

WATER SERVICES AND INSTITUTIONAL SUPPORT PROJECT (WASIS)

PHASE II

MOZAMBIQUE

Resettlement Policy Framework

Gaye Thompson and David Malauene

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Executive Summary

The Water Supply Assets and Investment Fund – FIPAG (the Project Authority and Proponent) has been benefiting from support from the World Bank under the Water Services and Institutional Support (WASIS) and WASIS Amendment Projects, which aimed at improving the performance, sustainability and coverage of water supply services in 11 cities. These projects will be closing in 2015. Since there is a continuing and growing need for more safe water and therefore appropriate water infrastructure development, a second phase, the WASIS II Project is being prepared. It is expected that this Project will directly benefit health and the quality of life of households and communities in the nine cities of Nacala, Tete, Moatize, Beira, Dondo, Chimoio, Manica, Gondola and Pemba. As part of the preparation of the WASIS II Project, it has been necessary to update the Resettlement Policy Framework (RPF) developed for WASIS I in 2007 as a result of the changes in scope between the two phases.

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

Key issues relating to community well-being implied in the design, development and implementation of the WASIS II project include a) involvement and participation of new and potential consumers in the planning process for identifying areas of highest demand with potential for supply; b) since it is the poor being targeted for domestic connections, open communication channels in parallel to contractual alignments are important so that new clients can choose affordable payment modes and levels, contributing to ensure the sustainability of client adherence; c) the quality of services must be adequate to meet with consumer satisfaction.

Main Impacts

This Resettlement Policy Framework covers investment in improvements to the water supply production systems and the water supply distribution systems planned for the WASIS II project.

Summary of potential key causes of displacement per component/city (underlined)

City	Component A: Water Production	Component B: Water Distribution
Pemba	<ul style="list-style-type: none"> Rehabilitation and construction of about <u>15 boreholes</u> <u>Pipelines</u> to connect new boreholes, <u>20 km</u>, diameter of 160 - 315 mm PVC Rehabilitation of the existing transmission main and <u>construction of new transmission main, 60km</u>, diameter of 500 mm 	<ul style="list-style-type: none"> <u>160 km of Network construction in Pemba</u> (120 km expansion plus 40km rehabilitation including transference of connections) <u>Supply of 15,000 meters</u> Construction of <u>new Distribution Centre</u> composed by: ground reservoir (1.000 m3), water tower (250 m3), dosing equipment and pumping station People Served: 63 600

City	Component A: Water Production	Component B: Water Distribution
Tete/Moatize	<ul style="list-style-type: none"> • Rehabilitation and construction of about <u>21 boreholes</u> • <u>Pipelines</u> to connect new boreholes, <u>20 km</u>, diameter of 160 - 315 mm PVC • New <u>pipeline</u> from Nhartanda to WTP, <u>1 km</u>, diameter of 500 mm • <u>New transmission main</u> to connect Moatize to Tete boreholes, <u>25 km</u>, diameter of 350 mm 	<ul style="list-style-type: none"> • <u>175 km of Network construction</u> in Tete and Moatize (135 km expansion and 40km rehabilitation including transference connections) • Two <u>new Distribution Centres</u>, each composed by: ground reservoir 2.000 m3 capacity, water tower 350 m3, dosing equipment and pumping station • Supply of <u>30.000 meters</u> and materials for connections • People Served: 127 200
Beira/Dondo		<ul style="list-style-type: none"> • <u>110 km of Network</u> construction in Beira and Dondo (80 km expansion plus 30km rehabilitation including transference of connections) • Supply of <u>25.000 meters</u> and materials for connections • People Served: 106 000

Due to encroachment onto public rights of way and other land with public use rights, some households may be affected particularly by civil works planned for the water production component: wellfield development and by the installation of transmission mains pipelines. Most transmission mains are constructed in or adjacent to road reserves. Their replacement and increasing the number of pipelines as necessary will mostly affect households that have encroached into primary and secondary road reserves or that live in congested unplanned areas of the cities. Property affected by these planned works will includes houses, businesses and other structures - some temporary others permanent, as well cultivation in open areas.

Planned expansion of the distribution network is not likely to cause physical displacement of any people occupying areas targeted for development. It may however affect small areas cultivated with annual and perennial crops or fences or boundary walls which would require compensation for losses and damages. Presently the location, nature and scope of losses are not yet known.

Resettlement instruments

As soon as any land use rights acquisition or impact on economic viability is foreseen for a Project, but the details of involuntary resettlement and acquisition of land use rights are not known, a Resettlement Policy Framework (RPF) is prepared that establishes the policy principles for the development of specific Resettlement Action Plans (RAPs) or Abbreviated Resettlement Plans (ARPs) for public information and discussion. As, subsequent to the Resettlement Policy Framework, outlines of different initiatives are known in sufficient detail, if and when deemed necessary, a Resettlement Plan will be developed for each one based on the framework agreed upon in this document.

Resettlement covers land use rights acquisition and economic displacement. Resettlement covers impacts related to physical displacement and to economic displacement. The need for resettlement and compensation refers to Project impacts that cause the loss of, or loss of access to, assets growing on or permanently affixed to the land, such as shelters, businesses, buildings and crops and also to impacts that cause loss of or access to a socio-economic resource base or local communities' means of livelihood. Losses may be total or partial.

According to World Bank policy the absence of legal title to use and benefit from the land does not limit rights to compensation. The Bank also emphasises that land-based

resettlement strategies should be used for displaced people whose livelihoods are land-based. If sufficient alternative land is not available, other options built around opportunities for employment or self-employment should be provided in addition to cash compensation for assets lost.

Mitigation actions

A preliminary site assessment carried out for the preparation of this Resettlement Policy Framework has identified that displacement is likely in the urban centres and the rapidly expanding peripheries of Pemba, Tete, Moatize and Nacala. The income-generation driver has caused many existing rights of way and roadsides where mains pipelines are most likely to be installed, to be encroached by traders' stalls, shops and houses.

The costs of resettlement and compensation can add significant amounts to project budgets and wherever possible resettlement should be avoided. Where it is not possible to choose another location or alignment of piping for a sub-project, activities should be defined so that the least amount of people is affected without affecting the viability of the sub-project.

When an activity that causes displacement is identified, alternative designs must be prepared to minimize the impact wherever possible. Reducing the construction impact corridor in urban and some peri-urban parts of the sub-project cities by using manual labour instead of machines to lay the pipes and selecting corridors of least occupation in which to build will be two of the most important tactics. In addition, land-use plans, effective communication through signage and dialogue with local communities may be used to ensure areas where future construction is planned, are not encroached by local people. If an area is already used for crop production, notifying verbally and physically in the season prior the works may also avoid unnecessary compensation payments.

If activities carried out in a sub-project unavoidably cause displacement or require the acquisition of land use rights FIPAG should conduct a concise Land Acquisition Assessment (LAA) as a screening mechanism to identify if resettlement planning will be required. The screening process is a useful mechanism for a project where the enforcement of State land use rights is likely to cause displacement of local people, and it is an obligatory World Bank requirement. Thus where encroachment over the past few years means that physical and/or economic displacement will occur, an adapted simple Land Acquisition Assessment can be incorporated into the screening process to be used for these projects. If this screening device detects the likelihood of displacement then it must be submitted to the World Bank for identification of what type of resettlement and/or compensation planning will be necessary. This Resettlement Policy Framework, statutory requirements and World Bank policy OP 4.12 will be used to guide the development of a Resettlement Plan.

Under Mozambican law all infrastructure development projects must be screened using a standard checklist to identify whether an environmental assessment (EA) is necessary. Should screening identify the displacement of any people, this will necessitate project categorization as an 'A', and the realization of an Environmental Impact Assessment (EIA). A simple environmental assessment or more complex Environmental Impact Assessment may be undertaken depending on the nature and size of the potential environmental and social impacts. In both cases a scoping phase to define the terms of reference for the EIA will identify the scale of displacement likely to be caused by a sub-project and general potential impacts of this. The EIA will present details of likely socio-economic impacts on people of sub-project development and any associated facilities required for construction or operation.

The statutory EIA, despite not using the term ‘social’, does include a social impact assessment (SIA) that will identify and quantify impacts and the numbers of people affected or displaced by the sub-project. As such, this document will refer to an Environmental and Social Impact Assessment from here on for purposes of clarity of scope. A socio-economic baseline survey would then include a census of all directly impacted people and provide the basis for estimation of impacts on the population. EIAs require extensive and reported public consultation during preparation. Mitigating action plans are also required to be prepared as part of the Environmental Impact Assessment.

Environmental and Social Impact Assessment mitigation plans should outline the procedures used to minimize the negative impacts on the community as whole or on part of it or on single households. Where these require resettlement and / or compensation, according to World Bank requirements, these procedures will be defined in detail in a Resettlement Action Plan.

An Abbreviated Resettlement Action Plan may be prepared rather than a Resettlement Action Plan if the scale of impact is low. An Abbreviated Resettlement Plan is comprised predominantly of compensation details for economic displacement but it may include small numbers of physically displaced households needing resettlement. It describes the project activity and actions to minimise resettlement and / or compensation; it provides an officially certified survey of displaced persons, an asset inventory and valuation and, if appropriate, a socio-economic survey. It describes in detail the compensation and other resettlement assistance including entitlement to participation in alternative livelihoods development activities to be provided. It also describes the results of consultations with displaced people about acceptable alternatives. It must identify institutional responsibility for implementation and procedures for grievance redress, as well as arrangements for implementation and monitoring. An implementation schedule and detailed budget are required.

The scope and level of detail of a resettlement plan varies with the magnitude and complexity of the resettlement involved. Some of the sub-projects planned will cause involuntary resettlement and negative impacts on people’s livelihoods of a scale that will require a full Resettlement Action Plan prepared by FIPAG and others will cause minor displacement impacts requiring an Abbreviated Resettlement Plan. The organization and minimum of information required for these plans should conform to requirements in the Mozambican legislation (Decree n^o. 31/2012 and Ministerial Decree n^o. 156/2014) and the World Bank’s policy on Involuntary Resettlement OP 4.12 and this Framework.

Entitlements

Categories of people who lose assets will include those indicated in the table below, however others may be identified during the development of Resettlement Plans and compensation plans for sub-projects that require them. The exact numbers of displaced people, the degree of impact on the families’ livelihoods (their losses, ownership status, tenancy status etc.) will be determined during the process of developing the Resettlement Plan.

Criteria for assessment of potentially affected families

Impact Type	Description
<i>I.</i> Full physical displacement. Full physical and economic displacement.	<i>Families living in sub-project site areas.</i> Families that will lose their houses and other structures only. Families that will lose their houses, other structures and part of their farm plots and produce.
<i>II.</i> Partial economic displacement	<i>Families living outside sub-project site areas, which practice agriculture in the project area.</i> Families that will lose part of their farm plots and produce.
<i>III.</i> Partial economic displacement. Partial economic displacement.	<i>Families who only live and cultivate in a sub-project area during the agricultural period.</i> Families that will lose houses and/or other structures. Families that will lose houses and/or other structures and part of their farm plots and produce
<i>IV.</i> Partial economic displacement.	<i>Families who carry out small businesses (with permanent or temporary structures) in a sub-project area</i> Families that will lose income from closure of business and who lose structures erected for this activity in the project area.
<i>V</i> Partial economic displacement	<i>Families living in rented houses that are located in the project area.</i> Families that will lose the house they rent to live in.
<i>VI</i> Partial economic displacement	<i>Families living or working in rented houses in the sub-project area on a seasonal or occasional basis related to livelihood/income</i> Families that will lose the house they rent and occasionally occupy as shelter or to carry out business.
<i>VII</i> Partial economic displacement	<i>Families renting houses used by others located in the sub-project area</i> Families that will lose the house they rent to others and/or other structures short or longer term.

Procedures for assessing entitlement to compensation and other forms of assistance include a census of all people who will be affected by the sub-project, an inventory of physical assets owned and potentially affected by the project, and a socio-economic assessment of their livelihoods sources and asset ownership and use. Assessment of the families with partial economic displacement claims must be sensitive to access to and use of livelihoods resources, so that it may be established which families will genuinely lose use of, or income from these as a result of project development.

Figure 0-1 below shows clearly how entitlement to compensation is directly related to

Figure 0-1: Ownership Situations and Strategies for Compensation

OWNERSHIP SITUATIONS				
Situation 1				
The plot is partially within the ROW and the other part is not affected. No structure exists.		R	R	R
Situation 2				
The affected plot is largely in the ROW and the remaining part outside the affected area. No structure exists.		I	I	I
Situation 3				
Affected plot in its entirety is within the ROW. No structure exists.		G	G	G
Situation 4				
There is a house in the affected part of the plot.		H	H	H
Situation 5				
The entire plot and house are affected.		T	T	T
Situation 6				
There is a house in the part of the plot that is not affected.		O	O	
COMPENSATION SITUATIONS				
Situation 1		F	F	F
Cultivation may take place within the boundaries of the ROW subject to height limitations. The loss of value resulting from this restriction will be compensated monetarily.				
Situation 2				
The portion of land within the ROW shall be subject to the same limitations as Situation 1 and a loss of value will be compensated monetarily. All rights to land within the ROW shall be compensated as an area due for expropriation. The perennials in this area will also be compensated. Compensation of 'land for land' will be proposed as an option in the case of the remaining land area not being sufficient for household subsistence.		W	W	W
Situation 3				
As in Situation 2. Compensation of land for land is also available as an option if the household does not have enough land area.		A	A	A
Situation 4				
With regard to compensation of land, Situation 4 is identical to Situation 2, but in this case the house will have to be moved. If the household has the ability to transfer to the unaffected part of their plot and the remaining part is sustainable, the situation is identical to Scenario 2, with additional monetary or in-kind compensation for the house.		Y	Y	Y
Situation 5				
The PAPs should leave the plot. They will be offered land for land compensation and replacement of the house. The PAP may prefer monetary compensation and self-resettlement if conditions are propitious.				
Situation 6				
The house does not have to be removed. Situation 6 is identical to Situation 2.				
Restrictions on Land Use				
ROW: limitations on land use (no structures)				
Access corridor: an area that should remain free to access				
Legend:				
PAP - Project Affected Person				
ROW - Right of Way				

Source: Adapted from ESG/WS Atkins / G. Govanneti, cited in IFC Handbook for Preparing a Resettlement Action Plan

Institutional organization

Screening

Screening of a project that may require that resettlement planning is initiated by the FIPAG Operational Area or Environmental Specialist from FIPAG' Central Services for Projects and Investments as sub-projects developed by them trigger resettlement activities. Two simple checklists must be completed, one for the World Bank (in annex to this RPF) and another standard checklist for the Ministry of Lands, Environment and Rural Development (MITADER). Once completed the Environmental Specialist will ensure that if any displacement or land acquisition, whether temporary or permanent, is registered, the checklists are submitted to the World Bank and MITADER respectively.

