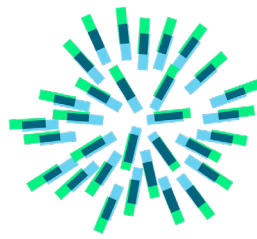


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COMMUNITY-LED RESEARCH REPORT

Mpatamanga Hydropower Project, Malawi



ABOUT THE PROJECT

The [Mpatamanga Hydropower Project](#) (the “Project”) proposes the construction, operation and maintenance of a 350 megawatt hydroelectric power plant and regulating dam on the Shire River, bordering the Blantyre and Neno districts of Malawi. The Project will include a 64 km transmission line which will cross these districts and will connect the Mpatamanga powerhouse to Phombeya Substation and to the national grid. The [World Bank is considering funding](#) a major portion of this project - 350 million USD of the total 1.07 billion USD estimated project cost.

Preparations for the Project are underway. The Government of Malawi (GoM) through the Department of Energy is responsible for the Project preparations. In January 2021, the GoM received a [6 million](#) USD advance from the World Bank for technical assistance activities including: (a) the review of Project feasibility and preparation of baseline solutions with estimated costs; (b) the engagement of dam safety and environmental and social panel of experts; (c) the contracting of services of an engineer, tender agent and other advisers; and (d) the preparation of the Project resettlement action plan.

In addition, the GoM and the International Finance Corporation (IFC) entered into an interim cooperation agreement that enabled the IFC to pursue early-stage development activities before a formal agreement was signed. According to bank documents, the [IFC also provided an investment](#) in the form of: (a) up to 3.5 million USD through its InfraVentures facility and, (b) up to 4 million USD in its capacity as the implementing partner of the Global Infrastructure Facility for the development of the project. As noted on the [bank website](#), the joint development agreement between the IFC and the GoM is expected to bring the Project to bankability and allow the government to seek tenders and select the project developer under a Public Private Partnership.

¹ At the time of writing, the World Bank Project Information Document/Integrated Safeguards Data Sheet (March 2020) provided an amount of 350 million USD, while the bank project website states that the commitment amount will be 300 million USD. Links are also provided in Annex A (attached).

According to the bank, some of the potential positive impacts of the project include increased renewable energy generation at peak hours, flood management, increased employment opportunities and developed economic growth of the country.

The Project has been categorized by the bank as a Category A (high risk) for environmental and social risks. The potential adverse impacts of the project include:

- Environmental impacts over natural and potentially critical habitats, and social impacts on downstream riparian communities;
- Economic and physical displacement of households from the area to be flooded by the project's reservoir; and
- Potential contribution to the cumulative environmental and social impacts and risks from existing and planned cascading hydropower projects, other infrastructure projects (e.g. irrigation, water treatment/potabilization) as well as social pressures/deforestation and climate change-related uncertainties that may impact or aggravate vulnerabilities within the Shire River watershed.

According to [World Bank documents](#), the Project Company, a Special Purpose Vehicle, will likely be jointly owned by the GoM, IFC, and a Strategic Sponsor (a private company) and will be responsible for overall project development. The Project company together with the GoM, where applicable, will have full responsibility for the implementation of all environmental and social plans and measures in all project areas (including reservoir area, access roads, the two dams, the two powerhouses, transmission lines, downstream areas, and all other project components of the two hydropower plants). The Project company will prepare the bidding documents and will hire the contractors for the construction of the power plants, dams, transmission lines and all associated infrastructure for construction of the dam project. The GoM has contracted Mott MacDonald, a United Kingdom-based consultancy company that has locally hired C12 Consultants to undertake the Environmental and Social Impact Assessment studies and resettlement planning.

COMMUNITY-LED RESEARCH METHODOLOGY

Community-led research is a process through which a community relies on its own local knowledge to identify an issue, think deeply about it, and propose solutions. While civil society partners facilitate the process and assist the communities in capturing and analyzing the data collected, the affected communities take the lead in sharing their knowledge and experiences. This participatory research methodology is rooted in the recognition of communities' agency and expertise to lead their vision of development. The testimony provided in the community-led research reflects the lived experiences of communities affected by development projects.

² Additional information about our approach to community-led research can be found and the survey template, which forms the basis of the questions used by communities in the research, is available in Annex A.

Given the objectives of community-led research, it bears emphasis that the scope of this report and its primary focus is to convey the experiences, understanding and knowledge of affected communities with the project, shared through their perspectives and testimonies. While official report documents for the project share information on, among others, community engagement activities conducted, this report provides information that can inform the quality of those activities, the effectiveness of the community engagement activities, where there are gaps, and recommendations for addressing community concerns.

In October 2020, the [Center for Human Rights and Rehabilitation](#) (CHRR) with the support of the [International Accountability Project](#) (IAP) facilitated a community-led research process with the communities affected by the Mpatamanga Hydropower Project. Affected communities resided in Chaswanthaka and Chikira villages in Blantyre district and Kambalame village in Neno district.

The community-led research team worked with community members to co-design and administer a survey assessing communities' knowledge of and experience in the Mpatamanga Hydropower Project process, including consultation and access to information, their concerns as to how this Project will affect their lives, and their recommendations for mitigating any environmental and social harms. Specifically, 123 community members participated in one-on-one surveys. In addition, more than 300 people participated in the community meetings in all the three project affected villages of Chaswanthaka, Chikira and Kambalame. The meetings and one-on-one surveys included people of all social groups, including the youth, women, the elderly, group village headmen (GVHs) and village headmen (VHs), with 47% of survey respondents identifying as male and 53% as female. 15% of the survey respondents were of the 11-25 age group, 52% were of the 26-45 age group and 33% were of 46-85 age group.

