for achieving a successful involuntary resettlement process is most transparent when one understands the serious repercussions that this process might have which cannot be exclusively measured in economic terms, e.g. the psychological trauma of relocating and the breakdown of established communities.

The prime deduction and conclusion made in this report is that there have been flaws in designing the Resettlement Action Plan - consultation processes, offering of options and alternatives, informing the affected communities of their rights pertaining to involuntary resettlement and provision of relevant and adequate information to the affected communities. What follows then is that the developed Resettlement Action Plan itself if implemented will fail to achieve its intended purpose of improving or maintaining the standards of lives of the Project Affected Persons. This is why the appendices provides recommendation on the process of conducting stakeholder consultation and involuntary resettlement exercise.





## **APPENDICES**

#### Annex A: Consultation and Involuntary Resettlement Process

The most important aspects pertaining to PAPs and involuntary resettlement:

- Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives
- ii Informed about their options and rights pertaining to resettlement
- iii Provided prompt and effective compensation at full replacement cost for losses of assets
  - Provided with residential housing, or housing sites, or, as required,
- iv agricultural sites with a combination of productive potential, locational advantages, and other factors at least equivalent to the advantages of the old site
- v Provided assistance (such as moving allowances) during relocation
- vi Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living
- Provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities

#### Annex B: Affected Areas Outreached

Chadza	Nyamazani Pwitika <sup>3</sup> Mkute Bisayi	Chibweya, Nyamazani, Galang'ande⁴ Mkute
Chadza	Mkute	<del>_</del>
		A A L
	Bisayi	ivikute
	,	Bisayi
Kalumbu ilongwe	Chiphazi	Chiphazi
	Malenya	Mtende
	Mwachilolo	Salimamtanda, Mbonongo Namilaza, Kapiza
	Thondolo	Thondolo
	Khuzi	Khuzi
	Chilembwe	
Mazengera	Chinziri	Kumkana, Chimwenje, Kamakhala, Msonga, Mtsirizika, Mtenthamawa, Msodoka
	Thofa	Thebulo,
Chilikumwendo Dedza	Kuthambala	
	Dulampingo	Njelema, Chibede, Mkoka
		Kamanula
	Kuthambala	Kanyumbu
	Kawelama	Kawelama, Machimaza, Chinkhalamba,
	Chamangwana	
Kaphuka	Chimamba	Mnezo, Chimamba, Kathuvi Mfuti, Mlezo
	Nthanthira 1	Nthanthira 1
	Muothera	Jalikeni
	Mazengera	Kalumbu  Mwachilolo  Thondolo  Khuzi  Chilembwe   Chinziri  Thofa  Kuthambala  Dulampingo  Chilikumwendo  Kawelama  Chamangwana  Chimamba  Kaphuka  Nthanthira 1

<sup>2</sup> These are villages as recorded from the survey respondents:

<sup>1</sup> As recommended by the WB Involuntary Resettlement Sourcebook

<sup>3,4</sup> This was not recorded as an affected area in the draft ESIA report

#### Annex C: Community Outreach Photos



T.A. Chilikumwendo, Khomani Village Outreach Meeting



T.A. Kalumbu, Bisayi Village Outreach Meeting



T.A. Chadza, Nyamazani Village Outreach Meeting



T.A. Kaphuka, Chimamba Village Outreach Meetina

#### Annex D: Infographic – Results of Community-led Survey

## CONSULT COMMUNITIES FIRST!

A DEVELOPMENT PROJECT IS THREATENING THE

HOMES AND LIVELIHOODS 5,100 PEOPLE.

THE WORLD BANK, EUROPEAN INVESTMENT BANK, AFRICAN DEVELOPMENT BANK AND THE GOVERNMENT OF MALAWI.

NEGATIVELY IMPACTING THE RIGHTS OF THOSE AFFECTED.

INCREASED WATER SUPPLY SUPPORT LARGE SCALE IRRIGATION

MALAWI Lilongwe LOSS OF FARM LAND

LOSS OF HOUSING

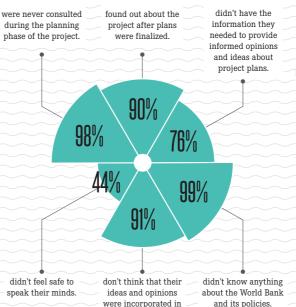
LOSS OF MARKETS, SCHOOLS, GRAVEYARDS

ADVERSE IMPACTS TO THE ENVIRONMENT, NATURAL HABITATS AND WILDLIFE

LOSS OF HERITAGE SITES

COLLATERAL DAMAGE

International Accountability Project and the Citizens for Justice [CFJ] Malawi organized a survey of affected people in 2 districts.



project plans.

REACHING OUT TO THE PEOPLE FIRST

> Communities must be consulted first to make sure that their fears and concerns are addressed."