Resettlement and Consultation Plan development

Should the need for resettlement or compensation be identified, responsibility for ensuring the production of a Resettlement Plan lies with the Environmental Specialist delegated by the Project Authority, the General Director of FIPAG.

People displaced by the Project developments will be assisted to improve or restore their livelihoods in a manner that maintains the sustainability of their interaction with the economic resources available to them. For resettlement or in the case of extensive compensation requirements, a consultant will be contracted to carry out socio-economic studies, a Social Impact Assessment and the Resettlement Plan.

Due to legislation changes, a project requiring an environmental license can only be awarded this once the proponent has a Resettlement Action Plan approved by the District Government. Approval involves opinions from the newly legislated Resettlement Technical Commission structure being established hierarchically from central to district levels. The Environmental Impact Assessment consultant would thus be responsible for stakeholder consultation, facilitating and supervising compensation negotiations and agreements and producing the draft Resettlement Action Plan. If the location of a resettlement site is likely to cause negative environmental and social impacts then an environmental assessment of the resettlement project may be required, which may add substantial time to the resettlement plan preparation process.

The new legislation also makes resettlement planning and implementation district-based. Since displacement impacts of the Project will largely take place in municipalities, efforts must be made to ensure resettlement coordination for implementation involves the most effective structures possible in each location.

Where numbers of people requiring compensation are small, the FIPAG Operational Area staff supported by the FIPAG Environmental specialist may carry out the consultation and planning themselves, or with social facilitators from a local NGO that can assist with implementation as well.

Resettlement implementation

Responsibility for resettlement implementation lies with FIPAG's Director of Central Services of Projects and Investments and the Department of Projects and Environment, the Project Authority, who will task the Central Services of Projects and Investments to organise technical support from the Operational Area staff and various municipal departments or district and provincial services for site demarcation and acquisition of use rights for land for resettlement if necessary. The FIPAG may on behalf of the Project Authority contract additional assistance to facilitate resettlement such as contractors for house design and/or construction, consultants to oversee the process and a Service Provider with social facilitators to carry out the consultation, compensation negotiation and resettlement processes with the displaced people.

The Environmental Specialist from FIPAG is responsible for supervision and management of the social inputs to the resettlement process during the Project. Supervision and monitoring of the resettlement implementation process will be provided by the District Resettlement Commission that will also be responsible for formally receiving grievances and managing their resolution where appropriate.

In the case that resettlement implementation is required, it is recommended that a specific officer from the Operational Area should be designated by the Project Authority and no less than 50% of his/her time attributed to supporting the FIPAG Environmental Specialist locally

with organizing and directly supervising resettlement implementation at sub-project sites. Social facilitators active in the city where resettlement is implemented should be contracted to carry out the social and organizational aspects. Although participation of the same facilitators in the consultation process required to prepare the Resettlement Plan would be advantageous, it is likely that due to the new resettlement legislation, the Resettlement Plan will be prepared by the Environmental Impact Assessment consultant.

At community level a resettlement committee with at least 40% of members being women should be established to represent the interests of those who will be displaced. The Community Resettlement Committee will include representatives from the various affected areas according to their administrative divisions and may be sub-divided into working groups for the purpose of managing issues. The Community Resettlement Committee will be a key forum for linking community issues raised during resettlement implementation with the social facilitator, the Community Resettlement Committee, the municipal authorities, the FIPAG Environmental Specialist and will provide the first step in grievance resolution that if not resolved would be referred to the Community Resettlement Committee and/or FIPAG Operational Area representative for transmission to higher levels if not resolved there either.

CRCs should be trained in social and management issues and be supported by social facilitators where possible. FIPAG's Operational Area representatives from the Studies and Projects Office and Supply Zones Department delegated to work with the Project, the District Resettlement Commission representatives and the local authorities will coordinate, monitor and supervise community consultation and participation in resettlement plan implementation at local level. The Operational Area teams will coordinate activities in the provinces and districts and provide information to the Central Services of Projects and Investments Environmental Specialist. The Operational Area office must ensure a copy of all information collected locally is deposited at FIPAG's Central Services of Projects and Investments offices

Resettlement monitoring will be carried out through the District Resettlement Commission as well as internally by FIPAG to assess the effectiveness of resettlement plan implementation. In addition to monitoring during implementation, the District Resettlement Commission should provide a final evaluation report of the resettlement and/or compensation activity. Where resettlement specifically affects identified vulnerable groups, their welfare will be closely monitored.

Coordination will be overseen by FIPAG's General Director. The General Director will also be responsible for ensuring compliance concerning public consultation and disclosure.

Public consultation and grievances

A local communication plan stressing awareness-raising activities about the sub-project(s) and resettlement/compensation procedures and entitlements should be made and carried out during resettlement planning and implementation in order to promote dialogue and to reduce misunderstandings and grievances. Training in conflict management by technicians from the Communication and Image Office of members of the Community Resettlement Committee and local leaders will also help minimize potential conflicts. Social facilitators will involve communities in awareness-raising and training concerning their rights and obligations; how to obtain legal advice and representation, and how to seek redress against what they regard as unfair practices.

The Resettlement Policy Framework and Resettlement Plan preparation processes are participatory. Potential conflicts and communication channels for grievances should be identified via consultation during the socio-economic studies and impact assessments. The consultation process must involve all potentially displaced people and be fully recorded with inputs from stakeholders being used in the Resettlement Plan. During and after resettlement and compensation, individual and group consultation should be continued by social facilitators to verify progress in people taking up new livelihoods activities and in restoring their lives to the levels they were prior to resettlement.

The Resettlement Plan preparation process involves all important local stakeholders in four statutorily required public consultation meeting rounds in order to mark each major planning step forward. The public consultation process should be used to drive participatory decision-making for a) resettlement site selection, b) resettlement housing design, c) entitlements to compensation, d) design of appropriate compensation and assistance packages, and e) mitigation actions reducing the impacts of physical resettlement and livelihoods development strategies.

Displaced people's and host community grievances concerning proposed or actual resettlement arrangements can initially be presented for local redress to local influence leaders or the Community Resettlement Committee. Failing resolution at community level, issues may be presented to the Community Resettlement Committee, municipal representatives, Service Provider or FIPAG Operational Area representative, for resolution or transmission via the Central Services of Projects and Investments to the Project Authority. A relevant unresolved issue may be formally taken by the Community Resettlement Committee to the Provincial Resettlement Commission and failing resolution, to the national Resettlement Technical Commission if necessary to investigate and coordinate appropriate solutions.

Grievances may also be taken to a social facilitator from the Service Provider working with the affected community. This channel may assist in local resolution or provide a rapid channel for timely resolution involving the FIPAG Operational Area and the Environmental Specialist of the Central Services of Projects and Investments.

Provisions to appeal concerning sectoral grievances to higher levels of government such as National Directors and Ministers exist in most legislation. Should any party be dissatisfied, the grieved party may take the complaint to court where it will be dealt with under Mozambican law.

Costs and monitoring

The costs of compensation and mitigating activities are approximately US \$ 5,377,572. This figure will be revised during project appraisal. Budget provision is made in case of physical displacement requiring full resettlement since it is foreseen at this stage.

Community consultation and participation in the resettlement planning process will identify progress and impact indicators for monitoring and evaluation. These will be used to formulate a Resettlement Plan should it be necessary, and subsequently for monitoring and external audits during its implementation. Communities will also participate in external evaluation of resettlement outcomes. The District Resettlement Commission and the Resettlement Commission structure in general is responsible for monitoring resettlement projects; the District Resettlement Commission will be responsible for monitoring sub-projects in their jurisdictions.

The activities implied in any written agreements between the Project Authority and community representatives will be jointly monitored and where possible community organizations will be responsible for ensuring the compliance of community members.

The Project Authority will be responsible for ensuring the adequate design, development and oversight of internal resettlement monitoring and evaluation systems.

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List of Abbreviations

AIDS	Acquired Immunodeficiency Syndrome
ARP	Abbreviated Resettlement Plan
BP	Bank Policy
CBO	Community based organization
CRA	Water Supply Regulatory Council / <i>Conselho de Regulação de Abastecimento de Água</i>
CRC	Community Resettlement Committee
CP	Compensation Plan
CTASR	Technical Commission for Monitoring and Supervision of Resettlement / <i>Comissão Técnica de Acompanhamento e Supervisão de Reassentamento</i>
DN	Nominal Diameter / <i>Diâmetro Nominal</i>
DPOPHRH	Provincial Directorate of Public Works, Housing and Water Resources / <i>Direcção Provincial de Obras Públicas, Habitação e Recursos Hídricos</i>
DRC	District Resettlement Commission
DZF	Department of Supply Zones / <i>Departamento de Zonas de Fornecimento</i>
EA	Environmental Assessment
EIA	Environmental Impact Assessment
ES	Environmental Specialist
FIPAG	Water Supply Assets and Investment Fund / <i>Fundo de Investimento e Património de Abastecimento de Água</i>
GEP	Studies and Projects Office / <i>Gabinete de Estudos e Projectos</i>
GIS	Geographic Information System
GMWSP	Greater Maputo Water Supply Project
GOM	Government of Mozambique
HIV	Human Immunodeficiency Virus
IDA	International Development Association
LAA	Land Acquisition Assessment
MCC	Millennium Challenge Corporation
MITADER	Ministry for Land, Environment and Rural Development / <i>Ministério de Terra, Ambiente e Desenvolvimento Rural</i>
MISAU	Ministry of Health / <i>Ministério de Saúde</i>
MOPHRH	Ministry of Public Works, Housing and Water Resources / <i>Ministério das Obras Públicas Habitação e Recursos Hídricos</i>
NGO	Non governmental organisation
OP	Operational Policy
PRC	Provincial Resettlement Commission
PVC	Polyvinyl Chloride / <i>Poli vinyl de Cloreto</i>
RAP	Resettlement Action Plan
RC	Resettlement Committee
RPF	Resettlement Policy Framework
SCPI	Central Services of Projects and Investments / <i>Serviços Centrais de Projectos e Investimentos</i>
UGF	Standpipe Management Unit / <i>Unidade de Gestão de Fontenários,</i>
UFW	Unaccounted for Water
US	United States
WASIS	Water Supply Services and Institutional Support project

Glossary

Affected community	A community with households that are directly impacted by a project causing physical or economic displacement and resettlement.
Asset inventory	Comprehensive, on-site inventory with photographic evidence and GPS coordinates to establish an accurate records of assets, including infrastructure, buildings, improvements, land use, equipment and annual and fruit tree crops.
Census	The systematic identification and recording of all people, households, and enterprises residing within a prescribed area.
Cut-off date	A date chosen in consultation with the Local Authorities and other agencies responsible for land administration as well as local influence leaders that is formally declared as the moment from which the registration of people and their assets likely to be affected by the project is stop and the records frozen. Records will then be used for the calculation of compensation.
Baseline Study	The collection and analysis of environmental and socio economic information and data to enable identification of potential project caused impacts, displacement of communities and mitigation or compensation measures. Baseline study data is also used to inform the development of livelihood development interventions and to monitor and evaluate progress of compensation and resettlement of affected populations and impacts after completion of physical relocation.
Displacement	The loss of use or access to resources that provide a person with shelter and/or a means to sustain his or her family.
Economic displacement	The loss of assets or access to assets that leads to loss of income sources or other livelihoods means as a result of project-related land acquisition and/or restrictions on land use.
Expropriation	The compulsory dispossession of ownership or land rights and concomitant acquisition thereof by the expropriating entity by using the law in the public interest.
Host community	A community that agrees to the physical resettlement of displaced households within its jurisdiction or provides replacement resources to economically displaced households.
Involuntary Resettlement	Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions

on land use that result in physical or economic displacement.

Land use rights	The right of use and benefit of land granted by the State.
Moratorium	The temporary suspension of identified activities by project affected people that would change their claims for compensation. This period is initiated with a formal declaration of a cut-off date after which no further registration of project affected assets will be made. The declaration should also state the proposed compensation and resettlement dates and affected parties must be previously informed if there are to be any changes to this period.
Physical displacement	The displacement of people from their homes due to the impacts of a project.
Resettlement	The process by which people who are physically or economically displaced by a project are provided with replacement housing, compensation and/or livelihoods activities.
Technical Commission for Resettlement Monitoring and Supervision	A multisectoral advisory body to the Minister which oversees the territorial planning sector, in charge of monitoring, supervising and providing methodological recommendations on the resettlement process.
Vulnerable groups	Individuals/groups within a project's area of influence that due to their disadvantaged position could experience adverse impacts from the proposed project more severely than others.

Introduction

The Water Supply Assets and Investment Fund – FIPAG (the Project Authority and Proponent) has been benefiting from support from the World Bank under the Water Services and Institutional Support (WASIS) and WASIS Amendment Projects, which aimed at improving the performance, sustainability and coverage of water supply services in Beira, Dondo, Quelimane, Nampula, Pemba, Chimoio, Gondola, Nacala, Angoche, Tete and Moatize cities. This also aimed to create the basis for poor families to benefit from clean water supply services. The WASIS and WASIS Amendment Projects will be closing on 31 October 2015.

Since there is a continuing and growing need for more safe water and therefore appropriate water infrastructure development, a second Project, WASIS II (the Project) has been proposed by FIPAG. The Project will cover the cities of Beira, Dondo, Manica, Gondola, Chimoio, Tete, Moatize, Nacala and Pemba where sub-projects will be implemented that involve new water source construction, mains transmission pipeline laying and network extension. It is expected that this Project will directly benefit health and the quality of life of households and communities in nine cities. Benefits are likely to include a reduction of the time that people, especially women and girls, spend looking for water. However, it is also expected that some adverse environmental and social impacts may occur as a result of the Project including, given the experience of the first phase of WASIS and the proposed project activities for the second phase. There is likely to be a need for compensation for losses and damage to property, and some physical displacement requiring resettlement.