In addition, on October 21, 2020, CHRR and IAP held a meeting with Blantyre District Council's (DC) office to understand the activities that the Council had undertaken on the Project in their engagement with the affected communities. CHRR also requested meetings with Neno DC's office and with the Ministry of Energy as the project preparation agency. However, Neno DC's office replied that they were unavailable for a meeting while the Department of Energy did not respond. In April 2021, CHRR and IAP had a meeting with C12 Consultancy as part of their Stakeholder Engagement Process.

In December 2020, the first draft community-led research report was shared with the GoM and the World Bank. The draft report was not shared with the IFC until February 2021 due to challenges in finding contact information of the IFC's project team. In May 2021, CHRR and IAP had a meeting with the GoM team, the IFC and the World Bank after numerous attempts to get in touch with the project stakeholders. The draft report was discussed during the meeting ahead of sharing with the stakeholders the final draft of the report. In June 2021, the final draft of the community-led research report was shared with the GoM, the IFC and the World Bank. The stakeholders provided a written joint response to the final draft of the report in August 2021.

Finally, in March 2021, CHRR conducted meetings in all the three project affected villages of Chaswanthaka, Chikira and Kambalame to validate the findings of the research and to get updates on project activities done in the communities since the initial community-led research in October 2020. The findings shared in this community-led research report are therefore up to date as of March 2021.

COMMUNITY-LED RESEARCH FINDINGS

During the community meetings, affected communities expressed that they are not opposed to the project. In fact, affected communities are in support of the idea of a hydropower project to increase power generation in the country. However, they have concerns and grievances that they wish to communicate with relevant stakeholders to ensure that the Mpatamanga Hydro-power Project does not violate their rights, but rather improves them.

At the time of the community-led research in October 2020, the GoM had contracted a consulting company to conduct the environmental and social impact assessments (ESIA) and resettlement action plan (RAP). Community engagement on the ESIA and RAP studies reportedly started in September 2020, according to the affected communities, and it was mentioned to them that they would end in February 2021. However, in a recent joint response dated August 2021 from the GoM, the IFC and the World Bank, it was reported that the stakeholder engagement as part of the current ESIA is “far from being completed,” though additional details of the status and estimated completion timeline was not shared.

These studies follow prior ESIA studies that were done in 2015, culminating in a report that was published in 2018. According to [World Bank](#) documents, these were preliminary environmental and social impact assessments, and the GoM, with the support of IFC, will be responsible for completing all final assessments, plans and safeguards instruments prior to appraisal. Affected communities reported that they did not clearly understand if the recent ESIA studies were meant to replace the initial studies, or complement them.

Project-affected communities can be grouped into two depending on their engagement with the project - Chaswanthaka and Kambalame villages in one group and Chikira on the other. Changes in the project design has led to these two groups of villages to have different engagements with the project. The initial project design was to construct one dam. ESIA studies were done in 2015 in Chaswanthaka and Kambalame villages for the initial project design. Since then, the project design has changed to include the construction of a regulating dam - to avoid and minimize impacts of a peaking hydropower plant through the mimic of the river’s natural flow -, which expanded the project impact area to include Chikira village. Therefore, Chaswanthaka and Kambalame villages have had some level of engagement and have some basic information about the Project, while Chikira village has not been engaged before and their first engagement with the Project was around September 2020 through the ongoing ESIA studies.

DISCUSSION OF FINDINGS

Highlighted below are the findings of the community-led research.

1. THE AFFECTED COMMUNITIES WERE NOT MEANINGFULLY CONSULTED ON PROJECT DESIGN AND PLANS

As discussed below, the meetings with the affected communities revealed that the Project has been designed without their meaningful input, and they are yet to be consulted about proposed plans and activities. Community members noted that they had learned about the Project through the ESIA studies, while others heard rumors that a hydropower dam would be constructed in their villages.

"We learned about the project during the ongoing impact assessment study," shared one survey respondent, while another respondent shared, "I heard about this project through rumors which have been circulating in our village."

Meaningful consultation can ensure that the Project actually better the lives of those they impact. Lack of community consultation has robbed affected communities of the opportunity to realize their development priorities and to co-design the Project in a way that would avoid causing harm. In fact, communities are already contending with profound changes to their lives and environments as illustrated by the recent collapse of a bridge connecting Blantyre and Neno districts as a result of the Cyclone Idai in early 2019. According to information shared by the affected communities, plans of reconstructing the bridge were allegedly stopped by the project implementers because the bridge would apparently be within the planned Project area. Project implementers are yet to share their plans for reconnecting the two areas and they have failed to conduct consultations on the same. Affected communities have had to use makeshift boats to cross the dangerous Shire River, which has already resulted in two deaths by drowning as of the time of the research.

"Before the coming in of the project plans, floods eroded the bridge and the government brought equipment to reconstruct the bridge, but the dam project has stopped the construction," one survey respondent shared.

