



MINISTRY OF ECONOMY AND FINANCE

**EMERGENCY RESILIENCE RECOVERY PROJECT FOR THE
NORTHERN AND CENTRAL REGIONS (ERRP)**

RESETTLEMENT POLICY FRAMEWORK (RPF)

December, 2016

LIST OF ACRONYMS

AIAS	Water Supply and Sanitation Infrastructure Administration
ARA	Regional Water Administration
ARAP	Abbreviated Resettlement Action Plan
DINOTER	National Directorate of Territorial Planning and Resettlement
DIPLAC-CEE	National Directorate of Planning and Cooperation – School Construction and Equipment
DNDR	National Directorate of Rural Development
DNFFB	National Directorate of Forests and Fauna
DNGRH	National Directorate for the Management of Water Resources
DPASA	Provincial Directorate of Agriculture and Food Security
DPC	Provincial Directorate of Culture
DPOPHRH	Provincial Directorate of Public Works, Housing and Water Resources
DPS	Provincial Directorate of Health
DPTADER	Provincial Directorate of Land, Environment and Rural Development
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
EA	Environmental Assessment
EAS	Simplified Environmental Assessment
EFP	Environmental Focal Point
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESO	Environmental and Social Officer
ERRP	Emergency Resilience Recovery Project for the Northern and Central Regions
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social management Framework
ESSP	Education Sector Strategic Plan
EWS	Early Warning Systems
EU	European Union
GFDRR	Global Facility for Disaster Risk Reduction
GoM	Government of Mozambique
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
IMR	Immediate Response Mechanism
INAM	National Institute of Meteorology
INGC	National Disaster Management Institute
INIR	National Irrigation Institute
IPM	Integrated Pest Management
MASA	Ministry of Agriculture and Food Security
MEF	Ministry of Economy and Finance
MINEDH	Ministry of Education and Human Development
MITADER	Ministry of Land, Environment and Rural Development

MOPHRH	Ministry of Public Works, Housing and Water Resources
NGO	Non-governmental organization
OP	Operational Policy
PAPs	Project Affected Persons
PNDRH	National Water Resources Development Project
PROIRRI	Sustainable Irrigation Project
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SDIP	District Services for Planning and Infrastructures
SDSMAS	District Health, Women and Social Affairs Services
ToR	Terms of Reference
UN	United Nations
WB	World Bank
WHO	World Health Organization

TABLE OF CONTENTS

LIST OF ACRONYMS	II
TERMS AND DEFINITIONS	VII
EXECUTIVE SUMMARY	X
1 INTRODUCTION	1
1.1 OBJECTIVE OF THE RESETTLEMENT POLICY FRAMEWORK	1
2 PROJECT DESCRIPTION	2
2.1 PROJECT OUTLINE	2
2.2 PROJECT LOCATION MAP	3
2.3 PROJECT COMPONENTS	3
<i>Component A - Rehabilitation of Resilient Infrastructures</i>	<i>4</i>
<i>Component B - Technical Assistance for Resilient Recovery and Vulnerability Reduction</i>	<i>6</i>
<i>Component C - Project Implementation, Monitoring and Evaluation</i>	<i>7</i>
<i>Component D - Contingency Emergency Response</i>	<i>8</i>
2.4 INTERVENTIONS WITH POTENTIAL FOR LAND ACQUISITION	8
3 PROJECT IMPLEMENTATION ARRANGEMENTS	8
4 TARGETED PROJECTS AREAS	10
4.1 GENERAL DESCRIPTION OF CONTEXT IN MOZAMBIQUE	10
4.2 PROJECT LOCATIONS	11
<i>Zambezia</i>	<i>12</i>
<i>Niassa</i>	<i>13</i>
<i>Nampula</i>	<i>14</i>
5 LEGAL FRAMEWORK FOR LAND ACQUISITION AND RESETTLEMENT IN MOZAMBIQUE AND WORLD BANK REQUIREMENTS	16
5.1 THE CONSTITUTION	16
5.2 NATIONAL LAND POLICY OF 1995	16
5.3 LAND LAW 19/1997	16
5.4 TERRITORIAL PLANNING LAW	18
5.5 REGULATION ON URBAN LAND	18
5.6 HERITAGE PROTECTION LAW	18
5.7 RESETTLEMENT PROCESS REGULATIONS	19
5.8 PUBLIC CONSULTATIONS PROCESS	19
5.9 WORLD BANK OP/ BP 4.12 ON INVOLUNTARY RESETTLEMENT	20
6 POTENTIAL IMPACTS OF THE PROJECT	22
6.1 SUMMARY TABLE OF ACTIVITIES THAT WILL TRIGGER LAND ACQUISITION OR RESETTLEMENT	23
<i>Sub-component A.1 – Rehabilitation of Dikes and Damaged Weirs/ Dams</i>	<i>23</i>
<i>Sub-component A.2 – Rehabilitation of Rural Infrastructure in the Maganja da Costa District ...</i>	<i>24</i>
<i>Sub-component A.3 – Rehabilitation of Mocuba Drinking Water Supply</i>	<i>24</i>
6.2 IMPACTS DUE TO SUB-COMPONENT A.1 - REHABILITATION OF DIKES AND DAMAGED WEIRS	26
6.3 IMPACTS DUE TO SUB-COMPONENT A.2 – REHABILITATION OF RURAL INFRASTRUCTURES IN THE MAGANJA DA COSTA DISTRICT	26
6.4 IMPACTS DUE TO SUB-COMPONENT A.3 – REHABILITATION OF MOCUBA DRINKING WATER SUPPLY	27
6.5 IMPACTS DUE TO SUB-COMPONENT A.4 – REHABILITATION AND RECONSTRUCTION OF RESILIENT SCHOOLS 27	
6.6 GENERAL POTENTIAL IMPACTS	28
6.7 ESTIMATED POPULATION DISPLACEMENT OR LOSSES	28
7 CATEGORIES OF AFFECTED PERSONS	29

7.1	AFFECTED HOUSEHOLDS	29
7.2	FEMALE HEADED HOUSEHOLDS OR UNMARRIED WOMEN	30
7.3	THE ELDERLY.....	30
7.4	HIV/AIDS AFFECTED AND CHRONICALLY ILL PERSONS.....	30
7.5	ORPHANS	31
7.6	SUBSISTENCE FARMERS	31
8	THE SOCIAL SCREENING PROCESS	32
9	STEPS FOR PREPARATION OF THE RESETTLEMENT ACTION PLAN	33
10	PUBLIC CONSULTATION AND PARTICIPATION	34
11	COMMUNICATION	36
12	PROPOSED LAND ACQUISITION MECHANISM.....	37
12.1	VOLUNTARY LAND CONTRIBUTION WITH COMPENSATION	38
12.2	VOLUNTARY LAND CONTRIBUTION WITHOUT COMPENSATION	39
12.3	INVOLUNTARY ACQUISITION OF LAND	39
13	ELIGIBILITY CRITERIA AND CONDITIONS FOR DISPLACEMENT OF PROJECT AFFECTED PERSONS.....	40
13.1	ENTITLEMENTS UNDER THE PROJECT RAPs	41
13.2	WORLD BANK ELIGIBILITY CRITERIA FOR COMPENSATION.....	42
13.3	PROCEDURES FOR PAYMENT OF COMPENSATION	43
13.4	CONDITIONS TO BE FOLLOWED IN RESETTLEMENT OF PEOPLE.....	43
14	NOTIFICATION, VALUATION PROCEDURES AND ENTITLEMENTS	44
14.1	NOTIFICATION PROCEDURE	44
15	COMPENSATION PAYMENTS AND RELATED CONSIDERATIONS	45
15.1	COMPENSATION FOR LAND	45
15.2	LAND MEASUREMENT	45
15.3	COMPENSATION RATES FOR LABOUR	46
15.4	COMPENSATION FOR BUILDINGS AND STRUCTURES	46
15.5	COMPENSATION FOR BUSINESS STRUCTURES AND BUSINESS OPPORTUNITIES.....	47
15.6	COMPENSATION FOR SACRED SITES	47
15.7	COMPENSATION FOR VEGETABLES AND OTHER CROPS	47
15.8	COMPENSATION FOR HORTICULTURAL, FLORICULTURAL AND FRUIT TREES	47
15.9	ENTITLEMENTS FOR COMPENSATION AND DISCLOSURE	48
15.10	PROCEDURE FOR DELIVERY OF COMPENSATION	49
15.11	CONSULTATION AND PUBLIC PARTICIPATION	49
15.12	NOTIFICATION OF LAND RESOURCE HOLDERS	49
16	KEY FINDINGS FROM PUBLIC CONSULTATION MEETINGS.....	49
16.1	CONSULTATIONS IN NAMPULA	50
16.2	CONSULTATIONS IN NIASSA	51
16.3	CONSULTATIONS IN ZAMBEZIA	52
17	COMPLAINTS AND GRIEVANCES MECHANISMS.....	53
18	MONITORING AND REPORTING REQUIREMENTS.....	54
19	COMPLAINTS AND GRIEVANCES MECHANISMS.....	56
20	ASSUMPTIONS AND RISKS.....	57
ANNEX 1: TORS FOR ENVIRONMENTAL AND SOCIAL SAFEGUARDS ACTION PLAN.....		58
ANNEX 2: PROPOSED ENVIRONMENTAL AND SOCIAL SCREENING FORM..		64
ANNEX 3: STRUCTURE FOR PREPARATION OF RAP.....		68

ANNEX 4: OUTLINE OF CATEGORIES OF LOSSES AND THEIR IMPACTS ON PAPS.....	72
ANNEX 5: TABLE 1 FRUIT TREES COMPENSATION.....	73
ANNEX 6: RAP IMPLEMENTATION BUDGET.....	77

FIGURE 1: LOCATION MAP OF PROJECT AFFECTED AREAS	3
---	----------

TERMS AND DEFINITIONS

Census means any field survey carried out to identify and determine the number of Project Affected Persons (PAPs) and their assets; in accordance with the procedures, satisfactory to the National legislation and WBG's Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.

Compensation is the payment in cash, and jobs, houses, in kind, land and conservation measures, or other assets given in exchange for the taking of land including fixed assets thereon, in part or whole depending on the context, the nature of the right or use or occupancy, the type of losses and the purpose of the resettlement or economic displacement.

Cut-off date is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation. The date has to be announced widely as the cut-off date and enough time has to be given to the PAPs for the subsequent actions to be valid.

Environmental and Social Management Framework (ESMF) is a safeguard instrument that establishes procedures and guidelines for the mitigation, adaptation, monitoring and governance measures to be considered and implemented during the design and operation of the Program as well as to provide orientation to the development of ESMPs. For the ERRP, the ESMF has been prepared as a separate and stand-alone document to be used in conjunction with this RFP and a stand-alone PMP.

Grievance Redress Mechanisms means all processes and tools that serve to channel conflict into an institutionalized mechanism for peaceful resolution. They facilitate communication between affected people and management (project, local authorities, government, etc.) regarding problems that arise, and enable those affected to complain with dignity, knowing that there is a system of appeals leading to an impartial decision making.

Involuntary displacement means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:

- Loss of benefits from use of such land;
- Relocation or loss of shelter;
- Loss of assets or access to assets; or
- Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

Involuntary Land Acquisition is the taking of land by government or other government agencies, for the purposes of a public project against the will of the landowner. The landowner

may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

Land refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.

Land acquisition means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.

Project Affected Persons (PAPs) relates to those persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. PAPs can include informal land occupants/users who lack formal and/or customary rights. These people may have their:

- Standard of living adversely affected, whether or not the Project Affected Person must move to another location;
- Right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;
- Access to productive assets adversely affected, temporarily or permanently; or
- Business, occupation, work or place of residence or habitat adversely affected.

Replacement Cost means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs.

The cost is to be based on **Market rate (commercial rate)** according to the Mozambican legislation for sale of property. In terms of land, this may be categorized as follows:

Replacement cost for agricultural land means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:

- Preparing the land to levels similar to those of the affected land; and
- Any registration, transfer taxes and other associated fees;

Replacement cost for houses and other structures means the prevailing cost of replacing affected structures of the quality equal to or better than that of the affected structures, in an area. Such costs shall include:

- Purchase of building materials
- Transporting building materials to the construction site;
- Any labor and contractors' fees; and
- Any registration costs.

Resettlement Assistance means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.

Resettlement Policy Framework (RPF) means this safeguards instrument, which has been prepared to guide on the preparation of Resettlement Action Plans (RAP) throughout the ERRP implementation. The RPF will be disclosed to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program.

The **Resettlement Action Plans (RAPs)** for the ERRP will be prepared consistent with the provisions of this RPF.

Resettlement Action Plan (RAP) is a resettlement instrument (document) to be prepared when project activity locations, affected PAPs/assets are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. The party impacting on the people and their livelihoods prepares RAPs. RAPs contain specific and legally binding requirements to be abided by ERRP to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

Voluntary Land Contribution refers to a process by which an individual or communal owner agrees to provide land or property for project-related activities. It must be obtained without undue coercion or duress from people with full knowledge of other options available and their consequences, the right not to contribute or transfer the land.

Voluntary Land Contribution may be of two types:

- Voluntary Land Contribution for Compensation, or
- Voluntary Land Contribution without Compensation

Vulnerable Groups refers to:

- Low capacity households – especially those below the poverty line, the landless, the elderly, widows, ethnic minorities, low income households and informal sector operators;
- Incapacitated households – those with no one fit to work and;
- Child-headed households and street children. This group is among other things, characterized by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

EXECUTIVE SUMMARY

Introduction

In 2015, following a formal request by the Government of Mozambique (GoM), the World Bank approved a total amount of US\$40 million for the recovery of infrastructure that had been destroyed by the natural disasters that occurred at the end of 2014 and the beginning of 2015 in the central and northern regions of the country. The Financial Agreement for this funding was signed by the GoM, represented by the Ministry of Economy and Finance (MEF), and the World Bank on the 26th of October 2015. The agreement and funding will be implemented over a period of 4 years under the emergency resilience recovery project for the northern and central regions being implemented by the Government of Mozambique.

This project is related to specific existent arrangements of projects funded by the Bank, being implemented by a number of Mozambican government institutions namely: (a) the Ministry of Public Works, Housing and Water Resources (MOPHRH) through National Directorate of Management of Water Resources (DNGRH) for dike rehabilitation under the Water Resources Development Project (WRD); (b) the National Irrigation Institute (INIR) for irrigation under the Sustainable Irrigation Development Project (PROIRRI); (c) the Administration of Water and Sanitation Infrastructures (AIAS) for drinking water supply under the Cities and Climate Change Project (CCCP); and (d) the Ministry of Education and Human Development MINEDH for climate-smart schools under the Education Sector Support Program (ESSP).

The current document was prepared based on extensive literature reviews in the proposed project areas; review of lessons from the synthesis of relevant provisions from Mozambican legal framework related to the Resettlement and World Bank Safeguard Policies and guideline documents; as well as feedback obtained from public consultation meetings carried out when preparing this document.

The objective of this Resettlement Policy Framework (RPF) is to set out the policies, principles, institutional arrangements, schedules and indicative budgets for any anticipated resettlements. These arrangements are to ensure that there is a systematic process for the different stages of the implementation of a framework that assures participation of affected persons, the involvement of relevant institutions and stakeholders, adherence to both World Bank and Mozambican procedures and requirements, and outline compensation for affected persons.

The present report provides an overview of the project impacts that may require resettlement and compensation, taking into account Component A and its sub-components, as the location and scope of some of the activities are still unknown at this stage. No civil works are expected to be carried out under components B and C, therefore these will not trigger resettlement and/or acquisition. Component D cannot be determined at this stage given the very nature of activities which will only be known and implemented in the event of an emergency.

Project Description

The key objective of the emergency resilience recovery project for the northern and central regions is to reconstruct and rehabilitate infrastructures in priority areas that were destroyed as a result of the natural disasters that occurred and had adverse impacts in the central and northern regions of the country. The infrastructure will be refurbished in a manner that will ensure their sustainability and resilience in the long-run, and taking into account that Mozambique is a disaster-prone country where natural disasters are recurrent. The project has four components, namely: i) Component A - Rehabilitation and reconstruction of resilient infrastructure ii) Component B - Technical Assistance for Resilience Recovery and Vulnerability Reduction; iii) Component C - Project Implementation, Monitoring and Evaluation; and iv) Component D - Related to the Contingency Emergency Response. Each of the components of the project has specific subcomponents related to the different activities to be implemented by each sector, and these are further described in the project description section of this document.

Targeted Project Areas

The Emergency Resilience Recovery Project has been designed to be implemented over a 4-year period, in specific provinces in the central (Zambezia) and northern (Niassa and Nampula) regions of Mozambique. The provinces of Zambezia, Niassa and Nampula were identified and selected because they were particularly adversely affected by the impacts of natural disasters of 2014 and 2015 and were deemed to be in need of reconstruction and rehabilitation of infrastructures because of these disasters. The three provinces have been exposed to flooding, strong winds, erosion, and a combination of these hazards, which have created significant damage which resulted in severe losses and detrimental impacts on human lives, livelihoods and infrastructure. In total, the three provinces have about 11.5 million inhabitants, which is reported to account for approximately 44 percent of the country's population. The three provinces also have extremely high incidences of poverty, and subsequently are amongst the provinces with the poorest people -in Mozambique. The rehabilitation and reconstruction activities will be concentrated in high risk disaster-prone areas to ensure that people who live in those areas have access to better conditions and that the infrastructures in their areas are more resilient to shocks.

Institutional Arrangements

The project will be implemented by a number of institutions working in different areas, these being: The Ministry of Public Works and Water Resources (MOPHRH), through the National Directorate of Management of Water Resources (DNGRH); the Ministry of Education and Human Development (MINEDH); the Ministry of Agriculture and Food Security (MASA) through the National Irrigation Institute (INIR); and the Water Supply and Sanitation Infrastructure Administration (AIAS). In terms of institutional arrangements, and given the multisectoral nature of the project in dealing with emergencies, it is expected that the project will be implemented by existing units from the aforementioned institutions. Where specific units to deal with emergencies are non-existent, these are to be created and staff to be recruited.

Legal Framework for Land Acquisition and Resettlement in Mozambique and World Bank Requirements

A summary of policies, laws and regulations in Mozambique related to land acquisition and resettlement, as well as the World Bank Safeguards Policies, particularly those of relevance to the Project, has been included in the present RPF. Relevant legislation in Mozambique include:

- The Constitution of the Republic of Mozambique (2004);
- The National Land Policy (Resolution n° 10/1995);
- Land Law (19/1997) and its *Regulamento da Lei de Terras - Decree No. 66/98 of 08th December*;
- Territorial Planning Law (Law 19/2007 of July 18);
- Regulation on Urban Land (Decree 60/2006 of 26th December);
- Heritage Protection Law (Law 10/88 of December, 1988);
- Resettlement Regulation Process (Decree no. 31/2012 of 8th August);
- Public Consultations Process (Decree 54/2015);
- World Bank OP/ BP 4.12 on Involuntary Resettlement.

Regulations on the Resettlement Process resulting from Economic Activities are established in the Decree no. 31/2012 of 8 August. This Decree establishes the basic rules and principles on the resettlement process for purposes of providing the opportunity to improve the quality of life of affected households. Article 4 lists the principles guiding the resettlement process resulting from the public and private activities. These include principles of social cohesion; social equality; direct benefit; social equity; non-change of income level; public participation; environmental accountability; and social responsibility. The Decree makes provisions for the resettlement process, including planning, providing for the rights of the affected populations and making provision for fines in the event of non-compliance.

The World Bank Safeguard/ Operational Policy OP 4.12 applies to all land acquisition and any changes in access to resources due to a sub-project. The policy applies whether or not affected persons must move to another location. The Bank's policy requires a full Resettlement Action Plan (RAP) if over 200 people must be relocated or if these people are not physically displaced but lose over 10% of their assets due to the project. If the impact is less than this an Abbreviated Resettlement Action Plan should be prepared instead.

In general, the guiding principles and objectives of the OP 4.12 include:

- Avoid or minimize involuntary resettlement and associated disruptions;
- Treat resettlement as sustainable development programs;
- Provide affected people with opportunities to participate in the planning and implementation of resettlement programs;
- Assist displaced people to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels.

The World Bank also establishes the need for the preparation of a Resettlement Policy Framework (RPF) to foresee the mitigation of projects' negative social effects particularly those activities likely to cause involuntary displacement of communities or disruption of their livelihoods as per the Operational Policy on Involuntary Resettlement (OP 4.12) of the WB. The policy covers direct economic and social impacts that are caused by the involuntary land acquisition resulting in relocation or loss of shelter; loss of assets; loss of income sources or means of livelihood; and/ or loss of access to locations that provide higher incomes or lower expenditures to individuals or collective persons.

Potential Impacts of the Project

The projects' main impacts relating to resettlement and compensation may only be triggered under Component A and its sub-components, where civil works are anticipated. No civil works are expected to be carried out under components B and C, therefore these will not trigger resettlement and/ or acquisition. Component D cannot be determined at this point given its very nature of activities only being known and implemented in the event of an emergency.

The rehabilitation and reconstruction of dikes and damaged weirs works will be carried out in the Zambezia Province within existing infrastructures and no land acquisition should be anticipated. However, precautionary measures should be taken by the responsible entity under this sub-component (DNGRH) in case land is required for the works or in the event of displacement of families, commercial activities or destruction of crops.

The rehabilitation of the two priority irrigation systems, Munda-Munda (400 hectares) and Intabo (300 hectares), both located in the Maganja da Costa District, as well as the rehabilitation/ reconstruction of the dirt road between Niquidua and Malei (25km), the Niquidua - Malei Bridge; and the electricity supply line of 18km between Nante may require resettlement and/ or acquisition of land given the types of work anticipated to be carried out.

The rehabilitation works of the Mocuba Drinking Water Supply System will include temporary and emergency repairs to the water supply system such as reparations on the weir, installation of new submersible pumps; rehabilitation and installation of equipment at the intake pumping station, and the installation of a mobile intake and pump station. These works are unlikely to require any temporary or permanent displacement of people, commercial activities or the destruction of crops, as they will be carried out in the existing locations and hence should not trigger OP 4.12.

The rehabilitation and reconstruction of resilient schools sub-component will be implemented under the management of the MINEDH. It is not expected that this component requires land acquisition or that it leads to resettlement of people or their livelihood or income generating activities. This component will be implemented in areas where school structures are already existent, and therefore the schools themselves should support MINEDH in the identification of sites for the new classrooms within the school premises. Where schools have to be relocated to

safer areas given their exposure to recurrent climate-related risks and shocks, maps of alternative areas for locating the schools should be produced, discussed and made available to the benefiting population, to MINEDH and its provincial and district representatives and to district authorities. The maps of the new locations should include information on climate variability of that location. The Mozambican legislation as well as the World Bank Safeguard Policy on Involuntary Resettlement policy OP 4.12 should guide the resettlement or land acquisition process for this component.

General potential impacts include:

- Resettlement of population for construction of road and bridge;
- Resettlement, acquisition of land or temporary restrictions in the project areas for construction of electricity supply line;
- Clearing of vegetation or crops in surrounding areas of the project site;
- Interruption of commercial and livelihood activities in surrounding communities;
- Limited access to portable water during reconstruction/ rehabilitation works;
- Temporary setting-up of construction and campsites;
- Resettlement of communities to areas far from income generating activities and basic services such as health, education and access to markets;
- Unfair compensation calculations for loss of land, infrastructure or crops and fruit trees;
- No compensation paid for loss of land.

It is not expected or anticipated that the ERRP will require acquisition of private property or will result in resettlement or displacement of persons. In most cases, the works relate to the reconstruction, repair and rehabilitation of existing structures, these being dikes and weirs; water supply systems, rural access roads and bridges; electrical power supply lines; and classrooms as described in the previous chapter. The Involuntary Resettlement Policy (OP 4.12) is however triggered as a precaution, and to ensure that in the event of need for resettlement or acquisition of land, that the project proponent and implementing agencies (as per the project description and components) take into account the OP 4.12 as well as the national regulatory framework to guide the resettlement process.

Categories of Affected Persons

The Project Affected Persons (PAPs) who are likely to be physically or economically displaced as a result of the ERRP include the following:

- Affected households
- Female headed households or unmarried women
- Elderly people
- HIV/ AIDS affected and chronically ill persons
- Orphans
- Subsistence farmers

Social Screening Process

The reconstruction and rehabilitation works foreseen under the ERRP will be preceded by conducting a screening process, which will provide adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening, as is detailed in the ESMF elaborated in parallel to this document. Once the social screening is done, the need for preparation of Resettlement Action Plan (RAP) or an Abbreviated Resettlement Action Plan (ARAP) will be determined and a study on expropriation done.

Steps for Preparing the Resettlement Action Plan

A number of steps are described in the present document which have to be followed by each of the proponents or entities responsible for the implementation of the ERRP should the OP.

4.12 be triggered and resettlement and/or land acquisition be required.

Reconstruction/rehabilitation activities which trigger the OP 4.12 on Involuntary Resettlement are subject to final approval of the World Bank, to ensure compliance with the Bank's safeguards. For the components which do not necessarily trigger the OP 4.12 on Involuntary Resettlement, the provisions of this RPF will not apply, thus the technical committee is to observe the ESMF prepared in parallel with the present RPF.

Public Consultations

Public consultations were carried out in the three provinces which are targeted by the ERRP, namely in Nampula, Niassa and Zambezia, as well as at central level, with the objective of gathering public perceptions of the proposed activities as well as of the provinces and key areas of intervention. The consultation process comprised two methods (i) consultation on a one-to-one basis with key stakeholders (officials from line ministries, national organizations, NGOs, the World Bank and technical staff from targeted provinces), and (ii) public meetings held in the provinces.

The objective of the consultation process was to gather general perceptions and views of all relevant stakeholders (project affected persons as well as interested persons) on the proposed project. Among others, the Consultant sought to identify and confirm conditions in the different provincial contexts, and determine specific impacts that would require to be addressed under the scope of the present RPF.

Communication

In order to empower the communities and the affected households, the communication systems to be adopted should embrace the “**rights based approach**”. NGOs and other entities with experience in this area should be engaged to promote this approach.

Proposed Land Acquisition Mechanism

Following the identification of the specific land to be acquired, the technical committee in coordination with the district governments, initiate negotiations with the land owners and in coordination with the local community leaders. The technical committee, in consultation with the land owner, shall prepare action plans that comply with the provisions of the present framework, for implementation of land acquisition and resettlement. PAPs must be notified of the intent for land acquisition, as well as the purpose for such land acquisition, the area of land required and the rights to compensate the owners in consideration of the existing law. In the case of customary land, the project proponent or the technical team must determine the nature of land ownership in consultation with the local leaders and the district government authorities.

Land Acquisition will follow either of the three mechanisms below:

- Voluntary land contribution with compensation - where a land owner has expressed willingness to contribute voluntarily with land and is seeking compensation
- Voluntary land contribution without compensation - occurs when individuals or groups voluntarily choose to donate land for development project related activities without seeking any compensation
- Involuntary acquisition of land – which should be avoided by all means, unless deemed unavoidable and necessary. Provision of compensation in such cases shall be carried out in consultation with the persons to be displaced, the local government and local community leaders.

Eligibility Criteria and Conditions for Displacement of Project Affected Persons

According to the World Bank's OP 4.12 on Involuntary Resettlement, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for PAPs, shall comprise the following:

- a) Persons that have formal legal rights to land, including customary and traditional; and religious rights recognized under the laws of Mozambique;
- b) Persons who do not have formal legal rights to land or assets at the time the census begins; but have a recognized claim to such land or assets through the national and traditional laws of Mozambique;
- c) Persons who have no recognizable legal right or claim to the land they are occupying, using or attaining an income from.

Notification, Valuation Procedures and Entitlements

In order to notify PAPs regarding assets evaluation and entitlement, the District Services of Planning and Infrastructure (SDPI) shall notify the public on its intention to land acquisition in relation to the reconstruction works. The public notice shall be advertised through the Daily Newspaper or through any other communication channels (i.e. community radio) widely used. A copy of such notice shall be delivered to each PAP and other individuals and entities that

may have a stake in the issue. A list of owners and their contact address shall be compiled and made readily available for any interested viewer.

Compensation Payments and Related Considerations

Under the WB OP 4.12 Individual and household compensation will be made in kind and/or through assistance. Although the type of compensation may be an individual's choice, compensation in kind will be preferred, if the loss amounts to more than 20% of the total loss of subsistence assets.

For cash payments, compensation will be calculated in Meticaïs adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labour. The affected commercial activities will also be entitled for a loss of profit allowance as part of the livelihoods restoration program.

It is to be noted that issues regarding inflation and security must be considered. Compensation in-kind is recommended instead of cash payments due to issues related to inflation and security, however, the choice of which compensation method is to be used is subject to discussions and agreement with the PAP or recipient, in consultation with the project technical team, the district government authorities and the local community leaders.

Complaints and Grievances

The Grievance Redress Mechanism (GRM) is recommended to be used to deal with potential grievances and dissatisfaction raised by the PAPs in relation to the project.

It is of note that the grievance mechanism is conceived to solving disputes at the earliest possible time of their outbreak, and it is of interest to all parties concerned, thus, matters should only be directed to the courts as a last resort.

1 INTRODUCTION

1.1 Objective of the Resettlement Policy Framework

In 2015, following a formal request by the Government of Mozambique (GoM), the World Bank approved a total amount of US\$40 million for the recovery of infrastructure that had been destroyed by the natural disasters that occurred at the end of 2014 and the beginning of 2015 in the central and northern regions of the country. The Financial Agreement for this funding was signed by the GoM, represented by the Ministry of Economy and Finance (MEF), and the World Bank on the 26th of October 2015. The agreement and funding will be implemented over a period of 4 years under the Emergency Resilience Recovery Project (ERRP) in the northern and central regions (Niassa, Nampula and Zambezia) by the Government of Mozambique, in response to damages caused by floods that adversely affected the country in 2014 and 2015.

This project is related to specific existent arrangements of projects funded by the Bank, being implemented by a number of Mozambican institutions namely: (a) the Ministry of Public Works, Housing and Water Resources (MOPHRH) through National Directorate of Management of Water Resources (DNGRH) for dike rehabilitation under the Water Resources Development Project (WRD); (b) the National Irrigation Institute (INIR) for irrigation under the Sustainable Irrigation Development Project (PROIRRI); (c) the Administration of Water and Sanitation Infrastructures (AIAS) for drinking water supply under the Cities and Climate Change Project (CCCP); and (d) the Ministry of Education and Human Development MINEDH for safer schools under the Education Sector Support Program (ESSP).

The elaboration of the present Resettlement Policy Framework (RPF), arises out of the guidelines set by the World Bank (WB) as well as by the Mozambique legal framework which make provisions for the procedures and processes that should be followed throughout a project cycle to avoid adverse social impacts in the acquisition of project-related land. It includes resettlement principles, organizational arrangements, and design criteria to be applied should resettlement be deemed necessary. In addition, the current RPF provides guidance aimed at minimizing involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or least restoring their livelihoods and standards of living in real terms relative to levels prevailing prior to the beginning of project implementation.

The key objectives of this operational policy are to:

- avoid or minimize involuntary resettlement scenarios, where possible and examine all viable alternative project designs;
- support affected persons in restoring/improving their former living standards, income generation and production capacities, or at least in restoring them;
- encourage community involvement in planning and implementing resettlement actions, and
- provide assistance to affected people regardless of the legality of land tenure.

The policy does not only cover physical displacement, but also any loss of land or other assets associated with the proposed actions resulting in:

- relocation or loss of shelter;
- loss of assets or access to assets; and
- loss of income sources or means of livelihood, whether or not the affected person is to reallocate to a new area.

The nature and scale of sub-components of the ERRP proposed activities (reconstruction of weirs and dikes, pipe laying, reconstruction of rural access roads and bridges, electrical supply line installation) suggest that only minimal displacement, and subsequent need for relocation and/or compensation, is likely to occur as a consequence of project implementation. However for some activities under sub-components A and D, where the exact location or project area has not been selected or identified, this RPF has taken into account the mitigation of potential resettlement impacts where these may arise.

This RPF is structured as follows: i) introduction and the objectives of the Resettlement Policy Framework (RPF); ii) description of the Project; iii) Project location; iv) institutional arrangements; v) the World Bank Policy on Involuntary Resettlement and overview of Mozambique's policy regulatory framework for resettlement, land and asset acquisition; vi) potential impacts and mitigation measures; and vi) guidelines on how the screening process should take place.

2 PROJECT DESCRIPTION

2.1 Project Outline

The key objective of the emergency resilience recovery project for the northern and central regions is to reconstruct and rehabilitate infrastructures in priority areas that were destroyed as a result of the natural disasters that occurred and had adverse impacts in the central and northern regions of the country, in a manner that will ensure their sustainability and resilience in the long-run, and taking into account that Mozambique is a disaster-prone country and these natural disasters are recurrent. The project have four components, namely: i) Component A - Rehabilitation of Resilient Infrastructures; ii) Component B - Technical Assistance for Resilient Recovery and Vulnerability Reduction; iii) Component C - Project Implementation, Monitoring and Evaluation; and iv) Component D - which is related to the Contingency Emergency Response. Each of the components of the project has specific subcomponents related to the different activities to be implemented by each sector, and these are further described in the project description section of this document.

The rehabilitation and reconstruction activities will be concentrated in high-risk, disaster-prone areas in order to ensure that people who live in those areas have access to much better conditions and that the infrastructures in their areas are more resilient to shocks. The key activities will include:

- Rehabilitation of dikes;

- Rehabilitation of potable water, education, irrigation and rural infrastructures (rural access roads, bridges and an electricity supply line);
- Technical assistance and support for analysis in the areas of safer schools, early warning systems, recovery framework and management of hydrographical basins, to ensure that capacities are built and strengthened in these areas in the long run; and
- Contingency Emergency Response in the event of an emergency.

2.2 Project location Map

The Emergency Resilient Recovery Project (ERRP) will be implemented in the northern and central regions of Mozambique (Niassa, Nampula and Zambezia) in response to damages caused by floods that adversely affected the regions in 2014 and 2015.

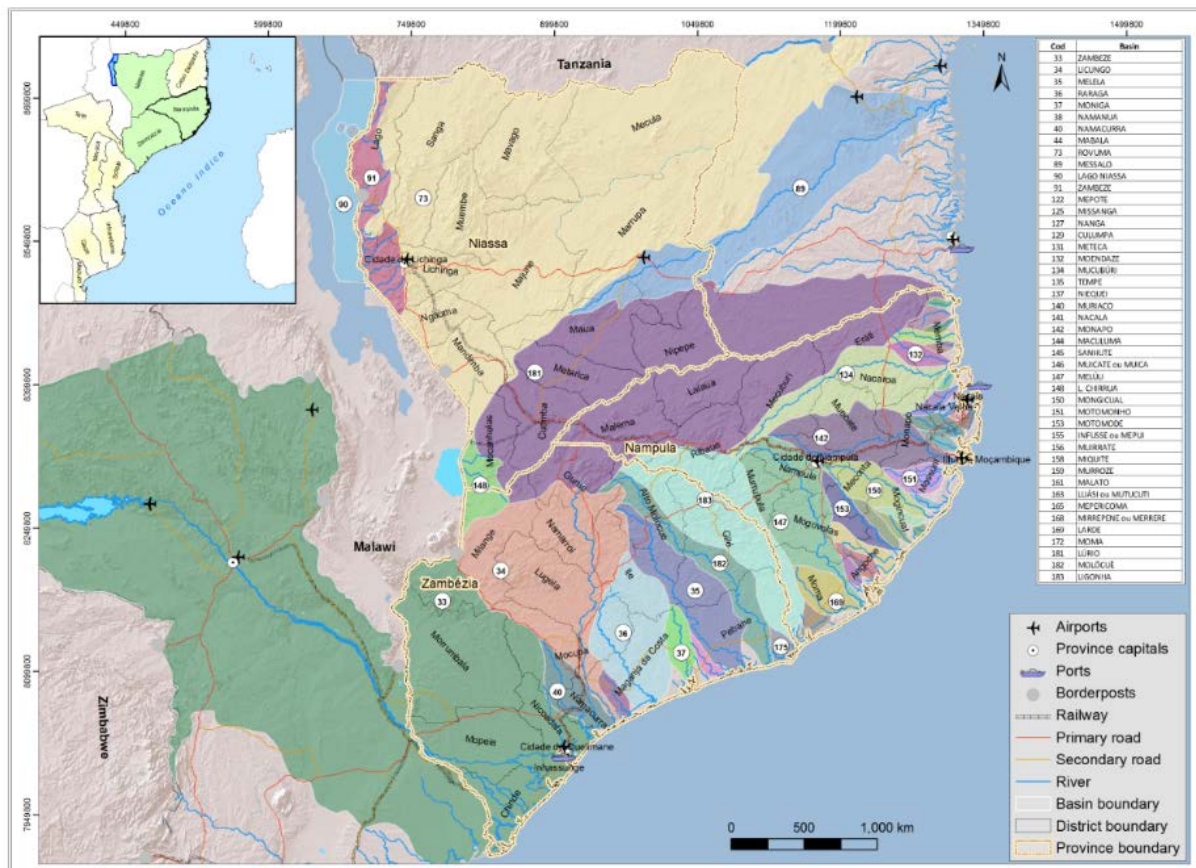


Figure 1: Location map of project affected areas

2.3 Project Components

The Emergency Resilience Recovery Project has four components, and each of these will be implemented by the different institutions involved, under the coordination and management of the Steering Committee.

Component A - Rehabilitation of Resilient Infrastructures

The activities to be financed and implemented under this component are the rehabilitation and/or reconstruction of dikes; irrigation schemes; potable water infrastructure in the Licungo River and education infrastructures. These areas were recommended in a Joint Assessment of Damage undertaken by the GoM, the World Bank, United Nations and European Union in April 2015. All rehabilitation works related to water, specifically the rehabilitation of dikes, irrigation schemes and the supply of potable water, will be undertaken in the Licungo Watershed. The rehabilitation and construction of classrooms will be undertaken in Zambezia, Niassa and Nampula provinces.

Sub-Component A.1 - Rehabilitation of Dikes and Damaged Weirs/ Dams

This sub-component envisages rehabilitation and strengthening dikes and weirs, including the Nante and Nicoadala dikes and Eribacela weir, which serve as important flood protection infrastructure.

The Nante dike extends over 30 kilometers between Nante and Intabo, and the second part of dike is adjacent to the Licungo River. The dike serves as a fluvial dike that protects the natural habitats, roads and agricultural land (approximately 10,000 hectares) which are used by about 54,000 people. It is expected that the Nicoadala dike is also rehabilitated to help protect investments made on the Mziva irrigation system, under the PROIRRI Project.

Finally, the rehabilitation of the Eribacela weir will complement the works being done for the Munda-Munda scheme that will be rehabilitated under this Project. Given the urgency of this sub-component, retroactive financing will be used to ensure swift action on the rehabilitation of damaged dikes and related infrastructure.

Sub-component A.2 – Rehabilitation of Rural Infrastructure in the Maganja da Costa District

The work to be carried out under this sub-component will focus on the rehabilitation of irrigation infrastructures in the Maganja da Costa District. These infrastructures will include irrigation systems, rural access roads, bridges and the electricity supply line.

Out of a total of 1,850 damaged hectares, two schemes across the Maganja da Costa District are considered a priority. The two priority systems are Munda-Munda (400 hectares) and Intabo (300 hectares). The PROIRRI Project will provide support in the preparation of viability studies as well as in the conception of the rehabilitation works, taking into account existing contracts they have with project design and supervision companies.

The rehabilitation works of the irrigation systems will be complemented with the rehabilitation of an electricity supply line of 18km between Nante and the systems; and a dirt road between Niquidua and Malei (including the Niquidua - Malei Bridge and structures), in order to

recuperate the road access to the systems. The investment on the irrigation systems and the dikes will have a direct impact and contribution to the mitigation of the flood risks efforts already being employed by the GoM.

Sub-component A.3 – Rehabilitation of Mocuba Drinking Water Supply

The sub-component will focus on rehabilitating and restoring the design capacity of the intake of the Mocuba drinking water supply system, and conducting a study on the long-term and sustainable upgrade or replacement of the intake pumping station and related infrastructures.

At present, less than 5% of the Mocuba population benefits from this water supply system. Most of the population of the district depends on wells and other unsafe water supply sources. The water outlet at the Lugela River and other water supply systems in Mocuba are extremely vulnerable to floods, and these have been seriously damaged by the 2015 floods. Given the extreme fragility of the water outlet and threats from the river, only minimum investments will be made under this project, and these will be related to temporary and emergency repairs. A detailed study will be undertaken to determine and inform how the system may be upgraded or replaced in a resilient and sustainable manner.

Sub-component A.4 – Rehabilitation and Reconstruction of Resilient Schools

This sub-component will focus on rehabilitating and constructing resilient schools, including: (a) rehabilitating conventional classrooms; and (b) constructing mixed-material classrooms. Given the high exposure and vulnerability to floods, storms, and earthquakes, the rehabilitation of these infrastructures should be undertaken using a multi-risk approach, in that the necessary quality is employed in the design and quality of the works to ensure that the infrastructures can bear these risks.

The works will involve the rehabilitation of 433 damaged conventional classrooms and the construction of 1,038 improved mixed classrooms to replace the conventional classrooms that were completely destroyed by calamities. Classrooms that will be built with mixed materials will be built with the participation of the community, using non-conventional materials. This component will be a pilot in terms of using new construction techniques with the aim of development more resilient structures, as recommended by the first phase of the Safer Schools Project. The implementation of this component will also include the involvement of civil society organizations, with the aim of ensuring the involvement of the community throughout the life of the project.

The technical assistance component will provide support for i) the identification of better and resilient construction techniques and local materials; ii) selection of design and shape of the classrooms, taking into account risk zone (area of risk); and iii) on-the-job training of contractors and communities, as well as quality control.

Component B - Technical Assistance for Resilient Recovery and Vulnerability Reduction

This component focuses on enhancing the capacity to manage risks associated with natural hazards. Community engagement and outreach will also play a significant role under this component with regards to the rehabilitation of schools and early warning systems. This component will be complemented by resources from the GFDRR destined for the Safer Schools project.

Sub-component B.1 - Improving the Implementation of Resilient School Construction

This sub-component will provide technical assistance for the rehabilitation and construction of safer schools, including for: (i) the identification of resilient construction techniques, ii) the selection of sites and the positioning of classrooms, and iii) quality assurance and quality control. The Safer Schools Project, funded under the GFDRR will complement this work.

The second phase of the GFDRR will provide support for the definition of relevant construction norms for risk zoning/ identification; the management of hazard, exposure and vulnerability information; and on-the-job training for resilient school construction. This support will be piloted in two provinces.

Sub-component B.2 – Training for Disaster Risk Management and the Recovery Framework

This sub-component will support a program of activities to strengthen the capacity of relevant government institutions and communities to manage and respond to disaster risks, including: (a) developing a proposal for rehabilitating meteorological and hydrological measurement stations and enhancing access to data in the Licungo basin; (b) rehabilitating the damaged hydro-meteorological network; (c) installing meteorological and hydrological measurement stations; (d) evaluating early warning systems and proposals for reinforcing community preparedness; (e) building the capacity of relevant national and local government institutions on early warning systems; (f) building the capacity of local disaster risk management committees to prepare emergency plans; and (g) developing a framework to enhance capacity in recovery and reconstruction.

The project will ensure that INGC and local communities have better access to hydro-meteorological information and forecasts of impact from the National Meteorological Institute (INAM) and from the DNGRH. The procurement and management of these activities shall be under the responsibility of the Ministry of Public Works, Housing and Water Resources (MOPHRH), through DNGRH, and in close coordination with the existing Transforming Hydro-Meteorological Services Project.

Sub-component B.3 – Study on the Licungo Watershed Management

This sub-component will be carrying out a study on watershed management in the Licungo River to reduce the vulnerability of dikes and other hydraulic works in order to develop long-term recommendations based upon a detailed understanding of the hydrology and flood return periods in the watershed. It will develop a risk model and address the question of how such damages can be minimized if a flood of this scale were to strike again in the future. The terms of reference of the study will be elaborated after a presentation of the Initial Draft Report of the Licungo Watershed Resources Development Plan, which is being undertaken by the DNGRH at present.

Component C - Project Implementation, Monitoring and Evaluation

This component will finance Project implementation, monitoring and evaluation costs for MOPHRH (for DNGRH), MINEDH, INIR, and AIAS.

Sub-component C.1 – Project Implementation, Monitoring and Evaluation by DNGRH/MOPHRH

This sub-component will cover: (a) strengthening the capacity of the Project Steering Committee for overall Project coordination; and (b) strengthening the capacity of MOPHRH (DNGRH) for Project management, coordination, monitoring and evaluation, including: (i) fiduciary (i.e. financial and procurement management); (ii) environmental and social assessments; (iii) preparation of Project reports; and (iv) monitoring and evaluation.

Sub-component C.2 – Project Implementation, Monitoring and Evaluation by MINEDH

This sub-component will cover: strengthening the capacity of MINEDH for Project management, coordination, monitoring and evaluation, including: (a) fiduciary (i.e. financial and procurement management); (b) environmental and social assessments; (c) preparation of Project reports; and (d) monitoring and evaluation.

Sub-component C.3 – Project Implementation, Monitoring and Evaluation by INIR

This sub-component will cover: strengthening the capacity of INIR for Project management, coordination, monitoring and evaluation, including: (a) fiduciary (i.e. financial and procurement management); (b) environmental and social assessments; (c) preparation of Project reports; and (d) monitoring and evaluation.

Sub-component C.4 – Project Implementation, Monitoring and Evaluation by AIAS

This sub-component will cover: strengthening the capacity of AIAS for Project management, coordination, monitoring and evaluation, including: (a) fiduciary (i.e. financial and procurement management); (b) environmental and social assessments; (c) preparation of Project reports; and (d) monitoring and evaluation.

Component D - Contingency Emergency Response

This component will allow for an immediate response in the event of a crisis or an eligible emergency when necessary. The component will provide financing from emergencies in the event of another natural disaster, which includes a component for Contingency Emergency Response which will reduce risks of damage on infrastructure and will guarantee continuity of activities and rapid rehabilitation where required. In the event of an adverse event which creates a major disaster, the GoM may request the World Bank to channel resources through this component for an Immediate Response Mechanism (IRM). If the activation of the IRM is deemed necessary, the MOPHRH, through the DNGRH shall be the Coordinating Authority and shall have the responsibility of coordinating and implementing the IRM. Details of this component (including activation criteria, eligible expenditure, specific implementation arrangements and staff needs for the coordination authority) will be provided in the IRM Operations Manual, and will undergo a process of consultation and authorization.

2.4 Interventions with Potential for Land Acquisition

As stated above the project main interventions which are expected to trigger resettlement are: (i) construction and operation of small and medium size dams/weirs/water retention infrastructures for agricultural irrigation; (ii) alignment and realignment as well as improvement of rural feeder roads including construction and rehabilitation of small bridges/culverts; (iii) construction and rehabilitation of storage facilities and other types of priority infrastructure; and (iv) land delimitation and individual land tenure titling.

3 PROJECT IMPLEMENTATION ARRANGEMENTS

The project will be implemented by a number of institutions working in different areas, these being: the Ministry of Public Works and Water Resources (MOPHRH), through the National Directorate of Management of Water Resources (DNGRH); the Ministry of Education and Human Development (MINEDH); the Ministry of Agriculture and Food Security (MASA) through the National Irrigation Institute (INIR); and the Water Supply and Sanitation Infrastructure Administration (AIAS). In terms of institutional arrangements, and given the multisectoral nature of the project in dealing with emergencies, it is expected that the project will be implemented by existing units from the aforementioned institutions. Where specific units to deal with emergencies are non-existent, these are to be created and staff to be recruited.

The project will be managed by a **Steering Committee**, which will be led by the Ministry of Economy and Finance (MEF) and the National Disaster Management Institute (INGC). The Steering Committee has the role of coordinating, monitoring and supervising the implementation of the project. It is equally responsible for analyzing progress reports submitted by the implementation units every trimester.

The **inter-institutional coordination** role will be led by the National Directorate of Management of Water Resources, who will be responsible for the day-to-day implementation and oversight of activities. The DNGRH will recruit a project coordinator and will have the role of consolidating and harmonizing the reports submitted by the different sectors. DNGRH will subsequently submit all consolidated reports to the Steering Committee as well as to the World Bank.

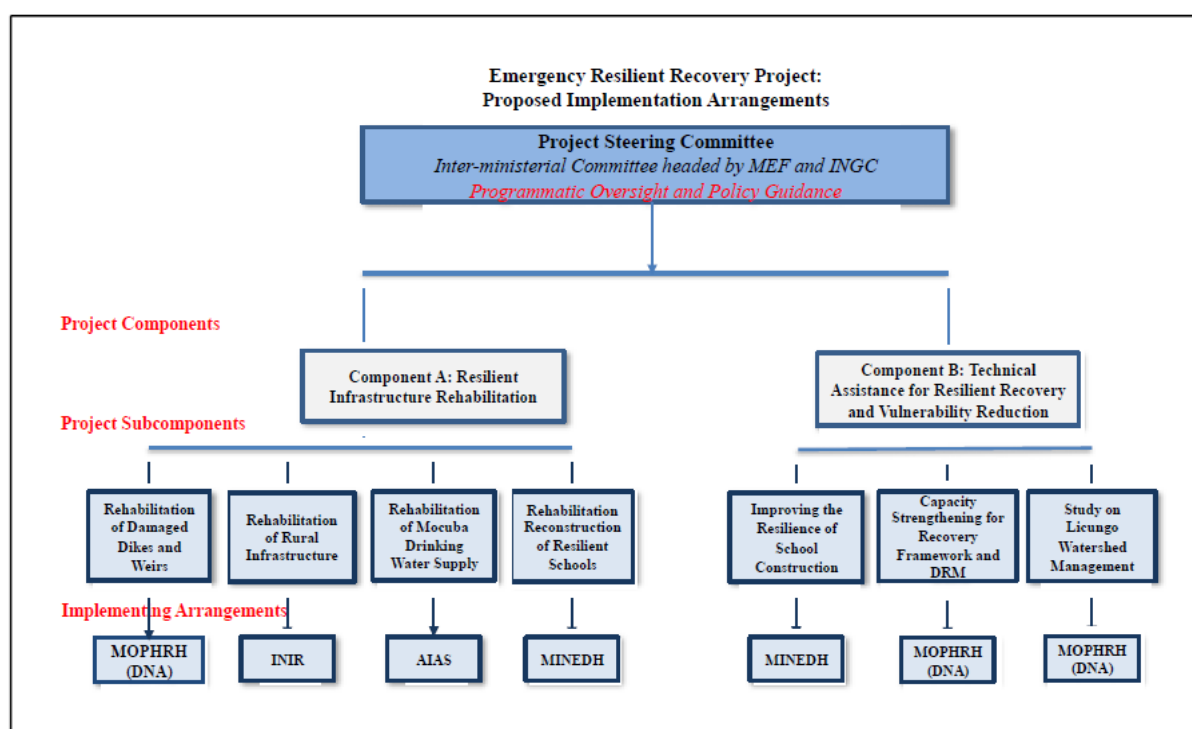


Figure 2: Implementation Arrangements

Source: World Bank, Project Appraisal Document for Emergency Resilient Recovery Project for the northern and central regions

INIR will be responsible for implementing and managing activities related to PROIRRI. INI has representation at the provincial level and oversees policy, strategic, and operational issues related to irrigation. The project will rely upon the long-term irrigation service providers and strategic partners' setup by the PROIRRI Project for the day-to-day execution of Project activities, taking into account the need for a strong technical expertise on the ground for the planning, coordination, execution and monitoring of Project activities.

MINEDH is currently resourced with a pool of experienced procurement officers, and therefore it will use existing resources for implementation arrangements and management related to the construction of the classrooms component of the project. MINEDH has much experience with World Bank projects and is familiar with implementation and supervision procedures recommended under safeguards policies triggered by this Project.

AIAS will also use existing implementation arrangements and share resources from other projects. AIAS is responsible for the provision of urban water infrastructure and all urban

sanitation infrastructure, including drainage across the country with the exception of large cities. A separate Project Agreement will be required for AIAS, as this is an independent agency with financial and procurement autonomy.

Although sub-components of this project will be implemented by different entities, it is of utmost importance that the project is managed correctly to ensure coherence as well as to ensure that the objectives and the expected results of the project are met. Each entity involved in the project cycle, including the coordinating functions of the MOPHRH and the Steering Committee, have a key role and responsibility in the timely implementation of activities, in monitoring and evaluation, as well as in the submission of reports.

The inter-institutional coordination safeguards team at DNGRH shall provide oversight on the whole project's compliance and implementation of the safeguards, and the two safeguard specialists that have been retained for the ERRP project will form part of the coordination team. The specific day-to-day management, implementation and oversight shall be the under the responsibility of each of the safeguards teams from the implementing entities in collaborating with local government authorities.

The implementation process shall be guided by following principles: participation, consultation and disclosure of information to the affected communities and individuals which are critical elements for land acquisition, compensation and for the resettlement process as a whole.

4 TARGETED PROJECTS AREAS

4.1 General Description of Context in Mozambique

Mozambique comprises a national territory of 799,380 km² of which 2% comprises inland water bodies and 13% national parks and 21% of forest cover. The country is located in the sub-Saharan East of the African Continent, bordering with Tanzania in the North, Malawi, Zambia and Zimbabwe in the West, South Africa and Swaziland in the South and the Indian Ocean in the Eastern part which encompass a 2,500 km of coastline and an exclusive economic zone of 200 nautical miles. The country has thirty-nine major rivers which drain into the Indian Ocean, and an impressive environment, which constitutes a significant public asset and is the basis upon which much of its recent macro-economic development and poverty reduction has been achieved. All the key sectors of the Mozambican economy (i.e. agriculture, mining, tourism, forestry, fisheries and wildlife) are based on natural resources. Mozambique's rich ecosystems, biodiversity and natural resources hold a significant exportable value and commercial potential.

It is important to highlight that despite these impressive environmental and agro-ecological climate of Mozambique, country is extremely vulnerable to natural disasters namely; floods, drought, and cyclones due to its geographic location, its climate conditions, extremely high levels of poverty and exposure of people to these disasters as well as the limited availability of

resources in the country to build resilience. Mozambique is considered the second most geographically exposed to natural disasters country in Africa. The recurrence of natural disasters in the country on annual basis have adverse impacts not only on the human lives, but also on livelihoods, infrastructure and hamper development and growth investments and efforts. This is particularly evident with the floods that occurred in 2014 and 2015, that had negative impacts in the central and northern regions of the country, particularly in the proposed project areas (Zambezia, Niassa and Nampula). More recently with the El Nino phenomena which started at the end of the last quarter of 2015, natural disasters have been affecting parts of the country, hitting particularly the southern and central regions of Mozambique with droughts and floods. According to the Vulnerability Assessment carried out by the Food Security and Nutrition Technical Secretariat (SETSAN), in March 2016, El Nino has affected close to 1.5 million people, and humanitarian needs in terms of food assistance, severe and acute malnutrition treatment as well as in terms water, hygiene and sanitation have been prioritized for the affected groups.

Albeit significant advances have been achieved in Mozambique over the last decade in terms of improvements in the social sectors (i.e. health and education) as well as in the general economy (with an annual GDP of 7-8% until 2015), the country continues amongst the poorest in the world and still close to half of the population lives in poverty. The 2015 Human Development Index ranked Mozambique 180 out of 188 countries. Access to adequate health and education services and other facilities remain challenging, particularly in with the fast population growth rates. Access to potable water, and infrastructures such as roads, bridges and electrical power is also increasing at a very slow pace and reaching less than 40% of the Mozambican.

The ERRP offers an opportunity for early warning and flood control systems in areas that are susceptible to floods, awareness raising on climate change and its adverse effects, and ensuring that all development projects take into account resilience to shocks and disasters in that the population in general does not suffer, and there are no losses in major investments during the development process.

4.2 Project Locations

The Emergency Resilience Recovery Project has been designed to be implemented over a 4-year period, in specific provinces in the central (Zambezia) and northern (Niassa and Nampula) regions of Mozambique. The provinces of Zambezia, Niassa and Nampula were identified and selected because they were particularly adversely affected by the impacts of natural disasters of 2014 and 2015 and taking into account the need for reconstruction and rehabilitation of infrastructures as a result of these disasters. The three provinces have been exposed to flooding, strong winds, erosion, and a combination of these hazards, which have created significant damages accounting for severe losses and damages in human lives, livelihoods and infrastructure. In total, the three provinces have about 11.5 million inhabitants which is reported to account for approximately 44 percent of the country's population. The three

provinces also have extremely high incidences of poverty, and subsequently are amongst the provinces with poorest populations in the country.

Zambezia

Zambezia province is the second most populous in Mozambique, with a projected population of 4.5 million (INE 2010), and has an area of 103 127 km², mostly covered by the Zambezi and Licungo rivers and their tributaries. The province is located in the central-northern region, bordering Sofala, Tete, Niassa and Nampula provinces. The capital of Zambezia is Quelimane. The province is divided into 16 districts, of which at least 3 will be covered by the ERRP, these being Maganja da Costa, Mocuba and Nicoadala where most of the activities under sub-component A.1 of the ERRP targets. Specific sub-projects identified to be implemented in Zambezi include the rehabilitation of dikes and weirs, reconstruction of rural infrastructures (rural access roads, bridges and electricity supply) linked to the irrigation schemes of Munda-Munda and Mziva, and the rehabilitation of the Mocuba water supply system. The rehabilitation and reconstruction of resilient schools will also be undertaken in the Zambezia province, in flood-prone districts still to be identified.

Zambezia has a tropical climate with two annual seasons dominated by rains. Between May and September the climate is generally cold, and from November to March is the raining season. The rest of the year, October to April, is considered the transition period. The province is subdivided into two ecological zones: i) “Alta Zambezia”, located in the northern interior of the country, with moderate climate conditions and generally low temperatures. In this region forestry is the predominant activity; and ii) “Baixa Zambezia” located in the coastal and southern region of the province. This region is characterized by very high and humid temperatures, and is susceptible to floods in the coastline, in the margins of the Licungo River and in the delta of the Zambezi River. The province has ideal agro-climatic conditions, fertile soils and is endowed with water resources.

Zambezia, like most provinces in Mozambique, has a predominantly agriculture based economy, and because of the characteristics of the province, particularly of Baixa Zambezia, the agriculture season is cyclically affected by floods. Natural resources, timber and minerals, also contribute largely to the income of the province.

Zambezia is reported to have about 200 health units (including the provincial hospital based in the capital Lichinga, health centres and health posts in urban and rural areas). In relation to health indicators, Zambezia is reported to have high levels of malaria, diarrhea, and water-borne illnesses as a result of the humid climatic conditions and the occurrence of cyclical floods. The HIV/ AIDS prevalence rate for the province was of 12.6% in 2009

Education levels in Zambezia provinces are still very low as close to 70% of the provinces population is illiterate. Access to schools, as in the rural setting throughout the region, is also very low. Another reason for the poor education levels in the province are recurrent natural

disasters which disrupt attendance of school by children for various reasons including temporary resettlement due to destruction of their homes and destruction of the schools themselves.

Although Zambezia province is endowed with water resources (due to the rivers that flow in the province) access to potable water is a major issue. No community located in the rural areas of Zambezia have access to a piped water network, and most of the population in these areas collect their water from water pumps, boreholes or directly from rivers.

Niassa

Niassa is Mozambique's largest province with an area of 122,827 km², covering approximately 16 per cent of the country's total area and remains one of the world's last genuine wildernesses. On the other hand Niassa has a population of 1,027,037 and is the most sparsely populated province in the country. The Ruvuma River forms much of the northern boundary of the province with Tanzania while Lake Niassa forms the western border of the province, separating it from Malawi. The province shares borders with Zambezia, Nampula and Cabo Delgado. It has 15 districts and Lichinga is the capital of the province. For Niassa, the key activities under the ERRP will involve the rehabilitation and reconstruction of safer and more resilient schools. Vulnerable and risky areas will also be contemplated for the province in the event of an emergency, which will trigger the implementation of the component on contingency emergency response. The districts of focus will be defined during the preparation and implementation phases of the project.

Niassa's climate is based on two annual seasons, humid and dry, and is predominantly rainy with an annual precipitation that varies between 800 and 1,800 mm, mostly in October and March. The province has three hydrographic basins: the Rovuma Basin, the Zambezi and Lúrio Basin. Because of these hydro-climatic conditions, Niassa is extremely susceptible to floods.

Niassa's economy is predominately based on agricultural and constitutes as the main source of employment and incomes of the rural population of the province. Apart from agriculture, Niassa's income is largely dependent on natural resources, with forestry and livestock also making major contributions to the development of the province.

In terms of health services, the province is said to have 137 health units (including the provincial hospital based in the capital Lichinga, health centres and health posts in urban and rural areas). All district capitals have maternity wards. All health units have a source of water which are also used to supply surrounding communities. In that last few years Niassa has seen an increase in the diseases such as malaria, cholera, tuberculosis and HIV/AIDS resulting from a number of issues including influx of people, natural disasters, unhygienic practices and poor sanitation, to mention a few. In 2004 Niassa is said to have had an HIV/AIDS prevalence of 11.1%, and the districts with the highest prevalence were Cuamba, Mandimba, Maua, Lichinga and Maua, given their proximity to urban areas, to Malawi, and road corridors.

In terms of education and access to schools, the situation in the province is improving, however very challenging given the dispersed population and distances between communities. Niassa is said to have total of approximately 876 schools (covering all levels from primary to secondary education).

The province has 1,285 sources of water, of which 1,116 are operational and is reported to have a coverage of 64% of drinkable water in 2006. As with the education and health networks, coverage and access to water sources by the vast population is a challenge given the size of the province, the low population density and disparity of the population.

Nampula

The province of Nampula is located in northern Mozambique, sharing borders with the provinces of Cabo Delgado to the north-east, Niassa to the north-west and Zambezia to the south., with a population of 3.9 million people (2007 Census), and an area of 79,010 km². The provinces population growth rate is 2.39 % and the population's total life expectancy is 37 years. Gross natal rate is high at 41.7%, but it is offset by a high mortality rate of 27.3%.

Nampula has a humid tropical climate, very similar to that of Zambezia Province, characterized by a hot and rainy period that goes from November to March and a dry season that goes from May to October. The average temperature is 24.7 C and the annual average rainfall amount is 1095 mm. The month of September and the driest, reaches up to 7 mm of rainfall. And the month of January the most humid with an average of 241 mm. The province is well endowed with rainfall, averaging 1059 mm per year, is considered one of the most productive areas in the country, and is normally divided into a coastal, a central and an interior region with reference to environmental and economic characteristics. Agriculture is the dominant economic activity, historically with a mixture of small-scale, mainly subsistence agriculture and larger units producing cash crops such as cotton, cashew and tobacco (DNPO 2000; Cruzeiro do Sul 2002; EIU 2006). At the coast, fishing and coconut farming are additional important sources of subsistence and income. Except for agricultural processing plants, there is only a small number of larger industrial enterprises in Nampula. The principal port for the province is Nacala on the northern coast of the province. Tourism is not yet developed, but the historically important Ilha de Mozambique (i.e. Mozambique's first capital) draws visitors.

Like Niassa, Nampula is also one of the largest territory of the country, and is the most populous. It is bordered on the north by Cabo Delgado Province, Niassa Province on the northwest, Zambezia Province on the southwest, and the Indian Ocean to the east. The province has 18 districts, and the capital is Nampula. Similar to Niassa, the key activities under the ERRP in Nampula will involve the rehabilitation and reconstruction of safer and more resilient schools. Vulnerable and risky areas will also be contemplated for Nampula in the event of an emergency, which will trigger the implementation of the component on contingency

emergency response. The districts of focus will be defined during the preparation and implementation phases of the project.

Nampula province has 11% of the country (81,000 km²), 21% of the population: (4.1 million), 14% of the national GDP. Nampula's economy of the province is predominantly based on agriculture and commerce (71% of the province's GDP). The region is a major producer of cotton, and is known as the Cotton Belt of Nampula. Also produced in the province are cashew nuts, tobacco, gems and other minerals. Many of the cotton and tobacco farms in Nampula Province are state-owned.

Agriculture is the main economic activity in the province of Nampula and is complemented by the farming with domestic animals. The potential for the development of agriculture is 4 500 000ha for rain-fed agriculture, 74 000ha for irrigated agriculture and to 83 000ha for forestry. Nampula also have favorable conditions for livestock husbandry practices, especially in bovine, goat, sheep and poultry in the districts of Mogovolas, Moma, Angoche and Nampula Rapale which have some infrastructure for the expansion of the activity.

Data from 2007, of the human development report, show that Nampula is the third worst province of the country with respect to Human Development Index (HDI) (2.24), Human Poverty Index (HPI) (53.6), and life expectancy at birth (44.3 years), ahead only of the provinces of Cabo Delgado and Zambezia. Nampula is the fifth worst province with respect to 21 poverty incidence (69% of the population), and children vulnerability. More than 92% of the population does not have access to electricity, 78% are deprived of access to radio and clean water, and 75% has no access to health assistance. Nampula is the third province with respect to adult illiteracy rate (64% in 2007), and is the province with the lowest gross and net rates of enrolment amongst the population in schooling age, both in the primary and secondary levels. In the primary school, for each teacher there are, on average, 61 students. Nampula is considered the province with the highest illiteracy rates in the country.

Estimates from the Ministry of Health indicate that the rate of prevalence of HIV/AIDS in Nampula is 8% in 2007 (table 4b), which is similar to the national average. It is estimated that the impact of this, and other endemic illnesses such as malaria, have a very significant negative impact on the ability of the families, particularly of the poorer and more vulnerable, to engage in income generation, poverty reduction activities. For example, it is known that the incidence of malaria is higher and more devastating during the sowing (raining and hot) season, when peasants also are less well fed and need more energy for the heavy work ahead. It is expected that HIV/AIDS will have a very significant demographic impact, with all its subsequent economic and social consequences. Thus, the issue of endemic illnesses has to be addressed from different dimensions, including changes in technology and social organization of production.

The potable water supply network in Nampula still does not cover the majority of the population. According to INE data only 32% of the population of the province has access to

safe drinking water. Some of the reasons for this include scarcity of infrastructures as well as limited availability of resources for expansion.

5 LEGAL FRAMEWORK FOR LAND ACQUISITION AND RESETTLEMENT IN MOZAMBIQUE AND WORLD BANK REQUIREMENTS

5.1 The Constitution

The current Constitution of Mozambique, 2004, makes overall provisions for Property/Ownership Rights, and provides in Article 109, that all ownership of land shall vest in the State, and that land may not be sold or otherwise disposed of, mortgaged or subject to attachment. In Article 82 that the State owns land and therefore shall recognize and guarantee the right of ownership of property. It further states that expropriation may take place only for reasons of public necessity, utility, or interest, as defined in the terms of the law, and subject to payment of fair compensation. Articles 110 and 111 of the Constitution make provisions for the use of land and the acquisition of land rights. They state that the State shall determine the conditions under which land may be used and enjoyed, that the right to use and benefit from land shall be granted to individuals or entities in accordance to social and economic purposes, and that the State shall recognize and protect the rights acquired through inheritance or by occupation, unless there is a legal reservation in this regard.

5.2 National Land Policy of 1995

National Land Policy, Resolution n° 10/1995, which makes provisions for the use of land in an equitable and sustainable manner.

5.3 Land Law 19/1997

In addition to the Constitution, land rights are governed by the Land Law 19/97 of October 1st and its regulation (*Regulamento da Lei de Terras - Decree No. 66/98 of 08 December*) establish provisions for the acquisition, transfer and termination of the right to use land. As with the mother law (Constitution), the Land Law provides in Article 3 that land is the property of the State and cannot be sold or otherwise alienated, mortgaged or encumbered.

Land is classified as public domain, total protection zones and partial protection zones. Land of public domain include areas reserved for satisfaction of the public interest. This is land on which socio-economic activities are permitted. The Total and Partial Protection Zones and the Natural Protection Zones are also within the remit of the public domain, and they are intended for conservation of special flora and fauna, conservation of biodiversity, historical sites, scenic or areas of natural beauty and monuments. These zones are subject to specific regulation and

the law advocates a system of management that involves participation of the local community. Any land use and benefit in the total or partial protection zones is prohibited, although special licenses may be issued for specific activities.

Articles 6–9 of the Law make provisions for the establishment of protection zones as well as on how these and areas in their proximities should be secured in accordance to the Law. Protected areas include those intended for nature conservation or preservation, as well as areas for State security and defenses. Total Protection Zones cover areas of nature conservation or preservation as well as State Security and defense. Partial Protection Zones include:

- land strips up to 50 meters along the edges of navigable rivers and lakes, measured from the high water mark of such waters;
- the land strips of up to 100 meters surrounding water sources;
- the strip of maritime coastline including that surrounding islands, bays and estuaries, measured from the high water-mark to a point 100 meters inland;
- the strip of up to 250 meters along the edge of dams and reservoirs and;
- the two kilometers strip of land along the terrestrial border.

Partial Protection Zones also include land occupied by public interest railway lines and bordering strips including the respective railway stations; land occupied by motor ways and highways, aerial, surface, underground and underwater installations and conduits for electricity, telecommunications, petroleum, gas and water including bordering strips of 50 meters on each side; land occupied by roads including bordering strips of 30 for primary roads and 15 meters on each side for secondary and tertiary roads.

In terms of the right to use and benefit from land, chapter 3 of the Land Law stipulates that national individual or collective persons (including communities) may be holders of the right to use and benefit from land. The same applies to foreign individuals or collective persons provided that they have an investment project that has been duly approved and which satisfy the provisions stipulated under Article 11 (a) and (b).

With regards to acquisition of land, Article 12 provides that land can be acquired through i) occupancy by individual or communities in accordance with customary norms and practices, as long as these are not in conflict with the Constitution; ii) by national individuals who have been using the land in good faith for at least ten years; iii) or through an authorization of an application submitted by an individual or collective person as per the provisions of the law. The Land Title or DUAT (*Título de Direito de Uso e Aproveitamento de Terra*) is issued by the Public Cadastre Services, however, the absence of a title/ DUAT does not prejudice the right of land use and benefit acquired through occupancy, as per Article 12 described above.

According to the Land Law, the acquisition process requires the judgement of local administrative authorities, and a consultation with the corresponding communities to ensure that the area in question is free and unoccupied (Art. 13, 19/97).

The right of land use and benefit for purposes of economic activities is subject to a maximum term of 50 years, which is renewable for an equal period upon application by an interested party. After the renewal period, a new application must be presented. The application for a title for the right of land use and benefit shall include a statement by the local administrative authorities, preceded by consultation with the respective communities, for the purpose of confirming that the area is free and has no occupants. The title issued to local communities shall be issued in the name of the community, which name shall be decided upon by the community. Individuals who are members of a local community may request individual titles, after the particular plot of land has been partitioned from the relevant community land.

The ERRP is expected to be implemented using existing structures where infrastructure was already existent prior the floods in the target areas. Given this, it is highly unlikely that the foreseen reconstruction and rehabilitation works will trigger any major land use issue. However, where it is deemed that the acquisition of additional land is indeed necessary this RPF has been designed to address such issues.

5.4 Territorial Planning Law

Territorial planning is governed under the Law 19/2007 of July 18 (*Lei do Ordenamento Territorial*) makes provisions for the rational and sustainable use of natural resources, the preservation of a balanced environment and has the objective of governing territorial planning in the country. Of relevance is Article 20 of the Law, which provides for expropriation, where land is required for the implementation of projects or public ventures in both rural and urban areas, expropriation may take place provided a justification is made, and a just compensation is paid for. Compensation can be calculated through the loss of tangibles and intangibles, rupture of social cohesion and loss of production goods.

The Regulation for the Territorial Planning Law, Decree 23/2008 of July 1st defines the criteria for territorial planning. Thus regulation further defines the way in which planning of define how population settlements should be implemented.

5.5 Regulation on Urban Land

Decree 60/2006 of 26 December regulates the Land Law in terms of the land use and benefit rights in cities and towns or in human settlements or organized population clusters by means of an urbanization.

5.6 Heritage Protection Law

The National Heritage Protection Law (Law 10/88 of December, 1988) is aimed at protecting all national historical sites and cultural heritage. Such areas should be avoided during the process of selecting appropriate project sites.

5.7 Resettlement Process Regulations

Regulations on the Resettlement Process resulting from Economic Activities are established in the Decree no. 31/2012 of 8 August. This Decree establishes the basic rules and principles on the resettlement process for the purposes of providing the opportunity to improve the quality of life of affected households. Article 4 lists the principles guiding the resettlement process resulting from the public and private activities. These include principles of social cohesion; social equality; direct benefit; social equity; non-change of income level; public participation; environmental accountability; and social responsibility.

The Decree makes provisions for the resettlement process, including planning, provides the rights of the affected populations and makes provisions for fines in the event of non-compliance.

Because land cannot be bought or sold and has no market value and there is no specific formula used to calculate indemnity in the event of resettlement. An estimate is made based on location (proximity to public services for example) and aspects such as productivity and soil quality. Any improvements on the land should be included in the calculation. Fruit trees for example have a fixed compensation value established by the Ministry of Agriculture and Food Security (MASA).

The Ministerial Diploma 156/2014, of 29 September operationalizes Decree no. 31/2012 of 8 August and provides guidance on the elaboration and implementation process of resettlement plans. This Diploma also provides recommendations for the phasing of the resettlement process which are i) collection and analysis of physical and socio-economic information; ii) preparation of the resettlement plan; and iii) elaboration of the implementation action plan of the resettlement project.

During the data collection and analysis phase, the following information should be collected:

- Identification and delimitation of the area of intervention, taking into account areas in the proximity of the project whenever possible;
- Number of families that will be affected and their socio-economic profile, taking into account their current situation, their characteristics and lifestyles, their social and structural organization as well as position within the community that they are part of, the most vulnerable groups; and the
- Biophysical characteristics of the area.

5.8 Public Consultations Process

The Ministerial Diploma no. 130/2006 and the Decree 54/2015 make provisions for the Public Consultation Process. The former defines the basic principles related to public participation, methodologies and procedures that should be used. It considers public participation an interactive process that begins in the design phase and continues throughout the lifetime of the

project. Decree 54/2015 provides for the public consultation process in the context of the Environmental Impact Assessment process. Both of these documents establish the need for conducting public consultations with affected and interested persons that may be affected by an activity or project directly or indirectly.

The objective of the public participation process is to identify interested and affected parts, disclose information related to the project to them, manage dialogue with the project proponents, and take comments and suggestions from the public in general. The basic principles of public consultation include the following:

- Availability and access of adequate information;
- Wide participation of citizens;
- Representation;
- Functionality;
- Negotiation;
- Accountability.

For Category A+ and A activities public consultations are compulsory, whilst for Category B, these are optional unless the activities will result in *a)* temporary or permanent displacement of people or communities, and/ or *b)* if the activities will result in the displacement of assets or restrictions in the use of natural resources.

The Ministerial Diploma n° 130/2006 also stresses the need for and importance of public participation in order to have the views and recommendations of affected and interested person with regards to the project to be implemented. Public participation has been critical in the preparation of this RPF, and will be critical throughout the lifecycle of the ERRP project.

5.9 World Bank OP/ BP 4.12 on Involuntary Resettlement

The World Bank Safeguard/ Operational Policy OP 4.12 applies to all land acquisition and any changes in access to resources due to a sub-project. The policy applies whether or not affected persons must move to another location. The Bank's policy requires a full Resettlement Action Plan (RAP) if over 200 people must be relocated or if these people are not physically displaced but lose over 10% of their assets due to the project. If the impact is less than this an Abbreviated Resettlement Action Plan should be prepared instead.

In general, the guiding principles and objectives of the OP 4.12 include:

- Avoid or minimize involuntary resettlement and associated disruptions;
- Treat resettlement as sustainable development programs;
- Provide affected people with opportunities to participate in the planning and implementation of resettlement programs;
- Assist displaced people to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels.

The World Bank also establishes the need for preparation of a Resettlement Policy Framework (RPF) to foresee the mitigation of projects' negative social effects particularly those activities likely to cause involuntary displacement of communities or disruption of their livelihoods as per the Operational Policy on Involuntary Resettlement (OP 4.12) of the WB. The policy covers direct economic and social impacts that are caused by the involuntary land acquisition resulting in relocation or loss of shelter; loss of assets; loss of income sources or means of livelihood; and/ or loss of access to locations that provide higher incomes or lower expenditures to individual or collective persons.

Where it is indeed deemed that a World Bank assisted project or subproject requires to address direct or indirect social and economic impacts of land acquisition and involuntary resettlement, the project proponent shall implement measures to ensure that the project affected persons (PAPs) are informed about their options and rights with regards to resettlement; that they are consulted, offered choices, and are provided with resettlement alternatives; and that the PAPs are provided with compensation at a full replacement cost for losses of assets incurred directly by the project. In addition, the policy encourages the identification of employment opportunities in the project activities for affected persons with a view of promoting active participation of the PAPs, in the planning and preparation of RAPs, and in order to provide opportunities for income generation by PAPs.

The World Bank's Policy also requires that a resettlement action plan is prepared and cleared by the Bank prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to Project Affected Persons (PAPs) is conducted prior to the displacement of people. In particular, land acquisition for project activities must occur only after compensation to the PAPs has been awarded. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the PAPs in accordance with the provisions of the Resettlement Action Plan (RAP).

This operational policy is also applicable to the involuntary restriction of access to legally demarcated conservation areas such as parks and other protected areas resulting in adverse impacts on the livelihoods of the displaced persons. Whenever land acquisition is necessary for the foreseen activities under the ERRP, these shall comply with guidance established by the present RPF as well as with the ESMF which has been prepared separately and in parallel to the present RPF.

Special attention should be given to the needs of vulnerable groups, especially those severely affected by poverty, including the elderly, women and children, indigenous groups, ethnic minorities and disadvantaged individuals and groups. According to the Bank's requirements, a resettlement plan is prepared and approved by the Bank prior to the implementation of resettlement activities.

The WB, through its Disclosure Policy BP 17.50, requires that all safeguard documents are disclosed in the respective countries as well as at the WB's Info shop prior to appraisal or for Fast Tracking Initiative prior to Signing of the Grant Agreement.

6 POTENTIAL IMPACTS OF THE PROJECT

This chapter provides an overview of the project impacts that may require resettlement and compensation, taking into account Component A and its sub-components, as the location and scope of some of the activities are still unknown at this stage. No civil works are expected to be carried out under components B and C, therefore these will not trigger resettlement and/ or acquisition. Component D cannot be determined at this stage given its very nature of activities only being known and implemented in the event of an emergency.

The table below shows a summary of key reconstruction and rehabilitation works planned under Component A as well as likelihood of triggering resettlement or land acquisition.

6.1 Summary Table of Activities that will Trigger Land Acquisition or Resettlement

Expected Magnitude Range: Low to medium <200 and Medium to high >200

Location	Sub-Component	Activity Type	Trigger Land Acquisition/ Resettlement	Resettlement Implications	Expected Magnitude	Obs.
Zambezia Districts include Nicosadala and Maganja da Costa	Sub-component A.1 –Rehabilitation of Dikes and Damaged Weirs/ Dams	Rehabilitation of Nante dike which extends over 30 km between Nante and Intabo, and is adjacent to the Licungo River.	Unlikely	This component is unlikely to result in resettlement since the dike is already built. Activities will involve rehabilitation work of an existing structure, and no assets should be located along the corridor of impact of the existing dike.	n/a	Existent structures
		Rehabilitation of Nicosadala dike which is located close to the Mziva irrigation system	Unlikely	This component is unlikely to result in resettlement since the dike is already built. Activities will involve rehabilitation work of an existing structure, and no assets should be located along the corridor of impact of the existing dike.	n/a	Existent structures
		Rehabilitation of the Eribacela weir will complement the works being done for the Munda-Munda scheme that will be rehabilitated	Unlikely	Rehabilitation of an existing weir should not impact public or private assets.	n/a	Existent structures
Zambezia		Rehabilitation of Munda-Munda (400	Likely	Members of community may have grown crops within the	Medium to High	Small-scale impact

Maganja da Costa	Sub-component A.2 – Rehabilitation of Rural Infrastructure in the Maganja da Costa District	hectares) and Intabo (300 hectares) irrigation systems		irrigation scheme area. Rehabilitation work may therefore affect crops.		
		Rehabilitation of an electricity supply line of 18km between Nante and the irrigation systems	Likely	The 18km power line may affect a number of different assets including built infrastructure and crops along the corridor of impacts.	Medium to High	Small-scale impact
		Reconstruction of a dirt road between Niquidua and Malei	Likely	Reconstruction of dirt road may affect a number of different assets including built infrastructure and crops along the corridor of impacts.	Medium to High	Small-scale impact
		Rehabilitation of Niquidua - Malei Bridge and structures	Likely	Rehabilitation of Niquida-Malei bridge may affect a number of different assets including built infrastructure and crops along the corridor of impacts.	Low to Medium	Small-scale impact
Zambezia Mocuba	Sub-component A.3 – Rehabilitation of Mocuba Drinking Water Supply	Temporary and emergency repairs to the Mocuba drinking water supply system such as reparations on the weir, installation of new submersible pumps	Unlikely	Mocuba drinking water system should not trigger resettlement since the system is already existing and no public assets are located on is corridor of impacts.	n/a	Existent structures
		Rehabilitation and installation of equipment at the intake pumping station.	Unlikely	No resettlement is anticipated for this activity as no assets are located at the intake.	n/a	Existent structures

		Including a mobile intake and pump station installed to cope with climate changes.				
		Study on the long-term and sustainable upgrade or replacement of the intake pumping station and related infrastructures	n/a	No resettlement is anticipated for this activity which is mostly technical assistance.	n/a	n/a
Zambezia, Niassa and Nampula Districts not yet identified	Sub-component A.4 – Rehabilitation and Reconstruction of Resilient Schools	Rehabilitation of 433 damaged conventional classrooms	Unlikely	Rehabilitation of conventional classrooms should not result in resettlement since no new corridor of impacts should be expected.	n/a	Existent structures
		Construction of 1.038 improved mixed classrooms to replace the conventional classrooms that were completely destroyed by calamities	Unlikely	Construction of improved classrooms are likely to result in land acquisition, particularly in those cases where schools reallocation is necessary to avoid building in climate-vulnerable areas - therefore built infrastructure and crops may be affected.	Low to Medium	Dependent on identification of sites
			Likely	Construction of schools/classrooms in new and safer areas where schools have been exposed to recurrent climate related risks and shocks	Low to Medium	Dependent on identification of sites

6.2 Impacts due to Sub-Component A.1 - Rehabilitation of Dikes and Damaged Weirs

As mentioned in the project description, this sub-component will focus on the rehabilitation of dikes and weirs which suffered damages as a result of the floods. These are existing infrastructures in the Zambezia province, and serve as protection areas to the population living in the proximities of the Licungo River, as well as to protect the existing infrastructures in such areas. These reconstruction and rehabilitation works are planned to be carried out within the existing project infrastructure, and no land acquisition should be anticipated. However, precautionary measures should be taken by the responsible entity under this sub-component (DNGRH) in case land be required for the works or in the event of displacement of families, commercial activities or destruction of crops.

Public consultations prior to any works during project preparation and throughout all phases of the Project according to the provisions of Decree 54/ 2015 and Ministerial Diploma 130/2006, and these should involve project affected persons, directly or indirectly affected by the activities of the Project.

Should resettlement be deemed unavoidable, the resettlement process has to be managed in accordance to the Regulation on Resettlement Process Decree n° 31/2012 of August 8, and should also be in conformity with the World Bank Safeguard Policy on Involuntary Resettlement OP/BP 4.12, both already described.

6.3 Impacts due to Sub-Component A.2 – Rehabilitation of Rural Infrastructures in the Maganja da Costa District

This sub-component will focus on the rehabilitation of the two priority irrigation systems, Munda-Munda (400 hectares) and Intabo (300 hectares), both located in the Maganja da Costa District, as well as on the rehabilitation/ reconstruction of the dirt road between Niquidua and Malei (25km), the Niquidua - Malei Bridge; and the electricity supply line of 18km between Nante and the two aforementioned irrigation systems.

This particular sub-component is likely to trigger OP.4.12 given the types of reconstruction work anticipated which will include excavations, setting-up of temporary construction and camp sites for construction workers, storage of equipment and disposal of waste. The works may also require clearing of vegetation and crops in surrounding areas, or ultimately may lead to the interruption of commercial or livelihood activities of surrounding communities and displacement. These works may also result in the possible need for temporary restriction to public land during the implementation phase.

The exact number of people and magnitude of impact has to be screened and assessed by INIR as the responsible entity for this sub-component, however, it is anticipated that the impact will be small-scale and manageable. Again here, public consultations prior to any works during project preparation and throughout all phases of the project should be undertaken to identify the site, the number of people affected and to identify alternatives to land acquisition or

resettlement if possible, as per the provisions of Decree 54/ 2015 and Ministerial Diploma 130/2006.

Should resettlement be deemed unavoidable, the resettlement process has to be managed in accordance to the Regulation on Resettlement Process Decree n □ 31/2012 of
should also be in conformity with the World Bank Safeguard Policy on Involuntary Resettlement OP/BP 4.12.

6.4 Impacts due to Sub-Component A.3 – Rehabilitation of Mocuba Drinking Water Supply

Sub-component A.3 expects to focus on the rehabilitation of the Mocuba drinking water supply system which was badly damaged with the recurrent floods. Mocuba has been suffering with water shortages, and this component anticipates undertaking emergency and temporary repairs whilst a study on long term feasibility study is being undertaken to determine a more resilient and sustainable improvement or replacement of the existent system.

The main activities under this sub-component include temporary and emergency repairs to the Mocuba drinking water supply system such as reparations on the weir, installation of new submersible pumps; rehabilitation and installation of equipment at the intake pumping station, including the installation of a mobile intake and pump station; and the elaboration of a Study on the long-term and sustainable upgrade or replacement of the intake pumping station and related infrastructures. These works are unlikely to require any temporary or permanent displacement of people, commercial activities or the destruction of crops, and hence should not trigger OP 4.12.

The screening process as well as the public consultation process should inform AIAS, the entity responsible for this sub-component, in this regards. If it is deemed that indeed land will be required for the planned works and resettlement is necessary, the necessary steps and precautions provided for in the Mozambican legislation and the World Bank OP 4.12, whichever benefits more the project affected persons, shall be used to guide decisions.

6.5 Impacts due to Sub-component A.4 – Rehabilitation and Reconstruction of Resilient Schools

The rehabilitation and reconstruction of resilient schools sub-component will be implemented under the management of the MINEDH. It is not expected that this component requires land acquisition or that it leads to resettlement of people or their livelihood or income generating activities. This is based on the assumption that communities or localities reserve a public space for the construction of schools. Furthermore, this component will be implemented in areas where school structures are already existent, and therefore the schools themselves should support MINEDH in the identification of sites for the new classrooms within the school premises. Where schools have to be relocated to safer areas given their exposure to recurrent climate related risks and shocks, maps of alternatives areas for locating the schools should be

produced, discussed and made available to the benefiting population, to MINEDH and its provincial and district representatives and to district authorities. The maps for the new locations should include information on climate variability of the locations. The Mozambican legislation as well as the World Bank Safeguard Policy on Involuntary Resettlement policy OP 4.12 should guide the resettlement or land acquisition process for this component.

6.6 General Potential Impacts

Some general potential impacts include:

- Resettlement of population for construction of road and bridge;
- Resettlement, acquisition of land or temporary restrictions in the project areas for construction of electricity supply line;
- Clearing of vegetation or crops in surrounding areas of the project site;
- Interruption of commercial and livelihood activities in surrounding communities;
- Limited access to portable water during reconstruction/ rehabilitation works;
- Temporary setting-up of construction and campsites;
- Resettlement of communities to areas far from income generation activities and basic services such as health, education and access to markets;
- Unfair compensation calculations for loss of land, infrastructure or crops and fruit trees;
- No compensation paid for loss of land.

6.7 Estimated Population Displacement or Losses

It is not expected or anticipated that the ERRP will require acquisition of private property or will result in resettlement or displacement of persons. In most cases, the works relate to the reconstruction, repair and rehabilitation of existing structures, these being dikes and weirs; water supply systems, rural access roads and bridges; electrical power supply line; and classrooms as described in the previous chapter. The Involuntary Resettlement Policy (OP 4.12) is however triggered as a precaution, and to ensure that in the event of need for resettlement or acquisition of land, that the project proponent and implementing agencies (as per the project description and components) take into account the OP 4.12 as well as the national regulatory framework to guide the resettlement process.

This RPF is therefore prepared as a precautionary measure to cover unexpected events of land acquisition as well as for compensation of any loss of assets through indirect actions associated to the proposed project, and these will include the following but shall not be limited to: potential damage to property such as crop fields, accidents involving construction vehicles and public assets including livestock, possible land acquisition due to borrow pits siting or access roads and hence affecting the public land, and the possible need for temporary restriction to public land during the implementation phase of the foreseen reconstruction and rehabilitation works.

7 CATEGORIES OF AFFECTED PERSONS

This section provides the main categories of the Project Affected Persons (PAPs) who are likely to be physically or economically displaced as a result of the ERRP. The implementation of the present RPF will observe the following issues with regards to these categories:

- In cases where the landowner has willingly or voluntarily contributed land for the foreseen activities of the project, but is seeking compensation, the approach for compensation must be that applicable in the case of involuntary land acquisition.
- In cases where the landowner has freely ceded land for the foreseen project related activities, and does not seek compensation for the ceded land, the assessment for compensation must cover assets within the land and not include the land itself.
- Compensation shall be limited to valuations made after the cut-off date. Valuations shall be made immediately after the cut-off date and then again during the time of impact. The higher value of the two shall be the one used for compensation payment.
- Disputes over land issues shall be settled in transparent manner and shall not involve coercive measures. Land conflict resolutions shall be settled at village level and in direct and active involvement of the local authorities and courtship systems and the district government authorities. When land disputes cannot be settled at this level, the matters must be directed to other legal entities of district or provincial level.

The Categories of loss of assets as well as their respective impacts on the affected person are detailed in Annex 4.

7.1 Affected Households

Affected households will be those in which their members have been subject to loss of property, land or access to services through direct or indirect project actions, and will include impacts on the following members:

- Any member of the household whether men, women, children, dependent relatives, friends and tenants;
- Vulnerable members of the community who may be too old or ill to conduct farming activities or any other subsistence activities normally conducted by other members of particular community;
- Members of the household who due to traditional norms are residing by themselves while having links to other residents in the community for their livelihood;
- Physically disabled people who may be attached to a particular service centre.

The general social setting of Mozambique is characterized by strong links between members of the community who usually share production and consumption as well as sharing activities in subsistence farming on a regular and continuous basis.

It is therefore of note that compensation should not be narrowed to those members of the households living together but it should be extended to include those who may not be physically living in a particular household, but they are directly or indirectly linked to the affected households.

Additionally, there is a need to conduct a thorough assessment of the conditions of the affected households (and other dependents) to identify all categories of the affected members including the chronically ill, the elderly, orphans, who among other issues, need to be located in the proximities of health or other social services.

7.2 Female Headed Households or Unmarried Women

Female headed households or unmarried women may depend economically on sons, brothers or any member of the family. Property and/ or business that might have been left by a woman's deceased or absent husband may also have a negative impact in situations where land has been acquired under her husband's name. The Constitution of Mozambique as well as the Land Law state that make provisions for equal rights to land to every citizen irrespective of sex, race or any other form of discrimination, however, secure land tenure rights in rural areas, due to strong customary laws and traditional practices that mainly favor men, women still do not fully enjoy these rights. Women married under the civil code should inherit half of the land acquired during marriage and can only inherit fully where no descendants or ascendants are willing to take over the land. On the other hand in terms of women in a traditional marriage, customary practices which in many cases prevail in the rural setting, particularly, are unfavorable to women in terms of the right to land owned by her deceased husband.

Resettlement and compensation should identify such dependent and vulnerable persons and ensure that the negative impacts of the proposed activities in their lives are avoided or minimized and that efforts to employed to ensure that resettlement and compensation, where these are unavoidable, are fair and just and do not harm female headed households, widows or unmarried women. In addition, resettlement and compensation should aim to support such persons through the dissemination of information on land rights and acquisition of DUATs.

7.3 The Elderly

In general, the elderly residing in rural areas in particular, depend on subsistence farming, often benefiting from assistance from family members to carry out the farming activities. These people may be affected by loss of dependents or loss of their farming land or resettlement resulting from the project related works. This group of people therefore, should be adequately identified and compensated to ensure minimal adverse impacts and disruption on their routines and livelihoods.

7.4 HIV/AIDS Affected and Chronically Ill Persons

The impact of HIV/AIDS can be severe in the most poor and disadvantaged people, and their condition can be worsened by lack of basic food and general health services.

Resettlement actions should include an assessment of the affected groups to ensure that the people taking care of the HIV/AIDS affected or chronically ill individuals are not negatively affected by the project.

7.5 Orphans

The effects of HIV/AIDS combined with poverty result in dependency of orphaned children on relatives, government and aid organizations, and others living as beggars. Resettlement Actions should genuinely attempt to adequately provide for this group of persons in compensation and provide them with training to acquire useful vocational skills and investigate options for their social integration including nutritional needs and schooling. .

7.6 Subsistence Farmers

Subsistence farmers when moved from their farming areas may face difficulties in opening up new farms especially if the host areas require major physical work to clear vegetation. The Resettlement Action Plan should consider the cost of opening new farms in the host areas and compensate the farmers for that purpose.

Opening up of new farms also needs to take into account the potential environmental and social impact assessment, as well as ensuring that the soils are appropriate for agriculture production. Resettlement should be timely and take into account the production season.

The categories indicated above may not cover all affected persons. It is therefore expected that under the ERRP, all sub-component project implementers develop detailed Resettlement Action Plans (RAPs) to cover all the categories of affected persons, through the following actions, among others:

- Flexible decision-making on the RAPs to assist the PAPs timely and effectively;
- Ensure community's involvement and consultation in the elaboration and implementation of RAPs;
- The RAPs should attempt to provide job opportunities for the PAPs in order to ensure direct benefits to this group;
- Crops and trees lost as a result of the proposed activities should be compensated at the time of relocation or reconstruction and paid as early as possible;
- Resettlement should aim at improving the livelihoods of the PAPs;
- Resettlement monitoring should be planned to ensure that RAPs are benefiting all the intended individuals and groups, improving their livelihoods to better conditions than their current situation;

- Resettlement should include reinstatement or make provisions for services such as health and education, as well as access to roads, water, electricity and markets, in that the PAPs do not suffer as a result of the project;
- The RAPs should also include technical and financial assistance to the PAPs for cases in which the use of grievance mechanism is opted for.

8 THE SOCIAL SCREENING PROCESS

In line with the WB's OP 4.12 on Involuntary Resettlement, the reconstruction and rehabilitation works foreseen under the ERRP will be preceded by conducting a screening process, and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening, as is detailed in the ESMF elaborated in parallel to this document, and in this document as Annex 2. Consultations with key stakeholders and the PAPs is also crucial during the screening process and should include information provision with regards to:

- Type of sub-project/ sub-components and whether it passes through a settlement or not and these should be classified;
- PAPs rights to resettlement and compensation/ Entitlement Matrix;
- Technical and economic viability options and alternative to host sites;
- Clarify the resettlement process proposed and dates for resettlement and compensation actions;
- Proposed approach to ensure maintenance or improvement of PAPs living standards to be delivered by the resettlement and compensation actions;
- Establish a cut-off date.

Thus, in line with what is of importance for this document where the ESMF and the screening process will indicate that a RAP and/or A-RAP is necessary further assessment should be conducted in order to:

- (i) confirm that all reasonable efforts have been made to avoid and minimize land acquisition/resettlement;
- (ii) identify that RAP is required because it wasn't possible to avoid it entirely;
- (iii) determine whether a full RAP or A-RAP is required; and
- (iv) Determine whether there are vulnerable and/or severely impacted PAPs that require special provisions in the RAP. As indicated earlier under this group fall women, children, the elderly and differently abled people and specially households headed by such people.

Once the social screening is done, the need for preparation of Resettlement Action Plan (RAP) or an Abbreviated Resettlement Action Plan (ARAP) will be determined and study on expropriation done. In case the impacts are minor (loss of less than 10% of productive assets) and involves less than 200 people, an ARAP will be prepared. For greater impacts affecting more than 200 people or where physical displacement is involved.

9 STEPS FOR PREPARATION OF THE RESETTLEMENT ACTION PLAN

The preparation of the Resettlement Action Plan (RAP) will be preceded by the screening process. The steps below are a summary of key activities to be undertaken in the preparation and submission of the RAP to the decision-makers.

Step 1

Describe the project activities to be undertaken for the reconstruction /rehabilitation in the identified project areas as per Component A of the project.

Step 2

MITADER through its District Environmental Commission and the responsible entity for each of the sub-components must create a RAP's technical committee to ensure that all complementary tasks for the preparation of the RAP are carried out in coordination with the local administrations and the local communities.

Step 3

Using participatory methods, the technical committee will consult the local communities, of the targeted areas of the project, and in the proximity of the existent project structures, to identify the site for the reconstruction/rehabilitation should it be deemed that this cannot take place in the exact location of the existing infrastructure, or because the infrastructure was completely destroyed by the floods. The committee will also establish a cut-off date at this stage.

Step 4

Where the technical committee reaches the conclusion that the site is suitable based on the screening criteria, the proposed site will be deemed acceptable. If the relevant project proponent determines that the site is suitable, the process continues in Step 8.

Step 5

In case the site does not meet the screening criteria the committee should identify another site which should be in accordance with the screening criteria.

Step 6

In cases where resettlement cannot be avoided, OP 4.12 on Involuntary Resettlement and the Mozambican Land Law will apply, and where PAPs are involved, the cut-off date established in Step 3 will be applicable.

Step 7

The committee will request the undertaking of a socioeconomic survey, a census and will collect other relevant information on the relevant land use on site and surroundings as well as other areas likely to be used for complementary action of the proposed activities in order to identify PAPs, with special attention to individual households and vulnerable groups. Data

collected will include household income and other socioeconomic information to be used for preparation of RAP.

The World Bank OP 4.12 on Involuntary Resettlement (article 25) establishes the basic requirements on the content of RAP.

The WB's OP 4.12 on Involuntary Resettlement also establishes that where the impacts on the entire displaced population are small, (i.e. affected people are not physically displaced and less than 10% of their productive assets are lost); or fewer than 200 people are displaced, the Bank may approve the preparation of an Abbreviated Resettlement Action Plan (ARAP).

The World Bank must provide final clearance/approval of the RAPs/ARAPs, which should be in compliance with the local legal and institutional requirements, as well as the World Bank Policy requirements.

Step 8

Each responsible entity of the sub-projects should submit the RAPs together with the proposed design to the local government authorities (District Environmental Commission) for screening, review and approval.

Reconstruction/rehabilitation activities which trigger the OP 4.12 on Involuntary Resettlement are subject to final approval of the World Bank, to ensure compliance with Bank's safeguards. For the components which do not necessarily trigger the OP 4.12 on Involuntary Resettlement, the provisions of this RPF will not apply, thus the technical committee is to observe the Environmental and Social Management Framework (ESMF) prepared in parallel to the present RPF.

10 PUBLIC CONSULTATION AND PARTICIPATION

As supported by World Bank Safeguards policies and Mozambican regulations, projects involving resettlement should systematically involve public consultation and participation. According to the level and magnitude of impacts, the Public Consultation Directive of MITADER, DM 129/2006 and 130/2006 (particularly at Provincial Level -DPTADERS) could be applied. In this regard public consultations, through participatory appraisal will be mandatory for all projects requiring land acquisition, compensation and resettlement.

During screening there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the sites for the project activities, facilities and structures. The affected persons must be made aware of:

- a) Their options and rights pertaining to resettlement and compensation (in kind and in cash);

- b) The precise technically and economically feasible options and alternatives for resettlement sites;
- c) The process and proposed dates for resettlement and compensation;
- d) Effective compensation rates, at full replacement cost, for loss of assets, services or ancillary items; and
- e) The proposed measures and costs to maintain or improve their livelihoods and living standards.
- f) The process for resolving grievances and support mechanisms (i.e. technical and financial) available to submit a complaint.

Public consultations at the screening stage will aim at:

- a) Disseminating concepts for proposed project activities with a view to evoking project interest amongst the communities;
- b) Inviting contributions and participation on the selection of project sites;
- c) Determining community willingness to contribute towards long term maintenance of the project facilities.

During public consultation, there is a need to clarify the criteria for compensation and ways of resolving conflicts, which will then be applied individually.

Public involvement is fundamental to the success of any project being implemented at community level. It is therefore crucial that activities such as the foreseen small-scale civil works at the district consider carrying out an effective consultation with the communities especially due to the need for land acquisition, compensation and resettlement. At the time of preparation of RAP, the key public consultation activities would aim at:

- Provide baseline information on the proposed program in order to invite public comments on concerns with regards to the proposed and expectation from the planning stage to the operation stage
- Gain an understanding of the people's perceptions and identify resettlement options which take into account the needs of the PAPs
- Determine PAPs willingness to collaborate and contribute to the success of the program and how such a program is perceived as beneficial to the PAPs
- Additionally, under the Project the feasibility studies as well as project final design and implementation will be carried out in such a way that there will always be attention paid to the need to avoid/minimize resettlement. It is a known fact that there are practical mechanisms that can be applied in the project cycle to ensure that avoidance and minimization of resettlement are achieved.
- One such example is the adoption of the project's "Corridor of Impact" for standard infrastructures such as roads, power lines, water supply, etc. instead of "right-of-way". While the "right-of-way" refers to the areas surrounding infrastructures that, by law, should be free from any form of occupation the "corridor of impact" refers to the space absolutely necessary for construction and operation of an infrastructure. The latter is usually narrower and opens opportunities to avoid/reduce the number of people/assets

that need to be resettled. This is a practical recommendation taken from best practices that has been creatively adopted in many projects in Mozambique even though the Mozambican law and regulations do not specifically refer to it. The pattern of land occupation in Mozambique usually derives a lot of benefits from the adoption of this approach.

11 COMMUNICATION

A communication system should be established in order to strengthen the ability of all affected people to articulate, disseminate and make their own decisions. On the other hand, during RAP preparation, it will be necessary to create conditions to help individuals and communities to accept the eligibility criteria and rules that will be agreed upon, in a transparent way. The main social groups to be targeted should be:

- Those that will be compensated in cash;
- Those that will have their assets substituted;
- The vulnerable households that may be identified in the course of RAP implementation.

In order to empower the communities and the affected households, the communication systems to be adopted should embrace the “**rights based approach**”. NGOs and other entities with experience in this area should be engaged to promote this approach.

Communication should be conducted in different ways and using different methods as found fit for each case and circumstance, such as:

- General meetings with groups of affected people;
- Focus group discussions involving mainly women, men, the youth, business people, etc.

Each and every meeting should be properly documented. The minutes of such meetings should, among other aspects, contain:

- Date and venue;
- District/Municipality;
- Administrative Post;
- Locality;
- Village/Neighborhood;
- Summary of the main issues presented during the meeting by the organizers;
- Summary of the main issues presented by the participants;
- List of participants including the names and position of the organizers as well as contact details of all who attended the meeting;
- Meetings should be conducted in Portuguese and relevant languages.

Other means of communication should also be used to disseminate information and all different kinds of instructions to affected people. These should include but not be limited to:

- Radio – national, provincial and community;
- Television – national, provincial and community;
- Newspapers and news bulletins – national, provincial and community;
- Leaflets;
- Letters;
- Word of mouth.

Communication material produced specifically to foster RAP interests should be circulated in Portuguese and into the widely spoken languages in the target areas of the project.

12 PROPOSED LAND ACQUISITION MECHANISM

This Resettlement Policy Framework identifies all measures to minimize the socioeconomic impacts associated to displacement of people. Thus, where the need for involuntary resettlement arises, the project proponent shall seek to:

- Identify free land for the required reconstruction works
- Seek voluntary donation of land sufficient enough to accommodate the needs for the proposed project
- Procure and negotiate acquisition of land suitable for implementation of the proposed activities and using negotiated and agreed compensation plans
- As a last resort, proceed with land acquisition through involuntary means and following the approach outlined below:

Following the identification of the specific land to be acquired, the technical committee in coordination with the district governments, initiate negotiations with the land owners and in coordination with the local community leaders. The technical committee, in consultation with the land owner, shall prepare actions plans that comply with the provisions of the present framework, for implementation of land acquisition and resettlement. PAPs must be communicated on the intent for land acquisition, as well as the purpose for such land acquisition, the area of land required and the rights to compensate the owners in consideration of the existing law. In the case of customary land, the project proponent or the technical team must determine the nature of land ownership in consultation with the local leaders and the district government authorities.

The District Environmental commission conducts a survey on the land to be acquired to identify the PAPs and the plans must be prepared to demonstrate the following:

- land to be acquired;
- names of the land owners and occupiers of that land as far as they can be identified;

- In the case of customary land, the name of the land owner who is the holder of the right over the land as identified and known by the local authorities and opinion leaders of the community and neighborhood;
- Identified local community leaders/representatives to assist in the process of land acquisition;
- Estimated the magnitude of potential impacts associated with the need for resettlement and/or compensation, and valuation of assets to be compensated for;

The technical committee is to keep financial record to allow the calculation of the final cost of resettlement and compensation per individual household affected, and individual receiving compensation will have an information file containing:

- Personal information;
- Number of people affected and their dependents;
- Amount of land available to the individual or household when the file is opened.

Whenever land is used the information file will be updated to determine if the individual or household is being affected to warrant eligibility to compensation/resettlement. The information files will facilitate future monitoring and evaluation, as well as documentation of compensation process. Additional information will be sought for individuals eligible for resettlement and/or compensation. This information will include:

- Level of production and income of individuals and total per household;
- Survey of material assets and improvements on the land;
Proposed compensation proposals and draft agreements are to be signed by the PAPs and the program proponent;
- Details of the alternative land (if any), inclusive of additional support services such as transport for physical resettlement, provision of housing, seeds for crop production and food kits and any other kind of assistance as may be relevant;
- Details of resettlement after-care and assistance, where appropriate;
- Available employment opportunities for the PAPs to participate in the proposed program activities; Description of the proposed mechanisms for monitoring and evaluation;
- A copy of RAPs to be made available at the district administration and the premises of the local authorities accessible to members of the community;
- Land acquisition process and compensation procedures shall ensure that PAPs (affected physically or economically) maintain or improve their standards of living.

12.1 Voluntary Land Contribution with Compensation

In cases where individuals or the community agree to cede land for development project activities, in exchange of negotiated and agreed-upon compensation, this is considered Voluntary Resettlement with Compensation. In this event, and as per the WB procedures (OP 4.12) the following principle shall be considered:

- In case where a landowner has expressed willingness to contribute voluntarily with land and is seeking compensation, assets evaluation shall be undertaken as if it was for involuntary land acquisition;
- Compensation should be limited to the assets valuation undertaken subsequent to the cut-off-date, and once again during the time of the impacts, and the highest value of the two must be used for compensation payment.

12.2 Voluntary Land Contribution without Compensation

Voluntary land contribution without compensation occurs when individuals or groups voluntarily choose to donate land for development project related activities without seeking any compensation. In these cases, arrangements should be made so that:

- In case where landowners have expressed willingness to contribute voluntarily with land and are not seeking compensation, the evaluation of assets shall be undertaken in consideration of those assets on the land without including the land itself;
- Documentation of evidence that such land was donated voluntarily;
- The donor is in fact the legitimate owner of the donated land;
- Evidences that the donor has been adequately informed on the nature of the proposed works and the short and long-term implications of the land donation.

If during the time of donation of land, there is any person using the land, such person shall be compensated, and the technical committee shall:

- Conduct an evaluation to ensure that the PAPs are not subjected to significant loss of their assets which affect their lives through the donation made;
- In case of Customary Land, ensure that legitimacy is confirmed with the local authorities and the local opinion leaders and the neighbors.

Any voluntary contribution of land without compensation must be accompanied by a consent form, which among other information, includes the name of the land donor/s, and details of the contribution (type, size, location, specified period of use etc.). The consent form should be signed by the land donor/s, including the male and female heads of the household involved and/or any person(s) who has rights over the land. Signing of the consent form will be verified by two witnesses who are community leaders but not beneficiaries of the subproject, to ensure that the land was voluntarily donated without any form of duress. The voluntary land donation information will be verified during detailed design and updated as necessary.

The Technical committee shall include all documentation referenced above in their progress reports to the implementing agency.

12.3 Involuntary Acquisition of Land

Involuntary acquisition of land and assets which includes resettlement of people shall be at all times avoided, except when absolutely necessary. In particular, acquisition of sites of spiritual or cultural/historical significance shall be avoided.

If involuntary land acquisition is unavoidable then it shall be minimized to the greatest extent possible. Any plans for involuntary acquisition of land and other assets and provision of compensation shall be carried out in consultation with the persons to be displaced and Local Government and including local community leaders in such a manner that ensures minimal disturbance, and avoid outbreak of social conflicts.

The PAPs shall participate throughout the various stages of the planning and implementation of the land acquisition, compensation and resettlement plans. The Resettlement Action Plans must be preceded by information provision to the displaced with regards to the guidelines of the present RPF and their rights at the public meetings.

13 ELIGIBILITY CRITERIA AND CONDITIONS FOR DISPLACEMENT OF PROJECT AFFECTED PERSONS

The Project Affected Persons (PAP) are entitled to different forms of compensation for their losses with the aim of improving or at least restoring the living standards that they had before the need for resettlement became a reality.

Once the certainty of land taking is confirmed under a subproject, a census and socio-economic study will be undertaken. The results of the census and socioeconomic surveys and asset inventories and respective verification will be used to communicate to local people that any land occupation within the Corridor of Impact (COI) done after the cut-off date (the date of the beginning of the census inventory and verification/confirmation) will not be eligible for consideration under Project RAPs.

Local authorities will be monitoring the enforcement of this principle and ensuring that those disregarding it are fully aware of the implications. Thus, the date of the start of the socioeconomic surveys/asset inventories will be considered as **the cut-off date** for Project RAPs.

Based on preliminary assessment of the receiving socioeconomic environment as well as experience with similar projects the assets most likely to be affected under Project comprise:

- Loss of land through permanent land acquisition;
- Loss of land through temporary land acquisition;
- Loss of houses;
- Loss of other domestic structures;
- Loss of commercial enterprises;
- Loss of crops;

- Loss of socio-economic trees;
- Loss of non- socio-economic trees;
- Loss of ornamental plants;
- Loss of cultural property;
- Loss/relocation of sacred sites, graves and public infrastructure; and
- Loss of mobility and accessibility.

In line with both the GOM and WB policies and regulations each category of assets will be compensated in a certain way. The descriptions below offer a practical way of dealing with compensation for the loss of these assets.

13.1 Entitlements under the Project RAPs

Entitlements under Project RAPs are set out according to the categories of impact likely to be found as described above and in light of applicable national legislation Decree 31/2012, DM 155/2014 and DM 156/2014 and OP/BP 4.12, namely:

- Entitlement for loss of land through permanent land acquisition;
- Entitlement for loss of land through temporary land acquisition;
- Entitlement for loss of houses;
- Entitlement for loss of other domestic structures;
- Entitlement for loss of commercial structures;
- Entitlement for loss of crops, trees and other plants; and
- Project responsibilities for displacement of sacred sites and graves (including traditional ceremonies) and public/utilities infrastructure.

The Project Affected Persons are entitled to different forms of compensation for their losses with the aim of improving or at least restoring the living standards that they had before the need for resettlement became a reality. The Mozambique legislation on resettlement establishes specific rights to the affected and requires that:

- PAPs shall establish their level of income or greater than the level of income before the resettlement;
- Resettlement shall restore PAPs' standard of living to the levels equal or greater than that before resettlement;
- PAPs shall be transported with their goods to their new resettlement sites;
- PAPs shall be located in well planned sites with public and social infrastructures;
- PAPs shall be given space to carry out their subsistence activities;
- PAPs shall have the opportunities to express their opinion about the resettlement process;
- The resettlement process shall ensure that PAPs are allocated with a resettlement area of 0,5 ha for rural areas and 800m² in urban areas and a house with minimum characteristics of type III, with an area of 70 m² . For the purposes of this RPF, if it

determined that replacement value is greater than these allocations, the replacement value will be provided.

Where there are gaps in Mozambique legislation compared to World Bank policies, World Bank policies will be applied. Where replacement land is offered for PAPs with land-based livelihoods, PAPs will be allocated land which has a combination of productive potential, locational advantages and other factors at least equivalent to the advantages of the land taken.

13.2 World Bank Eligibility Criteria for Compensation

According to the World Bank's OP 4.12 on Involuntary Resettlement, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for PAPs, shall comprise the following:

- a) Persons that have formal legal rights to land, including customary and traditional; and religious rights recognized under the laws of Mozambique;
- b) Persons who do not have formal legal rights to land or assets at the time the census begins; but have a recognized claim to such land or assets through the national and traditional laws of Mozambique;
- c) Persons who have no recognizable legal right or claim to the land they are occupying, using or attaining an income from.

Affected persons classified under paragraph (a) and (b) shall be provided compensation, resettlement and rehabilitation assistance for land, building or fixed assets on the land and buildings taken by the project. Compensation shall be in accordance with the provisions of this framework.

Persons covered under sub-section (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy. In addition, they have to be given the necessary assistance to satisfy the provisions set out in this policy, if they occupy the project area prior to the established cut-off date.

All persons in the three sub-sections above are to be provided with compensation for loss of assets other than land. Consequently, this policy advocates for some kind of assistance to all affected persons, including squatters or other persons encroaching on the project area illegally, irrespective of whether they have formal titles, legal rights or not. However, all persons who encroach on the project area after the cut-off date will not be entitled to any compensation or any assistance.

Communities including districts, towns, wards and villages permanently losing land, resources and/or access to assets shall be eligible for compensation. Compensation to communities will include that for public toilets, market places, health posts or other appropriate compensation chosen by the community. Compensation measures shall ensure that pre-resettlement socio-

economic status of the communities are restored and maintained (or better than the conditions prevailing at the time of project implantation).

13.3 Procedures for Payment of Compensation

Compensation payment shall be made in the following ways:

- a) By agreement between the government and the landowner(s):
 - The government shall offer such sums deemed adequate as compensation, including replacement cost for lost assets, to the landowner; and the person may accept that amount as compensation payable to him or her;
 - Such sums will be disbursed to the sub-component entity responsible for the works in question for payment to the PAPs. The responsible entity (through the relevant safeguards specialist team) shall maintain a record of PAPs, their claims and entitlements;
 - Subsequent to the payment of such sums, the entity shall document the name(s) of the beneficiaries, the amount of compensation and the records of how the compensation was arrived at. A copy of such records shall be made available to the government and local leaders.
- b) By the court if there is no agreement:
 - If the compensation payable is not agreed upon between the government and the land owner, such compensation shall be determined by the Courts of Law;
 - claim shall not be entertained after five years from the date of the proclamation; and/or 12 months after the execution of the purpose out of which the claim has arisen in respect of any damage done to the land acquired. Payment of compensation shall strictly be based on results of the census and shall be recorded in the register at the entity responsible for the sub-component in question. A copy shall be kept at the Village Administration for record purposes and future reference.

13.4 Conditions to be followed in Resettlement of People

For cases in which displacement of people is unavoidable, the following conditions are to be followed:

1. The entitlement cut-off date shall be determined and agreed upon in consultation with the District Administration, the MINEDH, AIAS, DNGRH and INIR, through the technical team, the Environmental and Social Officers (ESO) and all the relevant parties;
2. Preparation of the time estimates for restoring PAPs' normal living conditions including their production and income earning activities;
3. Estimates shall ensure that the PAPs' conditions are restored to their previous conditions or improved standards;

4. The PAPs shall be assisted in the process of restoration of their lives and in addition to the compensation outlined above. This shall include assistance for land preparation, credit facilities, training, or job opportunities, residential housing, or housing sites; or, as required, agricultural sites for which a combination of productive potential, location advantages, and other factors shall be superior or equivalent to those of the old site;
5. PAPs who occupied the project area subsequent to the cut-off date will not be eligible to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

14 NOTIFICATION, VALUATION PROCEDURES AND ENTITLEMENTS

14.1 Notification Procedure

As specified in Decree 31/2012 of 8 August, a Technical Resettlement Monitoring and Supervisory Committee shall be formed and shall have the following composition:

- One member from the land planning sector;
- One member from the local administration sector;
- One member from the public works and housing sector;
- One member from the agricultural sector;
- One member of a related areas sector (in this case, it would be, for example, the water and sanitation sector);
- One member of the Provincial Government;
- One member of the District Government.

Other members can be invited as needed to contribute with competence and fairness to the resettlement process.

In order to notify PAPs regarding assets evaluation and entitlement, the District Services of Planning and Infrastructure (SDPI) shall notify the public on its intention to land acquisition in relation to the reconstruction works. The public notice shall be advertised through the Daily Newspaper or through any other communication channels (i.e. community radio) widely used. A copy of such notice shall be delivered to each PAP and other individuals and entities that may have a stake in the issue. A list of owners and their contact address shall be compiled and made readily available for any interested viewer.

Information of the notice shall include:

- The Government's intention and proposal to land acquisition;
- The intended land use following acquisition;
- Indicate that the development proposal has been made available for interested individuals and entities to view and comment on the document during normal working hours;

- That any person affected may channel their claims through written notices and in case of objection, provide reasons for such objection, and a copy of such claim be sent to the Project Coordinating Unit, within 60 days of the publication of the claims;

15 COMPENSATION PAYMENTS AND RELATED CONSIDERATIONS

Under the WB OP 4.12 Individual and household compensation will be made in kind and/or through assistance. Although the type of compensation may be an individual's choice, compensation in kind will be preferred, if the loss amounts to more than 20% of the total loss of subsistence assets. It should be noted that the Mozambican resettlement Law does not include the option for cash compensation for PAPs losing assets including shelter. According to the Mozambican Law, a PAP losing shelter shall be provided with a new house, a minimum of 3-bedroom house with minimum area of 70m² provided that it is confirmed the new house will be equivalent or exceed replacement value of their existing shelter.

For cash payments, compensation will be calculated in Meticaís adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labour. The affected commercial activities will also be entitled for a loss of profit allowance as part of the livelihoods restoration program.

It is to be noted that making cash payments raise issues regarding inflation and security that have to be considered. These payments must therefore allow for inflationary adjustments of compensation values. Security, for people who will be receiving cash compensation payments will need to be addressed by the local administration. These are some of the reasons why compensation in-kind would be preferred. For payment of compensation in-kind, the time and new location will have to be decided and agreed upon by each recipient, in consultation with the project technical team, the district government authorities and the local community leaders.

15.1 Compensation for Land

The main objective of compensation for land is to provide for loss of assets such as crops and labour used in the process of crop production. Thus, the compensation for Land is compensation for cultivated area or area cultivated in the last agricultural season, and it is considered that the investment made by a farmer to produce crops constitute his labour. This allows for calculation of compensation using the market price of labour invested, as well as replacement cost of crops lost.

15.2 Land measurement

The unit of measurement for land would be that, which is used and understood by PAPs. It is envisaged that the unit of measurement in the district will be in meters. It might be necessary in certain cases to relate the measurement in meters to features recognizable to the PAPs, to

communicate the size of land under discussion. Recognizable features may be for example, football fields, distance between trees and other stationary features, to ensure communicability and transparency in the calculation of compensation and resettlement.

15.3 Compensation Rates for Labour

Compensation of the value of labour invested in preparing agricultural land will be carried out at the average wage in the community for the same period of time. The calculation of labour cost will be based on how much it would cost a farmer to create a new and equivalent farmland, and this can be calculated by adding the average cost of clearing, ploughing, sowing, weeding and harvesting crops.

Agricultural labour activities are included for two reasons. The first reason is to ensure uniformity. All land labour will be compensated for at the same rate. Secondly, it is difficult to forecast when, during the growing season, a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make. The labour costs will be paid in Mozambican Meticaïs at the prevailing market rates. The rate used for land compensation is to be updated to reflect values at the time compensation is paid.

In certain cases, assistance may be provided to land users, in addition to compensation payments. For example, if a farmer is notified that his/her land is needed after the agriculturally critical date (critical date, may be different in parts of Mozambique and across climate zones) when s/he will no longer have enough time to prepare another piece of land, assistance will be provided in form of labour intensive village hire, or mechanized clearing so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that s/he can pay for sowing, weeding and harvesting.

15.4 Compensation for Buildings and Structures

Compensation for building and structures will be paid by replacing the building and structures affected, namely building huts, houses, farm outbuildings, latrines and fences. Any homes lost will be rebuilt on the acquired replacement land.

Compensation of additional structures and buildings, other than the main house can be paid in cash if this is a preferred option. The applicable replacement costs for construction materials will be used to calculate the values. Alternatively, compensation will be paid in-kind for the replacement cost without prejudice to the quality of the building structure. The project will survey and update construction material prices on an ongoing basis.

Compensation will be made for structures that are abandoned because of relocation, or resettlement of an individual or household, or structures that are damaged directly by construction activities.

15.5 Compensation for business structures and business opportunities

The loss of physical infrastructures will be determined using the same principle for residential houses. Compensation for loss of earnings and workers' salaries where applicable, will be calculated on case by case basis taking into account the degree of variability of earnings and average expenditures for a known and agreed previous period.

Once the standard rates have been agreed between the parties, the technical team preparing the RAP will apply such rates to the total number of the affected assets associated to each category of PAPs with an aim to determine the total value of the compensation measures for the foreseen small-scale civil works.

15.6 Compensation for Sacred Sites

The Bank's Safeguard policy OP 4.11 makes provisions for Physical Cultural Property; therefore, the cost of mitigation for impacts to physical cultural property including compensation for sacred sites will be borne by the project proponent. Sacred sites include but are not restricted to: altars, initiation canthers, ritual sites, tombs and cemeteries. Sacred sites include such sites or places/features that are accepted by local laws including customary practice, tradition and culture as sacred.

In order to avoid any possible conflicts between individuals and/or communities, homesteads and village government, the use of sacred sites for any project activities is not permitted under the foreseen small-scale civil works.

15.7 Compensation for vegetables and other crops

In general the compensation for permanent loss of leguminous and other crops will be based on the on the vegetables and crops lost. This will be the quantity of the crops multiplied by the market price in between the two harvesting seasons. There is a variability of market values across the country and the fixed rates will be determined in consultation with local agricultural specialists, trading associations and local business people.

Compensation for temporary loss of crops and vegetables will be determined using similar principle; however, will take into account the nature of temporary loss or damage and time for such temporary loss.

15.8 Compensation for Horticultural, Floricultural and Fruit trees

In the case of fruit trees, other trees of economic value, and perennial crops, compensation will be paid in cash for the lost value until the replacement trees enter into reproduction phase. This will be the average yearly production of the tree multiplied by the market price for the years for the replacement trees to reach production phase. Since this value varies across the country, local values will be used for this purpose.

In most cases, compensation of fruit trees is carried out following an assessment by multi-sectorial teams (agriculture, public works, health, education, the local government and the leaders of the local communities). The Ministry of Agriculture has adopted a typical form used for trees compensation purposes. Annex 5 shows a number of typical fruit trees found in Mozambique and how they are compensated.

15.9 Entitlements for Compensation and Disclosure

Only subsequent to final approval of the detailed Project and the initiation of planning works the specific location of the specific site of the project will be known. Thus, the technical team involved in the preparation of the RAP will conduct an inventory of relevant PAPs and the physical relocations to be made. Based on the detailed inventory, the final negotiations with PAPs on the compensation values and the actual costs will be determined and agreed in a Resettlement Contract. The final entitlement for compensation will be approved by the technical committee and should be similar to those in the RAP.

The World Bank, through its Disclosure Policy BP 17.50, requires that all safeguard documents be disclosed in the respective countries as well as at the Bank's Info shop prior to appraisal or for Fast Tracking Initiative prior to Signing of the Grant Agreement. The Bank recognizes the right to information, and has information disclosure policies which generally contain the following elements: principles of disclosure; exceptions to disclosure; routine disclosure; and request driven disclosure. Disclosure of documents (including a summary of the project, and a summary of Environmental Assessment) should be in the local language, at a public place accessible to project-affected groups, local non-governmental organizations and other interested persons. In-country disclosure of information is the responsibility of the borrower, in this case of the project proponent through the steering committee or the individual institutions that will be implementing a project, in this case the DNGRH, INIR, MINEDH and AIAS. Disclosure in the *InfoShop* is the responsibility of the World Bank.

Documents that need to be disclosed include:

- Integrated Safeguards Data Sheet
- All Safeguard mitigation plans:
 - Environmental Assessment/ Environmental and Social Management Plan
 - Pest Management Plan
 - Resettlement Action Plan, Policy Framework or Process Framework

All documents should be made available to stakeholders well in advance of consultations and all public consultations should be completed and draft or final documents should be disclosed prior to the project appraisal. In addition, all final documents, including the results of the consultations should be disclosed for the record.

For the present RPF document, information disclosure was initiated with the advertisement of the public participation meetings held in the three provinces targeted for the implementation of

the ERRP. The meetings provided an opportunity for stakeholders to provide comments and useful inputs to be taken into consideration when planning and implementing the proposed project. As the RPF has now been drafted, it is proposed that the disclosure process be through continued interaction with stakeholders using contacts gathered during public meetings. Contacts' emails shall be used to inform that the RPF document has now been finalized and it is available on the web and stakeholders shall be invited to provide further comments if required and as needed. A public advert shall also be sent to most widely distributed and read newspaper in the country, to inform stakeholders of the availability of the RPF document for review and comments. The selected **inter-institutional coordination body**, led by the National Directorate of Management of Water Resources (DNGRH), shall ensure the availability of the full RPF in Portuguese in Maputo, as well as in all their provincial and district offices to ensure that affected and interested persons, as well as all stakeholders involved in the implementation of the ERRP have access to the document.

15.10 Procedure for Delivery of Compensation

The project proponent shall proceed with payment of compensation to the PAPs in line with previously made agreements. Compensation will be made in cash or cheque according to the preference of the beneficiaries. Compensations to the PAPs will be paid at least one month prior to the initiation of works and other agreements made during the time of preparation of the RAP, and through the following procedures.

15.11 Consultation and Public Participation

The compensation process will be initiated with public consultation, a process which will be continuous, and having initiated at the early stage of the process, to continue throughout the design and implementation process. Public consulted will ensure that all PAPs are effectively involved and allow them to voice their concerns and contribute to the process.

15.12 Notification of Land Resource Holders

The legitimate land owners will be notified through the process discussed earlier in this document. In case there is no clear owner of land resources, the district administration and the community leaders will make a genuine effort to identify the legitimate owners. Formal written communication as well as verbal will be used to inform the PAPs. The different community leadership (religious leaders, elders) will be involved to identify all the socioeconomic aspects to be conserved.

16 KEY FINDINGS FROM PUBLIC CONSULTATION MEETINGS

Public consultations were carried out in the three provinces where targeted by the ERRP, namely in Nampula, Niassa and Zambezia, as well as at central level (Maputo), with the objective of gathering public perceptions of the proposed activities as well as of the provinces

and key areas of intervention. The consultation process comprised two methods (i) consultation on a one-to-one basis with key stakeholders (officials from line ministries, national organizations, NGOs, the World Bank and technical staff from targeted provinces), and (ii) public meetings held in the aforementioned provinces. Information on the purpose and dates of the public consultation meetings was publicized in the *Jornal Noticias*, the most widely read newspaper in the country, in the DNGRH office in Maputo, as well as at provincial level. A draft version of the present document, RPF, as well as of the ESMF, were also shared and made available to the public for contributions.

The objective of the consultation process was to gather general perceptions and views of all relevant stakeholders (project affected persons as well as interested persons) on the proposed project. Among others, the Consultant sought to identify and confirm conditions in the different provincial contexts, and determine specific impacts that would require to be addressed under the scope of the present RPF. A summary of the key issues raised and contributions from the public consultation meetings held in the 3 provinces is provided below. The full records of the public consultation meetings can be located as Annex 7 of the ESMF elaborated in parallel to the present document.

16.1 Consultations in Nampula

In Nampula province, the public consultation meeting took place on November 9, 2016, in the capital of the province, Nampula City. The meeting was well attended by civil society organizations, general public as well as by local government officials. The participation of officials from 13 District Education Services to the meeting is worth highlighting, most of which focal points for emergency projects in highly vulnerable districts exposed to recurrent natural disasters. Senior officials from the DNGRH also participated in the meeting. The meeting was conducted and led by a consultant appointed for this, and had three main objectives: i) provide information to the ERRP beneficiaries, to the general provincial population to civil society organizations as well as to the local government structures; ii) identify potential environmental and social consequences and impacts of the project; and iii) take note of and register the contributions, grievances and expectations of the participants with regards to the project.

Key issues raised by Participants

In terms of the area of focus of the project in terms of land acquisition and resettlement, the key issues raised by participants included the following:

- In urban areas of the province, such as Nacala Porto, there are major difficulties in obtaining physical spaces for the resettlement or reconstruction of schools. Resettlement of schools will require compensation for land.
- The lack of fencing around school infrastructures is a major challenge for the education sector, leading to land conflicts as land is lost and it is difficult for the schools to claim it back.

- Challenges in inter-institutional communication, districts provide information of climate related shocks as well as their impact on infrastructure to the provincial directorates, however information does not reach the correct entity.
- Recurrent disasters in the same areas, destroying infrastructures, particularly schools, however they are not transferred.
- Non-compliance with construction of resilient schools' model in terms of their location, construction materials used, obtaining of construction licenses.
- Some affected schools in the province resort to continuing classes under trees and with no conditions for pupils and teachers.
- Liupo, Larde, Memba districts are of major concern given their exposure to constant cyclones and floods, it was reported that with the 2014/15 flood, several classrooms in both districts were destroyed.
- Low quality construction materials being used by some contractors, particularly zinc sheets used for roofing with

Key Recommendations Provided

- Resettlement of schools should not be to locations far from the destroyed schools to avoid drop-outs because of long distances pupils have to walk to get to schools. Relocation of schools to safer locations in the same locality, community or neighborhood should be prioritized.
- Areas for resettlement should be assessed prior to move, to avoid that project affected persons are further exposed to climate shocks and related risks or that further resettlement occurs in the event of a shock.
- School transfers from location to another without considering the benefiting communities can adversely impact the project affected population as well as the use of the school itself.

16.2 Consultations in Niassa

In Niassa province, the consultation took place on November 11 in the capital city Lichinga. As in Nampula, the meeting was well attended by civil society organizations, general public as well as by local government officials. Senior officials from the DNGRH also participated in the meeting. The meeting was conducted and led by a consultant appointed for this, and had three main objectives: i) provide information to the ERRP beneficiaries, to the general provincial population to civil society, contractors as well as to the local government structures; ii) identify potential environmental and social consequences and impacts of the project; and iii) take note of and register the contributions, grievances and expectations of the participants with regards to the project.

Key issues raised by Participants

In terms of the areas of focus of the project with regards to land acquisition and resettlement, the key issues raised by participants included the following:

- Issues with local communities not receiving compensation repayments in the province, and the local government claiming unavailability of funds to this end.
- Frequent loss of community land to projects and the lack of consultation with local communities although the Land Law makes provisions for these. One of the participants mentioned that usually the point of contact is the Traditional Chief (*regulo*) makes decisions on areas for the project without prior consultation with communities.
- Some resettlement areas do not have basic services or adequate living conditions, which forces the affected population to return to their areas of origin and this results in conflict.
- The use of local labour is not always favorable as the schedules of the contractors and local communities are not always compatible, particularly during the agriculture production season.
- Lack of baselines on soils and climate of construction sites cause technical errors during construction.

Key Recommendations Provided

- Public consultations should be undertaken at local levels, at the exact locations where the project will be implemented.
- Clarity has to be provided on who is responsible for compensation – it is not the contractor but the project proponent.
- Studies on climate, soils and terrains should be undertaken prior to commencing construction as these have an impact of the quality of the infrastructures.
- Resettlement of schools should not be to locations far from the destroyed schools to avoid drop-outs because of long distances pupils have to walk to get to schools. Relocation of schools to safer locations in the same locality, community or neighborhood should be prioritized.
- Resettled persons should be provided with the same or better conditions to the ones they had prior to the project, and the project proponents should support such persons in the acquisition of DUATs.
- Resettlement is costly and has potential negative impacts on persons being reallocated. Some of the costs associated with reconstruction of schools can be reduced by reducing the school area and building learning infrastructures vertically or upward buildings to maximize space and also to embellish the cities and villages.

16.3 Consultations in Zambezia

The consultation meeting in Zambezia took place in Quelimane on In Niassa province, the consultation took place on November 11 in the capital city Lichinga. As in Nampula, the meeting was well attended by civil society organizations, general public as well as by local government officials. The meeting was conducted and led by a consultant appointed for this, and had three main objectives: i) provide information to the ERRP beneficiaries, to the general provincial population to civil society organizations as well as to the local government structures; ii) identify potential environmental and social consequences and impacts of the

project; and iii) take note of and register the contributions, grievances and expectations of the participants with regards to the project.

Key issues raised by Participants

In terms of the areas of focus of the project with regards to land acquisition and resettlement, the key issues raised by participants included the following:

- Land conflict resulting from the use of unapproved or private land areas for the reconstruction of dikes.
- Rupture in social cohesion as a result of resettlement and the payment of compensations.

Key Recommendations Provided

- Project affected persons should be resettled to areas that have provision of basic services, better living conditions and reduced exposure to climate related risks.
- Ensure health services can be accessed by project affected persons who are resettled, particularly of people living with HIV/ AIDS to continue to access health care and treatment.
- Improved inter-ministerial and inter-institutional coordination for implementation of projects is required.

In general, the issues raised by the participants of the public consultation have been taken note of and included throughout the present document. The RPF also includes mitigation measures and recommendations informed by these meetings.

17 COMPLAINTS AND GRIEVANCES MECHANISMS

The preparation and disclosure of the RAP will allow time for PAPs to express their concerns and objections prior to the approval of RAPs and signing of Resettlement Contracts. The procedure for channeling grievances shall be made simple and accessible to the PAPs and will be handled at the local level if possible.

Wherever possible grievances should be solved amicably, however, where such approach is not possible, those wishing to express their grievances may do so through the district government, who will consult with the Technical Commission to determine the validity of claims and rule on the final settlement.

The Grievance Redress Mechanism (GRM) is recommended to be used to deal with potential grievances and dissatisfaction raised by the PAPs in relation to the project. In Mozambique, the mechanism used for raising grievances is usually as follows:

1. Issue raised firstly to the village chief, traditional leader, or village head;
2. If not resolved to the satisfaction of the PAP, issue is sent to the Head of Post;
3. From there it goes to the Consultative Council;
4. To the District Administrator and ultimately;
5. To court.

If individuals or communities feel their grievances are not adequately addressed, they have the option to go up to Provincial level or still further, national level.

All grievances shall be made in writing, in the language that the PAPs understands, and are familiar with. Responses from all levels are also to be documented. The technical committee shall review and report on the status of all grievances in their progress reports each trimester.

It is of note that the grievance mechanism is conceived to solving disputes at the earliest possible time of their outbreak, and it is of interest of all parties concerned, thus, matters should only be directed to the courts as a last resort.

18 MONITORING AND REPORTING REQUIREMENTS

Monitoring and reporting on progress are critical areas for the successful implementation of the present RPF as well as of the overall ERRP project. Reporting is based on a set of indicators which should be reported on, on a regular basis with specific responsibilities indicators set out here will be mainstreamed into the overall monitoring and evaluation (M&E) system for the project. The specific objective of the monitoring process is to ensure that the RPF is complied with and verified at all levels and stages of the project implementation cycle. Monitoring shall be a continuous process and should include the status of compliance as well as achievement of the objectives of the project.

The Safeguards team of inter- institutional coordination team and of the implementing institutions shall be responsible for coordinating and monitoring the implementation of the RPF and the RAP. The teams will be responsible for implementing sensitization programmes with the view of informing interested and affected persons of the framework, how it works and what is expected with it.

It is expected that continuous monitoring of the RPF will guarantee:

- Affected persons have been consulted and compensated in full prior to the commencement of activities
- Project affected persons or communities have maintained their pre-project living conditions or improved them
- Local communities and authorities continue to support the project

Given the number of institutions involved in the implementation of the ERRP, it is recommended that the inter-institution coordination team, with the authorization of the Steering Committee, coordinates and liaises with other relevant government institutions with regards to environmental and social monitoring of the project. Weekly, monthly and quarterly reports shall be prepared and distributed to all relevant entities and should include the following:

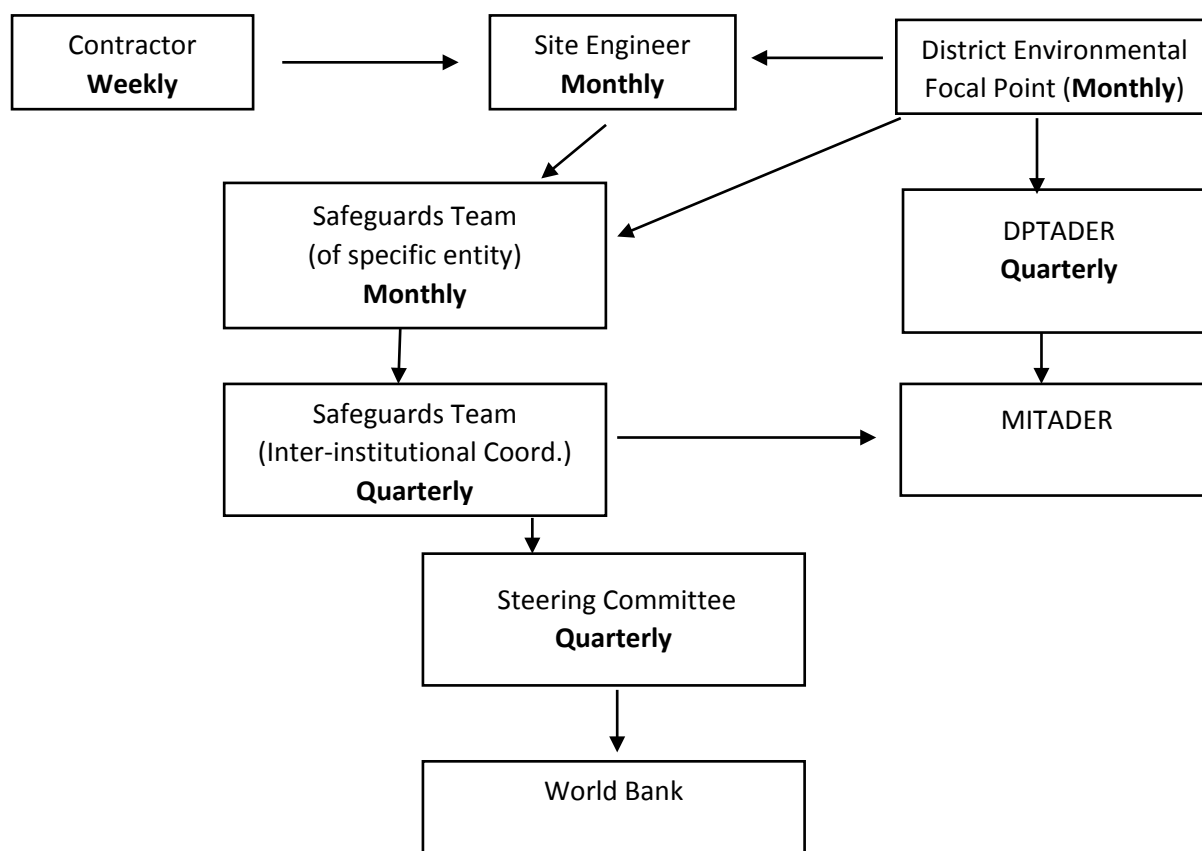
- Calendar or work plan for implementation
- Involvement of project affected persons
- Allocation of funds
- Arising issues and solutions identified and put in place during implementation
- Level of compliance of timelines and social, environmental, health and safety contractual obligations of contractors
- Level of compliance of with calendar established for compensation
- Adherence to Mozambican legislation and World Bank guidelines for compensation calculations and other aspects of the resettlement process.

It is recommended that an external consultant is hired to monitor, together with the inter-institutional coordination safeguards team, compliance with the mitigation measures presented in the present document on a quarterly basis.

The reporting and monitoring arrangements recommended in the ESMP shall apply for the present RPF. No additional personal shall be contracted to deal with land acquisition and resettlement issues alone. The Safeguard Teams from each of the entities will play a major role in terms of ensuring implementation is ongoing, on-track, and in compliance with Mozambican and World Bank requirements. Support shall be sought from the provincial and district authorities for monitoring and reporting to the safeguard teams on a monthly basis or according to the specific resettlement process calendar. The inter-institutional coordination safeguards team shall receive reports on a quarterly basis and shall provide support as required by the specific entity team when necessary. Records of meetings, consultation processes, compensation in cash or kind and confirmations of receipt of such compensation, amongst other documents, shall form part of the documents to be submitted with the reports.

Annual reviews of the implementation of the RPF will be carried out by an independent local consultant, NGO or another service provider that is not involved in the ERRP, subject to approval by the Steering Committee and the World Bank.

Flowchart of events and entities responsible for Reporting the ESMP



19 COMPLAINTS AND GRIEVANCES MECHANISMS

The preparation of the RAP will allow time for PAPs to express their concerns and objections prior to the approval of RAPs and signing of Resettlement Contracts. The procedure for channeling grievances shall be made simple and accessible to the PAPs and will be handled at the local level.

Wherever possible grievances should be solved amicably, however, where such approach is not possible, those wishing to express their grievances may do so through the district government, who will consult with the Technical Commission to determine the validity of claims and rule on the final settlement.

The Grievance Redress Mechanism (GRM) is recommended to be used to deal with potential grievances and dissatisfaction raised by the PAPs in relation to the project. In Mozambique, the mechanism used for raising grievances is usually as follows:

1. Issue raised firstly to the village chief, traditional leader, or village head;
2. If not resolved issued is sent to the Head of Post;
3. From there it goes to the Consultative Council;

4. To the District Administrator and ultimately;
5. To court.

If communities feel their grievances are not adequately addressed, they have the option to go up to Provincial level or still further, national level. It is of note that the grievance mechanism is conceived to solving disputes at the earliest possible time of their outbreak, and it is of interest of all parties concerned, thus, matters should only be directed to the courts as a last resort.

20 ASSUMPTIONS AND RISKS

The success in the implementation of RAPs is based on a few assumptions. The most important include:

- The project continues to enjoy support from all stakeholders and sectors that are relevant for project implementation and development. Among other it will be fundamental that local authorities ensure that the settlement pattern existing along main components captured during the RAP planning is maintained as it was during the survey and that no new households are allowed to occupy land for any purpose within the ROW/Corridor of Impact;
- Natural disasters and/or other negative circumstances beyond the control of identified stakeholders do not obstruct project implementation as designed;
- PAPs likely to not accept the proposed compensation value if RAP implementation is delayed and the cost of living continually increase in Mozambique.

RAP implementation shall consider that institutions in Mozambique in general are weak and that these weaknesses will have a bearing in the entire process in one way or the other. Government/municipal institutions have weak capacity to deal with these additional tasks. They have limited human, material, financial and technological resources at the same time that they are overwhelmed by a multitude of priorities.

Sometimes corruption hampers service delivery and accountability, as mentioned in the public meetings. This is further compounded by weak demand at community level, where vulnerability, dependency, cultural constraints and low levels of social capital, prevent poor people and their representatives from demanding their basic rights.

The involvement of external organizations with a strong record of accomplishment of addressing the above-mentioned issues will be fundamental. The **“rights based approach”** to education/capacity building should be at the forefront of the entire process. Local people and their organizations need to be empowered to know and understand their rights and be provided with adequate communication channels to foster their legitimate interests.

21 ANNEX 1: TORS FOR ENVIRONMENTAL AND SOCIAL SAFEGUARDS ACTION PLAN

Project Name: Emergency Resilient Recovery Project for the Northern and Central Regions

1. The arrangements made under the existent Bank-financed projects (ESSP, AIAS, PROIRRI) under implementation by DNA, MEPH, INIR and AIAS can be used for the Emergency Resilience Recovery Project, and the Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) are also be used as reference for the elaboration of safeguards instruments related to this Project. The GoM has used harmonized safeguards instruments and trained district-level environmental staff on screening. The GoM has already established an effective safeguard implementation within the IEs units under the ongoing Bank-financed projects, which will be used as spearhead of environmental and social safeguards within the Project activities. The environmental and social safeguard specialist from the existing IEs will be responsible for screening the proposed asset for land and resettlement issues and conduct environmental screening in line with procedures to be established under the ESMF and RPF. Activities to be screened may include the rehabilitation or reconstruction of dikes, schools, irrigation schemes, and drinking water supply infrastructure. Project components that require land acquisition, compensation and resettlement of displaced persons will be reviewed under the framework for land acquisition and compensation, but should in principle be avoided.

2. The components under the Project that would trigger environmental safeguard policies are Component A – Resilient Infrastructure Rehabilitation, and Component D – Contingency Emergency Response Component (CERC). The environmental safeguard policies that would be triggered are: (i) OP/BP 4.01 (Environmental and Social Assessment), OP/BP 4.04 (Natural Habitats), OP 4.09 (Pest Management), OP/BP 4.11 (Physical Cultural Resources) and OP/BP 4.12 (Involuntary Resettlement). Initial evaluation of the scope of activities and potential scale of impacts from construction and rehabilitation activities would have the Project assigned the environmental category B as the activities will result in moderate impacts that will be localized and easily mitigated. This category requires a partial assessment of impacts and, in line with safeguard requirements, an ESMF will be prepared consulted upon and disclosed by the GoM. An Integrated Pest Management Plan (IPMP), containing a guide on the procurement, distribution, and storage of pesticides near irrigation schemes under rehabilitation, will also be prepared, consulted upon and disclosed.

3. Project activities that would trigger environmental impacts include rehabilitation and construction works of dike, education (schools), irrigation, and drinking water supply infrastructure. Construction related to negative environmental impacts would include clearance of trees, noise nuisance, soil erosion, dust emissions, solid and liquid wastes and pollution of surface and ground water resources among others. The Project will be implemented in or near natural habitats. Physical cultural resources could be affected by the civil works. It is also

important to recognize the implementation of an HIV/Aids prevention program to help ensure a healthy migrant labor force of contractors for civil works during construction periods.

4. Although the Project does not include supporting the operation of irrigation schemes, negative environmental impacts from operations of irrigation schemes and other facilities may include the following: increase in water logging and salinization of land, increase in pests and diseases, conflict in use of water resources with upstream or downstream users and poor sanitation. In general the extent and significance of the negative impacts will be localized and could be managed with appropriate interventions during Project implementation.

5. In line with Environmental Assessment OP 4.01, the Government will prepare an ESMF to guide the mainstreaming of environmental planning for the Project. The ESMF provides screening procedures for typical anticipated environmental and social impacts for all Project activities and the preparation of an Environmental and Social Management Plan (ESMP). The screening process will be prepared as part of the requirements of the OP 4.01 Environmental Assessment, and will complement the National Environmental Policy and Guidelines for the Environmental Impact Assessment (EIA) in Mozambique (Decree 54/2015, of December 31st) which requires environmental and social screening for developments projects.

6. The Borrower will, drawing on the existing RPFs from the WASIS Water Services and Institutional Support Project (AIAS), ESSP Education Sector Support Program (MEDH), PROIRRI Sustainable Irrigation Development Project (INIR), and WRD Water Resources Development (DNA) to prepare an RPF to guide the preparation of site specific Resettlement Action Plans (RAPs) once such details are known. Just as the ESMF and IPMP, the RPF will be fully consulted upon, reviewed and cleared by the Bank, and publicly disclosed both in-country and on InfoShop prior to project implementation.

7. The environmental and social screening process consists of four steps: (i) review of environmental and social impacts checklist for projects; (ii) screening of impacts from the sub-projects and sites; (ii) assignment of environmental categories; and iv) preparation, review and approval of an Environmental Action Plan. The screening process will be carried out using a screening form to be attached in the ESMF. The already established safeguards specialist team in the IEs of the other Bank-financed projects mentioned above will carry out the environmental and social screening.

8. The project may affect natural habitats and physical cultural resources. The ESMF will include guidance on mitigating any possible impacts on natural habitats as well as a procedure for chance finds. The Project may involve clearing trees. The ESMF will include measures for managing the clearance and possible reforestation.

9. An IPMP will promote the use of biological or environmentally friendly control of pests on irrigation schemes and reduce reliance on synthetic chemical pesticides. The IPMP will also promote integrated approaches that ensure that the health and environmental hazards associated with the use of pesticides are minimized. The plan will also include safer guidelines for the use

of recommended and environmentally friendly pesticides on Bank-funded rehabilitated irrigation schemes.

10. Environmental monitoring, evaluation and reporting on environmental and social management will be part of the Project implementation process and local authority reporting system. During construction, contractors will keep records of all activities done on the Project site, which will be submitted to the different IEs already established in other Bank-funded projects (DNA, AIAS, INIR and MEDH). The District Officials will be responsible for monitoring at the local level on a quarterly basis. Compliance to environmental and social screening will be generated from annual reports, evaluation reports and feedback meetings and implementation support missions.

11. Awareness on Environmental and Social Mitigation Measures: The ESMF will also outline provisions for the awareness/orientation sessions for environmental and social training aimed at contractors of civil works. Appropriate training will cover areas such as: screening of projects, policy and legal framework on environment and construction, disposal of solid and liquid waste from premises, and measures to prevent the spread and contraction of HIV/Aids. Environmental and social rules for contractors will be incorporated within construction bids and contracts to enhance obligations on contractors.

Social

Table 5.1: Action Plan for Safeguards

Table 5.1: Triggered Safeguards

Safeguard Policies	Triggered?	Explanation
Environmental Assessment OP/BP 4.01	Yes	<p>The Emergency Resilient Recovery Project will trigger this policy due to the involvement of civil works (rehabilitations, construction works) of public infrastructure in flood-affected areas. Civil works will possibly generate negative externalities such as: soil erosion and siltation, loss of trees, pollution to surface and ground water resources, soil erosion, dust emissions, solid and wastes.</p> <p>Components under the Project that would trigger this safeguard policy are Resilient Infrastructure Rehabilitation, which involve the rehabilitation and strengthening of dikes; the rehabilitation of damaged conventional classrooms and building of “mixed” classrooms to replace those non-conventional classrooms destroyed during the event; the rehabilitation of irrigation infrastructure; and fixing and</p>

		<p>upgrading the intake of the Mocuba drinking water supply system.</p> <p>The scope of specific Project activities will need to be more detailed. An ESMF will be prepared which will provide the criteria and procedures for screening sub-project investments and guide the preparation of site-specific environmental and social management plans. The ESMF will also assess the institutional capacity of the implementing agencies, including the already created IEs and provide measures for capacity building along with an estimate of the budget needed for the implementation of the ESMF. The ESMF will also provide a list of activities that could be financed by the Project and screen out activities that correspond to Category A projects.</p> <p>The justification for classification of category B is that most of the Project will focus on medium size rehabilitation and re-construction projects for dikes, irrigation schemes, and fixing and upgrading an intake drinking water supply system. The anticipated scale of potential adverse environmental or social impacts on human populations is site-specific, few if any of them are irreversible and in most cases, mitigation measures could be designed to address the impacts. An ESMP and abbreviated RAP for sub-projects can be used to address the impacts.</p>
Natural Habitats OP/BP 4.04	Yes	<p>The Project will trigger this policy due to the sensitivity of riverbanks and the fact that floods strongly eroded riverbanks, given high speed and water flow rates, causing loss of vegetation and dragged eroded soil. The forest gallery that grows along streams was severely affected, is very fragmented and is also increasingly anthropic.</p> <p>The rehabilitating of irrigation infrastructures and drinking water supply in Mocuba, specially activities related to the fixing and upgrading of the intake of the water supply system, which is currently located in the Lugela River, may affect some sensitive habitats along the riverbanks.</p>
Forests OP/BP 4.36	No	The Project will not interfere with natural forest.
Pest Management OP 4.09	Yes	The Project will support the rehabilitation of irrigation schemes. This involves investments in the agriculture sector that will enhance production and will likely increase the use of pesticides. However, the Project will not finance the

		procurement of pesticides. In cases where pesticides are used within existing production systems, the Project will promote the use of integrated pest management and the safe use, storage, and disposal of agro-chemicals. Irrigation schemes may use pesticides to control pests on schemes. An IPMP will be prepared, consulted upon and disclosed to provide guidance on the use of proper use of pesticides.
Physical Cultural Resources OP/BP 4.11	Yes	
Indigenous Peoples OP/BP 4.10	No	There are no Indigenous Peoples in the Project area.
Involuntary Resettlement OP/BP 4.12	Yes	
Safety of Dams OP/BP 4.37	No	The Project does not involve dams.
Projects on International Waterways OP/BP 7.50	No	The Project does not involve International Waterways.
Projects in Disputed Areas OP/BP 7.60	No	The Project is not being implemented in disputed areas.

Safeguards Monitoring

12. Environmental monitoring, evaluation and reporting on environmental and social management will be part of the Project implementation process and local authority reporting system. During construction, contractors will keep records of all activities done on the Project site, which will be submitted to the different project IEs already established in other Bank-funded projects (DNA, AIAS, INIR and MEDH). The District Officials will be responsible for monitoring at the local level on a quarterly basis. Compliance to environmental and social screening will be generated from annual reports, evaluation reports and feedback meetings and implementation support missions.

13. Specific to resettlement screening, the District Executive Committee, under the supervision of the District Commissioner, will carry out the screening. Monitoring, evaluation and reporting on resettlement issues will be part of a Project implementation process and local authority reporting system. Compliance to resettlement screening will be generated from monthly reports, evaluation reports and feedback meetings and implementation support missions.

14. Specific to safeguards, the GoM has already used harmonized safeguards instruments and trained district-level environmental staff on screening as part of the existing Bank-funded projects. This set-up will be used for the Emergency Resilient Recovery Project, and the

existing safeguards instruments will be used as reference for the preparation of the ESMF, IPMP and RPF for this Project. The already established safeguards specialist team in the IEs of the other Bank-financed projects will be responsible for screening the proposed asset for land and resettlement issues and conduct environmental monitoring in line with the established procedures under the ESMF.

22 ANNEX 2: PROPOSED ENVIRONMENTAL AND SOCIAL SCREENING FORM

Project title.....

Project number.....

Project type.....

Name of district for infrastructure rehabilitation/construction.....

Name of Executing Agent.....

Date:

Name of the Approving Authority

PART A: BRIEF DESCRIPTION OF THE PROPOSED ACTIVITIES

Please provide brief information on the type and scale of the construction/rehabilitation activity (total area, required land, approximate size of floor area).

Please provide information regarding actions needed during the construction of facilities including support/ancillary structures and activities required to build them, e.g. need for borrow pits, energy and water pipes/lines installations, access road etc.

Please describe how the construction/rehabilitation activities will be carried out, including complementary activities and infrastructures and resources required e.g. roads, disposal site, water supply, energy requirement, human resource etc.

PART B: BRIEF DESCRIPTION OF THE ENVIRONMENTAL SITUATION AND IDENTIFICATION OF ENVIRONMENTAL AND SOCIAL IMPACTS

Please describe the proposed infrastructures location, sitting; surroundings (include a map)

Describe the land formation, topography, vegetation in/adjacent to the activity area

Estimate and indicate where vegetation might need to be cleared.

PART C: OTHER ENVIRONMENTAL ASPECTS

#	Environmental and social aspect	Yes	No	Don't Know
	Is the site zoned for the proposed land-use?			
	Are there any environmentally sensitive areas or threatened species (specify below) that could be adversely affected by the project?			
	Is there any intact natural forests?			
	Is there any surface water courses, natural springs?			
	Is the water table close to the surface? i.e. 0,5 m or less?			
	Are there any wetlands (lakes, rivers, swamp, seasonally inundated areas) in the proximity of the site?			
	Is there any area of high biodiversity?			
	Are there habitats of endangered/threatened or rare species for which protection is required under the Mozambican national law/local law and/or international agreements			
	Is there a possibility that, due to construction/rehabilitation works and subsequent operation of the infrastructure, the river and lake ecology will be negatively affected with regards to its water quality and quantity?			
	Is the site (or its complementary facilities) located within/adjacent to any protected areas designated by the government (national park, national reserve, world heritage site etc.)?			
	Is the infrastructure likely to alter any historical, archaeological, cultural heritage traditional (sacred, ritual area) site or require excavation near same?			
	Will the project involve any involuntary land acquisition?			
	Will there be any voluntary land acquisition?			
	Will the activities be located in any vacant public land?			
	Is the site located in any or near polluted area (near a waste dump)?			
	Is the site located in an area of steep slope and or susceptible to landslides or erosion of soils?			
	Is the site located to agricultural land?			
	Is the site located in the proximities of tourism activities?			
	Is the project site susceptible to natural disasters (flooding, fire, cyclones and earth quake)?			
	Is the site located in area of population concentration points (schools, markets, health facilities, water sources and commercial areas)?			
	Will the construction/rehabilitation activities result in the permanent or temporary loss of crops, fruit trees and household infra-structure (such as granaries, outside toilets and kitchens, livestock?			
	Will the construction/rehabilitation works interfere with or block access, routes etc. (for people, livestock and wildlife) or traffic routing and flows?			
	Will the operating noise level exceed the allowable noise limits?			
	Will the construction/rehabilitation works require large number of staff and laborers; large/long-term construction camp?			
	Will the activities result in emission of large amounts of dust, hazardous fumes?			

	Will the construction/rehabilitation works generate solid or liquid wastes? (including human excreta/sewage, asbestos)			
	If “Yes”, does the architectural plan include provisions for their adequate collection and disposal, particularly asbestos?			
	Are the construction/rehabilitation activities prone to hazards, risks and could they result in accidents and injuries to workers during construction or operation?			
	Will the operation involve use of considerable amounts of natural resources (construction materials, water spillage, land, energy from biomass etc.) or may lead to their depletion or degradation at points of source?			
	Has public consultation and participation been sought?			

Name, job title, and contact details of the person responsible for filling the Form:

Name: -----

Job title: -----

Telephone numbers: -----

Fax Number: -----

E-mail address: -----

Date: -----

Signature: -----

PART D: MITIGATION MEASURES

For all “Yes” responses, please briefly describe the measures taken to this effect. Subsequent to completion of the present Environmental and Social Screening Form, the analysis by the District Environmental Commission will follow in order to classify the activity into one of the categories A, B or C.

23 ANNEX 3: STRUCTURE FOR PREPARATION OF RAP

The following comprises the proposed structure for preparation of RAP under the present Resettlement Framework Policy. The implementation of the proposed structure and the level of details will be dependent upon a number of factors including the following:

- The environmental and social sensitivity of the proposed site for the civil works
- The dimension of the foreseen small-scale civil works (new infrastructure or rehabilitation);
- The level and nature of populations disturbances likely to occur;
- The local differences in determination of eligibility criteria and evaluation of assets

The Team carrying out the RAP should make use of the WB Operational Procedures (PO 4.12), in order to ensure that all the RAP requirements are totally covered in the RPF and RAP for the proposed activities. In cases where certain requirements are not applicable, such cases should be timely indicated.

Introduction

- Provide a summary description of the proposed activities, including making references to how the RPF links to those activities;
- Make references to The Need for RPF;
- Summarize the results of the ESMF;
- Briefly describe how the RAP for the proposed project has been prepared, and documents for the Team preparing RAP; and
- Listing the procedures for review and approval of RAP.

Project description

- Brief project description;
- Listing of project components;
- Description of project components likely to result in the need for land acquisition, and consequently affecting goods and assets as well as the need for compensation and resettlement;
- Description of actions taken to minimize the need for resettlement and compensation, and presentation of results of the actions taken; and
- Listing of objectives and Basic principles of the RPF.

Dimension and nature of potential resettlement

- Delineation of any baseline socioeconomic survey carried out;
- Provide details on population (or other entities) to be potentially resettled due to the Project activities, as well as description of potential loss;

- Listing of categories of the PAPs;
- Listing the results of the consultations with PAPs regarding the results of resettlement surveys; and
- Describe the procedures related with the updating of the results of the surveys.

Legal basis for compensation and resettlement

- Describe any legal or regulatory issues related to land use rights, compulsory land acquisition, compensation, and complaints and grievance mechanisms.

Eligibility criteria for the various categories of PAPs

- Definition of PAPs (i.e., groups and associations, business and communities);
- Describe the rights to compensation/resettlement for each of the category of PAPs, including a matrix showing the rights proposed for each category;
- Where possible, in the case of land allocation for compensation, provide details on quality and quantity of the allocation; and
- List the cut-off date, including the measures to be applied in relation to these dates and an increase in the number of PAPs.

Evaluation of Assets

- Describe the procedures to be used for inventory of assets before or during the implementation of the RPF, which are specific to the proposed civil activities;
- Describe the methods for payment of compensation and resettlement actions resulting from the foreseen small-scale civil works; and
- Describe the methods for determining payment of compensation of assets affected by the civil works.

Host areas

- Discuss issues related to availability of land for resettlement;
- Identify potential host areas and alternatives, providing results of studies and surveys carried out for each alternative;
- Describe any consultation carried out in relation to selection of host areas alternatives, and
- Register the level of acceptance or any other reaction by PAPs and local authorities in relation to potential host areas.

Implementation of RAP (Procedures and institutional responsibilities)

- Explain how RAP implementation will be integrated in the general implementation of the foreseen small-scale civil works;

- Describe and explain to the PAPs the specific procedures regarding the inventory of assets potentially affected by the proposed activities (which will form the basis for final negotiation of compensation payment);
- Describe the method to be used with a view to obtain the final value of assets for each PAP, and to determine and negotiate the rights for compensation of individuals;
- Explain how each eligible PAP will be affected in relation to the whole profile of losses and in relation to the compensation/resettlement proposal, and how the acceptance of the proposals will be registered;
- List specific procedures of the proposed civil work and responsibilities for selection, inventory, planning and land allocation;
- Describe the process and responsibility for physical transportation of individuals and their assets to the host areas;
- Describe procedures and responsibilities to provide any assistance to resettlement and development in relation to PAPs;
- Describe methods and responsibilities for carrying out compensation including substitution of goods and assets (including substitution of land, wherever applicable) and payment in monetary values or in kind;
- Describe methodology to cater for unforeseen events of losses and damages caused to land or property during the carrying out of the foreseen small-scale civil works, and methods for claiming compensation for such losses and damages;
- Describe the method for obtaining the conformation of reception of compensation/resettlement by PAPs;
- Delineate steps and responsibilities for monitoring and report presentation in relation to the progress of implementation of RAP; and
- Include a time schedule for implementation (including the responsible personnel for this activity) and relate this to general implementation of the civil works.

Consultation and Participation

- With regards to RPF provide any specific details of measures to be undertaken in order to ensure consultation with PAPs and other affected parties in the planning and implementation process of RAP; and
- Apart from the methods described in the RPF, describe any specific approach for PAPs to channel their complaints and grievances and procedures for their settlement.

Monitoring and evaluation

- Describe the procedures and responsibilities for internal monitoring of civil works;
- For external evaluation, the conditions stipulated in the RPF shall be considered.

Budget and Cost estimation

- Provide details on costs associated to implementation of RAP showing who is responsible for funding and the respective timing.

24 ANNEX 4: OUTLINE OF CATEGORIES OF LOSSES AND THEIR IMPACTS ON PAPs

Category of Loss	Social impacts
Relocation	General impoverishment, disruptions of the production systems, loss of sources of income, loss or weakening of community structures and social networks, loss of access to social services, including health facilities, water sources, impacts on traditional cultures, disruption of traditional authority, loss of egalitarian social norms,
Loss of land but no relocation	General impoverishment resulting from loss of production means, economic activities and sources of income and means of livelihood, loss of assets or access to assets, increased time to access resources, aggravated costs of products and services
Alienation due to neighbors being relocated	Impoverishment, weakening of community systems and social networks, loss of mutual help and community support, loss of traditional authority, Loss of cultural identity and cultural survival, emotional stress
Hosting PAPs	Impoverishment, loss of sources of income, reduced time and access to resources such as hospitals and schools, water, increased time to access resources, Disruption of social fabric, increased crime, outbreak of social conflicts, increased pressure on natural resources, increase in diseases such as STDs and HIV/AIDS, Clash of cultural and religious beliefs and cultural norms

26 ANNEX 5: TABLE 1 FRUIT TREES COMPENSATION

	Young/small	Medium	Large
Cashew Tree			
Mango Tree			
Papaya Tree			
Orange Tree			
Lemon Tree			
Banana Tree			
Avocado Tree			
Coconut Palm			
Eucalyptus			
Sugar Cane			
Guava Tree			
Peach Tree			
Passion Fruit Tree			
Forest Tree (indigenous)			
Cassava			
Peas			

Young and small refer to trees that are 0-1 years old;

Medium refers to trees that are 1-5 years old;

Large refers to trees that are above 5 years old.

Please consider the Models for Compensation Agreements to be signed with PAPs,

COMPENSATION AGREEMENT FORM FOR THE PROJECT AFFECTED PERSONS (PAPs)¹

<i>Full name of Project Affected Person (picture to be attached on this form)</i>		<i>Identification Document and number</i>
<i>Village or Municipality</i>	<i>Administrative Post</i>	<i>District</i>

¹ If PAP is a tenant, fill out the PAP information, Section 1, 4, 5, 6, 7(a), 8, 9 and 10.

<i>Address</i>	<i>Cell phone (if available)</i>	<i>PAP number as Per RAP database</i>	<i>Asset Numbers in database (if applicable)</i>

- 1. Total compensation payments²** for crops, trees, infrastructures ancillaries, business and allowances:.....Mt If total falls below 1000 MT, minimum payment to the PAP will be designated as 1000MT.

2. Payment values for crop and trees:

<i>Type</i>	<i>Crops(Ha)</i>	<i>Trees(Nr)</i>	<i>Value (MT)</i>
Total			

3. Payment of affected infrastructure and ancillaries

<i>Type</i>	<i>Infrastructure or ancillary</i>	<i>size(m²)</i>	<i>Value (MT)</i>
Total			

4. Payment of affected business

<i>Type</i>	<i>Business</i>	<i>Monthly Earnings (MT)</i>	<i>Value (MT)</i>

² Payment is by check if 10,000 Mt or below. Payment must be through bank account if 10,001 Mt or more.

Total			

5. Agreed form of compensation:

(a) Direct cash payment (crops and trees in cash only)

..... **Total Amount:**.....

(b) Formal attribution of -----ha of substitute farming/business land by -----
-----District Administration, in replacement site identified by the District Services for
Economic Activities, with DUAT title.

(c) Direct cash payment (infrastructures and ancillaries)

.....
Total Amount:.....

6. Information on Bank Accounts (If no Bank account, Bank account will be established for payment of all sums above 10.001 Mt).

(a) Bank Account:

<i>Bank Name</i>	<i>Branch</i>	<i>Full name of bank account holder</i>	<i>Account Number</i>

5. I agree to vacate the site Months after in-kind compensation has been made available.

6. Tenants: Yes/No.....

If yes, tenant receives compensation for lost crops and trees and disturbance allowance. The owner receives the land, clearance allowance and disturbance allowance. *Both Tenant and owner sign the compensation agreement.*

7. Allowances

(a) Disturbance/inflation corrective factor (20% of the value of crops for one year)
.....Mt

(b) Transport allowance (3,000.00 Mt).....MT

Sum of Total

Allowances.....Mt

8. I..... confirm to have read and understood information in this form, accept the compensation amount and the allowance amounts as full release of all claims. I understand that the calculation of my compensation was undertaken by a professional and independent consultant based on international good practice. I also agree to salvage assets from my farming plot as I may wish, and take these with me; and to vacate the site month (s) after in-kind compensation has been made available.

Payee's Signature (head of household).....
Date:.....

Spouse of Payee.....
Date:.....

9. Other Signatures

Name:..... Signature:.....Date:
...../...../.....

District Administration/ Services for Economic Activities:

Name:..... Signature:.....Date:
...../...../.....

District Administration/ Services of Planning and Infrastructures Activities:

Name:..... Signature:.....Date:
...../...../.....

Consultant's Representative

Name:..... Signature:.....Date:
...../...../.....

Local Community Leader

Name:..... Signature:.....Date:
...../...../.....

Witness (e.g. neighbour, friend)

Name:..... Signature:.....Date:
...../...../.....

Report structure for Post-RAP Evaluation

27 ANNEX 6: RAP IMPLEMENTATION BUDGET

The RAP implementation budget has been estimated based on the expected project impacts on land acquisition. It should be noted that the Mocuba Water supply project is not expected to cause land acquisition, as a result, no budget has been proposed for this component.

Budget for RAP Planning stage, Internal Monitoring and Evaluation and External M&E for irrigation project and complementary structures (access roads, electricity lines)

Item	Total Amount in US\$
RAP Planning monitoring and evaluation	
Identification of Stakeholders and their respective assets	\$40,000.00
Preparation of RAP database (PAPs and affected assets)	\$50,000.00
RAP dissemination workshops and meetings with PAPs and other relevant stakeholders (meetings and events adverts, room hiring, transport)	\$40,000.00
Training of resettlement committees on RAP planning and implementation issues (information provision, fairness, grievance redress mechanisms, identification and support of vulnerable people – elders, female-headed households, child-headed households)	\$35,000.00
Identification of resettlement land with support of the local authorities	\$25,000.00
Technical Assistance	\$50,000.00
Monitoring and evaluation	\$45,000.00
Total	\$285,000.00

Budget for RAP Planning stage, Internal Monitoring and Evaluation and External M&E for Dikes and Weirs

Item	Total Amount in US\$
RAP Planning monitoring and evaluation	
Identification of Stakeholders and their respective assets	\$20,000.00
Preparation of RAP database (PAPs and affected assets)	\$20,000.00
RAP dissemination workshops and meetings with PAPs and other relevant stakeholders (meetings and events adverts, room hiring, transport)	\$30,000.00
Training of resettlement committees on RAP planning and implementation issues (information provision, fairness, grievance redress mechanisms, identification)	\$30,000.00

and support of vulnerable people – elders, female-headed households, child-headed households)	
Identification of resettlement land with support of the local authorities	\$20,000.00
Technical Assistance	\$20,00.00
Monitoring and evaluation	\$35,000.00
Total	\$175.000.00

Budget for RAP Planning stage, Internal Monitoring and Evaluation and External M&E for schools construction in Niassa

Item	Total Amount in US\$
RAP Planning monitoring and evaluation	
Identification of Stakeholders and their respective assets	\$100,000.00
Preparation of RAP database (PAPs and affected assets)	\$150,000.00
RAP dissemination workshops and meetings with PAPs and other relevant stakeholders (meetings and events adverts, room hiring, transport)	\$120,000.00
Training of resettlement committees on RAP planning and implementation issues (information provision, fairness, grievance redress mechanisms, identification and support of vulnerable people – elders, female-headed households, child-headed households)	\$150,000.00
Identification of resettlement land with support of the local authorities	\$200,000.00
Technical Assistance	\$150,00.00
Monitoring and evaluation	\$200,000.00
Total	\$1,070.000.00

Budget for RAP Planning stage, Internal Monitoring and Evaluation and External M&E for schools construction in Nampula

Item	Total Amount in US\$
RAP Planning monitoring and evaluation	
Identification of Stakeholders and their respective assets	\$100,000.00
Preparation of RAP database (PAPs and affected assets)	\$150,000.00
RAP dissemination workshops and meetings with PAPs and other relevant stakeholders (meetings and events adverts, room hiring, transport)	\$120,000.00
Training of resettlement committees on RAP planning and implementation issues (information provision,	\$150,000.00

fairness, grievance redress mechanisms, identification and support of vulnerable people – elders, female-headed households, child-headed households)	
Identification of resettlement land with support of the local authorities	\$200,000.00
Technical Assistance	\$150,00.00
Monitoring and evaluation	\$200,000.00
Total	\$1,070.000.00

Budget for RAP Planning stage, Internal Monitoring and Evaluation and External M&E for schools construction in Zambezia

Item	Total Amount in US\$
RAP Planning monitoring and evaluation	
Identification of Stakeholders and their respective assets	\$100,000.00
Preparation of RAP database (PAPs and affected assets)	\$150,000.00
RAP dissemination workshops and meetings with PAPs and other relevant stakeholders (meetings and events adverts, room hiring, transport)	\$120,000.00
Training of resettlement committees on RAP planning and implementation issues (information provision, fairness, grievance redress mechanisms, identification and support of vulnerable people – elders, female-headed households, child-headed households)	\$150,000.00
Identification of resettlement land with support of the local authorities	\$200,000.00
Technical Assistance	\$150,00.00
Monitoring and evaluation	\$200,000.00
Total	\$1,070.000.00