



**ASSESSMENT OF POLICY IMPLEMENTATION OF RELOCATION PROGRAMMES: A
CASE OF NACALA RAILWAY PROJECT**

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EXECUTIVE SUMMARY

The study was aimed at assessing the implementation of the relocation policy of the Nacala Railway project. The study focused on Mwanza and Neno, as much of the railway work has been completed in these areas and due to time constraints only limited places could be visited. Additionally, a report was done of three households that were affected by the Project.

The findings of the study broadly fall in the following categories, institutional framework, legal framework and socio – economic impact.

- The institutions that were involved in this project are Vale Logistics Limited, Ministry of Transport and Public Works, Ministry of Land, District Commissioner (DC) officers, Chiefs and Villagers who owned land that was affected by the project.
- The Legislative framework was basically governed by the Republic of Malawi Constitution, Railway Act, Land Act, Land Acquisition Act and National Land Policy of 2002. However, it was found that these statutes are archaic thus not offering sufficient protection to people affected by developmental projects (PAPs). Further, the government of Malawi does not have a specific relocation and compensation framework, thus every project adapts its own specific relocation and compensation framework.
- The overview of the process of relocation and compensation was found to be in phases. First there was assessment of potential impacts of the project, this was followed by identifying eligible PAPs for relocation and compensation using a particular set criteria, then valuation of the land was conducted using researched current market values of land and the gazetted prices of trees and plants. The valuation was conducted by officers from Ministry of Land, DCs, Vale Logistics, Chiefs and owners of the land. When the value of the land was determined, negotiations and where need be renegotiations were conducted. When a value was agreed, the PAPs were instructed to collect their compensation money from the office of the DC and were given close to two months within which to relocate.
- The socio – economic impacts were diverse and varied amongst the PAPs. Most PAPs compensated and relocated were those who dropped out of school. Further, most PAPs were women as Mwanza and Neno are matrilineal districts by culture.

- The main source of income, before the Nacala project, of the PAPs was found to be farming, with a few involved in business and a handful involved in piece work. It is also worth noting that most of the land affected by the project was farm land and not much was residential property. After the compensation and relocation process most PAPs continued with the trend. However, the PAPs who lost farming land did not purchase more land thus their farming continues on a smaller scale than before. Further, they did not use the money to enhance their agricultural methods or inputs. The challenge faced by the PAPs in purchasing more land is that land prices rose as it was conceived that there was a steady cash flow due to the compensation, by those who had not been compensated. This perception also led to the increase in the cost of living as prices of essential commodities were adjusted upwards. For instance, it was found in Mwanza that a bunch of green vegetables which costed K20 before went up to K50 soon after the compensation and relocation process.
- Another pertinent issue observed was the time that was set for relocation. The time for relocation was basically two months. According to most PAPs, this was not sufficient time within which to harvest crops, scout for alternative land to purchase and be able to conveniently relocate.
- The role of chiefs in the whole process was mostly to be witnesses of the processes and also to certify owners of land. The chiefs were tasked with observing the demarcation of boundaries, valuation of the land, negotiations and renegotiations of the value of the land. A majority of the PAPs expressed dissatisfaction with regard to the performance of the chiefs in their designated roles. For instance, some PAPs stated that they were threatened to accept the value of compensation by their chiefs even if they were convinced that the value was on the lower side. Additionally, some chiefs were demanding for money from the compensation as a token of appreciation. However, according to the Ministry of Lands, the chiefs were not supposed to ask for a token of appreciation from their subjects, more especially with the fact that they were given a duty allowance by Vale Logistics Limited.
- The access to compensation money by the PAPs was seemingly smooth, with most PAPs in Mwanza having received their compensation money. Nonetheless, some PAPs stated that they

had struggled to receive and access their compensation money, with others complaining that the money they received was inadequate. It was noted that despite payment of the compensation money being delayed, the PAPs were not allowed to use their land as they awaited for their compensation money. Thus their livelihood was adversely affected.

- Family disputes thrived as a result of the compensation and relocation process. Some of the land affected was land of which siblings had inherited from their parents or guardians. Thus there were times when only the person who had possession of the land was the one identified to receive the compensation, without considering that the compensation should be shared amongst the family members. Community disputes also characterized the compensation and relocation process, with some PAPs recalling of how some members of their communities ridiculed them and even selling commodities to them at high prices.
- It was found that most PAPs used their compensation money to build houses, buy building materials, goats, radios, bicycles, maize, clothes, cattle, fertilizer and renovating old houses. Other used the money for consumables such as food and beer.
- Access to amenities such as hospitals, schools and water sources has been severely affected by the project.

Recommendations

From the above findings, the following are some of the recommendations that ought to be implemented

- a. Law review and reform
- b. Training and strategic public awareness campaigns
- c. Accountability and transparency
- d. Livelihood restoration
- e. Use of reason and not force to solicit acceptance of compensation by PAPS
- f. Provision of alternative means of accessing social amenities
- g. Provision of diverse forms of compensation
- h. Monitoring and evaluation of the compensation and relocation process

ABBREVIATIONS AND ACRONYMS

CEPA – Centre for Environmental Policy and Advocacy

CBRLDP - Community Based Rural Land Development Project

CSOs – Civil Society Organisations

DC - District Commissioners

GVH - Group Village Headman

PAPs – Project Affected Persons

RMC – Republic of Malawi Constitution

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ASSESSMENT OF POLICY IMPLEMENTATION OF RELOCATION PROGRAMMES: A CASE OF NACALA RAILWAY PROJECT

1 Introduction

In November 2010, Vale Logistics Limited (Vale) approached the government of Malawi through the Ministry of Transport and Public Infrastructure with a proposal to construct a railway line from Moatize coal mine through Malawi to the port of Nacala as part of the logistical solution for the export of about 18 million tonnes of coal annually.¹ According to reports the benefits of the Nacala railway project were projected to be many; amongst which were employment opportunities, business activities, projection of reduction of Malawi's transportation cost by 40 percent and an expectation that Malawi would receive approximately 5.8 billion Malawi Kwacha in taxes and concession fees annually. The concession contract was signed in December 2011 for US\$1.1 billion² and the agreement is to build 136 kilometres of new railway line and repair an existing 99 kilometres of old railway.³ The railway passes along Chapananga in Chikhwawa, Ntchache and Kanduku in Mwanza, Simon and Mlauli in Neno and Nsamala in Balaka.⁴ As of November 2013, 56 percent of the work had been concluded with most of the completed work in the Mwanza – Neno part of the project.⁵ The project is set to be completed in 2014.⁶

As any infrastructure development project, the main impacts of the Nacala railway project were obviously land take, resettlement and compensation.⁷ This is because the railway line passes through a number of settlements, agricultural land, forest areas and places of cultural interest such as graveyards and government and organisation institutions.⁸ Relocation programmes are accompanied by what displacement specialists call the resettlement effect, defined as the loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity and mutual

¹ Lungu V (2011) *Malawi Government and Vale Logistics Agreement* <http://www.tntnews.co.za/readmore.asp?tID=1312012191239> (accessed 4 June 2014 at 2pm).

² Mtumodzi C *Railway to revolutionize* <http://www.mbc.mw/index.php/business2/item/913-railway-to-revolutionize-economy> (accessed on 4 June 2014 at 12.30pm).

³ *Mining company Vale starts building section of railway in Malawi* <http://www.macauhub.com.mo/en/2012/12/07/mining-company-vale-mocambique-starts-building-section-of-railway-in-malawi/> (accessed 3 June 2014).

⁴ *Vale to prioritise Malawi rail project* (March 2013) <http://www.malawitoday.com> (accessed 5 June 2014).

⁵ As note 2 above.

⁶ As note 4 above.

⁷ African Development Bank Group, 2013 *Environmental and social impact assessment and resettlement action plan summary – Nacala Road Corridor Project Phase IV Project (Nsipe – Liwonde – Mangochi Road Section)*.