As part of the preparation of the WASIS II Project, it has been necessary to update the RPF developed for WASIS I in 2007 as a result of the changes in scope between the two phases.

This updated RPF for WASIS II has been developed for the cities of Beira, Dondo, Manica, Gondola, Chimoio, Tete, Moatize, Nacala and Pemba.

The objective of the RPF is to set out the policies, principles, institutional arrangements, schedules and indicative budget for any anticipated resettlements. These arrangements are also to ensure that there is a systematic process (as opposed to an *ad hoc* one) for the different stages of the implementation of a framework that assures participation of affected persons, involvement of relevant institutions and stakeholders, adherence to both World Bank and Mozambique procedures and requirements, and outline compensation for affected persons.

1 Project Description and Background

1.1 Project Description

FIPAG, the Water Supply Investment and Assets Fund is the entity managing urban water supply, responsible for 21 systems.

FIPAG has been benefiting from support from the World Bank under the Water Services and Institutional Support (WASIS) and WASIS Amendment Projects, which aimed at improving the performance, sustainability and coverage of water supply services in Beira, Dondo, Quelimane, Nampula, Pemba, Chimoio, Gondola, Nacala, Angoche, Tete and Moatize cities. This aimed to create the basis for poor families to also benefit from clean water supply services. The WASIS and WASIS Amendment Projects will be closing on 31 October 2015.

Since there is a continuing and growing need for more safe water and therefore appropriate water infrastructure development, a second phase, WASIS II is being developed to assist in this regard outside the Greater Maputo area.

The Project has three components (A, B, and C). Components A, B, and C of the Project will be implemented by FIPAG, and can be summarized as follows:

Component A: Investment in Water Supply Production System

This component includes goods and civil works in the Project Cities of Pemba, Nacala, Tete and Moatize, to: (i) rehabilitate and construct new wells in several systems including electrical and hydraulic equipment (ii) rehabilitate and expansion of existing water treatment plants for iron removal in several systems in Pemba and Tete, (iii) adding or replacing leaking transmission mains from the water source to the cities and (iv) ancillary works, including telemetry systems to improve management of the systems.

The footprint of this component will be restricted to civil works expected to be carried out on existing FIPAG property or within road rights-of-way (ROW).

Component B: Investment in Water Supply Distribution System

This component includes goods and civil works in the cities of Pemba, Nacala, Tete, Moatize, Beira and Dondo, to (i) add additional storage capacity of 11,850m³, (ii) rehabilitate or construct additional distribution centres, (iii) install approximately 168 district water meters to monitor unaccounted water (iv) install approximately 390km of additional new water network, (v) replace approximately 187km of old leaking network pipelines and transfer existing connections, (vi) install approximately 105,000 new connections and associated meters in the Project Cities. In addition, the component will add goods, meters and equipment.

All proposed civil works are expected to be carried out on existing FIPAG property or within road rights-of-way (ROW) and sidewalks.

Component C: Technical Assistance to FIPAG

This component will provide technical assistance to FIPAG in the cities of Pemba, Nacala, Tete, Moatize, Beira, Dondo, Chimoio, Manica and Gondola, that will include: (i) design and supervision of project works as well as implementation of Environmental Management Plans (EMPs) and Resettlement Action Plans (RAPs) and dam safety studies as needed; (ii) hydrological and geophysical studies to identify new water sources (iii) consulting services to support the preparation of a follow-on project to cover FIPAG cities, including master plans; (iv) consulting services to FIPAG to support project implementation, including support for the creation of the Regional Water Utilities; (v) financial and technical audits; and (vi) capacity building and training.

Table 4.1 below, specifies the cities where each of the works listed above for the Components A, B and C will occur.

1.2 Project Area and Administrative Divisions

The project will be implemented in the provinces of Cabo Delgado, Tete, Manica, and Sofala, crossing the following administrative divisions. The municipalities also exist within districts of the same name.

Table 1-1: Administrative divisions covered by the Project

Province	Municipality	Neighbourhood	Project component		Distrito	Administrative post	Project component	
			A	B			A	B
5	9	48	15	22	8	11	8	6
Cabo Delgado	Pemba	Alto Gingone	x		Pemba	Cidade Pemba	x	x
		Mahate	x		Metuge	Metuge	x	
		Muchara	x			Mieze	x	
		Cimento	x					
		Cariacó	x	x				
		Chuiba	x	x				
		Eduardo			x			
		Mondlane				x		
		Natipe						
Ingonane								
Tete	Tete	Samora Machel		x	Tete	Cidade de Tete	x	x
		Joxina Machel	x		Moatize	Benga	x	
		Mpádue				Vila de Moatize	x	x
		Matundo			x			
	Moatize	Xingodzi	x	x				
		25 de Setembr			x			
		1º de Maio			x			
		Liberdade			x			
		Bagamoio	x	x				
Chitata	x							
Manica	Gondola				Manica	Manica		
	Manica				Gondola	Chimoio		
	Chimoio							
Sofala	Beira	Mutondo		x	Beira	Cidade da Beira		X
		Maraza			Dondo	Vila de Dondo		X
		Chota						
		Ndunda			x			
	Dondo	Inhamizua			x			
		Central			x			
		Mafarinha			x			
		Mandruzi			x			
		Kanhandula			x			
		Cerâmica			x			
		Nhamainga			x			
		Samora Machel			x			
		Consito			x			

1.3 Lessons Learnt from the Previous Project

FIPAG has implemented WASIS I and WASIS Amendment Projects from which a number of lessons have been drawn to assist in developing the RPF for WASIS II. In addition, other projects with compensation

and resettlement have also been implemented in the same cities with other financing over the past five years or more. Experiences in the cities where FIPAG is implementing the current Project (WASIS II) were captured during development of this RPF providing the following lessons:

System to prevent encroachment in Manica

In Manica Province, the transmission mains are publically indicated by markers and an access road to discourage encroachment into the rights of way (ROWs). FIPAG (Chimoio Operational Area - OA) conducts vegetation clearance of the ROW and its maintenance access road twice a year. The markers have helped local people to see where the pipe passes and they, as well as local leaders and authorities, have been informed that they cannot occupy the land. Any new occupation identified in the ROW, is proactively responded to, by FIPAG asking the person constructing there to leave the area or by notifying the municipalities or District Government, depending on the location, to ask them to remove the structure at an early stage. Chimoio OA is managing to avoid encroachment on property where it is licensed for pipeline passage thereby preventing compensation and resettlement for future operation, maintenance and rehabilitation.

Avoiding resettlement by focusing on a Construction Impact Corridor

In some areas of Beira and Gondola, transmission mains pipelines of 500mm, were constructed in a five meter corridor instead of the 30m ROW to avoid expropriation impacts. The project generally tried to only use public land, passing just outside the boundary fences and structures of private owners. Focusing on clearing a ‘corridor of construction impact’ instead of the whole ROW reduced the total number of cases by more than half, saving time and money.

Use of RPF

The RPF was well used to guide preparation of resettlement and compensation plans for the transmission main pipeline and well field for Quelimane city.

Given that new legislation on resettlement now requires the RAP/ARP to be presented before an environmental license may be awarded, early availability of detailed designs will be required for pipeline routes that will cause displacement. Resettlement and compensation planning will become even more of a challenge to FIPAG in the future, and meeting both RPF and national legislation requirements is not a clearly mapped path, as legislation is not yet aligned with World Bank policy.

Effective grievance mechanism adopted in Tete

In Tete, FIPAG has standpipe management committees organised by the Supply Zones Department which conducts community liaison. In addition the Director and Heads of Departments have quarterly meetings with the municipality (Mayor, Councillors, Heads of neighbourhoods and, when required, local leaders). These two practices have ensured effective communication channels and functioned as part of a local grievance mechanism during the construction and operation phase of projects in the city. The positive lessons from Tete and other cities should be well documented in order to benefit FIPAG’s institutional development.

Planning

The importance of planning to avoid or mitigate compensation and resettlement cannot be underestimated. In Pemba City, for instance, people are aware that they will not receive compensation for crops in the wellfield area. However as the whole area is not fenced the community is continuing to cultivate crops in the area. If a claim is made in the future and if no previous agreement is evident, FIPAG will have to pay compensation.

Compensation processes initiated during project implementation to solve grievances should be foreseen in screening procedures at the start of the project. During implementation, Compensation processes carried out during implementation should be avoided wherever possible.

As resettlement and compensation are becoming increasingly commonplace in the cities and districts where WASIS II will be implemented, and attitudes and expectations of residents potentially affected by displacement are being created with accumulated experience, the screening phase of a new sub-project to identify potential impacts is highly important. As soon as information is received, measures can be taken to reduce or avoid impacts wherever possible and thereby avoid the risks of delays later.

Repetitive compensation

FIPAG and the municipality have had to resettle people out of the Nhartanda wellfield area in Tete City more than once since boreholes were first constructed there. Currently FIPAG is managing compensation claims in the same area again. Improvements and increases in borehole numbers over time have resulted in localised fenced-off borehole sites, but not the whole wellfield. The land law provides rights to land occupiers after 10 years so that if they are not kept off catchment and safety areas FIPAG is obliged to compensate the same people more than once. Coordination with municipal and district authorities to maintain public use areas free of occupation is in the interests of all in the long term.

2 Principles and Objectives Governing Resettlement Preparation and Implementation

2.1 Overview

The development objective of the Project is an important focus of the RPF. A main mechanism to achieve the development goals will be the actual capacity of the institutional framework established. In keeping with the Project's development objectives the principles and objectives of the RPF are described below.

2.2 Resettlement Policy Framework Preparation and Objectives

When the details of land acquisition and involuntary resettlement are fully known, a Resettlement Action Plan (RAP) can be defined to provide an implementation guide for the activity. When, however, the details of land acquisition and involuntary resettlement are not fully known, a Resettlement Policy Framework (RPF) that establishes the policy principles for the preparation of specific and subsequent RAPs is developed for public information and discussion. After the RPF, as outlines of different initiatives causing displacement are known in sufficient detail, a full RAP or an Abbreviated Resettlement Plan (ARP) will be developed for each one based on the policy framework agreed upon in this RPF. An ARP is likely to comprise predominantly of compensation details for economic displacement and may include small numbers of physically displaced households needing resettlement.

The principles outlined in the World Bank's Operational Policy OP 4.12 are used in preparing the Policy Framework. These principles and the resettlement and compensation measures stemming from them will apply to all sub-projects of the WASIS II Project, whether or not the scale and complexity of displacement requires preparation of a full RAP.

The present Resettlement Policy Framework is being developed as part of the preparations for the WASIS II since the Project will involve improvements in physical water supply infrastructure in urban and peri-urban areas.

The objective of the Policy Framework is to ensure that screening of infrastructure improvements and changes in land-use, identifies:

- a) where acquisition of land use rights is inevitable,
- b) where resettlement and compensation for local people's losses is unavoidable, and
- c) permits design of mitigating activities to be carried out in a socially sustainable manner.

Mitigation activities will need provision of adequate resources to meet the needs of displaced people whether they are physically or economically displaced, whether it is temporary or permanent, by Project

activities. Mitigation planning also requires adequate consultation with the project affected people to ensure that they maintain or improve their livelihoods and standards of living after resettlement and/or compensation.

2.3 Key Principles

The World Bank's OP 4.12 on Involuntary Resettlement ensures that the population displaced by a project receives benefits from it. This covers those with benefits from or customary rights to use of land or other resources taken for the project. The OP is inclusive, ensuring that all those affected both directly and indirectly by project developments are compensated as part of the project.

Resettlement covers physical displacement and economic displacement, whether it is temporary or permanent. Thus the need for resettlement and compensation refers to the impact of Project's civil works causing:

- the loss of, or loss of access to, any assets growing on or permanently affixed to the land, such as shelters, buildings and crops and,
- to the impact causing loss of, or access to, an economic resource base or local communities' means of livelihood.

If the impacts include the need for physical relocation, measures must be taken to ensure that the displaced persons are provided assistance (such as moving allowances) during relocation and provided with residential housing, or housing sites, or, as required, agricultural sites. A combination of productive potential, locational advantages, and other factors is required so that replacement land is at least equivalent to the advantages of the old site.

Losses may be total or partial. World Bank policy emphasises that the absence of legal title to use and benefit of the land does not limit rights to compensation. Preference should be given to land-based resettlement strategies for displaced people whose livelihoods are land-based. If sufficient alternative land is not available, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented.

The need to involve displaced people in the planning and implementation of interventions that result from these policies is stressed. Displaced persons and their communities, and host communities receiving them, should be provided timely and relevant information about the Project and resettlement process, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Patterns of community organization appropriate to the new resettlement circumstances should be based on choices made by the displaced persons. Appropriate and accessible grievance mechanisms that provide timely responses must be established for these groups. Particular attention must be paid to the needs of vulnerable groups, especially those living below the poverty line, the landless, the elderly or disabled, women and children.

Resettlement planning includes:

- a) Early screening (RPF),
- b) Scoping of key issues (RPF and Resettlement Action Plan - RAP),
- c) The choice of resettlement instrument (RAP or Abbreviated RAP or compensation plan); and,
- d) The information required to prepare for the resettlement activity.

The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement.

Acquisition of land use rights for the Project will be subject to a Land Acquisition Assessment to verify if communities are to be displaced or goods lost as a result of proposed development. This short document will identify the land, people occupying or using it, land uses and attitudes of the people towards the acquisition. Their signed agreement is necessary to assure World Bank agreement to their undertaking resettlement activities.

Implementation of resettlement activities must be linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place.

- Provision for compensation and other relocation assistance, and preparation and provision of resettlement sites with adequate facilities must be carried out before displacement.
- Taking land and related assets for the project may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.

Payment of cash compensation for lost assets may be appropriate when:

- livelihoods are not land-based or
- where they are, but the land taken for the project is a small fraction of the affected asset and the residual area is economically viable.
- If there are active markets for land use titles, housing, and labour, displaced persons use such markets, and there is sufficient supply of land and housing.

Compensation levels should be sufficient to replace the assets at full replacement cost in local markets.

It may be necessary to ensure that displaced persons are provided with support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living. They may during this period be provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

Infrastructure and public services in settlement areas must be provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources should be provided to compensate for the loss of access to community resources such as agricultural areas and wood fuel resource areas.

Resettlement programmes must include adequate institutional arrangements to ensure effective and timely design, planning and implementation of resettlement and rehabilitation measures. Adequate arrangements for effective and timely internal and external monitoring will be made on implementation of all resettlement measures.

2.4 Methodology for Resettlement Policy Framework Preparation

A literature review was undertaken to provide background information as well as an overview of changes in the policy, legal and institutional framework for WASIS II in relation to its predecessor.

Meetings were held with FIPAG personnel in Maputo in order to obtain information on past experience with compensation and resettlement and expectations related to the second phase of WASIS. Site visits were made to all cities where WASIS II Project activities are expected to take place. Stakeholders were identified and semi-structured interviews were carried out with technical staff stakeholders involved in the safeguards implementation process and with households that had been part of a compensation or

resettlement intervention by FIPAG. During site visits meetings were held. In Beira and Tete discussion groups were used to learn people’s expectation from future projects.

Objectives of these site visits and stakeholder consultation were to:

- a) assess awareness and knowledge of land use rights acquisition processes and challenges;
- b) assess local institutional capacities to handle land rights acquisition and expropriation processes; and,
- c) to listen to suggestions and recommendations based on local experiences.

A qualitative approach was mainly employed to generate information for this RPF in the short time available for its preparation. Appropriate recommendations for the preparation of RAPs and other social guidelines were then possible to draw up. FIPAG’s records of past compensation and resettlement experiences, stakeholder experiences and expectations as well as observations provided the bases for the RPF.

After elaboration of the draft RPF, it was disclosed to stakeholders and public meetings were carried out in Pemba and Tete in early August where feedback and further opinions and comments were obtained. Some from the stakeholders previously consulted came to these meetings together with others new participants. A list of stakeholders participating in these consultation meetings is included in [Appendix 15.2](#) as well as records of their contributions in the public meetings.

This feedback was taken into account to provide a revised version of the RPF for disclosure through the World Bank’s Info Shop.

3 Legal Framework and World Bank policy requirements

3.1 Overview

This chapter present the relevant legal framework in national law and the requirements of the World Bank’s OP 4.12. It also compares national legislation and World Bank Policies and recommends measures to bridge gaps or differences identified.

3.2 Legal Framework

The Mozambican **Constitution** (2004) is the overall guide for all application of the legal framework. One of the fundamental principles of the Constitution is that natural resources and means of production are public property of collective interest. Specifically, land belongs to the State, and use rights can only be awarded by the State. Art. 111 clarifies that with insofar as the State awards title to use rights of the land, it also recognises and protects acquired hereditary and occupation rights.

The Constitution provides the safeguards to any loss or violation of rights through the principle of compensation and of the right to present complaints to the appropriate authority to redress the situation for the benefit of the general interest.

The **National Land Policy** (Council of Ministers Resolution nº 10/1995) establishes that the State should provide land for every family to have or build their own house and that it is responsible for land use and physical planning, although plans may be made by the private sector. Urban land cannot be transferred when it has no buildings or other infrastructure investments on it. Its value rises when public infrastructure is provided. Urban expansion, and the consequent occupation of land previously under

other uses, should take into account the people who are living on the land and the investments already made by them, unless they were in conflict with a previously existing land use plan.

Land Law, nº 19/1997 provides the basis for defining people’s land use rights, providing the details of rights based on customary claims and the procedures for acquisition of title for use and benefits by communities and individuals. The law recommends a consultation-based process that recognizes customary rights as the means for identifying the claims of communities and individual members of communities without title. Art 24 identifies that in rural areas local communities participate in: a) the management of natural resources, b) the resolution of conflicts, c) the process of obtaining title as established in nº. 3, of Art. 13 of this law, and d) in the identification and definition of the boundaries of the land they occupy. In the first two activities (...) local communities use among others, customary practices.

The Law defines that the right to use and usufruct of the land may be acquired through occupation by Mozambican individuals who have been using the land in good faith for at least ten years, and by local communities whose right to use and benefit of the land will comply with the principles of co-titularity. Thus the law recognises and protects the rights to use of land acquired through inheritance or occupation (customary tenure and good faith rights), except in legally defined reserves or areas where land has been legally transferred to another person or body. All citizens have equal rights and duties according to the law, women having equal rights with men in terms of access to land and housing.

The Land Law is clear that a community land use rights certificate or the title received after demarcation cannot be used as collateral in contracts with third parties.

Existing rights to use and benefit of the land may be terminated through revocation of such right for reasons of public interest and after the payment of fair compensation; in which case all non-removable improvements will revert to the State. The Law clarifies that “the loss of land use rights in the public interest will be carried out in parallel with the process of expropriation and preceded by payment of a just compensation”.

The **Land Law Regulations (Decree 66/1998)** regulate the procedures to obtain land use rights. They are applicable to rural land and areas within municipalities but outside their cadastral services. The regulations also apply to unplanned peri-urban areas. They are rarely applied to urban areas. Relevant aspects of the regulations include: a) Where there is joint title, the title belongs to all the titleholders equally. When one of the titleholders dies, the others continue as the rightful titleholders; b) Consultations between the applicants for land and the local community are mandatory before a decision to grant is made by the provincial governor or higher authority; c) Good faith occupiers and local communities may apply for demarcation and title. The application procedure is simplified and a single definitive authorisation is given instead of provisional authorisation; and d) Titleholders are required to pay a tax for authorisation of the right to use land, plus an annual tax. Family businesses and local communities are exempt from such taxes.

However, this regulation has undergone some changes in its articles 20 and 39 with the approval of Decree No. 1/2003. One of the relevant aspects of article 20 includes a) local communities can request to *Conservatório do Registo Predial* of the respective area to undertake the DUAT, easements relating to access roads, community and passage for livestock, as well as other rights recognized by law, by submitting the delimitation certificate, title or other supporting documents. However their rights and easements are still protected from harm in the absence of registration.

The Land Law Regulations note that the approval of construction projects for public infrastructure including underground water pipelines (and of relevance, four lane highways) implies the automatic creation of a Partial Protection Reserve of 50m abutting this on either side. Also of relevance to this RPF is the partial protection reserve of 30 metres for primary and 15 metres for secondary and tertiary roads. The rights of use and benefit of this land cannot be acquired and activities cannot be performed on it

without a license. The Land Law stipulates that Maputo, and other municipalities with their own cadastral services may authorise applications for the use of land in areas covered by urbanisation plans.

The urban land-use regulation (Decree nº 60/2006) covers all urban areas with a planning framework. It affirms that local municipal bodies may issue special licences for certain activities to be carried out within partial protection zones. Urban planning must be preceded by consultations with provincial sectors and civil society. Municipal public administration bodies are responsible for establishing a system to ensure that all potential stakeholders have the opportunity consult plans that impact upon the territory within their jurisdiction. Urban planning requires a participatory approach. A census taken of the occupants in a planning zone and characterisation of their legal status on the land they occupy are necessary. Occupants of land identified for urban improvement occupying it in good faith have a right of preference in the allocation of a new section or parcel if, having met the good faith requirement, the use of the urban land cannot be harmonised with the planning scheme. If a transfer is not possible, the occupant is entitled to fair compensation corresponding to the improvements they own on project land. If continued occupation in the area can be incorporated within the planning scheme the occupant can apply for title to the right of land use and benefit in respect of the area they occupy. The planning process includes obligatorily working with local leaders, recording and obtaining decisions on complaints and conflicts among rights holders to the use and benefit of urban land. The draft census survey report may be formally endorsed by local leaders, it must pass through a process of disclosure and public consultation, be finally adjusted and then approved by the municipal authorities.

Rights to the use and benefit of land in urban zones may be acquired by the following means: a) Granted approval; b) Contract governed lottery or public auction; d) Private negotiation; and, e) Occupancy in good faith. Title holders have the right to receive compensation in the event of expropriation of the property for public utility purposes and for the creation of servitudes. For servitudes the rights holder is compensated for the limitation of their right, in an amount that represents the actual loss resulting from the non-use of the part of the land affected by the servitude. Compensation for expropriation on the grounds of public utility of urban tenements must be fair and calculated on the basis of legally established criteria.

Basic urbanisation is classified as having off-site water supply and intermediate and completely urbanised areas are supplied through house or yard connections.

The **Territorial Planning Law nº 19/2007** is designed to promote the rational and sustainable use of natural resources and the preservation of the environment through providing instruments for area planning to promote the quality of life in rural and urban areas, improve housing, infrastructure and urban service systems, public safety and reduce vulnerability to natural disasters or accidents. It makes spatial planning mandatory in rural areas and identifies the mechanisms for legalizing the various territorial organization plans.

Principles of public participation, awareness-raising about rights to information and equal access to land, infrastructure and services complement the objective of sustainable resource use.

Where damage or degradation occurs in a territorial area that may affect environmental sustainability, the public or private entity responsible is required to repair such damage and pay compensation for damage to the quality of life of affected citizens. Article 20 of the Law states that when projects on urban or rural land are identified by the public sector for development require expropriation for public interest, necessity or use, these must be amply justified and fair compensation calculated and paid for the loss of tangible and intangible property, the breakdown of social cohesion and the loss of productive assets.

The law clarifies channels for appeal by citizens with justified claims against the use of spatial planning instruments, the rights of all citizens to information including planning cadastre and process details, as well as their rights to participation in production and implementation of plans.

The **Territorial Planning Regulations** (Decree No. 23/2008) specifies (Articles 70 to 72) that compensation must be paid before the transfer of property by expropriation. The process must ensure that the real value of expropriated property is applied taking into account indirect damages and resulting loss of earnings. The information provided to affected parties must include a copy of the project proponent's legal claim to the land area, the basis of the proposed calculation of compensation, how and when payment will be made, when the proponent will take possession of the property and finally, the period in which any claims by the parties against the compensation proposal may be submitted.

Under the Territorial Planning Law **the Regulation for Resettlement Arising from Economic Activities** (Decree N.º 31/2012 of 08 August) determines the resettlement rights for people affected by a project. The Regulation endorses the Territorial Planning Regulations, approved by Resolution n.º. 18/2007, which defend the need to ensure communities' security in relation to land and natural resources rights acquisitions without prejudice the interests of possible proponents of development projects. The interests of local communities are based on Law n.º. 19/2007.

The Decree affirms that resettlement plans require full socio-economic study, spatial planning and replacement housing, facilities, and utilities designed so as to restore affected people's conditions to the same or a higher level than before. Regular consultation and four public meetings are required during the resettlement planning process and the minutes of meetings must be certified by affected people and different levels of government. The Regulation requires replacement of lost land used for livelihoods. It stipulates the importance of district level authorities in the approval of resettlement plans and in monitoring their implementation. The decree identifies two planning phases, a) to produce the Resettlement Plan with detailed site plan, house design and site Environmental Impact Assessment if necessary and b) an action plan for resettlement implementation with a budget and detailed compensation plan. Approval of the Resettlement Plan is a precondition for environmental licensing. Resettlement plans are approved by the District Government based on prior opinion of the Environment sector after technical opinions from Local Government, Agriculture, and Public Works and Housing, as members of the Technical Committee for Supervision and Monitoring Resettlement.

The procedures for implementing the decree on resettlement resulting from economic activities have been clarified in a technical directive approved by Ministerial Diploma No. 156/2014. The technical guideline requires parallel reference by implementers when necessary to the Regulation on the Environmental Impact Evaluation, approved by Decree No. 45/2004 to guide social and environmental impact mitigation and management and the Directive on the Process of Expropriation for the Purpose of Territorial Planning, approved by Ministerial Decree n.º 181/2010 for compensation guidelines.

The joint Ministerial Decree N.º 181/2010 contains the principles and procedures for **expropriation** and the basis for calculation of compensation for loss of assets such as urban and rural housing, annual and perennial crops and includes consideration of compensation for the value of intangible losses. Compensation for houses is calculated including depreciation and may be paid in cash or if a house is residential, a house of the same value must be provided in substitution. Crop valuation takes into account the current market prices, productivity, age and intangible loss value for annual and permanent crops. The Decree clarifies that the declaration of an area for expropriation in the public interest and for the purpose of spatial planning is carried out by the Council of Ministers and shall be Gazetted.

The **Municipal Framework Law n.º 2/97**, makes municipalities responsible for urbanisation, housing and licensing construction, in accordance with their capacity, and in conjunction with other state bodies. Municipalities are also given the competence to exercise powers given to them under the Land Law and Regulations.

The **Municipal Finance Law n.º 11/97** gives municipalities the power to prepare and approve general and detailed land use plans, urban development programmes, and land development schemes, in collaboration with relevant central government bodies. Enforcement of such plans is subject to

ratification by the government. Municipalities may also collect taxes on urban land and buildings, including unused land that has been provisionally allocated.

Art. 56 notes that appropriate regulation will be developed for the assessment of the values of urban property, however prior to the availability of this, that provisional evaluation will be made according to the norms for valuation of urban structures with the objective of their sale by the Administration for State Property (APIE). The Municipal Tax Code (Decree nº 52/2000) also refers to the use of APIE norms until the regulations that will facilitate implementation of the Municipal Finance Law are available.

The regulations of the Municipal Finance Law are supported by Law nº 9/2002, which creates the Financial Management System of the State (SISTAFE), applicable to municipalities. It is supported by Law nº 1/2008, which defines the financial, budgetary and patrimonial regime of municipalities and the Municipal Tax System; and by Decree nº 63/2008 that approves the Municipal Tax Code repealing Decree No. 52/2000.

The Property Registry is responsible for independently recording land use and property titles and transactions (Decree nº 01/2003). Its legal basis of operation is in the process of review and updating.

Decree 15/2000 describes the articulation of **local state authorities and community leadership** consultative councils and legitimises community leaders - traditional leaders and neighbourhood secretaries. The decree (15/2000) gives them powers under Article 24 of the Land Law to participate in conflict resolution, represent community opinions on applications for land, and identify and delimit community land.

Decree nº 51/2014 creates the **National Commission on Human Settlements**. The CNAH is a consultative and cross-sectoral coordination body for the implementation of Government policies and programs relating to planning, development and management of human settlements. It will have a multi-stakeholder Technical Council to oversee coordination of policies and programs related to planning, development, and management of human settlements and their implementation.

The **Family Law nº 10/2004**, stipulates that both partners may legitimately deal with property while safeguarding the other's rights. Immovable property, whether belonging to either spouse individually or as common property, may only be transferred to others with the express permission of both partners.

- Co-ownership of property, including houses, is the most common type and is associated with first marriages. In this case, all property brought into the marriage by both partners, and the house and other items acquired by the couple during the marriage, including rights to use and benefit from land, belong to the husband and wife in equal shares.
- Communion of accrued property acquired under prior rights. This specifically includes property acquired through land occupation in good faith which started before a marriage, although compensation for loss may be payable as common property (Art. 1717, nº 2). A partner does not therefore gain a half share of land or other property acquired through occupation in good faith. The new law defines this type of property holding as the default for *de facto* unions and traditional marriages, or instances where none is specified. This is important as a woman may now retain ownership of her possessions prior to marriage, as well as automatically be owner of half the marital property.

Finally, under the separation of property mode, each party retains the ownership of their present and future assets, and may dispose of them as they please.

The **National Heritage Protection Law nº 10/1988** aims to protect all national antiquities, historical and cultural heritage. Such protected areas are to be avoided in the selection of project sites. Where this is not possible, cultural heritage in rural areas should be dealt with under the chance finds process legislated, and graves for example, must be addressed with the involvement of local authorities, as

determined by the Regulation of Funeral Activity in Decree no. 42/1990, or Municipal by-laws where these exist in urban areas.

Environmental Law nº 20/1997 and its regulations on **Environmental Impact Evaluation (EIA)** (Decree nº 45/2004) oblige a project proponent to carry out consultation and public participation with project affected people whose use of natural resources is restricted by a project or physical displacement is implied through the project preparation process. The EIA regulations omit discussion of social analysis and social mitigation and management plans. Environmental management for different types of activities is legislated separately.

The Directive for the **Public Participation** Process published as Ministerial Diploma 130/2006 of 19 July provides details on the public participation process during an environmental impact assessment, the permanent or temporary relocation of people or communities, and the displacement of goods or assets or restrictions on the use of or access to natural resources.

The importance of involving local authorities at (urban) district level and below in the process of consultation concerning any potential displacement is regulated under the Land Law, and its amendment Decree 43/2010 requiring the involvement of Consultative Councils in an investor’s land acquisition consultation process, the Environmental and Territorial Planning Laws.

The provision of infrastructure and services for resettled populations would need to follow relevant national technical laws and regulations including:

- The Water Law (16/91), the updated National Water Policy (2007), through Resolution nº 46/2007, and Social and Technical Implementation Manuals (2002/3/6), Decree n.º 43/2007 regulating water licensing and concessions, and Decree nº 30/2003 regulating public water supplies and drainage.
- Technical specifications for the construction of health units from GACOPI, the Office for Coordination of Public Investments of the Ministry of Health;
- Technical specifications from the Planning Department of the Ministry of Education and Human Development;
- Quality control for all other construction of public utilities should minimally follow standards used by the Provincial Directorates of Public Works, Housing and Water Resources.

While there are no specific legal guidelines for the social aspects of resettlement Mozambique’s ratification of the International Conventions of the Rights of the Child and Human Rights, Elimination of All Forms of Discrimination Against Women, Mozambique’s agenda on Human Settlement and the Labour law define specific rights based on equity and equal opportunity without discrimination to the benefits of private enterprise and investments.

World Bank Policy

Overview of World Bank Safeguard Policies

Of the World Bank’s ten Safeguard policies, the Social Safeguards Policies that apply to WASIS II can be seen in the table below:

Table 3-1: World Bank Safeguard Policy

World Bank Safeguard Policy	Triggered
OP 4.01 Environmental Assessment The objective of this policy is to ensure that Bank-financed projects	Yes. Category A - potential adverse impacts on human

World Bank Safeguard Policy	Triggered
are environmentally sound and sustainable, and that decision-making is improved through appropriate analysis of actions and of their likely environmental impacts. This policy is triggered if a project is likely to have potential (adverse) environmental risks and impacts on its area of influence. OP 4.01 covers impacts on the natural environment (air, water and land); human health and safety; physical cultural resources; and trans-boundary and global environment concerns.	populations in some cities with a significant magnitude and complexity.
OP 4.11 Cultural Property The objective of this policy is to assist countries to avoid or mitigate adverse impacts of development projects on physical cultural resources. These may be located in urban or rural settings, and may be above ground, underground, or underwater. The cultural interest may be at local, provincial or national level, or within the international community. Trigger: This policy applies to all projects requiring a Category A or B Environmental Assessment under OP 4.01.	Possibly Yes. National requirements pertaining to chance finds will be followed.
OP 4.12 Involuntary Resettlement The objective of this policy is to (i) avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs; (ii) assist displaced persons in improving their former living standards, income earning capacity, and production levels, or at least in restoring them; (iii) encourage community participation in planning and implementing resettlement; and (iv) provide assistance to affected people regardless of the legality of land tenure. This policy is triggered by not only physical relocation, but any loss of land or other assets resulting in: (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether or not the affected people must move to another location. This policy also applies to the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.	Yes. This Resettlement Policy Framework presents the available mitigation instruments to be used for involuntary resettlement and economic displacement requiring compensation.

Comparison between Mozambique legislation relating to Resettlement, Land Tenure and Administration and the World Bank OP4.12.

The legal framework relating to land administration in Mozambique is wide reaching and complex. Entitlements for payment of compensation are essentially based on the loss of right to use of and benefit from the land which is the property of the State as defined under statutory law.

The World Bank's OP 4.12 states that all project affected people are entitled to some form of compensation whether or not they have legal title if they occupy the land up to a cut-off date. Recognition of this status is also provided by Mozambican legislation to communities and national individuals occupying and using land for over 10 years, however it does not cover encroachment onto rights of way, legally reserved or licensed areas.

The Bank Policy aims first and foremost to avoid or mitigate displacement impacts of a project. Although avoidance is not so clearly emphasised in Policy, mitigating social impacts is safeguarded by Mozambique's environmental, spatial planning, land and urban land legislation and the growing body of related regulations and directives on consultation and participation of people affected by investor's development activities.

For this Project Mozambican legislation will guide rights of tenure but in cases where project affected people have no rights of tenure according to Mozambique law, the provisions of the Bank OP 4.12 will

apply in terms of their rights for compensation, consultation, and grievance mechanisms where they have been affected by this Project. Where there is conflict between laws of Mozambique and the World Bank OP 4.12, the latter must take precedence if the Bank is to fund this project.

Sustainability requirements of OP 4.12 mean that local residents who are made to stop or reduce their livelihoods activities must be ensured of alternative sources of food or livelihoods. If they are not readily accessible, these conditions must be provided via the resettlement project. The Mozambican legal frameworks for Land, Planning and the Environment support this approach to sustainable human development and environmental management.

In cases where infrastructure development projects may involve involuntary resettlement, even when the exact scale of impacts and numbers of project affected people are not known, the Project implementing agency must screen sub-projects through the submission of a Resettlement Policy Framework prior to appraisal that conforms to OP 4.12. The framework estimates, to the extent feasible, the total population to be affected and overall resettlement costs.

If financial intermediary operations involve involuntary resettlement a RPF should also be submitted prior to appraisal. The RPF should include an assessment of the institutional capacity and procedures of each of the financial institutions that will be responsible for project financing. If resettlement is not foreseen prior to appraisal, but during design or implementation is found to be necessary, the legal agreements specify the obligation of the financial intermediaries to obtain a resettlement plan consistent with OP 4.12 from the Project proponent.

The tenor of Mozambican decentralization and deconcentration policies advocating greater involvement of citizens and local level government is one that proposes commitment to more transparent governance, participatory planning processes and consultation with communities as clients. Mozambique’s new Directive on implementing the resettlement regulation also supports the decentralized and participatory approach, defining binding public consultation requirements and outputs. This basis of operations is endorsed completely by OP 4.12 which emphasises the need for consultation and joint planning in the resettlement process, as a fundamental means of encouraging trust and sustainable outcomes.

Mozambican legislation and guidelines on resettlement implementation are onerously demanding and will be a challenge to implement. Meeting Mozambican requirements as well as the principles and procedures stipulated in the Bank’s OP 4.12 will be more costly than previously as standards have been placed at a very high level. The level of studies and planning required to comply with requirements is time and resource consuming and its continued preparation after the ESIA has been approved, means that the environmental license for a project is delayed until the resettlement planning is completed and approved. Although not specific in any policy, longer planning periods and higher preparation costs are two strong reasons for projects to be designed to avoid displacement impacts wherever possible. Where Mozambican legal guidance does not meet OP 4.12 requirements, the latter will prevail and supplement any gaps.

Table 3-2: Comparison of Mozambican Law and World Bank OP4.12 regarding compensation.

Category of People Impacted / Type of Lost Assets	Mozambican Law	World Bank OP4.12	Mitigation Measures
Land Use and Benefit Title Owners	Entitled to compensation at a fair rate for improvements on the land. This is based upon the type of rights they hold related to the use of the land under the law.	Recommends land-for-land compensation. Other compensation is at replacement cost.	Land-for-land compensation will be prioritized. Other compensation is at replacement cost.

Category of People Impacted / Type of Lost Assets	Mozambican Law	World Bank OP4.12	Mitigation Measures
Land Users	In some cases land users have secured tenure extended to them under the law based on period of occupation. In other cases land users are not entitled to compensation for land occupation or use, or to compensation for crops and any other economic assets.	Entitled to some form of compensation whatever the legal recognition of their occupancy. Entitled to compensation for improvements, crops, may be entitled to replacement land, and income must be restored to pre-project levels at least.	Whatever the legal recognition of their occupancy land users will be entitled to compensation so that they may maintain or raise their levels of well-being / income.
Owners of 'non permanent' buildings	Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programmes.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to project impact.	Entitlement to in-kind compensation or cash compensation will be at full replacement cost including labour and relocation expenses, prior to project impact.
Owners of 'permanent' buildings	Cash compensation is based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to project impact.	Entitlement to in-kind compensation or cash compensation will be at full replacement cost including labour and relocation expenses, prior to project impact.
Perennial and annual crops	Cash compensation based upon rates calculated as an average net agricultural income that takes into account location and productive factors.	As per section 12 of this RPF once approved by the Bank and disclosed in Mozambique and at the World Bank Infoshop.	Will follow section 12 of this RPF once approved by the Bank and disclosed in Maputo and at the World Bank Infoshop.

For all projects involving resettlement, a draft RAP or ARP must be provided to the World Bank for approval before the project is accepted for World Bank financing

4 Potential Impacts of the Project

4.1 Overview

Project implementation is expected to directly benefit health and the quality of life of households and communities that are covered by the sub-projects. Quality of life benefits are likely to include a reduction of the time that people, especially women and girls, spend looking for water, their access to greater quantities at lower cost will provide more options on how to use both water and money. However, it is also expected that some negative environmental and social impacts may occur as a result of the Project including the need for compensation for losses and damage to property, and possibly even physical displacement requiring resettlement (see [Appendix 15.3](#) Rapid Situation Assessment of the Cities Covered by the RPF, for detailed profiles of each city).

This chapter provides an overview of Project impacts that may require resettlement and compensation. However these are indicative as presently the location, nature and scope of the specific sub-projects are not yet known in detail. Information for planning is limited to types of impacts and magnitude can only be estimated at this stage.

Table below shows a summary of key civil works planned per city and organised by component. The works that are likely to cause displacement of people’s property are underlined.

Table 4-1: Summary of key activities per component/city with an indication of potential adverse social impacts

City	Component A: Water Production	Component B: Water Distribution
Pemba	<ul style="list-style-type: none"> • Rehabilitation and construction of about <u>15 boreholes</u> • Equipment of the boreholes including transformers • <u>Pipelines</u> to connect new boreholes, <u>20 km</u>, DN 160 - 315 mm PVC • Telemetry system for the boreholes • Rehabilitation and expansion of the existing iron removal plant up to 30.000 m³/day, new pumping station, transformer, standby generator • Rehabilitation of the existing transmission main and <u>construction of new transmission main, 60km</u>, DN500 • Refurbishment and expansion of pumping stations A and D including transformers and generators 	<ul style="list-style-type: none"> • <u>140 km of Network construction in Pemba</u> (100 km expansion plus 40km rehabilitation including transference of connections) • <u>Supply of 15,000 meters</u> • Supply of network equipment to reduce UFW • Rehabilitation of the existing Distribution Centres • Construction of <u>new Distribution Centre</u> composed by: ground reservoir (1.000 m³), water tower (250 m³), dosing equipment and pumping station • People Served: 63 600
Tete/Moatize	<ul style="list-style-type: none"> • Rehabilitation and construction of about <u>21 boreholes</u> • Equipment of the boreholes including transformers • Telemetry system for the boreholes • <u>Pipelines</u> to connect new boreholes, <u>20 km</u>, DN 160 - 315 mm PVC • New <u>pipeline</u> from Nhartanda to WTP, <u>1 km</u>, DN 500 mm • Rehabilitation of the iron removal plant (12.000 m³/day) and expansion for 10,000 m³/d, rehabilitation of the existing clear water reservoirs (4x500 m³), new pumping station • <u>New transmission main</u> to connect Moatize to Tete boreholes, <u>25 km</u>, DN 350 mm 	<ul style="list-style-type: none"> • <u>175 km of Network construction</u> in Tete and Moatize (135 km expansion and 40km rehabilitation including transference connections) • Two <u>new Distribution Centres</u>, each composed by: ground reservoir 2.000 m³ capacity, water tower 350 m³, dosing equipment and pumping station • Supply of <u>30.000 meters</u> and materials for connections • Supply of network equipment to reduce UFW • People Served: 127 200

City	Component A: Water Production	Component B: Water Distribution
Beira/Dondo	<ul style="list-style-type: none"> • Rehabilitation of the Dingue Dingue Water Intake (pumps and stabilization works) • Refurbishment existing treatment system, including ETA 1, ETA 3 and pre-treatment canal 	<ul style="list-style-type: none"> • <u>110 km of Network</u> construction in Beira and Dondo (80 km expansion plus 30km rehabilitation including transference of connections) • Supply of <u>25.000 meters</u> and materials for connections • Supply of network equipment to reduce UFW • People Served: 106 000
Goods (Tete, Moatize, Beira, Dondo, Chimoio, Manica, Gondola and Pemba)		<ul style="list-style-type: none"> • Computers, standby generators, treatment equipment, vehicles, pumps, equipment for boreholes, valves, pipes and fittings, system for integrated asset management • Supply of 105.000 meters and materials for connections • Supply of network equipment to reduce UFW
City/ Component	Component C: Technical Assistance	
Tete, Moatize, Beira, Dondo, Chimoio, Manica, Gondola and Pemba	<ul style="list-style-type: none"> • Procurement, Contract Management, Electromechanical Advisors • Hydro geological & Geophysical Studies • Support for creation and implementation of Water Utilities • Consultancy studies (Detailed Designs, Supervision and Master Plans) • Financial Audit 5 years • Training for 5 years 	

4.2 Impacts due to Project Component A: Water Production

Project component A, (Investment in Water Supply Production System) consists civil works for the rehabilitation and expansion of existing facilities and construction of new boreholes and transmission mains.

The civil works for the rehabilitation of existing treatment plants, water intakes and pump stations facilities will take place on FIPAG properties, so that no social impact related to land acquisition is expected. However for pipelines property encountered in ROWs will be subject to expropriation is expected. This is likely to take place in Pemba, Tete and Moatize.

To improve water production, the project will rehabilitate and construct boreholes in Pemba, Tete and Moatize. The areas around existing boreholes are currently being used by local communities for agriculture as shown in the pictures below. It is likely that new boreholes in these areas will cause crop damage in Tete especially where mains pipelines are in some places not buried, access constraints may also be an impact that requires attention.

Figure 4-1: Crops around boreholes in the Nhartanda Valley - North and South, Tete



Works on the boreholes to supply Pemba have already been started and the process for requesting the local authority for rights to use the area is being undertaken by FIPAG. However, the area is also being used for crops by local people who are aware the area has been reserved for FIPAG.

The new boreholes and pipelines to connect them with the production network will be constructed in areas presently covered with crops in the Nhartanda wellfield, Tete. Preparation for construction work will require access and full clearing of the area. Compensation for losses will be required.

New transmission mains will also be constructed to transport raw water from the production source to the treatment plant and distribution centres. The new transmission mains will in most cases (Tete, Nacala and Pemba) be parallel to existed transmission main pipelines and placed about 20m from the road edge (in the case of main highways and primary arteries leading into the cities). These will require a construction or working corridor of about 15m from each side of the pipeline. Pictures below show similar work in Nampula that gives an idea of the space required for safe operation of equipment.

Figure 4-2: Civil works for a transmission main: Space required for safe operation of machines (top) and similar work in confined space using manual labour (bottom), Nampula City.





Transmission main pipelines will cross inner-urban, peri-urban and peripheral areas of Pemba, Pemba Metuge, Nacala, Tete and Moatize. Location organization varies from planned urbanised grids of plots with public access roads to areas of spontaneous settlement that have not been subject to municipal or district planning.

Although the project is planning to use land already attributed as public rights of way, as part of road reserves or existing transmission mains; due to encroachment, families and commercial activities are likely to be physically displaced by the Project, and as a result trigger the OP 4.12.

The pictures below show encroachment of permanent buildings along the edges of main roads.

Figure 4-3: Permanent buildings along main roads in Pemba and Moatize





4.3 Impacts due to Project Component B: Water Distribution

Project Component B consists of civil works to improve the Water Supply Distribution System including construction of distribution network (expansion and rehabilitation), distribution centres and additional storage capacity, and installation of equipment for new connections and to reduce water losses

Distribution coverage expansion is planned to focus on peri-urban areas of the cities of Beira, Dondo, Tete, Moatize, Nacala, Pemba and probably Chimoio and Manica, occupied largely by low and middle income families.

Most of the areas being considered for network expansion lie on the peripheries of existing network supplies or in areas where network coverage is thin and many residents do not have domestic connections. Most of the areas are urbanised in planned grids of plots with public access roads, but a few are characterised by spontaneous settlement and use of land that has not been subject to municipal planning.

Since civil works for the network expansion will comprise of trench excavations along public rights of way for the most part, laying of flexible pipes and accessories, and back-filling, it is unlikely that any of the sub-

projects planned for network expansion will cause physical displacement of any residences from areas targeted for development.

The pictures below show distribution network under expansion and maintenance work in Chimoio and Pemba. It can be seen that the area required for distribution network is minimal.

Figure 4-4: Distribution network expansion and maintenance, respectively in Chimoio (left) and Pemba (right)

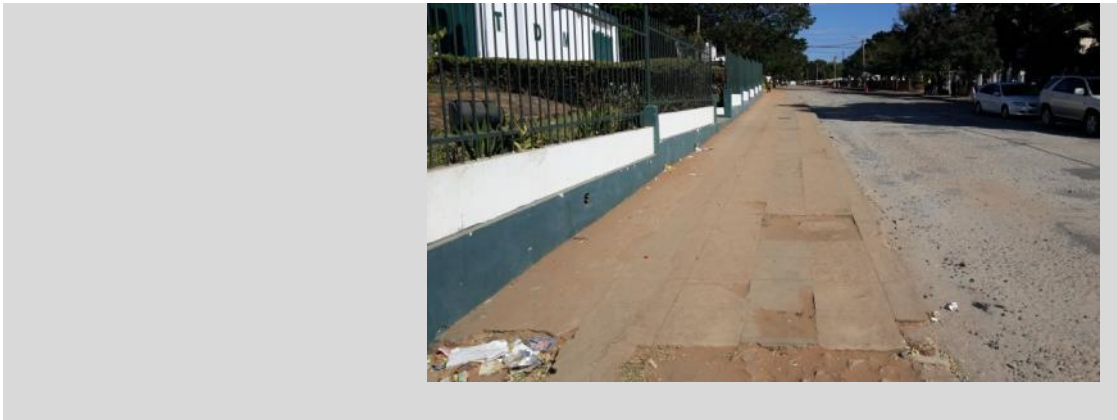


Network expansion for the WASIS II Project in the centre and peri-urban areas of the cities may however cause involuntary economic displacement. Encroachment onto roadsides and into previously unoccupied spaces means that some are now occupied by perimeter fences constructed from permanent and temporary materials, home-owners' pavement extensions some temporary others permanent, and tree and annual crop cultivation. Low-level enforcement by the Municipal Councils to maintain public land free of occupation and to avoid investor conflicts with new land use claims has meant that expanding settlement and cultivation has informally moved into road reserves and other public areas. Private property may therefore be affected in public rights of way and other land with public use rights. This may include crops, pavements, fences or boundary walls for example.

Network rehabilitation in Pemba, Tete and Beira, including substituting old for new pipes, is planned to take place in inner urban areas where network pipes are laid under paved areas and roads (see pictures below). Public and private property may be damaged or access constraints may affect private business, and there is a risk that compensation might be required.

Figure 4-5: Paved areas and roads potentially to be degraded for pipes exchange in Pemba





In Moatize, FIPAG is currently close to obtaining the formal land use right for the DC. It is adjacent to an existing DC and FIPAG is controlling new occupations so that no encroachment is expected.

In Pemba, FIPAG has available space for the new DC in its property close to the airport already containing four tanks, internally called Area F. Although technically this high area provides good conditions for distribution due to proximity of Pemba Airport (the site is inside the airport runway perimeter fence) this available area may not be used for that purpose. If an alternative site is required this may displace houses and commercial properties.

4.4 Impacts due to Project Component C: Technical Assistance

No civil works or land acquisition is expected to be carried out by the Project in Component C. This component will provide technical assistance to FIPAG.

4.5 Estimated Losses Resulting in compensation or resettlement

Table 4-2 below summarizes the estimated number of assets that may be lost and requiring compensation or resettlement. The estimates are very high level. They are based on visits to the field, an understanding of the ways the civil works are carried out, and verifications using satellite imagery.

The number of affected assets is estimated based on possible least impact pipeline routing of the transmission mains as well as possible crop losses around well-fields. It is likely that the number of affected housing and ancillary assets indicates a similar number of affected families given the urban context where much of this exists. Here neighbours, particularly along roadsides are very often not members of the same family.

The figures below will be used for budgetary purposes in Section 12.2 below.

Table 4-2: Estimated Affected Assets

Estimated Affected Assets	Estimated nº
Approximate nº houses of permanent materials	178
Approximate nº houses of temporary materials	128
Approximate nº ancillary items (walls & gates)	693
Approximate area crops (hectares)	43

If the time taken to implement the sub-projects is extensive (more than three years), further encroachment may occur and affect the level of financing required.

5 Reducing Impacts

5.1 Overview

Displacement causes changes in socio-economic relations and status that, without careful planning may cause serious disruption and undermines affected people’s lives and well-being. The most important principle for resettlement planning advocated by the World Bank OP 4.12, is to try to avoid resettlement wherever possible by altering project designs.

Where land likely to be needed for use by the Project or property may be lost due to Project activities a short Land Acquisition Assessment (LAA) will be used to screen the potential impacts. This will help FIPAG and the World Bank to decide what type of resettlement planning tool is needed, a RAP or ARP. Screening will be initiated by FIPAG’s local level representation. The screening process presented below is the first step to ensure that sub-projects presented for WASIS II funding apply appropriate planning processes to safeguard people living in the Project areas from displacement related negative impacts that comply with the requirements of OP 4.12 and Mozambican Law.

5.2 Planning to Avoid Resettlement

The WASIS II Project will continue to follow the good practice of systematically aligning pipelines in order to avoid wherever possible, installation that may cause physical and economic displacement.

On the rapidly expanding peripheries of Pemba, Tete, Moatize and Nacala, low and middle-income families and new immigrants occupy housing often in areas where they are illegal and where they have access to minimal if any public services. The income-generation driver has also caused many existing rights of way and roadsides where mains pipelines are most likely to be installed to be encroached by traders’ stalls and shops.

Taking a precautionary approach the RPF recognises the worst case scenario, the legal buffer area of 30m (15 metres either side of the centre line) of the transmission main as well as the least impact alternatives that are practically possible in the urban areas. However, taking the road reserve into account, agreements with the National Roads Administration and where necessary with municipal authorities, transmission mains pipes may follow an existing practice of being placed no less than 20m from the edge of a main road. The required corridor of construction impact should then be 30m (15m for each side of the pipeline) in and outside of the road reserve. The corridor of construction impact may be cleared and an access road for the works may be opened within it. Access for maintenance will be required in the future, and need to be planned for. As a 30m impact corridor will be impractical in urban and some peri-urban parts of the sub-project cities due to the risk of causing significant local disruption to houses and commercial structures, this has been successfully reduced in the past to 5m using manual labour instead of machines to lay the pipes. Thus in highly congested peri-urban and urban areas where the road, pavement and buildings abut one another and other areas where works are required next to sensitive public service buildings that cannot be damaged for example, the corridor may be reduced to the narrowest practical option that complies with work and sector safety standards. Thus the construction impact corridor may be reduced to around 5m when the transmission main enters into the urban part of a city. Another way of reducing risks of physical displacement has been to reach agreement with the National Road Administration and municipalities to reduce the distance of the pipeline to the road edge where permissible, taking into account rehabilitation and possible expansion of the road in the future.

Transmission mains installation and network expansion will take place in roadsides. Spontaneous settlements without proper road alignment and encroachment onto roadsides may all cause the need for compensation and resettlement. In cities where there is a good relationship and coordination between FIPAG and the municipalities, pro-active help asked from the municipality to make land-use plans to guide

settlement prior to the works. If well managed, these can avoid the need for compensation by FIPAG. Planning for wellfields within municipal boundaries are a case in point. In addition to land-use plans, effective signage and communication with local communities must also be used to avoid use of the area. If it is already used for crop production, notifying verbally and physically in the season prior the works may also avoid unnecessary compensation payments.

Where the destruction of paved roads and paved walkways will be caused by pipeline construction and access impeded to the use of common or private resources, agreements with municipal authorities and other public services to permit access, destruction and repair at the Project's cost will become necessary. Impeded access or plans that will cause destruction of private property will require prior agreements concerning access and fair compensation for inconvenience and interruption of business as well as for the planned removal of property as necessary.

Working with municipal and district local leaders, FIPAG's Department of Supply Zones (DZF - *Departamento de Zonas de Fornecimento*), the Studies and Projects Offices (GEP) and Technical Department (DP – *Departamento Técnico*) in each city, most of whom have social intermediation skills, during planning and implementation of network expansion may help minimize the negative impacts by specifically identifying potentially affected vulnerable groups early on in the process. The DZF works directly with consumers and stakeholders, mainly receiving complaints and dealing with these on an individual basis.

The network expansion planning process will bring together technical information management and participatory planning methods (consultation and communication), that will mitigate as effectively as possible the adverse impacts of unavoidable acquisition of land use rights and involuntary resettlement. A key mitigating tool is the potential for effective communication via local leaders and DZF staff.

The costs of resettlement can add significant amounts to project budgets. Where it is not possible to choose another location; alignment of boundaries for project activities, adjusting siting criteria, or changing construction techniques to avoid pockets of settlement and reduce the surface area of impact respectively should be explored and adopted as long as the Project is still economically viable. Compensating many people for minor or partial land acquisition may cost far less than physically relocating a few affected families to an area close by and ensuring that their livelihoods are as little disrupted as possible or providing them with income-restoring alternatives. These potential impacts must be reviewed at the sub-project planning stage. Sub-project screening will identify appropriate resettlement and compensation planning procedures.

5.3 Sub-projects Screening

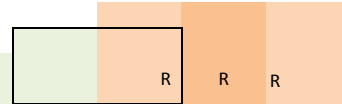
A preliminary review carried out for the preparation of this Resettlement Policy Framework has identified that all the new transmissions mains to be constructed are likely to cause physical displacement. Physical displacement is not likely at any of the distribution network development sites, but due to the sub-project details not yet being known, it may be possible that it is caused as a result of a sub-project, and resettlement may be required. Partial economic displacement will be caused by sub-project implementation in all cities. Figure 5-1 below shows graphically possible displacement and types of responses that may be appropriate.

Figure 5-1: Ownership Situations and Strategies for Compensation

OWNERSHIP SITUATIONS

Situation 1

The plot is partially within the ROW and the other part is not affected. No structure exists.



Situation 2

The affected plot is largely in the ROW and the remaining part outside the affected area. No structure exists.



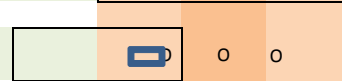
Situation 3

Affected plot in its entirety is within the ROW. No structure exists.



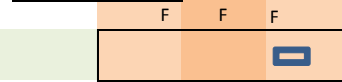
Situation 4

There is a house in the affected part of the plot.



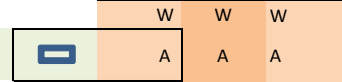
Situation 5

The entire plot and house are affected.



Situation 6

There is a house in the part of the plot that is not affected.



COMPENSATION SITUATIONS

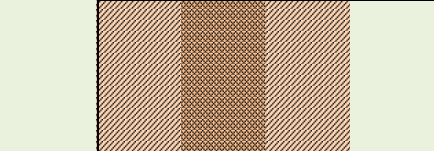
Situation 1

Cultivation may take place within the boundaries of the ROW subject to height limitations. The loss of value resulting from this restriction will be compensated monetarily.



Situation 2

The portion of land within the ROW shall be subject to the same limitations as Situation 1 and a loss of value will be compensated monetarily. All rights to land within the ROW shall be compensated as an area due for expropriation. The perennials in this area will also be compensated. Compensation of 'land for land' will be proposed as an option in the case of the remaining land area not being sufficient for household subsistence.



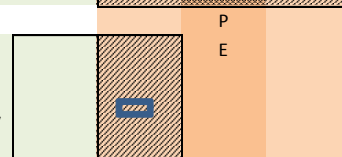
Situation 3

As in Situation 2. Compensation of land for land is also available as an option if the household does not have enough land area.



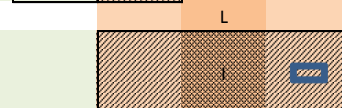
Situation 4

With regard to compensation of land, Situation 4 is identical to Situation 2, but in this case the house will have to be moved. If the household has the ability to transfer to the unaffected part of their plot and the remaining part is sustainable, the situation is identical to Scenario 2, with additional monetary or in-kind compensation for the house.



Situation 5

The PAPs should leave the plot. They will be offered land for land compensation and replacement of the house. The PAP may prefer monetary compensation and self-resettlement if conditions are propitious.



Situation 6

The house does not have to be removed. Situation 6 is identical to Situation 2.



Restrictions on Land Use

ROW: limitations on land use (no structures)

Access corridor: an area that should remain free to access

Legend:

PAP - Project Affected Person

ROW - Right of Way

Source: Adapted from ESG/WS Atkins / G. Govanneti, cited in IFC Handbook for Preparing a Resettlement Action Plan

As the Project will cause displacement and require acquisition of land use rights (mainly for ROWs) FIPAG should conduct a concise Land Acquisition Assessment (LAA) as a screening mechanism to identify what kind of resettlement planning will be required. The screening process is useful and it is an obligatory World Bank requirement. Thus where encroachment over the past few years means that physical and/or economic displacement will occur or land use rights will need to be acquired, an adapted simple LAA can be incorporated into the screening process to be used for these projects (See [Appendix 15.4](#)). If this screening device detects the likelihood of displacement then it must be submitted to the World Bank for identification of what type of resettlement or compensation planning will be necessary. This RPF and World Bank policy OP 4.12 will be used to guide the development of an action plan.

Under Mozambican law all projects must be screened using a standard checklist to identify whether an environmental assessment (EA) is necessary. Should screening identify the displacement of any people, this fact will demand sub-project categorisation as ‘A’ and a full Environmental Impact Assessment (EIA). A simple EA or more complex EIA may be undertaken depending on the nature and size of the potential environmental and social impacts. In all cases, a scoping phase to define the terms of reference for the EIA will identify the scale of displacement likely to be caused by a project and general potential impacts of this. Both screening methods will be carried out as part of sub-project development in the WASIS II Project.

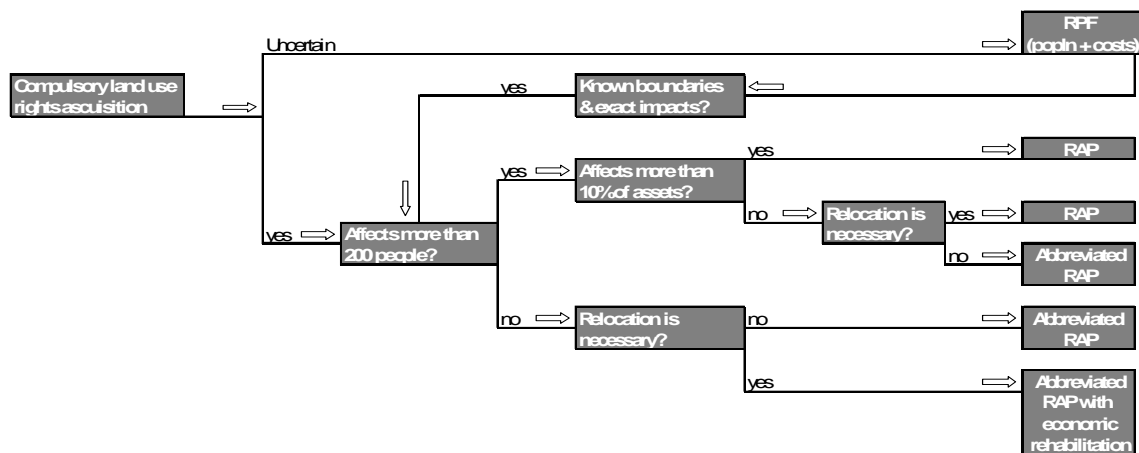
The EIA itself will include a social impact assessment (SIA) that will identify and quantify impacts and the numbers of people affected or displaced by the sub-project. A socio-economic baseline survey would then include a census of all displaced people and provide the basis for estimation of impacts on the population. EIAs require extensive and reported public consultation during preparation. Mitigating action plans are also required to be prepared as part of the EIA. EIA / ESIA mitigation plans should outline the procedures used to minimize the negative impacts on the community as whole or on part of it or on single households. Where these require resettlement and / or compensation, according to World Bank requirements, these procedures will be defined in detail in a Resettlement Action Plan (RAP).

5.4 Selection of the Resettlement Planning Instrument

When Project impacts mean that less than 200 people must be relocated or if these people are not physically displaced but lose less than 10 percent of their assets due to the project and resettlement is not complex, an ARP may be prepared. When activities cause impacts of a greater magnitude than these (≥ 200 people affected) or resettlement is complex to plan and implement a full RAP will be required. An ARP is prepared when there is little or no physical relocation required but where compensation for damages, loss of property or loss of access to livelihoods resources needs to be planned and budgeted for.

Decision-making regarding the appropriate instrument will use the process identified in the diagram below:

Figure 5-2: Instrument Selection for Resettlement Planning



A RAP may be substituted with an ARP which is used if the scale of impact is low¹. It describes the project activity and actions to minimise resettlement and / or compensation; it provides an officially certified survey of displaced persons, an asset inventory and valuation and, if appropriate, a socio-economic survey. It describes in detail the compensation and other resettlement assistance including entitlement to

1.1

¹ An ARP is used when the magnitude of impacts is low and it comprises predominantly of compensation details for economic displacement and may include small numbers of physically displaced households needing resettlement.

participation in alternative livelihoods development activities to be provided. It also describes the results of consultations with displaced people about acceptable alternatives. It must identify institutional responsibility for implementation and procedures for grievance redress, as well as arrangements for implementation and monitoring. An implementation schedule and detailed budget are required.

5.5 Using the Results of Screening

In the case that proposed work sites are occupied, a date for a moratorium on occupiers' construction activities and investments in permanent improvements on Project development land such as tree crops for example will be declared early in the planning process. A census of affected people and their property carried out at this time will identify those who are eligible for compensation, minimize the impacts of exclusive land use by the Project at a later date, and avoid later encroachment.

A moratorium should not be maintained for a long period, as this creates antagonism among local people which may subsequently jeopardise the success of the Project and may negatively affect some people's livelihoods. A moratorium should not last a full agricultural cycle otherwise livelihoods support will be required. It should preferably be planned to occur during a period as long before the planting season as possible and be planned to cease at the time of the planting season whenever possible.

FIPAG has experience with linear projects and has used strategies to reduce the magnitude of impact on local residents requiring compensation and resettlement by agreeing to families shifting their houses to unaffected areas close to their original locations and using compensation for lost property plus alternative land, clearance and starter packs to re-establish themselves or agreeing to other forms of compensation from participation in development activities. FIPAG has up to now used compensation tables for annual and permanent crops from the Provincial Agricultural Directorates where a sub-project is located. FIPAG personnel will work with municipal and local government representatives and resettlement commission to ensure fair assessment of values of losses requiring compensation.

Where applicable, the location of resettlement sites will be as close as possible to the originally occupied area. Resettled people will have access to services and to livelihoods sources, be these land for cultivation or markets for trading. The conditions of the new location must aim to be no worse, and preferably better for the resettled people than their previous conditions. Settlers' tenure in the new location will be secured formally to the extent possible.

In linear projects such as the transmission mains, the impact of resettlement on communities already living in the resettlement area, the 'host' communities, is usually very low because mostly small parts of people's property is affected the need to physically move minimized. However, displacement of people and their houses and fields in areas that may already be occupied by host communities means that impacts of resettlement on host communities must be taken into account.

People's preferences about where they would like to live and cultivate and how this can best be achieved must be considered during resettlement planning. Given that people differ in their capacity to manage their resources and the pressures of having to secure livelihoods often means that the weaker ones benefit less, a system for monitoring resettlement and the rehabilitation of resettled people must also be implemented. Monitoring will support rapid response to grievances and detected signs of negative impacts.

Since formal records are not changed for relocation in informal settlements, land tenure status will be assessed for every party affected by a Project activity. Every claim for compensation will be treated on a case by case basis. Individual consultation and verification with local leaders and neighbours will involve written records of all meetings and their results. Agreements signed by all relevant parties will identify the losses incurred and the terms of compensation and resettlement. This documentation will defend FIPAG against unjust claims as well as protect the rights of the affected party.

5.6 Vulnerable People

Vulnerable households may have different land needs from most households, or needs unrelated to the amount of land available to them. Vulnerable households include: (i) vulnerable women; (ii) children, especially orphans; (iii) young people; (iv) handicapped people; (v) the elderly; (vi) families affected and/or infected by HIV/AIDS, among others.

Given that it is common for the least well-off to gain their livelihoods from a variety of labour services and small trading activities, consideration of adequate affordable substitution of livelihoods options will be discussed and implemented so that the most vulnerable people are not left worse off than they were before.

Work carried out by Service Providers/FIPAG to identify local people's relocation and compensation preferences and priorities during pipeline route design planning and later during resettlement and compensation planning and implementation provides an opportunity to specifically identify potentially vulnerable groups early on in the process. These may be people who may benefit less from compensation actions due to their social status (women and/or youth and/or the elderly). It may also include families for whom the social and/or economic costs of development improvements may be unexpectedly high such as in the case of loss of property or access to income sources or resources.

6 Preparation and Approval of Resettlement Action Plans

6.1 Overview

FIPAG is responsible for water supply infrastructure development in the project cities. The management of new projects within those cities is conducted at central level by the Central Services of Project and Investment (SCPI – *Serviços Centrais de Projecto e Investimento*). The SCPI has environmental and social safeguard expertise provided by Environmental Specialists.

The processes for preparing and approving RAPs and Abbreviated Resettlement Plans (ARPs) are discussed in below.

6.2 Resettlement Action Plans Preparation

The RPF will guide sub-project specific RAPs or ARPs, which will be prepared by FIPAG in consultation with other parties responsible for resettlement. The Plans will define the actions to be taken to properly resettle and compensate affected people and communities as they are identified.

Public consultations in relation to the RAP/ARP are prescribed by national legislation to take place at key decision points in the planning process, starting with inception and planning when the potential lands and alternative sites are being considered, compensation package alternatives and in order to review the Draft RAP/ARP. A participatory approach is to be adopted as an on-going strategy throughout the entire project cycle starting with the RAP/ARP preparation.

The Central Services of Projects and Investments will be responsible for the development for public information, discussion and agreement of a draft RAP or ARP developed in accordance with the principles and procedures of this RPF. Each draft RAP or ARP will be submitted to the District Government and the World Bank for approval prior to implementing the compensation process and the start of civil works. Approval of the RAP/ARP by the District Government will allow the Environmental License for the sub-project to be secured and thereby, permission to advance with resettlement site preparation. If the location of a resettlement site is likely to cause negative environmental and social impacts then an environmental assessment of the resettlement project may be required, which may add substantial time to the RAP/ARP preparation process.

The scope and level of detail of a RAP varies with the magnitude and complexity of the resettlement involved. Assessment for the ESMF and RPF indicates that Project activities will result in involuntary resettlement impacts scattered along the transmission mains requiring a full RAP or ARP in localised areas.

An RAP will minimally present:

- A description of the project activity and actions to minimise resettlement;
- An officially certified survey of project affected persons (census), asset inventory and valuation;
- Socio-economic survey;
- A detailed description of compensation and other resettlement assistance including entitlement to participation in alternative livelihoods development activities to be provided;
- Results of consultations with project affected people about acceptable alternatives;
- A description of institutional responsibility for implementation and procedures for grievance redress;
- Arrangements for implementation and monitoring; and
- A timetable and budget detailing all costs, including relocation, compensation, administrative costs and monitoring fees.

The indicative content required to be presented in a RAP is found in [Appendix 15.5](#). A RAP is more detailed than an ARP and includes a socio-economic baseline survey with at least 25 percent of households to help provide the baseline and indicators for livelihoods restoration monitoring. Both the

ARP and RAP require a census and household asset inventory and valuation with 100 percent of affected households.

6.3 Institutional and Organization and Responsibility

FIPAG has an Environment Specialist (ES) at the Central Projects and Investments Services (SCPI), in Maputo, responsible for environmental and social issues planning, management and supervision. Each Operational Area responsible for the Project cities has a Standpipe Management Unit (UGF – *Unidade de Gestão de Fontanários*), under the Supply Zones Department (DZF - *Departamento de Zonas de Fornecimento*) which is responsible for community liaison and an Office of Studies and Projects (GEP – *Gabinete de Estudos e Projectos*) under the Technical Department (DP – *Departamento Técnico*) responsible for operational projects. Together they are responsible for local strategic planning, communication mechanisms, customer relations and complaints. Compensation and resettlement issues will be centrally managed by the Environment Specialist with local support of the DZF, GEP / DT.