Consultation processes on the Project design and plans should provide the affected communities with the opportunity to negotiate the benefits that they would receive from the Project. One of the most important resources for the affected communities is the Shire River which they depend on for their livelihoods, including for irrigation, fish farming and grazing animals. The affected communities have expressed interest to benefit from the dam through, among other things, irrigation of their farmlands.

2. THE AFFECTED COMMUNITIES HAVE NOT BEEN PROVIDED WITH ADEQUATE AND TIMELY PROJECT INFORMATION

Affected communities have the right to know and understand how the Project will change their lives and livelihoods – be it for better or worse - so that they can meaningfully contribute alternatives and solutions to mitigate or avoid potential adverse impacts. Sharing this information early in the project cycle, preferably before any of the related project activities begin, will ensure their meaningful participation.

According to the community-led research, 70% of the survey respondents mentioned that they did not have sufficient information about the project to make informed decisions, and 92% of respondents stated that they do not know where to get information about the project.

"The government has not held any meeting in my community to give us any information about the project," one survey respondent shared.

Despite preparations for the project and community engagement activities starting as far back as 2015, community members report that the Department of Energy, as the project preparation agency, has never held community meetings to share project information. They report that the initial ESIA studies were done without sharing project information, and that the same is true for the ongoing ESIA studies. They further noted that they could not clearly understand and meaningfully participate in the different study exercises that occurred due to lack of information.

"The project implementation agency lacks transparency since we are denied important information," stated one survey respondent.

One of the many challenges that the communities have been facing is the lack of understanding of the different activities the project involves, and of the plans for community engagement. In a few instances, it was reported that consultants invited a select few or groups of people to attend meetings held locally within their respective villages. However, those attendees often did not understand what the meetings were about and their purpose. The meetings themselves are very consequential to the lives of community members, including those dealing with livelihood restoration and resettlement. In fact, many of those who attended could not articulate the exact purpose of the meetings. This only became clear after the research team began asking questions about the content of the discussions. Conducting community activities without adequate information exchange has deprived affected communities of the opportunity to meaningfully participate in the project processes.



Part of a group of a community meeting in Kambalame Village, Neno.

Additionally, affected communities reported that minimal information regarding the perceived adverse impacts of the project had been shared with them. Consultants often focused on sharing the perceived positive impacts of the project despite this information being available in the initial ESIA report.

"I have so many questions about the project and its impact on our community. I ask the government to hold community meetings so that we can discuss these issues together," shared one survey respondent, while another stated, "I would like to receive sufficient information about the project more especially on how it will affect us."

According to the survey results, 92% of the survey respondents reported that they do not know who is funding the project, 73% reported that they do not know who is implementing the project, and 93% reported that they do not know the contact information for the institutions involved in the project. In sum, affected communities who participated in the research reported missing vital information including, but not limited to:

- Affected community's rights and entitlements in relation to the Project;
- The design of the Project;
- The legislation that governs the expropriation of their land;
- The resettlement process, from planning to compensation, what activities will be conducted and a clear timeline;
- The Project affected area;
- The names of organizations/institutions involved in the Project, their roles and their contact information;
- How and where affected communities can access Project information;
- Information on how consultation processes should be conducted, as required by the laws of Malawi and the policies of the development banks involved;
- The complaint processes of the organizations/institutions involved in the Project; and
- The likely adverse impacts of the Project identified in the preliminary E&S impact assessment.

Brochures

Community members reported that between December 2020 and January 2021 they were given brochures (Annex B) that explained the broad framework of the resettlement process. Even though the brochures were written in the local language, there were many inconsistencies between the information contained in the brochure and what was shared in-person. The distribution of the brochures has failed to facilitate meaningful information sharing on the resettlement planning process. Community members believe that it would have been more meaningful if the implementing agency or the ESIA consultant had conducted community meetings to explain the entire resettlement process and provided an opportunity to ask questions.

Specifically, community members reported that:

- The brochures were handed out to individual affected persons during an exercise to determine the value of their lands and assets. However, communities report that there were no meetings held prior to handing out the brochures to explain their content and to give opportunity for the affected persons to ask questions.
- Some community members reported that they could not read. They were subsequently told that they should ask their friends, neighbors or their children to read the brochures to them.
- Between December 2020 and January 2021, meetings to explain the resettlement planning process were held by the ESIA consulting company in Chaswanthaka and Chikira villages only. No meeting was held in Kambalame village. Every affected person from Kambalame village received a brochure, but only 12 people from Chaswanthaka village received them.
- For those that were able to read the brochures, many noted that they did not quite understand the content. They reported having many questions regarding the brochures and the resettlement process.

Ambiguities on Resettlement Activities

During the initial ESIA studies, two communities of Chaswanthaka and Kambalame were not provided with information, as discussed in detail above, including information on the timeline of Project activities. Between 2015 and 2016, their farmlands and houses were measured in preparation for displacement. They were told no new infrastructure could be added to their lands and homes because they would be compensated only for what had already been evaluated. As a result, communities have not proceeded with any construction or development on their land, fearing they would lose the structures and not be compensated. They have also failed to freely cultivate crops on their farmlands fearing the same, while others have abandoned their farmlands altogether in anticipation of being resettled.

"I would like for the implementing agency to come clear and give us the right information because we were told about 5 years ago that we should not make permanent structures but up to now nothing has commenced and we are not farming like we used to," shared one survey respondent.



Building materials that were brought in next to the destroyed bridge for the reconstruction of the bridge now rusting away.