#### PROVIDE PROJECT INFORMATION FOR MEANINGFUL CONSULTATION

We were told we had no option of denying the project even though people had other views."

#### PROVIDE ALTERNATIVES IN CASE OF DISPLACEMENT

We are being forced to resettle, how can this project be beneficial to us? If they say resettlement is necessary, they should find land and build houses for us."

### WHAT'S NEXT

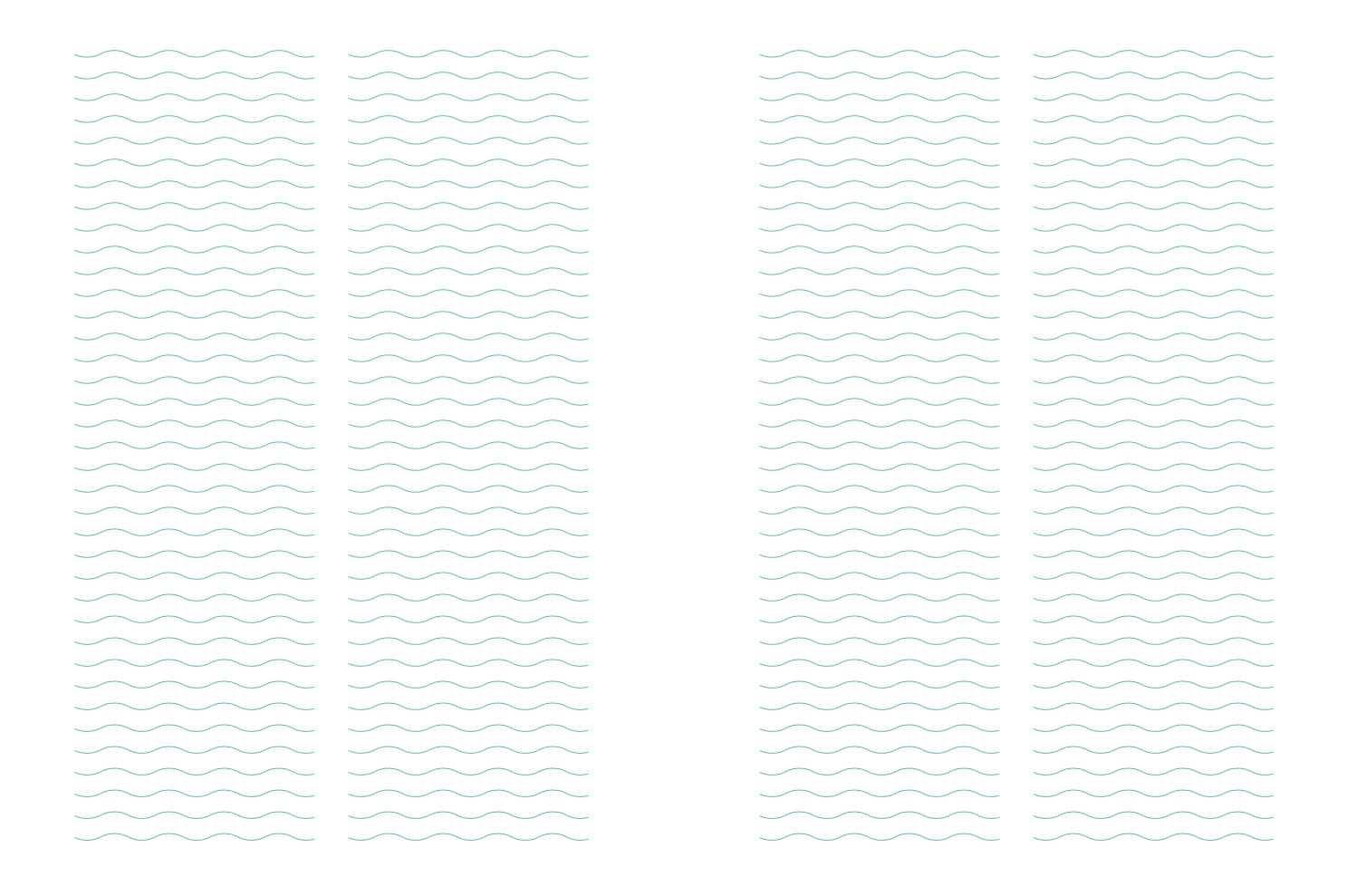
Using the findings of the survey, the communities are informing decision makers about their own development priorities.



INTERNATIONAL
ACCOUNTABILITY PROJECT



The above survey was conducted as part of the Early Warning System, a joint initiative by the International Accountability Project and the Center for International Environ ations that support them, have verified information about projects likely to cause human and environmental rights abuses. Thank you to the Coalition for Human Rights in Development for supporting the survey process.





With the support of:



