RP1254 V2 REV



MINISTRY OF WATER DEVELOPMENT AND IRRIGATION

SHIRE RIVER BASIN MANAGEMENT PROGRAMME (PHASE 1) PROJECT

FINAL PROCESS FRAMEWORK REPORT

NOVEMBER, 2012

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This Process Framework has been prepared with the support and consultation of many people to whom Water, Waste and Environment Consultants are very grateful.

The people consulted include workers and communities in the Shire River Basin where the proposed project activities will be implemented; in the districts of Mangochi, Balaka, Machinga, Neno and Chikhwawa.

Officials consulted during preparation of this Process Framework included Directors of Planning and Development, District Forestry Officers and Division Managers for Liwonde and Lengwe National Parks; Environmental District Officers, Chiefs and local communities.

In addition, a number of senior officers in the, Ministry of Water Development and Irrigation, Environmental Affairs Department, Department of Land Resources Conservation, Forestry Department, Department of National Parks and Wildlife and other key line ministries such as the Ministry of Local Government and Rural Development were also consulted.

TABLE OF CONTENTS

ACKI	(NOWLEDGEMENT	1
<u>LIST</u>	OF TABLES	IV
<u>ACC</u>	CRONYMS AND ABBREVIATIONS	V
EXEC	CUTIVE SUMMARY	VI
<u>1.0</u>	INTRODUCTION	<u>1</u>
1.1	PROJECT DESCRIPTION	
1.2	OVERVIEW OF PROJECT COMPONENTS	1
1.3	OBJECTIVES OF THIS PROCESS FRAMEWORK	
1.4	ORGANISATION OF THE PROCESS FRAMEWORK	3
<u>2.0</u>	PROJECT ACTIVITIES THAT ARE LIKELY TO CAUSE IMPACTS	<u> 5</u>
2.1	COMPONENT B: CATCHMENT MANAGEMENT	5
2.2	COMPONENT C: WATER RELATED INVESTMENTS	6
2.3	POTENTIAL POSITIVE AND NEGATIVE IMPACTS OF PROJECT ACTIVITIES	7
<u>3.0</u>	MEASURES TO ASSIST AFFECTED PERSONS MITIGATE IMPACTS	<u>9</u>
<u>4.0</u>	ELIGIBILITY CRITERIA FOR PAPS	11
<u>5.0</u>	CUT OFF DATE	12
6.0	GRIEVANCE REDRESS MECHANISM	13
6.1	PREVENTIVE MEASURES	
6.2	CONSENSUS, NEGOTIATION AND CONFLICT RESOLUTION	
6.3	OBJECTIONS	14
<u>7.0</u>	ADMINISTRATIVE AND LEGAL PROCEDURES	16
7.1	Administrative Procedures:	
7.2	LEGAL PROCEDURES	
7.2.1		
7.2.2		
7.2.3		
	4 ENVIRONMENT MANAGEMENT ACT	
1.2.5	5 FOREST ACT	1′/

<u>8.0</u>	MONITORING AND EVALUATION ARRANGEMENTS	18
8.1 8.2 8.3	PROJECT ADMINISTRATIVE REPORTING	18
<u>9.0</u>	BUDGET FOR PF IMPLEMENTATION	20
10.0	CONCLUSSIONS AND RECOMMENDATIONS	21
REF	ERENCES	23
LIST	OF TABLES	
Tab	le	Page No
	e 1 summarises the mitigation measures related to restrictions of natural onal Parks and Forest Reserves.	resource use from
Tabl	e 2 Proposed Roles and Responsibilities for implementation of the PF	15
Tabl	e 3 Estimated Implementation Budget for the PF	19

ACCRONYMS AND ABBREVIATIONS

CCFs Community Conservation Funds

DNPW Department of National Parks and Wildlife ESA Environmental and Social Assessment

ESMF Environmental and Social Management Framework

GoM Government of Malawi

IDA International Development Agency

km kilometre

NGOs Non-Governmental Organizations

OP Operational Policy

PAPs Project Affected Persons
PPA Project Preparation Advance

PF Process Framework

PRA Participatory Rural Appraisal RPF Resettlement Policy Framework

sq. km Square kilometre SRB Shire River Basin

SRBMP Shire River Basin Management Project

USD United States Dollars

VNRMCS Village Natural Resources Management Committees

WWEC Water, Waste and Environment Consultants

EXECUTIVE SUMMARY

The Government of the Republic of Malawi has received a Project Preparation Advance (PPA), on the proceeds of a credit from the International Development Agency (IDA) of the World Bank, to finance the preparation of the Shire River Basin Management Project (SRBMP). The World Bank plans to assist the Government of Malawi with the financing of this Project, as part of a longer term Program (12-15 years – for which the SRBMP is the first phase of about 5.5 years).

The overall Program development objective of the SRBMP is to make significant progress in achieving socially, environmentally and economically sustainable development in the Shire River Basin. The Project development objective is to (i) prepare a strategic planning and development framework for the entire Shire River Basin (defined from outflow of Lake Malawi to the border at Nsanje) and (ii) support targeted investments, to improve land and water resources management and livelihoods in the Basin.

The SRBMP is organized in three components: (A) The Shire Basin Planning component has the objective to lay the foundation for more integrated investment planning and system operations for the Shire Basin, through the development of a modern integrated Shire Basin knowledge base and analytical tools, as well as well-planned and structured stakeholder consultation processes, to facilitate investment and ensure environmental sustainability, (B) Catchment Management; has the objective to ensure that targeted sub-catchments and protected areas are rehabilitated and managed for reduced erosion and improved livelihoods; and (C) Water Related Infrastructure has the objective of developing the water resources by enhancing the infrastructure platform for multisectoral growth in the basin and to mitigate risks posed by droughts and floods. The new investments would improve regulation of flows in the Shire River and strengthen climate resilience through development of critical infrastructures to overcome annual and long-term variability in water resources availability for communities, environment and economic sectors in the basin.

The activities under sub-components B4 and C2 may trigger involuntary restriction of access to legally designated parks and protected areas, potentially resulting in adverse impacts on livelihoods of the affected persons. Project activities under these sub-components might require restricting access to natural resources within the designated National Parks, forest reserves and Elephant Marsh. The activities might also involve the temporary or permanent prohibition of affected persons to enter these areas.

The objective of the Process Framework (PF) is to ensure meaningful participation of any Project Affected Persons (PAPs), as a consequence of project-induced involuntary restriction of access to legally designated protected areas. This restriction could adversely affect the livelihoods of the PAPs.

The principle behind preparation of this PF is to ensure that PAPs do not become worse off as a result of the project, but rather are assisted in their efforts to restore or improve their livelihoods, in a manner that maintains the environmental and social sustainability of the protected areas.

The PF is designed to guide the protection of PAPs from effects involuntary restriction of access to legally designated protected areas and the Elephant Marshes. It will provide guidance in ensuring that PAPs benefit from the natural resources found in these protected areas and that adequate resources are provided for alternative livelihoods. The major potential impacts to be generated by restriction of access to legally designated protected areas and gazettment of the Elephant Marsh include:

Potential Positive Impacts:

 Reduced human and wildlife conflicts especially for Liwonde National Park where elephants have been in constant conflicts with local communities around the national park; and Elephant Marsh where Crocodiles have been causing havoc to communities around the marsh;

- Reduced crop damage by wildlife such as elephants, buffalos, velvet monkeys, baboons, birds and hippos in the case of Liwonde National Park, when these animals get outside the protected areas and particularly when there are crops such as maize in the fields located close to the protected areas;
- Reduced conflicts between riparian communities and park rangers on issues such as crop damage by hippos and birds in the case of Liwonde National Park; and the Elephant Marsh;
- Boosting up the population of hippos, crocodiles, fisheries resources and other biological resources such bird species which are currently declining rapidly due to unsustainable harvesting; and
- Promotion of tourism, which will in turn contribute to increased availability of the much needed foreign currency.

Potential Negative Impacts:

- Loss of access to fuel-wood and timber for domestic use;
- Conflicts between communities adjacent to National Parks, Forest Reserves or Elephant Marsh and the protected area authorities, because of increased restriction to the parks and forest reserves;
- Reduced income of surrounding communities, due to limited access to the illegally harvested natural resources currently being "free for all", especially for Elephant Marsh;
- Possible loss of income and food sources, due to restricted use of natural resources from the Elephant marshes; and
- Increased human-wildlife conflicts resulting from increased population of hippos and crocodiles from the Elephant Marsh.

The PF recommends that the proposals made herein (and those made in the RPF) must be implemented adequately to mitigate the adverse impacts of the project activities; and to enhance the positive attributes. It is also recommended that the SRBMP and District Councils should ensure that income levels and standards of living for the affected persons are restored through provision of alternative income generating activities.

1.0 INTRODUCTION

1.1 Project Description

The Government of the Republic of Malawi has received a Project Preparation Advance (PPA) on the proceeds of a credit from the International Development Association (IDA) of the World Bank to finance the preparation of the Shire River Basin Management Project (SRBMP). The World Bank is assisting the Government of Malawi in the preparation of the SRBMP, as part of a longer term Shire River Basin Program.

The overall Program development objective for the next 12-15 years is to make significant progress in achieving socially, environmentally and economically sustainable development in the Shire River Basin. The Project development objective of the SRBMP is to develop a strategic planning and development framework for the entire Shire River Basin (defined from outflow of Lake Malawi to the border at Nsanje); and support targeted investments to improve land and water resources management and livelihoods in the Basin.

The Program investments will be designed to support the GoM's economic growth and sustainable development plans for the basin. The Program will address the interlinked challenges of poverty and a deteriorating natural resource base in the Shire River Basin, to halt the process of environmental and social degradation and improve the productive potential of natural resources. It will promote integrated climate resilient investment planning in the basin, including institutional capacity building, to plan and monitor changes in land use patterns at a basin level.

The first project in the Program will support strategic planning and implementation of large-scale infrastructure investments; adoption of sustainable land, forest and water management practices to reduce land degradation in production landscapes and improve the productivity and incomes of smallholder farmers in priority catchments; and improved flood management in the Lower Shire. The first project is expected to involve a World Bank investment of about US\$100 million and will be implemented over five and a half years.

The SRBMP is being implemented by the Government of Malawi through the Ministry of Water and Irrigation Development. The Ministry has therefore, engaged the services of Water, Waste and Environment Consultants (WWEC) to prepare an Environmental and Social Assessment with Environmental and Social Management Framework (ESA+ESMF) and a Resettlement Policy Framework (RPF) with a Process Framework (PF) for the SRBMP.

1.2 Overview of Project Components

The Project will address the interlinked challenges of poverty and a deteriorating natural resource base in the Shire River Basin, to halt the process of environmental degradation and improve the productive potential of natural resources. It will promote integrated climate resilient investment planning within the basin, including institutional capacity building to plan and monitor changes in land use patterns at a basin level. The Project activities will support strategic planning and implementation of large-scale infrastructure investments; and adoption of sustainable land, forest and water management practices to reduce land degradation in production and natural landscapes, to build resilience to climate risk and to improve the productivity and incomes of smallholder farmers in priority catchments. It will also improve flood management in the Lower Shire. Project investments will be designed to support the Government of Malawi's economic growth and development plans for the basin.

The SRBMP is organized in three components:

Component A: Shire Basin Planning, will strengthen the institutional capacities and mechanisms for Shire Basin monitoring, planning, management and decision support systems through (A1) basin survey and planning, (A2) institutional capacity development of various basin management agencies, (A3) improved hydrological monitoring systems, and (A4) overall project management.

Component B: Catchment Management will reduce erosion in priority catchments and sedimentation and flooding downstream; while enhancing agricultural productivity and improving livelihoods through sub-components (B1) - development of sub-catchment management plans, guidelines and monitoring systems; (B2) rehabilitation of targeted sub-catchments; (B3) technical assistance and community grants for more sustainable livelihood activities by supporting demand and market driven income-generating activities, with special targeting of women and youth; and (B4) strengthening ecological management of key natural habitat blocks in the Shire River Basin; such as investments for sustainable management of Liwonde and Lengwe National Parks and introduction of community based forest management and patrolling systems for Eastern Escarpment, Tsamba and Mangochi Forest Reserves.

Component C: New Water Investments, will invest in water related infrastructure, that sustainably improves water resources management and development and improves flood management in the Lower Shire, providing community level adaptation and mitigation support, through subcomponents (C1) upgrading of the Kamuzu Barrage for improved regulation of flows in the Shire River; (C2) community flood management in the lower Shire floodplain, through establishment of a participatory management planning for Elephant Marshes; and (C3) identification of major new water infrastructure investments.

1.3 Objectives of this Process Framework

The objective of the Process Framework (PF) is to ensure meaningful participation of any Project Affected Persons (PAPs), in the mitigation of consequence of project-induced involuntary restriction of access to legally designated protected areas, which could adversely affect their livelihoods. The principle behind preparation of the PF is to ensure that PAPs do not become worse off as a result of the project, but rather are assisted in their efforts to restore or improve their livelihoods in a manner that maintains the environmental and social sustainability of the protected areas.

Specific objectives of the PF include to:

- (a) Describe activities that may involve new or more stringent restrictions on use of natural resources in the SRB;
- (b) Describe the mitigation and compensation measures; and
- (c) Describe the participatory monitoring and evaluation arrangements with communities in and around the project-supported protected areas.

The PF is an extension of the RPF, due to the integrated nature of the SRBMP, to ensure coordinated efforts to enhance the livelihoods of the PAPs. It is meant to address issues specifically related to the restriction of access to legally designated National Parks and other protected areas, as stipulated in the National Parks and Wildlife Act 2004 and the Forestry Act 1997.

Under National Parks and Wildlife Act (2004) Section 108, any person is prohibited from performing the following activities either within a national park or wildlife reserves, or immediately outside protected areas:

Taking, hunting, molesting or reducing into possession any game species; or

- Possession of, selling, buying, transferring, or receiving in transfer any specimen of game species,
- Cultivating, settling inside the national park or wildlife reserve; and
- Cutting down trees, collecting firewood, mushrooms and caterpillars (Matondo) without permit.

Similarly under the Forestry Act (1997), nobody is allowed to cut down trees and collect firewood inside forest reserves without a permit. If found doing these acts, the person will be guilty of an offence under the Forestry Act. In the case of national protected or endangered tree species, no one is allowed to cut them without a permit, even when found to do so outside protected areas. These restrictions are not only imposed within the Shire River Basin but throughout the country.

However, with the introduction of collaborative management in national parks such as Liwonde and Lengwe, and forest reserves such as Mangochi and Michiru etc., surrounding communities are allowed to freely access these protected areas, just like any other protected areas in the country, to collect such resources as firewood, thatch grass, bamboos and mushrooms when in season. Beekeeping is also allowed in Mangochi Forest Reserve.

Free access to enter and collect such natural resources from protected areas is however; on condition that the communities get a permit to enter the protected area. Although the Wildlife policy (2000) promotes collaborative management in national parks and wildlife reserves, there are problems that are affecting this otherwise good approach:

- a) There is inadequate capacity on the part of Government officials who are only deployed in a few localised places. For example in case of Lengwe National Park (887 sq. km), all Park officers are housed at the Parks head quarters in the "Old Lengwe" around Tomali Trading Centre. The same applies for Liwonde National Park.
- b) With limited Government financial resources, communities close to park administration tend to benefit more than those far away. For example communities around Chapananga, that may need entry into Lengwe National Park to collect thatch grass, must travel a distance of 70 km. to Lengwe Park Administration offices, to obtain a permit for free entry into the Park. On the other hand, communities living around Tomali are only about 1 or 2 km from the Park. Guidelines for collaborative management have been developed, as required by Chapter 9, subsection 9.1 (c), of the current Wildlife Policy (2000).

1.4 Organisation of the Process Framework

The PF builds on the Resettlement Policy Framework (RPF) and is organised into the following sections:

- Section 1 gives the project description, overview of project components and activities; objectives and organization of the PF.
- Section 2 briefly describes the project activities likely to cause impacts of involuntary restriction of access to legally designated parks and protected areas. These include activities under sub-components B4 and C2. It also presents the impacts among which may result in loss of access to fuelwood and timber for domestic use and other restrictions on access to natural resources; as well as potential conflicts with wildlife and parks management.
- Section 3 describes methods and procedures by which communities will identify and choose
 potential mitigating or compensating measures to be provided to those adversely affected,
 along with the procedures by which adversely affected community members will decide
 among the options available to them.

- Section 4 establishes criteria on how the potentially affected communities will be involved in identifying any adverse impacts of, assessing the significance of impacts, establishing the criteria for eligibility for any mitigating or compensating measures necessary, as well as in implementing the core recommendations of the PF.
- Section 5 describes the process for setting up the cut-off-date, through wide consultation
 and a participatory approach; and alludes to the fact that compensatory assistance will be
 provided only to those people who are established in the area, would be affected by the
 project, and would have assets determined and recorded during a census.
- Section 6 outlines the grievance redress mechanisms, advocating for preventive measures
 and implementation of a good communications strategy as an absolute requirement to
 reduce misunderstanding and grievances. It emphasizes that project awareness-raising
 activities will be conducted throughout the life of the project and that consultations and
 negotiations will be carried out with PAPs where there are indications of potential conflicts;
- Section 7 outlines the administrative and legal procedures, advancing that clear institutional roles and responsibilities related to implementation of the PF are important to ensure that activities are carried out smoothly. It provides a matrix of institutional roles and responsibilities. In addition, the Section outlines the legal framework under which the project activities will be implemented;
- Section 8 describes the monitoring and evaluation arrangements, advocating for a participatory monitoring and evaluation approach, which will ensure the effectiveness of mitigation measures to improve (or at least maintain) PAPs' standards of living;
- Section 9 presents the budget for implementation of the PF; and
- Section 10 provides the conclusions and recommendations to ensure successful implementation of the PF, to safeguard or improve the standards of living for the PAPs

2.0 PROJECT ACTIVITIES THAT ARE LIKELY TO CAUSE IMPACTS

Components B and C of the SRBMP, more precisely subcomponent B4 and C2, may trigger the involuntary restriction of access to legally designated parks and protected areas, potentially resulting in adverse impacts on the livelihoods of the PAPs. Project activities in these components might require restriction of access to natural resources within the designated National Parks and other protected areas, in the project areas. The activities might also lead to temporary or permanent prohibition of PAPs to enter these areas. More specifically, the following sub-components may restrict access to resources or movement of affected persons to the National Parks and Forest Reserves.

2.1 Component B: Catchment Management

The purpose of this component is to rehabilitate degraded catchments for sustainable natural resources management and livelihoods, through an integrated and participatory approach. For this component, activities that may trigger restriction of access to use of natural resources in the parks and protected areas are related to:

Sub-component B.4: Ecological Management

The following investment activities, for sustainable management of Lengwe and Liwonde National Parks, might further restrict people's access to natural resources within these parks:

- (i) Updating of the existing management plans which could entail increasing management control, and
- (ii) Strengthening of patrolling and monitoring systems to Lengwe and Liwonde National Parks.

Implementation of activities for community-based forest management such as delineation of village management areas and improved enforcement of regulations, in the Eastern Escarpment, Tsamba, and Mangochi Forest Reserves, could result in further restricting access to consumptive uses of the protected Forest Reserves. These consumptive uses (on condition that they obtain a permit to do so) include fetching firewood, thatch grass, caterpillars (Matondo) and mushrooms when in season; and bamboos specifically from Mangochi Tsamba, Masenjere and Masambanjati Forest Reserves.

It should be noted that not much emphasis is placed on consumptive uses and the control is quite limited in reality, with a considerable amount of illegal harvesting, particularly in areas that are relatively accessible by the villages. There are serious limitations in ensuring adequate control over use in these protected areas, mainly due to inadequate capacity by those with authority to issue permits and monitor collection of the permitted resources from protected areas. Examples of illegal harvesting of natural resources in protected areas include firewood collection and charcoal burning in Mangochi Forest Reserve, Liwonde national park, Tsamba Forest Reserve and Lengwe National Park. Another serious problem with respect to illegal harvesting is pit sawing, reported in all the protected areas and encroachment (human settlement) in Lengwe National Park. These illegal harvestings of natural resources have been articulated in the ESA.

In the past, people who cultivated and settled in Mangochi Forest Reserve were arrested and charged with an offence of illegal settlement inside a forest Reserve by Mangochi Police. In Lengwe National Park, the issue of human settlement (encroachment), at the time of field investigations, was in the hands of Chikhwawa District Council, to decide on the date that those affected would be evicted from the Park, as required by the National Parks Act (2004). In short the issues of illegal cultivation or human settlement are currently not handled at the community level but at the district council level and this is the case, not only within the Shire River Basin, but throughout the country's protected areas.

From what was seen on the ground, the Districts Forestry and Fisheries offices within the Shire River Basin have challenges of inadequate human resources in form of patrol men and inadequate funds to manage the protected resources. As a result of the inadequate capacity, there is an increase in unsustainable harvesting of the resources by the communities surrounding these protected areas. To mitigate against these problems, there is need to ensure that the Village Natural Resources Management Committees (VNRMCS), established around the protected areas, assist in the management of these protected areas. These committees must be properly trained and given the necessary resources to enable them perform their duties effectively. In addition to training and provision of the necessary resources, VNRMCs need to be closely supervised.

Another important area that needs to be addressed is the need to develop regulations/guidelines on benefit sharing as is required by the Wildlife Policy (2000).

2.2 Component C: Water Related Investments

The objective of the component is to enable improved regulation of Shire River flows and to strengthen climate resilience.

Sub-component C.2: Flood Management

Activities for establishment of participatory management for the 1200km² Elephant Marshes, and pilot community resource management could result in restrictions of access to natural resources for some people around the marshes. If and when certain portions of the marshes get gazetted as protected area, both positive and negative impacts would be expected and positive impacts will include the following:

- Increase in the population of hippos, crocodiles, fisheries resources and other biological resources such bird species which currently are declining rapidly due to unsustainable harvesting
- Promotion of tourism, which will in turn contribute to the increased availability of the much needed foreign currency.
- Through collaborative management, availability of natural resources for the benefit of local communities around and inside the Elephant Marsh.
- Reduction of human-wildlife conflicts as a result of the Elephant Marsh being provided with scouts to protect the biodiversity and the people themselves.
- Increased management control of the marshes by the local communities.

Gazetting of the areas as protected may result into the following negative impacts:

- Limited access to the biological resources by the communities, which are freely accessing them at the moment,
- Increased human-wildlife conflicts, resulting from increased population of hippos and crocodiles.

2.3 Potential Positive and Negative Impacts of Project Activities

The Positive Impacts:

- Reduced human and wildlife conflicts especially for Liwonde National Park where Elephants have been in constant conflict with local communities around the national park;
- Reduced crop damage by wildlife such as elephants, buffalos, velvet monkeys, baboons, birds and hippos in the case of Liwonde National Park; when the animals get outside the protected areas into people's nearby crops and maize fields;
- Reduced loss of human life due to wild animals such as elephants, buffalos, lions, and others sneaking out of protected areas to attack people in the surrounding communities.
- Reduced conflicts between riparian communities and park rangers due to incidences of crop damage by hippos and birds in the case of Liwonde National Park and the Elephant Marsh;
- Participatory and sustainable park and natural resources management; through community initiatives such as community policing (e.g. reporting any community members that engage in illegal activities such as wildlife poaching or encroachment). Communities may also assist park management by reporting to them if any section of the security fence is broken so that repairs can be effected quickly before wild animals come to destroy their crops and also threaten the lives of community members.
- Innovative alternatives for income-generating activities such as bee keeping, weaving of baskets, chair, mats, etc.; that lead to more responsiveness and social accountability on the part of communities due to improved availability of bamboos, reeds, palm trees in large quantities within the controlled/protected areas.

The Negative Impacts:

- Loss of access to fuel-wood and timber for domestic use;
- Conflicts between communities adjacent to National Parks or Forest Reserves and the authorities of the protected area;
- Reduced income from illegal use of natural resources from the protected areas;
- Potential increase in human-wildlife conflicts as a result of increased wildlife protection in the parks; and
- Loss of income and food sources, due to restricted use of natural resources, especially from Ndindi and Elephant marshes.

3.0 MEASURES TO ASSIST AFFECTED PERSONS MITIGATE IMPACTS

A fundamental objective of this Process Framework is to ensure that populations affected by restrictions to natural resource use themselves define and undertake activities that at least restore their income to the levels they would have enjoyed, had there been no restrictions. This objective ensures that the extent of compensatory measures is commensurate with the extent of loss of access to resources due to restrictions. This also ensures that those who are affected more severely are assisted to a greater extent than those who incur smaller losses. Further, this PF advocates that no restrictions to resource use can be implemented in the local area until compensatory measures have been defined and accepted and are also are being implemented for the affected population.

The ESMF for the SRBM project has identified various measures that will be implemented to assist the affected communities in improving or at least maintaining their standards of living. The ESMF as well as the PF are designed to respond to the principal considerations of OP 4.12 on Involuntary Resettlement as they pertain to the project.

Equitable and mutually acceptable mitigation and compensatory measures for PAPs losses have to be determined and adopted in tandem with the application of the ESMF along with the RPF during project implementation. The Project ESMF, and to a certain extent the RPF, present the detailed list of mitigation measures proposed to address each of the potential impacts. Specific measures to mitigate adverse impacts on beneficiary local communities would include the but not limited to the following:

- Prioritize local community members for employment opportunities such tour guiding and park ranging;
- Expand reserve village user zones for sustainable harvesting of forest products;
- Provide capacity building and trainings to Village Natural Resources Management Committees, in sustainable use and monitoring of natural resources, including fire management and beekeeping;
- Community members wishing to traverse the National Parks should obtain a permit from DNPW, and should be allowed only on specific and controllable routes during daylight;
- Increase production and use of deterrents such as chilli fences, chilli briquettes and bee hive fences to deter human-wildlife conflicts (particularly with elephants);
- Ensure clearly visible demarcation of National Park and Forest Reserve boundaries in sensitive areas;
- Promote establishment of sustainable village woodlots, to progressively reduce pressure on resources from forest reserve;
- Provide alternative livelihood support such as collection of non-forest products including mushrooms, medicinal plants, wild fruits and bee- keeping to local communities around Forest Reserves;
- Establish and promote Community Development Funds to be sustained through various mechanisms such as Corporate Social Tourism Development Responsibilities that would channel a certain percentage of income from all tourism activities as well as from handicraft creation and commercialisation in the DNPW centres and Lodges;
- Provide new business opportunities through both the establishment of DNPW focal points/resource person in each participating village, as well as train designated village-

- candidates into conservation and security techniques that yield earnings for/to local communities; and
- Conduct project awareness-raising campaigns, to local communities, on the importance of sustainable natural resources management.

Table 1 summarises the mitigation measures related to restrictions of natural resource use from National Parks and Forest Reserves.

TABLE1.: Potential Mitigation Measures for Natural Resource Use Restrictions						
Resource Use Restriction	Potential Mitigation Measure					
Forest use for grazing	Provide improved forage production and rearing conditions to encourage and enable farmers to shift to fodder-based systems.					
Fuel wood and timber	Provide support for community-based reforestation and management of degraded forest land.					
	Introduce demonstrations and support for local production of fuelefficient stoves, and of alternative energy sources.					
Non-timber forest products (mushrooms, berries, medicinal herbs and other	Promote controlled harvesting of non-timber products by locals, in line with forest management plans.					
fruits)	Provide support for increasing value of the products through processing (jams and jellies, juices, etc.) and marketing, within the context of a managed and monitored harvesting system.					
	Provide support for enterprises based on cultivation of valuable species (mushrooms, medicinal plants, etc.).					
Hunting	Provide alternative income-generating activities (e.g. tourism, beekeeping, handicrafts, wine production, etc.) supported by the project to compensate for economic losses.					

The wetland conservation and management activities planned around the Elephant Marshes are expected to be highly positive from an environmental and social standpoint.

4.0 ELIGIBILITY CRITERIA FOR PAPS

Selection of villages to participate in the ecological management sub-component would not be made until the first year of project implementation. The selection would be based on the results of the participatory rural appraisal (PRA), census as well as threats analysis, conducted during the project planning process, to identify sources of major threats to the National Parks and Forest Reserves.

Participating villages would be identified, based on their level of dependence on the natural resources within the protected areas, the degree of threat that the natural resources uses pose to the National Parks and Forest Reserves and the anticipated severity of adverse impact to livelihoods, from imposition of any proposed restrictions.

Results of the PRA, census and the threats analysis will be used (i) to ensure that the project provides various benefits to eligible natural resource-dependent households, whose livelihoods could be adversely affected by the project in the project areas and (ii) to help define project activities that will assist them in improving their livelihoods, both by enhancing and improving the sustainability of the natural resource base and by identifying alternative sources of income (e.g., skills training, small grants, technical extension, etc.).

Based on the results of the PRA surveys and the threats analysis, the Coordinating Committees will (i) determine the eligibility of villages as well as confirm the eligibility of households within the eligible villages and (ii) select co-management sites in or around each of the National Parks and Forest Reserves, on the basis of potential severity of livelihood impacts. Critical communities (i.e., those which are dependent on the parks and forest reserve, pose a threat to the protected areas and would be adversely affected by the proposed use restriction), as identified in the management planning process, will have priority for project activities under ecological management. Other communities, either less impacted or exerting less pressure on nature reserve and natural resources may not be able to participate.

A minimum of ten villages (two per protected area) will be selected to participate in co-management activities, including alternative livelihood measures. For protected areas in which project activities would adversely affect the livelihoods of local people in more than two villages, the other villages would be deemed eligible and would be included and an increased level of local government counterpart funding would be in place to cover the costs of the additional villages. Another group of villages will be selected to participate in fuel wood management and/or technical training activities. In addition, another set of villages will be supported in community-based wildlife management demonstration activities.

5.0 CUT OFF DATE

PAPs, community leaders and their community members shall be widely consulted and be well informed of the cut-off date, after which any new settlements or encroachment within the project impact area will not be tolerated or compensated for. Compensatory assistance will be provided only to those people who are established in the area, would be affected by the project, and have assets determined and recorded during a census.

When setting the cut-off date, all measures shall be taken to avoid a "rush" into the area or other potential areas that may come into the list of subprojects at a later date. Opportunistic invasions of possible subproject sites constitutes a major potential risk to the project, especially where subprojects may be chosen from a very limited set of alternatives that become publicly known before setting the cut-off-date.

Depending on the number, sequence, and magnitude of subprojects, one or several rolling cut-off-dates may be advisable. This may be accomplished, with minimum risk to the project, by extensive public consultation to create mutual awareness of the existing PAPs and assets in the proposed subprojects areas, as well as setting limitations on the extent of immigration. The Area Executive Committees and the Local Leaders shall assist in disseminating information about the dangers, consequences, and legal implications of opportunistic invasions.

Where there are clearly no identified owners or users of land or assets, the respective District Councils will notify the Community Leaders or their representatives to help identify and locate the land users. Neighbourhood or village committees, including outside experts knowledgeable of the people and assets in the affected area, may assist to identify property owners by clearly identifying themselves to the Community Leaders or by taking an oath.

The Local Leaders and representatives will be charged with the responsibility of notifying their members about the established cut-off-date and its significance. The land user(s) will be informed through both formal notifications in writing and by notification through existing local channels, including community radios and newspapers delivered in the presence of the Local Leaders or their representatives.

6.0 GRIEVANCE REDRESS MECHANISM

Conflicts or grievances may arise from the implementation of project activities or may already exist (e.g. conflicts between people and the parks management). Conflicts generally arise from poor communication, inadequate or lack of consultation, inadequate flow of relevant up-to-date information, lack of trust (on both sides), or restrictions that may be imposed on PAPs.

6.1 Preventive Measures

For preventive measures, implementation of a good communications strategy is an absolute requirement to reduce misunderstanding and grievances. Project awareness-raising activities will be conducted throughout the life of the project. Consultations and negotiations will be carried out with PAPs where there are indications of potential conflicts. Since monetary issues are often a source of grievance, another important preventive measure is to provide clear information on the project's policy concerning allowances entitlements for community members, chiefs and government employees participating in project activities. The same applies for guidelines and procedures for micro-credits or other community funds opportunities likely to be available for the PAP.

6.2 Consensus, Negotiation and Conflict Resolution

Grievance redress mechanisms would be grounded on existing local models that involve the local community leaders in providing a first level of listening and informal resolution. These leaders, e.g. a local VNRMC member, will be involved in project consultation. These forums are a natural channel for informal resolution at the village level, as the people are already involved in awareness-raising. Some land- and resource use-related conflicts may also be resolved by a Traditional Authority.

Consensus and negotiations are central to addressing grievances. In general, people are aware of their rights, their commitments to the country as citizens and their allegiance to village and family issues. For this reason, many Government funded community projects have been implemented without obstacles from PAPs. However some projects have been known to stall due to delays in disbursement of compensation. Prior negotiations between Government representatives and project beneficiaries are therefore crucial to the success of the project.

As a final step, grievances could be taken to the local courts as a last resort for settling the conflicts. It is expected, however (as stated above), that grievances should be resolved by working within existing community structures, so as to ensure peaceful settlement of disputes or conflicts.

If conflicts or complaints are outside the capacity of the community or local authorities to resolve, depending on the issues, they could be presented to:

- Meetings of the District Development Committee or District Executive Committees
- Forest Manager
- National Park Managers

If issues are concerned with project management or implementation of project activities, they should first be presented to the manager for the nearest protected or forest reserve area. When the results are not satisfactory for the complainant, the case can be referred to the SRBM Project Manager. In summary, as a guiding principle, emphasis shall be placed on simplicity and proximity of the conflict resolution mechanisms to the PAPs and the following shall be noted:

(a) Negotiation and agreement by consensus will provide the best avenue to resolving any grievances expressed by the individual landowners or households affected by development projects. These grievances shall be channelled through the Local Chiefs.

- (b) SRBMP shall ensure that the main parties involved achieve consensus freely. SRBMP or the relevant government representative shall clearly advise the general public as to who is responsible for handling grievances or compensation claims.
- (c) Grievances shall be addressed during the sub-project review and approval process. SRBMP shall defer implementation of project activities with unresolved grievances until a suitable solution is found.
- (d) Grievances for which solutions have not been found shall be referred back to the community for discussion where the Local Leader and District Council will address the matter of concern to assist the claimants. The mediation process will be implemented according to traditional methods of mediation and conflict resolution. The resolution will then be documented on the relevant consent forms and verified.
- (e) If an agreement cannot be reached at community level, the aggrieved party or parties shall raise their concerns to SRBMP who shall refer them to the respective District Councils, within 20 days of the verification meeting. Grievances that cannot be resolved at the Local and District level shall be officially communicated to the SRBMP with copies to the District Council. Should grievances remain unresolved at this level, they can be referred to a court of law.

In all cases, PAPs and communities will be encouraged to resolve conflicts harmoniously. Decisions on how to solve the issue and communication of procedures and decisions will be made in a timely manner (e.g. within 1-2 months). This will promote greater trust in the communication system and improve attitudes towards the project within the community. Information should ideally be returned to the community using the same channels as for the original message. The results will be communicated to all levels and other relevant organizations at the same time to promote transparency and coordination. If the complainant is not satisfied with the decision of the Project Authority, then as an ultimate step s/he may submit the complaint to the District Development Committee or the District Commissioner.

6.3 Objections

The golden rule is that all attempts shall be made to settle grievances amicably. Those seeking redress and wishing to state grievances will do so by notifying their Local Leader. The Local Leader will inform and consult with the District Council to determine validity of claims. If valid, the Local Leader will notify the complainant and s/he will be assisted. If the complainant's claim is rejected, the matter shall be brought before the District Council for settlement. All such decisions must be reached within a full growing season after the complaint is lodged.

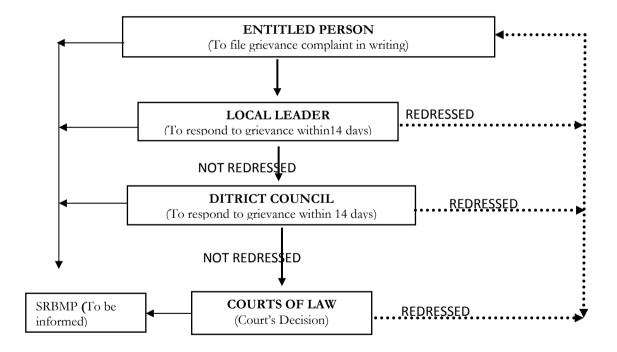
The grievance redress mechanism is designed with the objective of solving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to the Tribunal for resolution.

All objections to land acquisition shall be made in writing, in the language that the PAPs understand and are familiar with, to the Local Leader. Copies of the objections shall be sent to SRBMP and the Ministry of Water and Irrigation Development within 20 days after lodging the complaint. Channelling complaints through the Local Leader is aimed at addressing the problem of distance and cost the PAPs may have to incur.

Local Leaders shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made. The procedure for handling grievances should be as follows:

- a) The affected person should file his/her grievance in writing (in English or the local language that s/he is conversant with), to the Local Leader. The grievance note should be signed and dated by the aggrieved person. Where the PAP is unable to write, s/he should obtain assistance to write the note and emboss the letter with his or her thumb print.
- b) The Local Leader should respond within 14 days, during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may be requested to revalue the assets and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the Local Leader that his/her complaint is being considered. The Local Leader should try, as much as possible, to use established mechanisms of grievance redress, which may include the presence of peers of the PAP and other local leaders.
- c) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time s/he must lodge his/her grievance to the District Councils and the District Councils must inform the SRBMP of the complaint
- d) The Council will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to the Courts of Law.

The following chart illustrates the sequential steps for the grievance redress mechanism:



In summary, the grievances and conflict resolution procedure has three levels: Informal local resolution, administrative resolution, and finally judicial resolution. Ideally, issues will be resolved at the local level as quickly and as informally as possible. If resolution of a grievance is not possible informally at the local level, the issue may be referred to administrative authorities for consideration. If it is still not possible to resolve the issue, the complainant, whether an individual or a group, has the right to take the matter to court, although this is admittedly a long and costly procedure that is only used as a last resort.

7.0 ADMINISTRATIVE AND LEGAL PROCEDURES

7.1 Administrative Procedures:

Establishing institutional roles and responsibilities related to implementation of the PF is important to ensure that activities are carried out efficiently. A number of government departments and local governments, local communities and stakeholders will be called to participate in the appropriate planning and implementation of the activities identified in the PF. Table 2 presents institutional responsibilities for implementation of the PF.

Table 2 Proposed Roles and Responsibilities for implementation of the PF

Institution	Roles and Responsibilities				
SRBMP UNIT	 Oversee the preparation (by the consultants) of census, socio-economic survey, and environmental management plan. Participate in the district level meetings to facilitate land acquisition. Coordinate with other Government line Departments for ensuring effective delivery of mitigation and rehabilitation support. Make budgetary provisions for implementation of community natural resources management activities. Provide technical support for implementation of the project activities. 				
DISTRICT COUNCIL	Sensitizing communities on the PF. Participating in grievance and conflict resolution.				
VILLAGE DEVELOPMENT COMMITTEE	 Prepare and maintain records for the PAPs. Prepare plans on physical and financial needs on a monthly basis. Prepare monthly progress reports. Monitor the progress of project activities. Monitor compliance with applicable environmental and social management clauses in the construction contracts. Coordinating baseline assessments. Keeping financial records for all the project activities and coordinating with the SRBMP unit. 				
INDIVIDUAL OR AFFECTED PERSONS	AFFECTED Identifying project impacts and alternative livelihood options. Participating in monitoring activities.				
• May be engaged to participate in the process as witness or obto grievance and redress mechanisms.					

7.2 Legal Procedures

Activities under the PF will be conducted in accordance with the legal procedures related to management of National Parks and Forest Reserves, which are further developed under the RPF. Nevertheless, for the purpose of the PF, some of the relevant policies and laws include:

7.2.1 National Parks and Wildlife Policy

This policy aims at ensuring proper conservation and management of wildlife resources in order to provide for sustainable utilization and equitable access to the resources and fair sharing of benefits from the resources, both for present and future generations. The policy underscores the importance of actively engaging communities living around the wildlife areas in promoting proper management of National Parks and wildlife.

7.2.2 Forest Policy

This policy aims at promoting sustainable contribution of national forests, woodlands and trees towards the improvements of the quality of life in the country. This is to be achieved by conserving the resources for the benefit of the nation and to the satisfaction of diverse and changing needs of the Malawi population, particularly local communities. The main goal of the forest policy is therefore to reduce the degenerative impact of development on the environment, associated with poverty. It also aims at creating an enabling environment for promoting participation of the private sector in forest conservation and management, eliminating restrictions on sustainable harvesting of essential forest products by local communities, and promotion of planned harvesting and regeneration of the forest resources by village forest authorities.

7.2.3 National Environmental Policy

The overall policy goal is to promote sustainable social and economic development through sound management of the environment. This policy calls for the integration of environmental concerns into national, district and community level planning processes. Some of the high priority areas of this policy include efficient utilization and management of natural resources, promotion of public participation, enhancement of public awareness, and cooperation with other institutions.

7.2.4 Environment Management Act

The Act is the principal national environmental legislation that provides administrative functions for environmental management.

7.2.5 Forest Act

The Forestry Act (1997) guides the management of indigenous forests on customary and private land; forest reserves and other protected forest areas; woodlots and plantation forestry and it also deals with crosscutting issues including law enforcement and fire management. The Act provides guidelines for utilising forest land and forest products in protected forest areas.

8.0 MONITORING AND EVALUATION ARRANGEMENTS

The project will utilise a participatory monitoring and evaluation process which will monitor the effectiveness of mitigation measures to improve (or at least maintain) PAPs' standards of living.

Monitoring will involve the local populations, so that they have first-hand understanding of the ecological process set in motion and have the ability and opportunity to express their views on the positive and negative impacts. Villagers around these National Parks and Forest Reserves will participate in the baseline studies to be undertaken during the first year of the project, including the baseline for monitoring of socio-economic impacts.

The SRBMP will support affected communities so that they are able to monitor:

- The status of adverse social impacts (e.g., limited access to different types of natural resources inside the project-supported National Parks and Forest Reserves; construction-phase impacts such as noise, debris, and waste disposal, etc.) and the effectiveness of mitigation measures are outlined in the ESMF and PF. The SRBMP will ensure that communities are aware of the potential adverse impacts to monitor; and specific indicators to be developed with the communities, to ensure effective monitoring of each impacts;
- The implementation of agreed activities; and
- The effectiveness of the conflict resolution and grievance settlement mechanisms.

The SRBMP will institute three interrelated monitoring systems:

- i) Project administrative reporting;
- ii) Monitoring of natural resource use and the ecological status of each area; and
- iii) Socio-economic monitoring to ensure that compensatory economic measures in fact replace income lost due to restrictions on natural resource use.

8.1 Project Administrative Reporting

Under this monitoring, the standard record of activities undertaken in each reporting period, along with cost information will be provided. This will cover staffing in each area and staff activities, equipment needs, and other administrative concerns (e.g., additional studies needed). For this PF, the annual project progress reports will include a section that details the number and type of local meetings held (e.g. on restrictions on parks and forest reserves, on compensatory measures for forest land and for grazing pastures lost), the number and types of grievances registered and their resolution, and the nature of compensatory measures implemented, as well as the findings of the socio-economic monitoring program (Item 8.3, below).

8.2 Monitoring of Natural Resource Use and Ecological Status of Local Areas

This will provide a useful complement to the formal project monitoring system. Local populations are already aware of what the restrictions are and how well they are observed. Local populations, with assistance from experts employed by the project, will be responsible for monitoring the status of the natural resources in their areas — and in so doing will be able to correlate the impact of the restrictions with the improvement or degradation of their local resources.

Each community can map the present state of the ecosystem in their area at the outset of the project. The community can then assess the state of natural resources each year, e.g. the extension or degradation of forests and pastures in their area, the presence or absence of economic trees, the quantity of berries, mushrooms and fruits available. This exercise will form an important element of the park and forest management planning process and will be organized and supported by staff from

the Forestry Department, National Parks and Wildlife Department, and Shire River Basin Management Technical Team.

8.3 Socio-economic monitoring

This will focus on the maintenance or restoration of income levels and standards of living when restrictions on natural resource use impinge on the local populations' production and therefore on family incomes or nutrition. For areas in the vicinity of project-supported National Parks and Forest Reserves, a baseline socio-economic assessment will be conducted early during the project. The data obtained will be used as the basis for determining the eligibility of villages and households for assistance under the Process Framework, as well as designing measures to assist the affected persons in their efforts to improve or restore their livelihoods. The baseline assessment will include detailed information on demographic characteristics and income sources. With this baseline, the SRBMP Technical Team, or consultant contracted, will monitor the success of compensatory measures in maintaining or restoring families' incomes over time. The Project Implementation Plan will include the baseline survey, a midterm assessment at the end of Year 2, and an end of project assessment in the second half of Year 5. Such information is fundamentally important, for in those instances where economic compensatory measures fail to maintain incomes; project management will need to direct additional attention and resources in order to redress the situation.

Follow-up PRAs, conducted at the mid-term review and the close of Project, will update these data for the purpose of monitoring and evaluation of the implementation and impacts of the protected area management plans, community forest co-management agreements, and other site-specific Action Plans. The specific monitoring indicators will be outlined in the Action Plan. Possible indicators include: numbers of eligible villages and households; the potential livelihood impacts to these villages and households of new or more strictly enforced restrictions on use of resources in the protected areas; livelihood benefits of measures to assist the affected persons; numbers of villages and households participating in Community Conservation Funds (CCFs); and funds provided by CCFs to eligible villages and households.

In order to assess whether the goals of the plan are met, a monitoring plan will be required. This monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions, necessary to carry out the monitoring activities. In order to save time and use resources effectively, monitoring for the PF activities should be done concurrently with the monitoring for the Environmental Social Management Framework (ESMF) activities, where possible.

Where it is determined cost effective, the office of the District Council should host the M&E component of the project activities. This would mean giving the District Councils (in place of the Consultant) the mandate to carry out monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the program life. The District Councils would submit reports to the Consultant who would check and forward them to the SRBMP offices. Any deviation from the planned land acquisition and resettlement programme should be brought to the attention of SRBMP. The reports would become part of the official documents of the SRBMP.

Independent monitoring of the compensation and resettlement activities can be done by NGOs, private consultants or the Lands Department. Carrying out such independent monitoring will enhance the openness and transparency of the compensation and resettlement programme. The SRBMP would have to approve participation of NGOs in independent monitoring activities, depending on their requirements. The NGOs' participation would be funded by the NGOs themselves, using their own resources unless special funding and participation arrangements are approved by the SRBMP.

9.0 BUDGET FOR PF IMPLEMENTATION

The proposed costs (Table 3) are just an estimate for project budgeting purposes. They will be revised and made available prior to project launching.

Table 3 Estimated Implementation Budget for the PF

ACTIVITIES	COST SCHEDULE (Thousands USD)					
	Year 1	Year 2	Year 3	Year 4	Year 5	GT
Component B: Catchment Management						
B4: Ecological Management	15	15	10	10	10	60
Component C: Water Related Investments						
C2: Flood Management	15	15	10	10	10	60
GRAND TOTAL	30	30	20	20	20	120

10.0 CONCLUSSIONS AND RECOMMENDATIONS

This Process Framework, which is an extension of the Resettlement Policy Framework, has been prepared to ensure meaningful participation of PAPs, as a consequence of project-induced involuntary restriction of access to legally designated protected areas such as Lengwe, Liwonde National Parks, Eastern Escarpment, Tsamba and Mangochi Forest Reserves, and gazettment of Elephant Marsh, which could adversely affect the livelihoods of the PAPs.

The principle behind preparation of PF is to ensure that PAPs affected by the project do not become worse off, as a result of the project, but rather are assisted in their efforts to restore or improve their livelihoods, in a manner that maintains the environmental and social sustainability of the protected areas.

This PF is designed to guide the determination of PAPs affected by involuntary restriction to access legally designated protected areas and the Elephant Marshes. The PF will provide guidance in ensuring that PAPs benefit from the natural resources found in these protected areas and that adequate resources are provide for alternative livelihoods.

This PF has identified the following major positive impacts from the proposed project activities of the SRBMP, some of which might lead to restriction of access to legally designated protected areas:

- Reduced human and wildlife conflicts especially for Liwonde National Park where Elephants have been in constant conflicts with local communities around the national park; and Elephant Marsh where Crocodiles have been causing havoc to communities around the marsh;
- Reduced crop damage by wildlife such as elephants, buffalos, velvet monkeys, baboons, birds and hippos in the case of Liwonde National Park, when they get outside these protected areas and particularly when there are crops such as maize in the fields located close to these protected areas;
- Participatory and sustainable park and natural resources management; through collaborative management arrangements in form of community policing (reporting any person or persons within their communities that engage in illegal activities such poaching wildlife or encroachment) and benefit sharing of the protected natural resources through regulated harvesting of the natural resources products;
- Innovative alternatives for income-generating activities such as bee keeping; weaving of baskets, chairs, mats, etc.; that lead to more responsiveness and social accountability on the part of communities to harvest bamboos, reeds, palm trees and other products in within the Shire River Basin;
- Boost in the population of hippos, crocodiles, fisheries resources and other biological resources such bird species, which currently are declining rapidly due to unsustainable harvesting; and
- Promoting tourism, which will in turn contribute to increased availability of the much needed foreign currency; and

Negative impacts of the project activities, in the absence of adequate mitigation measures, could include:

- Loss of access to fuel-wood and timber for domestic use;
- Conflicts between communities adjacent to National Parks or Forest Reserves and the
 protected area authorities, due to increased restriction on entry to the parks and forest
 reserves;

- Reduced income from limited access to the illegal use of natural resources currently being free for all especially from Elephant Marsh;
- Potential increase in human-wildlife conflicts as a result of increased wildlife protection in the parks; and
- Increased human-wildlife conflicts resulting from increased population of hippos and crocodiles from the Elephant Marsh.

Successful implementation of the PF will depend, to a large extent, on the involvement and participation of the affected people, host communities and local institutions. SRBMP, DNPW, Forestry Department and respective district councils must use the recommendations in this PF to ensure that PAPs are relocated and assisted with alternative income generating activities to maintain or improve their livelihoods. It is therefore recommended that these stakeholders should be involved in the implementation of the project and the PF. The stakeholders should be involved throughout the project (during project planning and throughout implementation). It is further recommended that the PF and RPF should be referred to, prior to any project activity of the SRBMP.

Specifically, it is recommended that:

- Income levels and standards of living for the affected persons should be restored through provision of alternative income generating activities to build mutual trust with the affected communities;
- Grievance redress mechanisms, in line with this PF and the RPF, should be established prior to project implementation;
- The SRBMP must support the VNRMCs and local communities to monitor the project activities and implementation of the PF and RPF; and
- Adequate sensitization meetings should be conducted before implementation of the project activities, to ensure that PAPs are accorded with opportunities to understand the implications of the project, their roles and responsibilities in implementing the project activities, the PF and the RPF.

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