The [project website](#) contains information, updated in January 2021, stating that, “[a]ll displaced people are encouraged to continue with their livelihood activities until there are formal agreements in place.” However, the same information was not provided to affected communities. Communities alluded to suffering mental distress due to their lack of understanding on the resettlement processes, Project activities and the timeline. According to the GoM, this information was finally shared with the affected communities in August 2020, five years after they had started facing the adverse impacts of the project planning.

3. THE AFFECTED COMMUNITIES DO NOT HAVE ACCESS TO EFFECTIVE GRIEVANCE REDRESS MECHANISMS

Although the Project is still in the preparatory stages, it has already started to cause adverse impacts to the affected communities. The problems are largely rooted in the poor consultation and community access to project information.

Apart from the Project making it difficult for the community to proceed with the construction of the destroyed bridge, the communities of Chaswanthaka and Kambalame have reported that over the past five years, they have been suffering socioeconomic and mental distress caused by the Project due to their involvement in the initial E&S studies. The survey found that 80% of the survey respondents reported experiencing more stress or worry than before the Project was announced.

Access to redress mechanisms would ensure that these and other adverse impacts that the communities are facing get addressed. Affected communities report that they were told that if they had complaints, they could lodge them at the national courts. However, they reported that they were discouraged from doing so by the land surveyors, who told them that they could not possibly win the court case and they would end up losing their money and time. This goes against the laws of Malawi and the policies of the IFC and World Bank regarding affected communities’ access to remedy in development projects.

In addition, this may also go against the spirit of the [World Bank](#) and IFC commitments against reprisals or intimidation. As noted by the World Bank, “[a]ny form of intimidation against people who comment on Bank projects, research, activities and their impact, goes against our core values of respecting the people we work for and acting with utmost integrity.”

³ The Office of the Compliance Advisor/Ombudsman, Advisory Note: A Guide to Designing and Implementing Grievance Mechanisms for Development Projects, June 2008, pages 2-3 (discussing good practice markers for an effective grievance mechanism). This resource is available in Annex A.

Likewise, the [IFC](#) commits to the following:

"Civil society organizations (CSOs) and project-impacted stakeholders must be able to provide feedback, voice opposition, and raise concerns with our clients and with IFC when necessary to ensure that environmental and social impacts in IFC-financed projects are avoided, minimized or mitigated and that the project achieves its intended development impact. . . IFC does not tolerate any action by an IFC client that amounts to retaliation - including threats, intimidation, harassment, or violence - against those who voice their opinion regarding the activities of IFC or our clients."

The affected communities should be provided with a project-level grievance redress mechanism and information on the independent accountability mechanisms of the IFC and the World Bank.

The ESIA consultant noted that the company has established a grievance mechanism on the resettlement planning process. Those identified as being at risk for displacement were given a phone number to call and lodge complaints. However, this complaint mechanism is not accessible since not all the affected persons have access to a phone. Even for those who do, they do not have the money to make calls. A more meaningful and accessible complaints mechanism would have to be put in place taking into consideration input of the community on what would be more accessible for their local context. One example would be to establish committees that can collect the complaints and liaise with the consultant to address them.

Moreover, affected communities and beneficiaries of the project-level grievance mechanisms should be provided meaningful opportunities to inform the design of the project-level grievance mechanism as part of a robust participatory consultation process so as to ensure that the mechanism is culturally appropriate, sensitive and accessible to diverse members of the community, including to those who may face additional barriers to access. Barriers to access may include a lack of awareness of the mechanism, literacy, language, costs, physical location and fear of reprisals. The Office of the Compliance Advisor/Ombudsman advisory note, *A Guide to Designing and Implementing Grievance Mechanisms for Development Projects*, found that involving the community in the design of the grievance mechanism to identify key factors was one core marker of an effective, credible grievance mechanism.

4. THE AFFECTED COMMUNITIES WERE POORLY SENSITIZED ON, AND THERE ARE IRREGULARITIES WITH, THE RESETTLEMENT PLANNING PROCESS

The affected communities have reported a number of issues in regards to the resettlement planning process.

- "Sensitization meetings" on resettlement are crucial to the informed participation of affected communities in the planning process. However, sensitization meetings organized by the ESIA consultant were held in Chaswanthaka and Chikira villages only, while Kambalame village was left out. Moreover, only a few people were invited to attend the meetings - 12 people for Chaswanthaka village while no exact number was given for Chikira village. Community members believe that such sensitization meetings are important for them to understand the process so that they can meaningfully participate in the process. They recommend such sensitization meetings should be held with their entire village, where everyone is present and can ask questions.

- Communities reported that on the days land measurement (asset valuation) activities were conducted, the exercises would begin with abrupt visits by the Ministry of Lands, Department of Energy and C12 personnel. They were told to go to their fields so that the officers could measure their land. Since most of the affected persons were not sensitized on the processes, they were unable to fully engage with the process.
- Community members reported feeling that the land measuring process itself was conducted in a non-transparent manner. They were told their lands would be measured using a GPS device and that later, the evaluators would come to their villages again to present the land size that was recorded. Community members did not understand the unit used to measure their land, how the GPS device would produce the correct measurement and how they could participate in verifying this metric in case of human or computer error. Some affected persons asked the asset valuers what number the GPS had produced but were berated for asking such questions. Information from C12 indicates that it would not be possible to know the size of the land on the spot after measuring the land since the GPS device recordings would have to be computed first. This points to the poor sensitization on the land resettlement planning process because the affected persons were unable to understand and follow the process.
- It was reported that some affected persons' lands were not measured properly. It is alleged that, in some cases during land measurement, the GPS device would abruptly shut down. Instead of starting over and using a different GPS device, the land valuers reportedly noted down the available recordings on their forms and told community members that the measurements would be completed back at their offices. Those who experienced this technical issue now worry that the error occurred deliberately, to minimize the amount they would receive in compensation. This lack of transparency breaks trust between affected communities and project implementers and will likely lead to more problems if not mitigated.