⁸ As above

help mechanisms.⁹ In a related scenario, Paul Kishindo writing on the resettlement program for the Community Based Rural Land Development Project (CBRLDP) alluded to the fact that resettlement must be seen as a process that involves complex interaction between the aspirations of poor households, specific policy decisions of the project, perceived probability of being accepted back and being reintegrated in the home village, and the ability to manage the challenges thrown up by an alien social and physical environment.¹⁰ Hence it becomes very essential for companies to adhere to the policy on relocation programmes.

As such the study aims to assess the policy implementation of the relocation programmes with regards to the Nacala railway project, with a particular focus of Mwanza and Neno.

2 Background of the study

Centre for Environmental Policy and Advocacy with funding from Tilitonse is implementing a 3 year project titled ‘Civil Society Engagement in Environmental Policy Processes.’ The Project commenced in October 2012 and is expected to phase out in September, 2015. The Project’s goal is to ensure that Environmental governance in Malawi is more inclusive and accountable. The main purpose of the project is that Civil Society Organisations (CSOs) should be able to influence national environmental policy formulation and implementation. To achieve this goal, the project has four major outputs, namely: a. enhanced knowledge in advocacy including policy formulation, implementation and monitoring among CSOs; b. enhanced capacity of civil society to utilize generated evidence in influencing, environmental policy; c. increased level of CSO consultation by policy makers in policy formulation, implementation and monitoring; and d. improved efforts by CSOs towards environmental budget monitoring. As part of the environmental budget monitoring initiative, CEPA worked with other CSOs to understand budget allocations for environmental monitoring functions of the Environmental Affairs Department. It was found out during the exercise that communities residing in areas where development projects are taking place are not well compensated, with others having been denied their compensations. Thus, CEPA initiated this assessment of the policy implementation of relocation with a specific focus of the Nacala railway project.

⁹ Downing, T, 2002 *Avoiding New Poverty: Mining-Induced Displacement and Resettlement. Mining, Minerals and Sustainable Development* No58.

¹⁰Kishindo P, 2001 *Resettlement: The Experience of Relocated Households in Malawi's Community Based Rural Land Development Project (CBRLDP)* Centre for Social Research Working Paper Series Number 1, 11.

3 Objectives of the study

3.1 General objectives

The principal objective of this study was to assess the policy implementation of the relocation programmes, specifically under the Nacala railway project. The specific aims of the study were to:

- i. Conduct an in depth analysis on the relocation program of affected communities of the Nacala railway project.
- ii. Identify gaps between the policy and practice on relocation.
- iii. Documentation of at least three households that have suffered losses as a result of poor implementation of relocation programs associated with the Nacala railway project.
- iv. Provide necessary recommendations to decision makers to inform future policy implementation of relocation programmes related to infrastructural development projects.

3.2 Specific objectives

The specific objectives of the review were to:

- i. Assess relevance and effectiveness of the policy through an analysis of the policy outcomes;
- ii. Analyze the relocation program of the affected communities along the railway line;
- iii. Assess the underlying social and economic processes that have either facilitated or impeded the achievement of the expected policy results
- iv. Assess the level to which the key elements of the relocation policy were being applied in the relocation program implementation
- v. Establish whether the key interventions and strategies are sustainable, and based on recommendation planning on policy afterwards

4 Methodology

The study adopted both qualitative and quantitative research design in undertaking the assessment of policy implementation of relocation programs within the Nacala railway project (Malawi), in order to deeply understand stakeholders' and beneficiaries' perspectives.

4.1 Desk research

The first component consisted of a desk review of primary and secondary sources of literature on the subject. This entailed examining the current legal systems and key policies relating to railway line, environmental management, relocation and compensation. It also involved investigating the standard national legal reform processes or practices in the comparable jurisdiction. The desk review relied on various sources of literature, namely; policy and legislative documents, books, papers and scholarly materials from the internet.

4.2 Primary data collection and consultations with stakeholders

4.2.1 Setting and sampling procedure

The study population comprised of two traditional authorities, one in each of the two districts of Mwanza and Neno. Additionally, a government official from the Southern Region Land Office was also consulted. In total, nine villages were covered in the study. Among the subjects, 48 were the villagers, six local chiefs and five were government officials, thus in total the study had a sample of 59 subjects. Purposeful and snow-ball sampling techniques were used to select households from these districts. Social inclusion and non-discriminatory approaches were specifically used to select women to be involved in this study. Eligible participants were all community members who were compensated or were supposed to be compensated in the selected areas, traditional leaders, and District Council officers and government officials.

4.2.2 Data collection

4.2.2.1 Qualitative data collection

Qualitative data from the sampled subjects was collected using in-depth interviews, observation and focus group discussions. In-depth Interviews was used to achieve a holistic understanding of the villagers' point of view or situation. The in depth interview method was equally applied to gather information from the official from the Southern region Lands department. Observation was also employed when interacting with the communities. Lastly, focus group discussions were also used to collect data from chiefs and the community in general. These qualitative methods were employed to assess the level of stakeholders' and the beneficiaries' participation and involvement in implementing relocation program.

4.2.2.2 Quantitative data collection

Quantitative data was also collected from the participants. This included bio and demographic data from the concerned parties especially the villagers. Semi-structured interviews were used to collect this type of data. Semi-structured interview is the one which aims to have the best of both worlds; parts of the interview are structured, with a set of questions directed in sequence to the respondent. In semi-structured interview, questions are standardized, and probes may be provided to ensure that the researcher covers the correct material. Semi-structured interviews are often used when the researcher wants to delve deeply into a topic and to understand thoroughly the answers provided. This data collection method has been adopted because of its flexibility of controlling the subjects when collecting data.

4.2.3 Ethical consideration

All researchers involved in the study were fully briefed on privacy issues, data protection and confidentiality. Access to raw data was restricted to the Consultants and study team. Computers storing data were password protected. At the time of interview transcription, all information that identified respondents was anonymous or removed. No identifying information is appearing in reports, publications, presentations, or any other output format unless those that prior consent has been provided.

4.2.4 Data management and analysis

Quantitative data was entered and cleaned in Microsoft Excel package but the analysis was done using Statistical Package for Social Scientists (SPSS). This analysis included descriptive analysis to test the relationship between different variables. Thematic analysis was used to analyse qualitative data together with review of relevant documents. Emerging themes and relationships between themes have been documented.

5 Limitations of the study

The study focused on Mwanza and Neno only despite the problems being prevalent in Balaka as well. The reason being that the time and scope of the study was limited. However, the recommendations made are equally applicable to the situation in Balaka. Further, as a result of the authorising formalities

that are followed to access information from Vale (a major stakeholders of this study), which takes several days, sufficient information from the company was not received at the time of drafting the report. The same authorising procedure was found to be followed at the Southern Region Lands office; the procedure requires the sending of a formal request for information to the Commissioner of Lands at the Ministry of Lands in Lilongwe and then the approval is sent to the Regional Commissioner of Lands to identify a specific official in a particular Department of Lands to respond. Nonetheless, an official from the Southern Region Land office provided the needed information on an anonymous basis.

6 Salient relocation and compensation features of the concession agreement

The Concession Agreement between the Malawi Government and Vale Logistics Limited highlights the broad issues with regard to the resettlement and compensation plan envisaged under the agreement.¹¹ The pertinent terms are as follows:

- a. The government acknowledges that the Concessionaire wishes to secure all necessary land rights to each project site required by the implementation of the projects and commits if the Concessionaire confirms that a project site that may be required for the purposes of the project is on private and or customary land, the government shall be responsible for negotiation with third party landowners, customary authorities or occupiers regarding use rights relation to such land and securing the land rights in respect of each project site required by the Concessionaire for it to undertake its obligations and enjoy the rights under this Agreement; provided that the Concessionaire shall be entitled to obtain its own professional advice on the valuation and pricing of the land and each project site (Clause 11.1.2).¹²
- b. The government shall be responsible for the development and/or relocation of third party land owners, customary authorities or occupiers of each project site required for purposes of the project in accordance with the resettlement and compensation plan to be approved by government (Clause 11.1.3).¹³

¹¹ Malawi Railway Corridor Agreement between the Republic of Malawi and Vale Logistics Limited, 2011 (Concession Agreement) 25.

¹² Concession Agreement (n 11 above) 44 – 45.

¹³ Concession Agreement (n 11 above) 45

- c. Clause 11.1.4 provides that the government shall be required to designate and provide alternative land that may be required as a consequence of displacement or relocation.¹⁴
- d. The implementation of the resettlement and compensation plan will be coordinated by the government in consultation with the concessionaire and a concessionaire will solely responsible for the compensation in relation to such plan during the construction phase.¹⁵
- e. The Concessionaire shall compensate the relevant third party landowners, customary authorities or occupiers reasonable compensation for each project site that may be required for the purposes of the project in accordance with the resettlement and compensation plan. The government shall co – operate with the Concessionaire in verifying that third party landowners, customary authorities or occupiers with claims to land are in fact the rightful landowners, customary authorities or occupiers (Clause 11.1.7).¹⁶

7 Findings of the study

7.1 Institutional framework of the relocation and compensation program

Infrastructure development programs are overseen and implemented by diverse institutions. The key institutions administering the Nacala Railway Project are Ministry of Public Transport and Infrastructure, Vale Logistics Limited, Ministry of Lands, District Commissioners, Mota Engil¹⁷, Traditional Authorities, Chiefs, group village headmen who worked with the Project affected persons (PAPs) and the affected communities themselves.

Each stakeholder had a role to play to ensure that the relocation and compensation process was beneficial and in the best interest of the PAPs.

¹⁴ As above.

¹⁵ As above. The Concession Agreement that was accessed showed that one of the annexes was to it was a resettlement and compensation plan, however this was not made available to the consultant by Vale.

¹⁶ Concession Agreement (n 11 above) 46 -47.

¹⁷ The company contracted to build the railway.

7.2 Legal framework

The legal framework provides for acquisition of land for public purposes such as railway construction.¹⁸ The land tenure in Malawi is in three categories: i) Public land which refers to land occupied, used or acquired by Government; ii) Private land which refers to land owned, held or occupied under a freehold or leasehold title, or certificate of claim or which is registered as private land under the Registered Land Act, Chapter 58:01 of the Laws of Malawi; iii) Customary land which refers to all land held or occupied or used under customary law. This system of land tenure has the traditional concept of considering land in villages as belonging to the community with the Chief as the custodian.¹⁹ The Government of Malawi has no legislation that relates directly to resettlement and relocation, but has an ad hoc resettlement policy for helping in emergencies.²⁰ The closest that comes to a framework for resettlement is the National Land Policy (2002). In terms of the Malawian legal framework, a number of pieces of legislation have a bearing upon the relocation process as set out below.

7.2.1 Republic of Malawi Constitution (RMC)

The 1994 Constitution is the supreme law of Malawi. Particularly relevant to the issue of relocation is Section 28 (2) on property rights which provides that: *"No person shall be arbitrarily deprived of property"*.

According to section 44 (3) of the RMC, expropriation of property shall be permissible only when done for public utility and only when there has been adequate notification and appropriate compensation, provided that there shall always be a right to appeal to a court of law.

7.2.2 Land Act, Chapter 57:01 and the Land Acquisition Act Chapter 58:04 of the Laws of Malawi

The Land Act, 1965 deals with issues of ownership, land transfer, use of land and compensation. Part V of the Act provides for customary land. Sections 27 and 28 provide for the acquisition of customary

¹⁸ Railway Act, Chapter 69:03 of the Laws of Malawi.

¹⁹ African Development Bank Group (n 7 above).

²⁰ Malawi Energy Sector Support Project (RP1090) *Draft resettlement policy framework (RPF)* 8.

land for public purpose and payment of reasonable compensation to individuals for loss, damage or disturbance.

The Land Acquisition Act, 1971 provides guide on the procedures for acquisition for land of customary land and freehold land. Some vital provisions are on the power to acquire land (section 3), the requirement for a preliminary investigations (section 4), notice of intention to acquire (section 5), notice to yield up, and power to take possession (section 6), service of notices (7), acquisition of portion of house or other building (section 8), compensation (section 9), assessment of fair compensation (section 10) and effect of payment of compensation (section 11).

7.2.3 Railway Act, Chapter 69:03 Laws of Malawi

The Railway Act, 1907 regulates the construction, control, management and operation of railways in Malawi and any matters incidental thereto. Of relevance is Part I of the Act on Construction and Works. Sections 9 and 10 which provide for buying of land on agreement and compensation to be made for land taken or injuriously affected in any railway construction and works in accordance with the Land Acquisition Act.

7.2.4 National Land Policy of 2002

The National Land Policy, 2002 recognises Government's duty to protect the free enjoyment of legally acquired property rights in land and for that reason a landholder is entitled to fair and adequate compensation where the Government acquires the owners property for public use.

7.3 An overview of the relocation and compensation process – Ministry of Lands²¹

7.3.1 Identification of potential impacts

The envisaged potential impacts were identified, which included identifying people and institutions whose land would be utilised for the railway line. In this way, the Project Affected Persons (PAPs) were determined, what they will lose such as houses, structures, fences, cross trees, farms and cultivatable land.

²¹ The overview is from the in depth interview that was conducted with an official from the Ministry of Lands (Southern Region) on 9 June 2014 in Blantyre.

7.3.2 Eligibility to relocation and compensation²²

Following the identification of the potential impacts, there was a process to determine the PAPs who will be relocated and eligible to compensation. Some of the issues considered included:

- Persons losing land with or without legal title
- Persons losing temporary or permanent access or rights to services
- Persons losing business or residential property
- Persons with homes, farmland, structures or other assets within the proposed project area
- Persons whose source of livelihood and income sources will be affected by the project
- Members of the household who cannot reside together because of cultural rules, but depend on one another for their livelihood that is being lost
- Impact on members of the household who may not eat together but provide housekeeping and reproductive services, critical to the family's maintenance; and
- Persons that incur losses whether partial or total and whether they have their own land or rent land, including those that rent or occupy buildings individually or as a group for business or as households.

7.3.3 Valuation and compensation for losses

Having identified the land that would be affected by the project, a detailed research was then conducted to find out the current market value of the land for specific property and assets. With regards to the value of trees and plants, the gazetted values as approved by Parliament were utilised to determine how much a person was entitled to as compensation.²³ This was followed by an assessment to find out the condition and type of materials on a particular property, counting the number of trees on a number of land, measurement of the land (hectarage). The assessment was done with officials from Vale Logistics Limited, officers from the District Commissioners in Neno and Mwanza, Chiefs, owners of property and an official from Ministry of Lands.

After the assessment, a calculation of the value of the property was done, this was presented to the owner of the property and negotiations were conducted; where the owner was agreeable with the

²² The eligibility criteria for relocation and compensation is similar in most development projects, and this was also used in the Nacala Road Corridor Project Phase IV Project (Nsipe – Liwonde – Mangochi Road Section).

²³ Forestry Act, Chapter 63:01 of the Laws of Malawi, Forestry (Amendment) Rules 2010.

amount of compensation they are entitled to, then the officials of Vale, DC, Ministry of Lands and the owner signed an agreement and the Chief signed as a witness. In instances where the owner of property was not satisfied with the amount presented after negotiations, room was supposed to be available for renegotiating.

In instances where the owner refused the compensation stating that the amount was on the lower side, the basis of the refusal was supposed to be analysed and where it was valid, acted upon. For instance, there were situations where the number of trees on an enormous piece of land would just be estimated, when the owner disputed that the number of trees is more than that estimated, another exercise was conducted where each tree was physically counted and the actual value provided. Thus, in such a scenario, where it was found that the estimated number of trees was less than the actual, the amount of the compensation was adjusted accordingly.

After negotiations and renegotiations were concluded, the owners of the property were informed to collect their compensation from the DCs office in their districts. Then they were given about two months within which to relocate.

There was a cut - off date set for the relocation and compensation process. This was to ensure that new habitants coming to the project affected area after the date would not be considered for compensation; to minimize speculation and false claims for compensation. Following the establishment of the cut-off date, no new PAPs and no new assets built after the cut-off date would be added to the inventory, with the exception of assets missed during the initial inventory. Information on the cut-off date was widely disseminated, both within the area affected and in the surrounding areas.

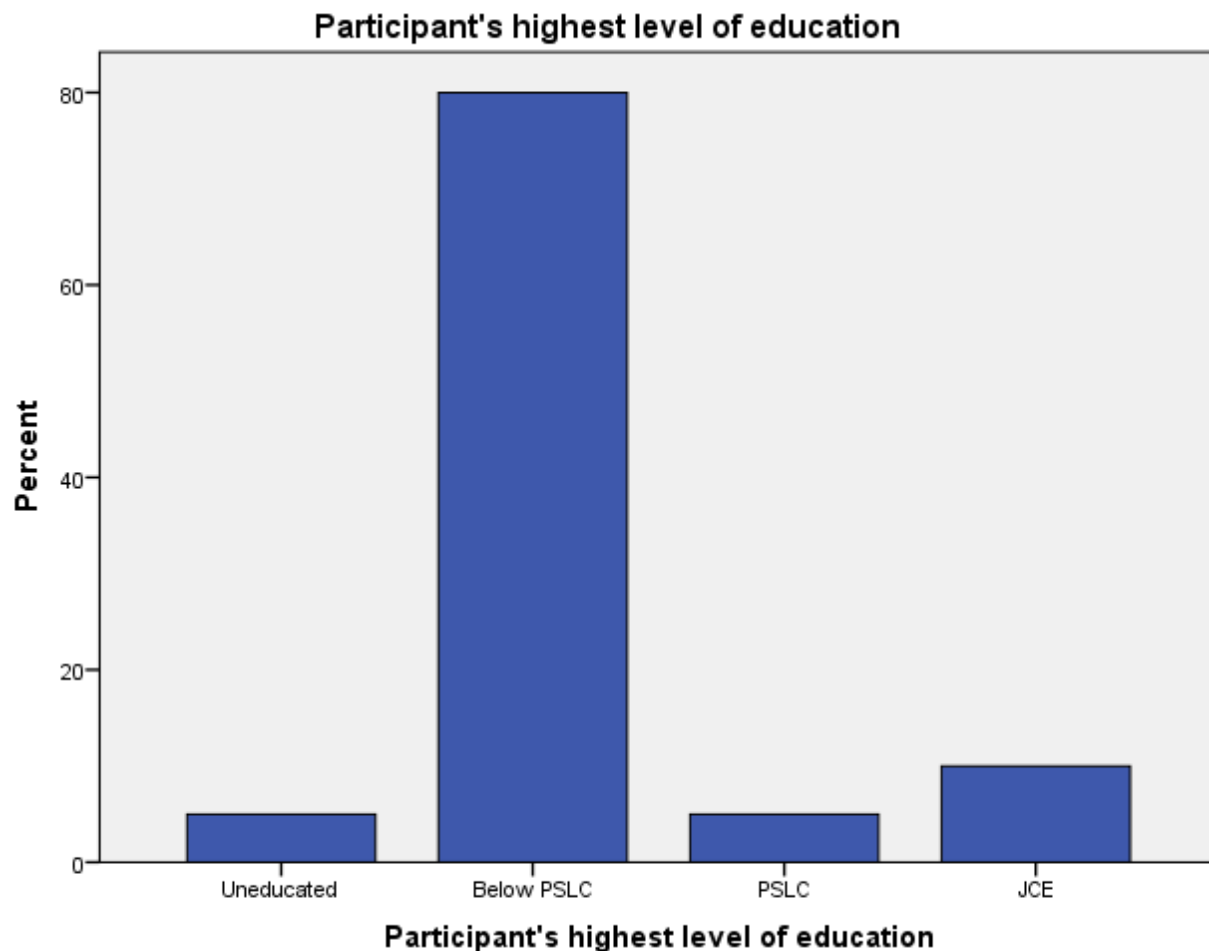
Some challenges that were met included several individuals coming to claim that they owned the land of which someone had already been compensated for. To resolve such disputes, it was usually set that since the whole process involved Chiefs, who witnessed the whole process and even identified and verified the owners of the property, it was regarded that the right owner had been compensated in such a situation. The only recourse that the other person had was to claim from the one who had received the compensation.

7.4 Socio – economic impact

7.4.1 Demographics of PAPs relocated and compensated – Education and gender

The study covered one traditional authority in each district of Mwanza and Neno, and it was found that most of the people that were relocated and compensated were educated below the Primary School Leaving Certificate (PSLC). Thus, most of the PAPs were school drop outs, with 80% of the respondents having education below PSLC, 5% uneducated, 5% with Primary School Leaving certificate and the last 10% having Junior Certificate of Education.

Figure 1: Graph showing the participant’s highest level of education



Of the group of PAPs consulted, women were the most affected, as the districts are matrilineal in nature. This therefore signifies that most of the affected land was owned by women.

7.4.2 Economic activities before and after relocation and compensation

People in the affected areas in Mwanza depended mostly on subsistence farming as a source of livelihood before the compensation and relocation program. Only a few were involved in piece work and businesses, which they pursued when they were not cultivating their fields. The same trend is observed even after relocation and compensation; as a lot people are still continuing with the subsistence farming, with a few people doing piece work and businesses as before. The money they received as compensation was not used to boost the agricultural methods or inputs or purchase land for farming purposes²⁴; as a result their current produce is on a small scale. Additionally, there are a number of households who have lost a continuous annual mode of income through the cutting down of tangerines which they used to sell to commercial traders.

A similar situation is observed in Neno, where many people were involved in farming and a few were basically doing businesses before the relocation and compensation program. The same trend has continued after the relocation and compensation program. It has to be noted that most of the land they were being compensated for was farming land, hence its essence to household food security cannot be undermined and the effect it will have overtime cannot be under estimated.

7.4.3 Time set for relocation

Most people were given two months for them to surrender their land for the construction of the railway line for both Mwanza and Neno. A general complaint from the PAPs in both districts was that this was basically not enough time within which to relocate and harvest crops that were already in the field, such as banana plantains. Of course in other areas the PAPs interviewed stated that Chiefs protected them by telling Vale to wait until they had harvested before commencement of the project. On the other hand, this has to be balanced with the fact that the compensation value encompassed the loss of crops and their value.

²⁴ The failure to purchase land correlates with the fact that the prices of land has increased as a result of the compensation, as people in the affected areas take it that there has been a heavy cash flow pumped into the district.

Figure 2: Table showing the timeframe within which PAPs were given to relocate

	Percent	Valid Percent	Cumulative Percent
Two Months	70.0	77.8	77.8
Four Months	5.0	5.6	83.3
Six Months	15.0	16.7	100.0
Total	90.0	100.0	
Not Compensated	10.0		
Total	100.0		

The major effect of the limited time of relocation would be that, the PAPs did not have sufficient time to scout for alternative land to purchase. Since alternative land for purchase nearby was most likely in the affected areas of the project, there was need to move far distances to find alternative land, more so with other villagers within the scope of the project areas having put hefty prices on their land. Resultantly, most PAPs were left with small pieces of land with which to continue farming and for subsistence.

7.4.4 Role of local Chiefs

Chiefs as the custodians of customary land, have the role of protecting the land and the people. During the study, when people in Mwanza were asked about the role their chiefs took during the relocation and compensation process, most people stated that their Chiefs were not helpful, more so since some of the Chiefs themselves were recipients of the compensation. However a few responded that their Chiefs were there to witness the demarcation of the boundaries of each recipient, acted as witnesses in the compensation process and other chiefs provided guidance to those villagers who had queries. However, the Chiefs themselves alluded to the fact that their role in the whole process was to ensure that the right owners of the land received the compensation and to resolve any disputes that arose among family and clan members from the relocation and compensation process.

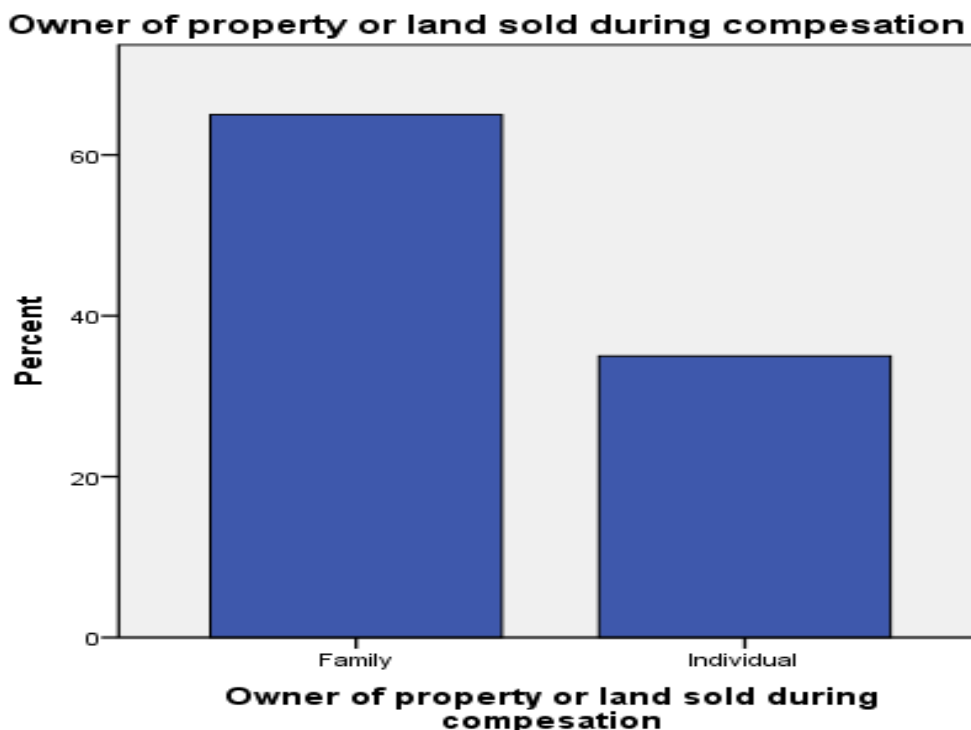
In Neno, it was observed that most chiefs were available to witness the whole process of relocation and compensation – from verifying the boundaries and witnessing the cash given to their subjects. Other

chiefs protected the maize of their villagers from being destroyed, so that the Vale/Mota Engil personnel were told to wait until the people had harvested before taking over the fields. On the negative side, some chiefs were threatening villagers to accept the money, even if the villagers themselves were of the view that it was not sufficient as compensation; as a result the villagers had no recourse of complaining after they had received the money.²⁵ Most people were of the view that the chiefs were not representing their voice as their subjects, thus they felt that the chiefs betrayed the villagers and imposed unfair decisions on them. It is worth noting that at times some of the chiefs were also part of the group that was being relocated and compensated. However, regardless of such a fact, they chose not to side with their people.

7.4.5 Family disputes and community ridicule

As indicated above, most people who were being compensated were doing so using family land, hence disputes were inevitable.

Figure 3: Graph showing ownership of land.



²⁵ This has to be viewed according to section 11 of the Land Acquisition Act which provides that the payment of compensation shall operate as a complete discharged of the Minister from all claims in respect of the land.

Most beneficiaries involved in the disputes were mostly siblings and parents. Siblings' conflicts arose in cases where the land was inherited from parents/guardians and conflicts with parents arose when the person having possession of the land was only given as a custodian for the parent/guardian. Thus in such cases, the sibling/parent claimed a percentage of the compensation money to be received.²⁶

Most of the recipients in Mwanza when asked whether they had encountered any challenges from fellow villagers whose property did not fall within the railway line, the general response was that they had not. However some expressed that the other villagers were complaining and ridiculing them, especially when they realized that most of the beneficiaries had misused the funds and were worse off than before. In Neno, they stated the same position, that not much problems were encountered, however some of those villagers were selling commodities at high prices to those that received compensation for their land, in order to benefit from them.

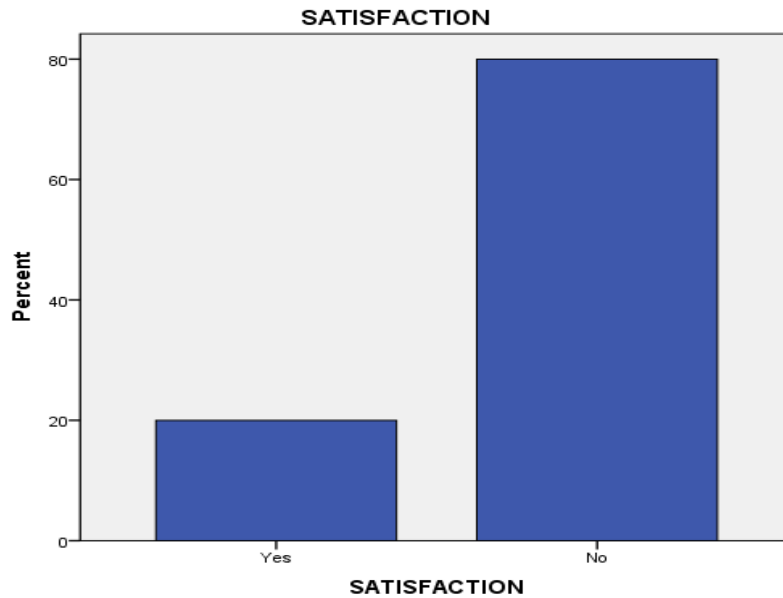
7.4.6 Access to and sufficiency of the compensation funds to PAPs

In Mwanza most respondents stated that they had received their compensation money. When asked about the challenges they had encountered during the relocation and compensation process, some stated that they had struggled to receive and access their compensation money and others complained to the effect that they had received inadequate money.

In Neno, it was discovered that most villagers were not satisfied with the compensation process. Of the people that were interviewed, a few people agreed to have received the compensation money, and for those that had received the money complained that it was not enough, bearing in mind how large their gardens were. They also explained that their payment was delayed, but the whole time they were waiting for their payment, they were not allowed to use their pieces of land.

²⁶ The recourse for a person claiming to have the better right to compensation is indeed to settle with the person who received the compensation or alternatively to commence proceedings in court within three years of the receipt of the compensation as provided for in section 11 of the Land Acquisition Act. The outright implications in these instances where there is a true owner are that if they fail to settle amicably then they may lose the compensation as legal practitioners fees are exorbitant. Further, some rightful owners are unlikely to be conversant with the limitation of the three years period within which to claim as provided for in the Land Acquisition Act.

Figure 4: Graph showing whether PAPs were satisfied with the relocation and compensation



7.4.7 Accountability and transparency

Several PAPs expressed discontent in that their Chiefs were not supporting their cause for enough compensation money and suspected some corrupt practices. They felt being betrayed by the DC's office. They also alluded to the fact that the process lacked transparency and accountability as most of the transactions were not verifiable.

On their part Chiefs in these areas indicated that their role had been to be witnesses when the government and Vale officers were inspecting the fields, determining the boundaries of each prospective recipient and when the time came to receive the money. Their other role was to settle disputes when family members disagreed on whom to receive the compensation money and how much. They also indicated that some villagers resorted to using sinister methods in order for them to receive more compensation money. The Chiefs explained of how some villagers removed the beacons that were inserted by the Vale officers to indicate where the railway line will pass by, and inserted them in their fields so that they can claim that they are beneficiaries too. Such were some of the desperate conditions which village heads were expected to respond to.

Related to the same, the officers in the DC's office both in Mwanza and Neno denied the allegations that there were any dubious transactions during the compensation and relocation process. They indicated that their role was to help in the land assessment process to determine the amount of money a PAP was to receive. The assessment included valuing the amount of land, the natural trees, houses or any building present on the land concerned, fruits (bananas, tangerines) and other crops available. Thus, any amount that was being suggested to the beneficiaries carried the weight of these factors. They further, clarified that the locals were notified in time of the plan to repossess land from them and the factors that will be used to determine the amount of money one was to receive. On the disgruntlement that the locals were showing, the officers explained that, this was coming up because the locals had misused the money received, hence the desire for more. The DC's officers stated that had it been that they had put to proper use the money they received, they would not have been complaining. They argued that no one was forced to receive the compensation money and that the presence of Police officers during the payment period was for security purposes of the money, but not to threaten anyone in accepting the compensation money.

Additionally, it was found that some Chiefs were demanding for some form of token of appreciation.²⁷ In Mwanza, there were some chiefs who demanded for a financial reward from the compensation money of subjects. Local chiefs mostly asked for money between K9,000 – K14,000, while it is alleged that representatives of traditional authorities asked for K200,000.²⁸ In Neno, there were also Chiefs who demanded financial rewards from their subjects' compensation money. In Neno the Chiefs asked for money between K500 – K3,000.²⁹ Nonetheless, there were other chiefs in both Mwanza and Neno who did not ask for financial rewards. On another note, there was no official who asked for money from the subjects.

On the other hand, in Mwanza there was a case found where the land belonged to an old lady and her granddaughter received the money on her behalf. However, how the money was used was not properly accounted for, with the result that the elderly woman did not benefit much. Where the mechanisms are

²⁷ According to the Land Officer at Southern Lands Regional Office, this was not a recognized policy of the project, he actually stated that Vale provided Chiefs with a disturbance allowance for the work they were involved in during the relocation and compensation process.

²⁸ The team was unable to meet with the traditional authority in Mwanza as he had travelled to Mangochi (for a seminar).

²⁹ This can be contrasted with areas where land is frequently sold. In those areas a token of gratitude is given to the chiefs when land is sold formally or informally. However, in these areas of Mwanza and Neno, the buying and selling of land was not a common phenomenon as the places are very far, thus it seems they did not have a tradition of giving a token of appreciation to chiefs when land is sold.

transparent there can be proper follow up for the elderly and disabled that are adversely affected with regards to the relocation and compensation money received by their next of kins or guardians.

7.4.8 Use of the compensation money by the PAPs

When asked about how they used their compensation money most people in Mwanza responded that they built houses, bought building materials, renovated old houses, bought goats, radios, bicycles, maize, clothes, cattle and fertilizer. In Neno, most stated that they used their compensation money to buy building materials and goats. Others stated that they paid school fees, bought household items and built houses. Whilst others basically did not invest in anything worthwhile but used the money for consumables such as food and beer. Almost all the respondents had no money remaining at the time of the study. This however, can be attributed to the fact that most people in Mwanza and Neno received their compensation in 2013; a few in Neno received their compensation in 2014 and a small group in both Mwanza and Neno received their compensation in 2012.

7.4.9 Cost of living and living conditions after relocation and compensation

The overall effect that was observed in both Mwanza and Neno as a result of the relocation and compensation was that the prices of items/commodities and resources such as land, trees and livelihood necessities has increased in the areas. This was basically because; traders took it that there was cash flow in the areas which they had to capitalize on. In Mwanza, for instance the prices of food and non-food items has since gone up - for example a bunch of green vegetables is going at K50, but used to be K20 only. Instead of reduction in poverty levels there is actually an increase of poverty; lack of sufficient land for cultivation, food insecurity, loss of fruits for business and loss of good housing. For instance, there was loss of business due to the cutting down of fruit trees that were a source seasonal income. Only a handful of PAPs were of the view that they had not experienced any change.

On the other hand, in Neno the major impact has been the scarcity of land for cultivation and increased poverty. The other issues included, living in fear after allegedly being threatened by their chiefs and police to receive the compensation money.

According to the Chiefs, the people who have really benefited from the compensation money are those who had items than those who had received compensation money needed, items such as land. Thus there was much transfer of money from the beneficiaries to the traders; hence at the end of it all, the beneficiaries remain with nothing.

On the other hand the increase in the cost of living is not only affecting those PAPs who were compensated, even the villagers who are residents in the villages of PAPs have to live up to the standard that has been brought about because of the relocation and compensation process.

7.4.10 Access to amenities

The other challenge has been lack of clean water for both people and animals for instance from Lisungwi river. This is due to the closure/blockage of the rivers when the construction workers are building railway bridges. As a result the villages that are located downstream receive dirty water, which has high potential of bringing about adverse health effects. The other major effect stated by the PAPs was that the future of their children and descendants would be dire; this was because the young generation would not have land to inherit. Moreover, they also complained that the construction of the railway line has blocked access through to one of the health centers. The locals have to cross the railway line to access the hospital, which is another danger when trains start operating on the railway, since this may result in accidental deaths.

7.4.11 Health, educational and cultural impacts

Other general observations that were gathered from the consultations with the PAPs were the health, educational and cultural effect of the project. The health risk was highlighted to the effect that some men who left their wives before the compensation process were coming back to the former wives so as to benefit from the compensation money. Further, the promiscuity level had increased in both Mwanza and Neno, as those compensated spent their money on sex workers.³⁰ With regards to education, there

³⁰ See also *Plain sex on an increase in Mwanza due to rail construction* (November 2013) <http://www.faceofmalawi.com/2013/11/plain-sex-on-an-increase-in-mwanza-due-to-rail-construction> (accessed 5 June 2014). In the article the District Health Officer stated that the district as of November 2013 was registering at least 150 cases of STIs a week, and according to research this was an increase since the start of the railway construction.

was an observation that the railway is being constructed in between a village and a school, for instance. It was noted that Vale had promised to build a school on the other side but the same has since not been implemented, resultantly young school children would have to pass through the railway to have access to the school on the other side.³¹ On the cultural note, in Mwanza there was a graveyard that was found to be within the sites of the railway line, the necessary compensation was given, however the villagers do not know who received the compensation and how they used it. Currently the graveyard has not been abandoned yet, they are still burying their dead near the river on the other end of the same graveyard. However, the challenge will be felt when the railway is operational since the villagers have not been informed of an alternative graveyard and will still have to use the same or may not be allowed for safety reasons. This also highlights the lack of transparency and accountability as the person who received the compensation money for the graveyard is unknown to the villagers.

7.5 Overarching Analysis

7.5.1 Low levels of education

The study found that most PAPs that were compensated had low levels of education, with almost 85% of the said population not reaching standard eight in primary school education. This had the implication in terms of low human capital which is essential for production and as cushion when exposed to different shocks. This also explains the reason most of the villagers in the affected areas had their major source of living as subsistence farming with a few doing businesses. For the other villagers, who sought employment, they basically worked as low skilled laborers, hence not having job security and earning a low pay. The low level of education, might also explain why most beneficiaries were not able to use the funds in sustainable activities such as investments in businesses or buying new land that would help them to maintain or even increase their production levels.

Most of the PAPs have depleted the money they received, this coupled with the fact that some portion of the land they used for production has been taken from them; there is high probability that most of them are going to be vulnerable to food insecurity and poverty. This is also increased by lack of human and financial capital that are essential assets for production. With such vulnerability, there is a logical explanation as to the reason behind people's desperate actions to seek for more money for their land.

³¹ See also <http://mwnation.com/mphete-school-jewel-coals/> (accessed on 5 June 2014).

7.5.2 Entrepreneurship and resource management training

It is evident in the way the PAPs used their money that they were not prepared and did not plan on how best they could use the resources they had received. Most recipients had never handled huge sums of money, thus when they received the compensation money, they did not think of any investment. They prioritized alleviating their poverty by buying good clothes, good food, beer drinking - consumable items which they could otherwise not afford. However, reality dawned when the funds had been depleted. Thus it can be argued that, these PAPs were not trained on how best they could use the funds, bearing in mind that most of them have low levels of education.³²

Training or education assists people to make sound and critically decisions; such as plan well on expenditure rather than spending impulsively. This task was supposedly to be done by the DC's office in conjunction with members of CSOs, but this was not the case. The DCs officers when asked admitted the oversight on their part, and acknowledged the need for the locals to receive training on financial management. Thus, the effect is that most people have not benefited from the money they received. There is no observable development that has taken place in these communities as testimony that millions of kwachas were deposited in their social and economic system. There is still dire poverty. The only observable objects are houses that are roofed with iron sheets.

7.5.3 Diversification of forms of compensation

From the study, it was found that the PAPs were not given any alternative form of compensation apart from cash. This is so, even though the Concession Agreement in clause 11.1.4 puts responsibility on the government to designate and provide alternate land that may be required as a consequence of relocation. Other alternative forms of compensation that would have been adopted in the Nacala Project would have included building houses in other identified areas for those whose houses were brought down. In this way, the PAPs would have currently been boasting of sustainable livelihood through the project and not the food insecurity nor the poverty that they are in after the relocation and compensation process.

Furthermore, from the study, the villagers indicated also that they were willing to be receiving the money in phases to ensure its proper use.

³² However, according to the Officer at Southern Regional Lands Office, Vale had communicated to the Department that they had given funds to District Officers in Mwanza and Neno to train PAPs on how best to use their compensation funds.

8 Conclusion and recommendations

8.1 Conclusion

In conclusion, life has not changed for the better for the PAPs in Mwanza and Neno who received compensation money, evident by the fact that only a few had something to show off as a benefit of receiving such funds and most were still experiencing food insecurities, and poverty is still rampant in the areas. Most subjects indicated that it was because they did not receive enough money. For the few who indicated that their lives have been transformed positively, made the statement with reference to the good houses they currently possessed. In Neno, most people lamented that there was an increase in food insecurity and poverty, since they could not produce enough on the land they currently own and that they felt as if they had been robbed of their land as the compensation was not equivalent to the size of the land.

It has to be noted that most of the villagers that have been compensated or were supposed to be compensated have not relocated per se but have just moved from one end of their land to the next. Most of the land that has been possessed and compensated for was not being used for settlement; these were fields that were being used for cultivation. Thus, all the respondents in this study did not relocate from their villages and those that had to resettle had just moved within their villages, close to where they used to settle. Therefore, the subjects were spared from the effects of relocating to new and unknown areas. There were also a few, respondents who indicated that they had bought new piece of land to replace the one that had been acquired for the project.

Another observable issue is the fact that the adverse impacts were on a higher scale in Neno than in Mwanza. Thus any strategies and policies that can be implemented have to take into consideration the rate of impact in the two districts.

The findings of the study can broadly be divided into institutional and legal framework, overview of relocation and compensation process and socio – economic impacts of the Nacala Railway project. The challenges, weaknesses and successes of the implementation of the relocation policy have been highlighted in the paper. However, a pertinent issue that needs pertinent attention and forms the backbone of this study is the lack of a set policy on relocation and compensation in Malawi. As much as the Land Acquisition Act provides for guidelines on acquisition of land and compensation, it does not detail the relocation procedure for PAPs. As a result, when infrastructure development projects are

implemented, the developers propose their own relocation and compensation framework without a reference on a particular framework available in Malawi. The effects are therefore adverse on PAPs as observed from the study.

All in all the study has found that the relocation program for people in Mwanza and Neno negatively affected PAPs as the benefits were outnumbered by the negative impacts on the PAPs. To this end there wasn't effective implementation of the policy of relocation in Mwanza and Neno for PAPs affected by the Nacala Railway Project. Thus the following recommendations are made for informing stakeholders who will implement and evaluate future development projects that will result in relocation and compensation programs for PAPs.

8.2 Recommendations

From the study the following are the recommendations that have to be implemented

8.2.1 Law review and reform

There is an urgent need for law reform. As found in the study Malawi has no legislation or policy that regulates the relocation of PAPs, thus the law needs to be amended to regulate relocation and compensation of PAPs. Further, section 11 of the Land Acquisition Act ought to be amended as it is not commensurate with the current Constitutional dispensation. Specifically, where it provides that receipt of compensation is a final settlement of the matter and PAPs cannot claim from the Ministry. This provision does not take into consideration that there are times when PAPs are coerced to receive compensation. The provision deprives an aggrieved PAPs access to the courts of Law as required by section 41 of the RMC.

Additionally, there is need for regulation to the effect that until PAPs have received their compensation they shall not be obstructed from using their land or assets.

8.2.2 Training and strategic public awareness campaigns

It is essential that PAPS be provided with financial management and entrepreneurial training before they receive any compensation money. This will mostly have to be the duty of the developer. This will ensure that the PAPS properly and efficiently utilize the funds that they receive.

In this regard, in as much as the investors/developers are have the primary responsibility, CSOs and other relevant stakeholders can take part in strategic awareness campaigns to sensitize PAPs and potential PAPs what is provided for in policies on relocation and compensation.

8.2.3 Communal benefit

It is critical that the every project not only benefits particular individuals but the community at large. this removes jealousy among the villagers. For instance, apart from compensating the PAPs, Vale would have utilised some of the funds the company has allocated to corporate social responsibility towards provision of social services to the people in the affected communities such as a dispensary/clinics, school blocks and even good gravel roads that would benefit all the people.

8.2.4 Clear procedures on accountability and transparency

There ought to be clear procedures on accountability and transparency with regard to the process of relocation and compensation. For instance, the villagers need to be told how much each item such as a tree was being priced at. This would result in reduction of complaints by the villagers. Further, there is need for the development and an outline of the proper channels of handling queries/grievances, which are brought to the attention of all PAPs beforehand.

Additionally, the is need to develop mechanisms and procedures that will act as checks and balances through which personnel such as Chiefs, DC officers and officers from Ministry of Lands are kept accountable. Furthermore, it is essential that extra care is provided by social welfare officers in the districts pertaining to the funds of the elderly and people living with disabilities to ensure that they or their next of kin manage their funds with due diligence.

8.2.5 Provision of alternative routes for accessing amenities

It is recommended that policies embedded in projects relocation and compensation frameworks pertaining to provision of proper alternative pathways in places where the railway line is cutting through accessibility to social services such as hospitals and schools, should be strongly enforced. There should be proper mechanisms for ensuring that this is done and follow ups should be conducted to verify that the proper alternative pathways have been built or constructed.

8.2.6 Use of reason and not force to solicit acceptance of compensation by PAPs

It is imperative that the government officials, chiefs and other stakeholders do not threaten the PAPs to receive compensation money when trying to implement any development project. People need to be respected and all negotiation processes should be undertaken. This is essential for the sustainability of the development program being implemented, otherwise the area might experience too many cases of vandalism.

8.2.7 Livelihood restoration

The objective of relocation policies is to ensure that livelihoods are improved; with compensation being a mechanism through which there is facilitation of full and smooth recovery without exposing PAPs to vulnerability. Some of the livelihood restoration measures that can be implemented include: provision of agricultural extension services; skills training; project related job opportunities and assistance through corporate social responsibility programs.

8.2.8 Provision of diverse forms of compensation

PAPs have to be given an opportunity to choose a particular form of compensation that they would be willing to accept. For instance land for land compensation or land for in kind compensation and of course land for cash compensation. The other avenues such as land for land compensation will ensure that the PAPs still have land for the sustainability, while for the in kind that may be in the form of building a house for the PAPs thus the PAPs will not squander their funds on consumables. Where cash is given, the mitigation is as stated above, training in financial management and investments.

8.2.9 Monitoring and evaluation

Every project has a monitoring and evaluation component. This is crucial for relocation and compensation programs. This aspect of the project provides necessary information about the involuntary resettlement aspects of the project, measuring the extent to which goals of relocation programs have been achieved and the effectiveness of the mitigation measures. This is also essential after all relocation and compensation, and related development activities have been completed. A relocation program policy has to specify the methods to be employed for the monitoring and evaluation, the frequency of measurements, reporting procedures and the organization arrangements for the process.

9 Case studies

a. *Railway line rehabilitation annoys villagers in Mwanza*

The story of Alfred Edson- Mwanza district



“Why are we treated as if we are not citizens of Malawi?” This is one

of the questions that Alfred Edson would ask. When asked about his opinion on the rehabilitation of Nacala railway line Alfred is likely to say that it is better to have my land back than using my land that has been underpaid.

Alfred Edson has enjoyed 28 birthdays since his birth and he lives in Davide village of Group Village Headman Ng’ozo in Traditional authority Nthache in Mwanza district. Alfred is very unsatisfied with what he has been paid for his land that has been taken by Vale Logistics Limited. According to him he expected that the officials from Vale and government will consider various factors so that the right amount of compensation money is given to people. On the same, he stated that the money given on the land was supposed to be satisfactory because they will use the land forever and we are no longer going to use it.

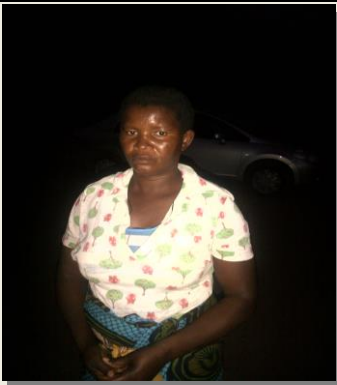
One would note from Alfred’s voice that he has greatly been affected with the project because he already had little land for his family and the same land has been taken away from him because it fell in the railway line alignment.

“My fellow villagers have been compensated satisfactorily but I wonder why I have not been paid as my friends. I know of people who had the same amount of land that I had, they were paid without problems. I have failed to buy another land because land has become very expensive compared to the money I was given”, he commented.

Alfred was using the dispossessed land for farming and because he was unable to buy another piece of land he complained that he will fail to yield as before hence his family will experience food insecurity: *with the piece of land that I have now I do not think I will be able to produce enough for my family, as such my children will not have enough food*”, Alfred explained while adding that the only thing he managed to do with the money is to renovate his house.

Food insecurity turns to be the greatest enemy to personal and society development, thus Alfred instead of being beneficiary he has now become a victim of the project. Will he ever cherish the ongoing development? One of the good principles of development is that development has to be sustainable. Looking at Alfred’s emotions, one would conclude that he regrets that Nacala Corridor railway line has passed in his field and he asserted that *“it is better to have food than sleep in good house”*, that’s how he concluded.

b. Nacala corridor railway line: A Blessing or Curse?



The story of Dyna Binali – Neno district

Human beings desire activities that maximize their happiness and discourage all things that will induce harm. The same is true with development. Countries should aim at improving the living standards of people so that they should live happily. The Nacala corridor railway line project, promised residents living along the railway line money as compensation, as they will be disturbed because of the development project. Things have fallen apart for Dyna Binali who does not know what the future holds for her as the money given to her as compensation was too little compared to the land that she has lost to the railway line project.

A single parent, Dyna Binali is 41 years old and lives in Andrea village of GVH Andrea under Traditional Authority Symon in Neno district. Just like others whose land fell in the railway line alignment, Dyna alleges that she has been duped by Vale Logistics Limited. She explains that as villagers they were told that their land was going to be used in the project and in turn given compensation so that they might relocate.

“They started the project, but the amount of money I was given is unbelievable compared to the land they took from me. I have been under paid” Dyna vehemently lamented.

In Malawi, a lot of people living in rural areas depend on agriculture as their source of income. These people consider land as their capital but the same is becoming scarce with the growing population. This has led Dyna to be more desperate as she does not have any source of income apart from farming.

Dyna explains, *“to make matters worse, I am not educated, thus farming is the only source of money that I have, what are these people thinking about me?”* She paused for a moment as if giving a chance to the listener to answer the question.

Among the many, Dyna feels that she has been duped by Vale because at first they came and promised to pay for the land but the payment made is not satisfactory. As if this is not enough, in the course of railway reconstruction, they took another land that according to Dyna they have not paid for. Dyna has four daughters who according to their culture are supposed to own land for the future.

“Is this development or punishment?” she questioned. She added that if government cared for the people in Neno, it should act immediately because people are heading into deep poverty than they were before the project. The story of Dyna indicates that the relocation process in Neno lacked transparency and accountability to the extent that villagers even got threats to force them out of their land without having a discussion on what they wanted.

“Should the country develop at the expense of people’s livelihoods or should people suffer because of development. What is development if not improving the living standards of people in the society?” Dyna asked.

Dyna pleaded that they would have been given enough money to buy another land otherwise she keeps complaining day and night for the land that she has lost forever. For Dyna, she used her land to cultivate cotton, groundnuts, maize, beans and other crops but now with the problem of land, she is likely to experience food insecurity. The question is, what is going to happen to Dyna in the years to

come as she has no land to farm and Vale has not given her enough money so that she can buy another land?

c. Punishing people in the community in the name of development.



The story of Visiya Galasiyano - Mwanza district.

Every country harbours a desire to improve and maintain living standards for people living in both rural and urban areas. Development is supposed to make every-one smile as they enjoy the fruits of development. Visiya Galasiyano would be quick to assert that it is better to live in an undeveloped society if development is to be a night mare to people. She has been subjected to different problems due to the rehabilitation of Nacala corridor railway line.

Visiya Galasiyano hails from Davide village, Group Village Headman Ng'ozo of Traditional Authority Nthache in Mwanza district. Visiya is 55 years old, a widow with 7 children. She is one of the victims of Nacala corridor railway line construction. Three years ago, she was told to move away from her house because it is about 12 meters away from the railway alignment. The agreement was that she was going to be given money as compensation to enable her build another house far from the railway line.

“After putting a mark on my house, I accepted the situation because they said they will give me money to build another house away from the railway line but later they changed that I am not going to be compensated because they have changed the marks of the railway line alignment”, Visiya lamented while looking so desperate and disappointed.

Visiya has learned to take a day as it comes as she does not know what tomorrow holds for her. She serves as councilor to GVH Ng'ozo and she is well known as chief Davide. She cannot renovate her

house because she does not want to waste her resources as she is afraid that one day she might be chased from her place, Visiya added.

“I have suffered a lot because of development. I do not know why they have not given me the money as they did to others. I have breathed in a lot of dust to the extent that I bought a plastic paper to cover my belongings in an effort to protect my property. One day, I would have been hit by a construction vehicle as I was coming from the maize field”, she explained.

Failure for Vale Emirates to compensate Visiya to enable her relocate is risking her life since she lives just 12 meters away from the railway line instead of the recommended 20 meters. She wonders if officials realize how dangerous it is for her to continue living there.



“The mark shows that I was supposed to be relocated, why did they change? Is there anything that environmental specialists can do to rescue me? For how long will I remain neglected at this place? Does it mean Vale/Mota Engil personnel prioritize the project than human life?”

Visiya said. She says her life is in danger and that she will only leave the place when she is compensated. She has however vowed not to leave the place without her compensation because she cannot afford to build another house on her own.

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