The destroyed bridge whose reconstruction was halted by the Mpatamanga Dam Project.

- It was reported that the communities were informed that they would receive “extra compensation” on top of their normal compensation. It was not explained to them what exactly this extra compensation was and how the amount would be calculated. This was clarified by the GoM through the joint response to be a disturbance allowance. Our experience supporting communities displaced by projects has shown that misunderstandings such as the promise of “extra compensation” can lead to a break in the trust between affected communities and project implementers, and therefore this needs to be clarified with the affected communities.
- The affected persons from Kambalame village reported that one of their graveyards is within the Project affected area and have not been consulted regarding the displacement of the graveyard. Graveyards have high emotional value and resettling them without the consultation and participation of the affected community could cause great emotional distress and trauma. According to the GoM in their response to the draft report, the resettlement of graveyards will be managed by the Department of Museums and Monuments during their cultural heritage assessment which began in early 2021. The Department will be consulting the communities in the affected area regarding displacement of the graveyards within the month of August 2021.

RECOMMENDATIONS

The community-led research has identified that meaningful community engagement in the planning of the Mpatamanga Hydropower Project has been lacking. Meaningful community engagement means that the communities have enough information to contribute informed views and receive feedback on the views they provide, and also have access to functional accountability mechanisms to report concerns or problems. Lack of community access to information underpins most of the issues, concerns and grievances reported by affected communities. Access to information is a human right. Article 19 of the United Nations Universal Declaration of Human Rights includes the right “to seek, receive and impart information and ideas.” This statement encompasses the right to access information held by public bodies, including international financial institutions. The project affected communities have a right to know what is being planned in order to make informed decisions about their futures.

We recommend the Government of Malawi, the IFC and the World Bank prioritize community participation in the project processes through proactive disclosure. As required by the World Bank’s ESS10 (Stakeholder Engagement and Information Disclosure), information should be disclosed in the local languages of the affected communities and in a manner that is accessible and culturally appropriate, taking into account any specific needs of groups that may be differentially or disproportionately affected by the project or groups of the population with specific information needs

Below are recommendations to the Government of Malawi, the IFC and the World Bank to address the different issues discussed in this community-led research report.

Recommendations to the Government of Malawi

- The Government of Malawi, as the project developer, should consult with the affected communities on the project design and plans. Affected communities still do not have access to

the project design. They are asking the GoM to consult with them on the design and plans to ensure the project will deliver benefits. Given the complex nature of environmental and social impacts that the project will have on the surrounding communities, including climate change-related uncertainties that may impact or aggravate environmental and social vulnerabilities of the Shire River watershed, it is imperative that the project consults with the affected communities on the project design.

- The GoM should organize consultations with the affected communities to discuss how they will benefit from the dam and continue to benefit from the Shire River. Affected communities want to see their own development priorities realized - including the reconstruction of a damaged bridge which had been apparently halted by the project.
- The Department of Energy, as the project preparation agency, should hold community meetings to share project information. This information should include, but not be limited to as highlighted above. The Department of Energy and Blantyre and Neno DCs are recommended to refrain from sharing project information with the affected communities through their local leaders since experience has shown that this method does not facilitate meaningful sharing of information with the affected communities on the ground. Sharing of project information should be done directly with all the affected persons. The Department of Energy should also ensure that their ESIA consultant meaningfully shares information with the affected communities through sensitization of all affected villages and involving all affected persons - and not to a select few as it has been done. The resettlement information should be shared through community meetings with all affected persons present, and ensure that the affected communities have the opportunity to ask questions. The information should be shared with the project affected communities in a format and language that is more accessible to their local context.
- The Department of Energy, as the project preparation agency, with the utmost urgency, should consult the community on creating a project-level grievance redress mechanism for the affected communities to lodge their complaints. The grievance redress mechanism should ensure that the adverse impacts that the communities have been facing since 2015 are addressed. Further, the Department of Energy should ensure that their ESIA consultant provides a meaningful grievance redress mechanism for the resettlement planning process since a phone number is not accessible for most of the affected persons.
- The Department of Energy should facilitate a resettlement process that will ensure meaningful community participation. A myriad of irregularities that have been shared by affected communities in regards to resettlement planning should be addressed.

⁴ The Office of the Compliance Advisor/Ombudsman, Advisory Note: A Guide to Designing and Implementing Grievance Mechanisms for Development Projects provides good practice markers for an effective grievance mechanism. This resource is available in Annex A.

- In measuring the size of land, the unit of measuring the land should be understandable in the local context - one that affected communities already use or are familiar with. The surveyed community members mentioned that they measure land in acres. We urge the Ministry of Lands to refrain from using any other unit of measurement, like hectares, which would be difficult for them to understand even if the conversion methods were explained to them.
- All options in relation to compensation - land-for-land or cash compensation - should be shared with affected communities. This should include how those who choose cash compensation would like to receive their compensation. While receiving compensation through the bank would be better for the affected persons, the process should ensure sufficient consultations.
- The Ministry of Lands should sensitize the affected persons on the laws that govern expropriation, what that entails in relation to their rights and responsibilities, the resettlement planning process - what the process follows from identification of the land through asset valuation to compensation - and all other relevant information that will ensure their informed participation.
- The Department of Energy should include in its project plans training of the displaced people on financial literacy and management. Our experience supporting communities being displaced to pave way for development projects has shown that affected persons often fail to manage their compensation and as such fail to replace their land at full value.
- The Government of Malawi should conduct a gender-based violence (GBV) assessment and have a GBV Action Plan in place to be applied for both at the project site and the surrounding communities. This should be done before project implementation starts. This is because the chances of gender-based violence occurrences are high when project implementation starts due to the influx of workers into the surrounding communities.

Recommendations to the International Finance Corporation

- The IFC should ensure that the Government of Malawi consults with the affected communities on the project design and plans to ensure that the project does not hinder their right to development - through the reconstruction of the bridge that has allegedly been stopped by the Mpatamanga Hydropower Project - and to provide the opportunity for the affected communities to negotiate their benefits. Consultation of affected communities on the project design and plans and benefit negotiations set out in IFC's Performance Standard 1 (Assessment and Management of Environmental and Social Risks and Impacts) which requires "consultation with local communities on matters that directly affect them." It states that "[f]or projects with potentially significant adverse impacts on Affected Communities, the client will conduct an Informed Consultation and Participation (ICP) process... and will result in the Affected Communities' informed participation. ICP involves a more in-depth exchange of views and information... such as the proposed mitigation measures, the sharing of development benefits and opportunities, and implementation issues."
- The IFC should ensure that the Government of Malawi provides the affected communities with project information to inform their participation in the project process. This should include the information that is required by Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts to be disclosed by the client, which include (i) the purpose, nature, and scale of the project; (ii) the duration of proposed project activities; (iii) any risks to and potential impacts on such communities and relevant mitigation

measures; (iv) the envisaged stakeholder engagement process; and (v) the grievance mechanism. Moreover, the IFC should ensure that the GoM discloses information as asked by the affected communities. Priority should also be given to ensure communities understand the information pertaining to the resettlement process as called for by IFC's PS5 (Land Acquisition and Involuntary Resettlement), which calls for ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected. The information should be shared with the project affected communities in a format and language that is more accessible to their local context.

- The IFC should ensure that the Government of Malawi, with the utmost urgency, creates grievance redress mechanisms for the affected communities to lodge their complaints. The IFC requires as part of the Performance Standards, that clients put in place meaningful stakeholder engagement and operational level grievance mechanisms, so that stakeholders have effective channels to share their concerns without fear of retaliation. Since the affected communities have already started facing adverse impacts, the IFC should ensure that the GoM puts in place the project-level grievance redress mechanism, with the meaningful input of affected communities - the ultimate beneficiaries of the grievance mechanism. In addition, the IFC should make plans for the affected communities to receive information about the Compliance Advisor/Ombudsman, its independent accountability mechanism.
- The IFC should ensure that the Government of Malawi facilitates a resettlement process that is transparent, ensures the participation of the affected persons, and provides adequate compensation for any economic and physical displacement. IFC's Performance Standard 5 (Land Acquisition and Involuntary Resettlement) requires that "compensation standards be transparent and applied consistently to all communities and persons affected by the displacement."
- The IFC should ensure that the Government of Malawi conducts a gender-based violence (GBV) assessment and have a GBV Action Plan in place to be applied for both at the project site and the surrounding communities. This should be done before project implementation starts. This is because the risk of gender-based violence occurrences may increase when project implementation starts due to the influx of workers in the project surrounding communities.

Recommendations to the World Bank

- The World Bank should ensure that the community's concerns are addressed, or at least action plans for addressing them are in place before deciding financing for the project.
- Since the project affected communities have not been consulted on the project design, the World Bank should ensure that the Government of Malawi, as their client, consults with the affected communities on the project design and plans. This will ensure that the project does not hinder their right to development - through the reconstruction of the bridge that has allegedly been stopped by the Mpatamanga Hydropower Project - and to provide the opportunity for the affected communities to negotiate their benefits from the project.
- The World Bank's Environmental and Social Framework (ESF) provides the mechanism for the project to work with affected communities throughout the life cycle of the project. ESS10 (Stakeholder Engagement and Information Disclosure) requires the GoM to meaningfully consult with the project affected communities, commencing such consultations early in the project planning process to gather initial views on the project proposal and inform project design. ESS10 further states that such consultations should be "...based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant

local language(s) and is understandable to stakeholders.” Moreover, ESS10 states that “such consultation should be free of external manipulation, interference, coercion, discrimination, and intimidation” and should be “documented and disclosed by the Borrower.”

- The World Bank should ensure that the Government of Malawi, as their client, provides affected communities with project information to inform their participation in the project process. Project information disclosure is required by the World Bank through the Environmental and Social Standards - the Bank will require the Borrower to provide sufficient information about the potential risks and impacts of the project for the Borrower’s consultations with its stakeholders. Such information will be disclosed in a timely manner, in an accessible place, and in a form and language understandable to project-affected parties.
- Further, ESS10 states that the proposed stakeholder engagement process should be disclosed as early as possible before the Bank proceeds to project appraisal, and in a time-frame that enables meaningful consultations with stakeholders on project design.
- Since the project affected communities do not have access to grievance redress mechanisms, the World Bank should ensure that the project affected communities have information on all possible avenues for remedy and redress. ESS10 requires the borrower to disclose information about the process and means by which grievances can be raised and will be addressed. To that end, the World Bank should ensure that the GoM discloses information about the Bank’s independent accountability mechanism.
- In addition, the World Bank should ensure that the GoM establishes a project-level grievance redress mechanism. ESS10 (Stakeholder Engagement and Information Disclosure) states that “the Borrower will propose and implement a grievance mechanism to receive and facilitate resolution of such concerns and grievances.” ESS1 (Assessment and Management of Environmental and Social Risks and Impacts) also states that “[t]he Borrower will ensure that a grievance mechanism for the project is in place... as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion.” The project-level grievance mechanism should be designed with the beneficiaries - the affected communities. In addition, the World Bank should disseminate information about its independent accountability mechanism.
- The World Bank should ensure that the affected communities are meaningfully consulted and provided with project information for the resettlement planning process to inform their decision-making and participation in the project processes. One of the objectives of ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement is “[t]o ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.” ESS5 in part states that “[d]isclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs... and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.”
- The World Bank should ensure that the Government of Malawi conducts a gender-based violence (GBV) assessment and have a GBV Action Plan in place to be applied for both at the project site and the surrounding communities. This should be done before project implementation starts. This is because the chances of gender-based violence occurrences are high when project implementation starts due to the influx of workers in the project surrounding communities.

ANNEX A: ADDITIONAL SOURCES

The Office of the Compliance Advisor/Ombudsman, Advisory Note: A Guide to Designing and Implementing Grievance Mechanisms for Development Projects

→ <http://www.cao-ombudsman.org/howwework/advisor/documents/implemgrieveng.pdf>

International Accountability Project, Community Action Guide on Community-Led Research

→ <https://accountabilityproject.org/wp-content/uploads/2018/11/IAP-Comm-Act-Guide-web.pdf>

International Accountability Project, Survey Template

→ <https://accountabilityproject.org/wp-content/uploads/2018/11/IAP-Comm-Act-Survey-web.pdf>

International Finance Corporation project webpage for InfraV-Mpatamanga Hydro

→ <https://disclosures.ifc.org/project-detail/SIVP/40830/infrav-mpatamanga-hydro>

World Bank project webpage for Mpatamanga Hydropower Project

<https://projects.worldbank.org/en/projects-operations/project-detail/P165704?lang=en>



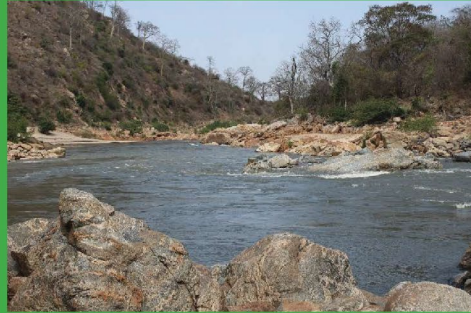
A project affected home in Chaswanthaka Village, Blantyre marked for relocation where the family has not been able to cover the house with iron sheets in fear of losing them to the project with no compensation.

ANNEX B: MPATAMANGA HYDROPOWER PROJECT RESETTLEMENT PLANNING BROCHURE

<https://www.mpathydro.com/esia>



Mpatamanga Hydropower project



The Project is expected to largely contribute to Malawi's electricity generation capacity. The primary components of the Project are:

- Main dam with 309MW power station (6 turbines), spillway, reservoir (approximately 22km in length that will flood an area of 19km²), and switchyard facilities
- 64km long 400kV transmission line connecting the substation at the main dam to the existing Phombeya substation
- Regulating dam (RD), located 6km downstream from the main dam with 41MW power station, reservoir (app. 6.6km in length with an area of 1.1km²), and switchyard
- 7.3km long 132kV transmission line connecting the RD substation to the existing 132kV transmission line between Kapichira and Tedzani

Who is leading the project development?

- The Government of Malawi (GoM) through the Ministry of Energy is co-developing the project with the International Finance Corporation. The World Bank is interested in supporting this public private partnership.
- The resettlement planning is being led by the GoM with support from C12 Consultants and Mott MacDonald and is being financed through the project development budget
- The strategic sponsor to be responsible for developing, building, and operating the project is still to be appointed.

This resettlement brochure for potentially displaced people will:

- Summarise the project
- Identify who and how people will be affected by displacement
- Explain the guidelines and resettlement process, including the schedule
- Introduce the losses that will be compensated
- Provide a project contact for raising concerns



The Shire River

Mpatamanga Hydropower Resettlement Brochure,
January 2021, Page 1 of 4

Who and how will people be impacted?

Some people who live near, or own land plots along, the Shire River in the districts of Blantyre and Neno, specifically people living in the traditional authorities (TAs) of Kunthembwe, Mlauli, and Symon.

Some people will be affected by economic and/or physical displacement depending on where they live and what their livelihoods are.

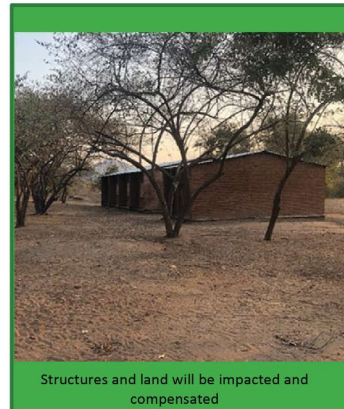
The project is committed to providing displaced people with fair compensation.

Economic displacement

- People who will lose livelihood resources or have limited access to their land, crops, trees or livestock because of the project
- People who will lose or are unable to continue their income generating activities because of the project's land acquisition

Physical displacement

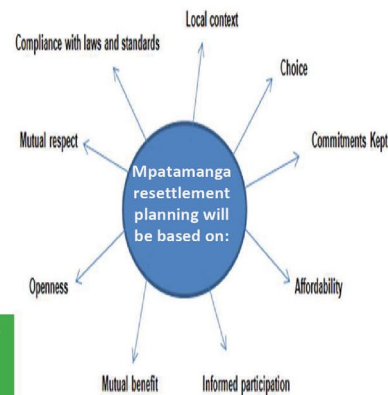
- People whose houses or place of business will be in the reservoir inundation area
- People who will no longer be able to live in their houses and will need to be relocated because of the project



What legislation and policies will be followed?

The resettlement impacts will be managed according to the laws of Malawi and the World Bank Group's environmental and social requirements. The resettlement process will ensure that housing, livelihoods and standards of living for all people who are relocated are improved or at least restored to pre-project levels. Additional support will be provided to people who are identified as vulnerable. All resettlement related losses, such as land and structures, will be compensated at full replacement cost (see definition below). In-kind options such as land for land and house for house will be identified.

Full replacement cost refers to the amount of money needed for a similar item to replace the loss in its existing condition, including market value and transaction costs without depreciation. In-kind compensation refers to provision of land, goods or services of equivalent quality and value agreed upon with the recipient.



Mpatamanga Hydropower Resettlement Brochure, January 2021, Page 2 of 4

How does the resettlement planning process work?

The key activities of a resettlement planning process will be undertaken with engagement and consultation to include:



The resettlement planning process will be conducted in a transparent and participatory manner. There will be extensive site and household surveying, and group and individual consultations. Displaced people will be provided information and options. The GoM will be responsible for agreeing the entitlement packages, and ensuring the delivery of compensation, either in payment or in-kind.

What is the timeline foreseen?

The main resettlement plan is expected to be completed in the first quarter of 2021. Implementation of the plan will then be the responsibility of the GoM and the strategic sponsor (yet to be appointed). Construction activities in resettlement affected areas cannot start before resettlement agreements have been completed and compensation payments or in-kind options made or delivered. The resettlement plan will establish a 'cut off date' to guide the eligibility of displaced people to entitlements. The cut off date will be advertised in the local area. Together, compensation and assistance form the entitlement package that eligible people can receive. We need community members to inform newcomers to the resettlement affected areas after the cut-off date that they will not be considered eligible for entitlements.

What will be compensated?



Loss of land and loss of access to land because of the Project



Loss of shelter, houses and commercial buildings



Loss of crops, trees, livestock and other livelihood impacts

What will determine compensation?

Whether a portion or the entire land is affected and whether the loss is temporary or permanent

The property and land rights and uses that exists. Customary rights will be recognised so people without legal documents or titles will be compensated if they have been living in the affected area for many years

The rental or leasing agreements people hold for land or residence

What the conditions of the land or structures are, what is on the land and whether changes were made to the land to improve it

Who negotiates resettlement packages?

The GoM will determine and negotiate the resettlement packages after the number of displaced households and their conditions and assets are established. The project is fully committed to compensating and assisting all displaced people. People's situation will either be restored or improved to pre-project levels. An entitlement matrix of compensation and resettlement assistance options will be discussed with displaced people to understand their preferences.

How do people register a concern about the resettlement process?

We are here to help. To raise queries or voice concerns about the resettlement process, please contact us. Contact C12 Consultants or speak to a village representative who will pass the issue to C12 Consultants. C12 Consultants are responsible for undertaking the resettlement fieldwork to be used for drafting the resettlement plan. The implementation of the resettlement plan will become the responsibility of the GoM.

What will the project do to restore livelihoods?

The project will provide support and training to assist resettlement affected people so they can retain or improve their livelihoods. Options and preferences will be discussed with those impacted. For instance, finance literacy training, skill development training, or alternative livelihood training may be considered. It may take time to re-establish former livelihoods or begin new ones. The project will also provide priority employment to resettlement affected women and men if they have the required skills. Measures will be identified for especially vulnerable affected individuals or households.

The project's grievance mechanism will aim to acknowledge comments within 7 days and complete any complaint investigations within 30 days. Responses may be in oral or written form. When the project cannot address the concerns to the adequate satisfaction of the complainant, local resettlement committees or land tribunals will be used.

Contact us:

About the resettlement fieldwork:
C12 Consultants
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Email: admin@ctwelve.org
Website: <https://www.ctwelve.org>

Other issues - Project Proponent:
Department of Energy Affairs
P/o Bag 309, Lilongwe, Malawi
Telephone: +265 1 770 688
Website:
<https://www.mpathydro.com>