A specific officer from the Operational Area should be attributed no less than 50% of his/her time to support the ES organising and directly supervising resettlement implementation at local level, and where necessary, provided with field facilitators. One or more service providers may be contracted to facilitate the social and organisational aspects of resettlement implementation. Although participation of these service providers in the consultation process required to prepare the RAP/ARP would be advantageous, it is likely that due to the new resettlement legislation, the RAP/ARP will be prepared by the EIA consultant.

Due to legislation changes, an environmental license can only be provided for a project once the proponent has a RAP/ARP approved by the District Government via the newly legislated Resettlement Technical Commission structure in the process of being established from central to district levels. The EIA consultant would be responsible for stakeholder consultation, facilitating and supervising compensation negotiations and agreements and producing the draft RAP/ARP.

A major challenge for linear resettlement is managing the problems that frequently arise when resettlement actions have to be coordinated across multiple administrative jurisdictions or different cultural and linguistic areas. Administratively each district and city are the base levels for planning. The multi-stakeholder District Resettlement Commission (DRC) should be established in each district affected by the sub-project if it has not already been for other resettlement projects. The DRC will supervise and monitor all resettlement planning and implementation in its administrative area. The District Government must approve all RAP/ARP after the opinions of the central Technical Commission for Resettlement Supervision and Monitoring and the Provincial Resettlement Commission have been obtained. The DRC must participate in all four mandatory public consultation meetings required at specific stages of the resettlement planning process.

The National Directorate of Territorial Planning and Resettlement and Provincial Directorate for Environmental Coordination are responsible for leading the Resettlement Commissions at central and provincial levels and the District Administrator at district level. They are charged with ensuring compliance with the resettlement and territorial planning legislation as well as supervision and monitoring of all resettlement planning and implementation. The Resettlement Commissions at central and provincial levels involve other government institutions in the supervision and monitoring process as well as the project proponent, and the DRC includes representatives of project affected people – usually drawn from the Community Resettlement Committees, representatives of civil society, private sector and the project proponent.

The Provincial Directorate for Public Works Housing and Water Resources (DPOPHRH) will be responsible for assessing the value of structural assets for compensation or replacement, and the Provincial Directorate of Agriculture (DPA) for assessing agricultural assets. These responsibilities may be delegated to the District Services where there is capacity installed to perform them. Municipalities will also be

involved in asset evaluation as well as in communication and identifying alternative land areas to resettle Project affected people.

Participation in resettlement planning begins at the local level. Local leaders and representatives from local communities affected by the Project will be included in the Community Resettlement Committees in a given area containing families due to be displaced. [Appendix 15.6](#) shows the integration of the multiple entities involved in the resettlement process and the institutional organization for preparing a RAP/ARP.

The involvement of the above entities will be solicited by FIPAG or its Service Provider.

6.4 Approval and Disclosure of Resettlement Action Plans

FIPAG will engage a consultant to prepare a RAP /ARP giving details of all the Project displacement impacts in terms of the numbers of all Project Affected Persons plus their properties and values, details of the resettlement site and house design as well as an EIA of this area if necessary. A draft RAP/ARP should be submitted to FIPAG's Executive Director for disclosure and the World Bank for review. During the disclosure period, the RAP/ARP should be presented and be made available for public consultation in an abbreviated and/or full form as appropriate for the audience and at accessible locations in an appropriate language in or close to the sub-project area. Feedback obtained from disclosure must be incorporated in the final document.

National legislation requires that the RAP/ARP is approved by the District Government after the opinions of the central Technical Commission for Resettlement Supervision and Monitoring and the Provincial Resettlement Commission have been obtained.

It should be stressed however, that a RAP is essentially a working document, and as the situation on the ground changes, amendments may be needed, and these may be annexed to the original RAP following a similar disclosure procedure.

7 Eligibility Criteria and Displacement Procedures

7.1 Overview

Determination of the eligibility of the occupants or users of the properties to be compensated by the Project shall be done through a transparent and legal process, taking into consideration existing laws of Mozambique, policies of the World Bank and local customs.

7.2 Categories of People Affected by Project

Implantation of infrastructure development projects may involve the physical relocation of people resulting in their loss of shelter, productive assets and access to productive assets to various degrees. The World Bank considers this physical displacement. In addition to physical displacement, families may also be affected by economic displacement, the results of actions which interrupt or eliminate their access to and use of productive assets, although they themselves will not be physically relocated.

The World Bank's involuntary resettlement policy is designed to ensure that people who are physically or economically displaced as a result of development projects are no worse off than they were before displacement. The Project proponent has the additional opportunity to provide means of re-establishing livelihoods aiming to ensure resettled families become better off than they were before.

Assessment of the degree of impact on livelihoods should take place for all sub-projects causing potential displacement revealed by the sub-project screening process. It is likely that the scale of displacement

impacts will be very low for network development and expansion of household connections but for transmission mains pipelines and water production areas displacement impacts will be greater.

Categories of people who lose assets will be likely to include those indicated in the table below, however others may be identified during the development of RAPs/ARPs and compensation plans for sub-projects that require them. Households in which single members are affected by the sub-project are considered affected family units. The exact numbers of displaced people, the degree of impact on the families' livelihoods (their losses, ownership status, tenancy status etc.) will be determined during the process of developing the RAP/ARP.

Table 7-1: Criteria for assessment of potentially affected families

Impact Type	Description
<i>I.</i> Full physical displacement. Full physical and economic displacement.	<i>Families living in sub-project site areas.</i> Families that will lose their houses and other structures only. Families that will lose their houses, other structures and part of their farm plots and produce.
<i>II.</i> Partial economic displacement	<i>Families living outside sub-project site areas, which practice agriculture in the project area.</i> Families that will lose part of their farm plots and produce.
<i>III.</i> Partial economic displacement. Partial economic displacement.	<i>Families who only live and cultivate in a sub-project area during the agricultural period.</i> Families that will lose houses and/or other structures. Families that will lose houses and/or other structures and part of their farm plots and produce
<i>IV.</i> Partial economic displacement.	<i>Families who carry out small businesses (with permanent or temporary structures) in a sub-project area</i> Families that will lose income from closure of business and who lose structures erected for this activity in the project area.
<i>V</i> Partial economic displacement	<i>Families living in rented houses that are located in the project area.</i> Families that will lose the house they rent to live in.
<i>VI</i> Partial economic displacement	<i>Families living or working in rented houses in the sub-project area on a seasonal or occasional basis related to livelihood/income</i> Families that will lose the house they rent and occasionally occupy as shelter or to carry out business.
<i>VII</i> Partial economic displacement	<i>Families renting houses used by others located in the sub-project area</i> Families that will lose the house they rent to others and/or other structures short or longer term.

7.3 Land acquisition and Expected Categories of People Affected by Project

The expected economically or physically displaced persons can be categorized into three groups, namely; Affected Individual, Affected Household and Vulnerable Groups (which may include, HIV/AIDS affected persons, orphans, the elderly, disabled, women headed households, etc).

Households are usually the unit of survey for property impacts. However where formal or informal commercial enterprises are affected by a sub-project, these may be activities of individuals whose households may not be in or near the sub-project's impact zone.

Vulnerable groups are identified as early in the process as possible so that special attention can be paid to them. Thus their needs can be identified from the socio-economic baseline study and census so that (i)

they are individually consulted and given the opportunity (i.e. not left out) to participate in the sub-project activities, (ii) that their resettlement and compensation is designed to improve their pre-project livelihoods (iii) special attention is paid to monitor them to ensure that their pre-project livelihoods are indeed improved upon, (iv) they are given technical and financial assistance if they wish to make use of the sub-project grievance mechanisms, and (v) decisions concerning them are made in the shortest possible time.

7.4 Eligibility for Community Compensation

Communities permanently losing use of land and/or access to assets and or resources under statutory rights are eligible for compensation. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is restored.

However when public use assets include public toilets, a market place, taxi parks, schools or health units for example, agreements for avoiding impacts or substitution of these are made with the relevant government sectors or municipalities. It is highly unlikely that compensation for community assets will be required within this Project.

7.5 Procedure for the Assessment of Rights to Compensation

Procedures for assessing entitlement to compensation and other forms of assistance should be organized along the following lines:

- A census of all people who will be affected by the sub-project should be carried out in its early planning stages. This will identify those eligible for assistance and discourage an inflow of people ineligible for assistance. Names of all family members and their relationship to the head of the household, details of resource use and location and household location must be registered;
- Together with the local authority (neighbourhood secretary or similar), local influence leaders and a representative from the municipality the sub-project developer must investigate the basis of each claim of the identified families. Information should be cross-checked through initial interviews with the local leaders on their own, followed up with visits to each affected family to make a detailed register of all affected assets;
 - The inventory should record numbers of houses, the area they occupy, age, and condition, as well as the types of crops, their age, productivity and quantity and size of land areas taken and all other non-farm livelihoods sources;
 - Assessment of the families with partial economic displacement claims should be sensitive to the complexity of obtaining access to and using livelihoods resources, so that it may be established which families will genuinely lose use of, or income from these as a result of project development.
- The decision about entitlement will be made by the Project Authority following analysis of all claims. Each family eligible for compensation or other assistance must then be informed of the basis of the decision and the options for assistance they have;
- This process must be fully documented for the RAP/ARP, including the decisions taken and their reasons at every step of the way. Should complaints be lodged against decisions about eligibility, these must be dealt with through the established procedures for communicating grievances described;

- Agreements on compensation types, location for resettlement and amounts must be signed by each family and witnessed by a local leader and government officer. The document will serve to clarify the rights of affected families and defend the Project developer in the case of any claims against it.

7.6 Cut-off date

In accordance with OP 4.12 and the expropriation legislation, for each sub-project under WASIS II that entails displacement impacts, a cut-off date will be determined, taking into account the likely implementation schedule of the sub-project. In line with OP 4.12, the following categories of affected people will be eligible to resettlement assistance:

- Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- Those who do not have formal legal rights to land at the time of the cut-off date but have a claim to such land or assets-provided that such claims are recognized under the laws of Mozambique or become recognized through a process identified in the resettlement plan.

If people must be displaced from a location, a date for a moratorium on occupiers' construction activities and investments in permanent improvements on the land such as new tree crops for example should be declared by the Project Authority. Establishing a cut-off date as early as possible in the planning process will prevent people who encroach on the area after the cut-off date, from obtaining compensation or any other form of resettlement assistance to which they are not eligible.

The cut-off date for each site should be chosen by the Project developer in close consultation with the Local Authorities and other agencies responsible for land administration, together with the traditional and local influence leaders, as soon as possible after the affected people are identified. This process must be in full compliance with the conflict resolution mechanisms in this RPF and this date must be communicated effectively to the potential project affected people and surrounding local communities. The local communities and traditional leaders will play a crucial role in identifying land users.

To prevent claims from people arriving after the cut-off date, a census of displaced people and their property will be carried out at this time to identify those who are eligible for compensation. This is required for the development of the RAP/ARP. The census will identify eligible occupants and establish the size and quality of structures, current land use, and other relevant information.

The census should be carried out in the initial stages of project identification and as soon as tentative location and physical boundaries of the project can be established. It may be carried out as part of the socio-economic baseline study for the ESIA carried out by independent consultants if a full baseline study is implemented at this early stage of sub-project planning.

The census should be accompanied by a photographic record which can assist in later verifications of the land-use and livelihoods activities at that time, and form part of the baseline records of displaced people.

8 Method for Valuing Affected Assets

8.1 Overview

The World Bank emphasises the importance of establishing methodologies for calculating compensation that should be applied consistently to all people affected by the Project in order to protect the Project developer from unjustified and exaggerated claims.

8.2 Calculation of Compensation

Although the basic formula provided through the Mozambican legal framework for valuation of houses used for living and business purposes is referred to in the expropriation decree (n.º 181/2010), in order to comply with World Bank requirements the final assessment value must be made using full un-depreciated replacement costs. Monetary compensation for a house or ancillary structure will be the full un-depreciated value of replacing the original house / structure.

The reason for adopting World Bank recommendations is that the expropriation formula take the value of the building when new (area of construction, factoring in location, importance, and quality of construction) subtracting the loss due to depreciation (annual percentage taking into account age, conservation and antiquity of the building) as the current value.

The valuation of tree crops and annual standing crops is made by Provincial or District Agriculture technicians based on a standard formula referred to in the expropriation decree and referred for use by the Government. Calculation of fruit tree values account for the type of tree, its age, health, years of production, annual production and the estimated market price of this.

8.3 Preparation

As a first step an information sheet explaining eligibility, compensation rates and other entitlements, a timetable for implementation and information about grievance procedures should be produced in the local languages and in a clear easy to understand format. Information about the sub-project and progress in the resettlement process will be regularly updated and provided to the project affected people.

Basic principles of the compensation process should be presented to project affected people with the aim of securing their agreement with them. These would include the following:

- That the affected families agree with methods of assessment and valuation, deeming them fair and adequate. This should be established at the start of the process through consultation at community level;
- The compensation level will be sufficient to enable people to restore their productivity and standards of living after compensation / resettlement;
- Compensation payments will be made before assets are acquired for the development project and prior to resettlement - unless payments are staggered after resettlement to permit use of the money for its intended purpose, the restoration of livelihoods;
- Compensation payments will not be made in any way that puts the receiver in a position of insecurity. It is preferable to make payments through a post office, bank or other recognized institution;
- Local currency payments should take local currency fluctuations and inflation into account using a correction index.

8.4 Inventory and Evaluation of Assets Value

The second step, valuation of affected assets, is carried out by facilitators through a consultative process with the asset owners or users during the preparation of the RAP/ARP. The objective of the consultation process is to (a) carry out an objective assessment of the assets, and (b) arrive at an agreement on the form and amount of compensation due for them.

All shelter assets should be carefully examined and measured so that it is ensured that houses constructed in substitution are of better quality than the original ones. The materials and quality of construction of substitute houses should be carefully monitored so that these houses are well built and durable.

After the valuation of assets is calculated, the resulting figures must be verified with the affected family in a process of discussion with the heads of households owning the assets. The procedures for realizing the valuation of assets is outlined below.

8.5 Valuation procedures

- a) A mixed team with representatives from the local authorities, local leaders, Provincial Directorate of Agriculture / District Agricultural and Economic Services and the Provincial Directorate of Public Works Housing and Water Resources / District Planning and Infrastructure and the Municipality Services should be assembled to carry out an inventory of assets that will be lost.
- An inventory must be made of the assets that will be lost by each family, including physical structures: houses, latrines, stalls for sales of goods, shops, workshops, warehouses, wells and corrals; crops in the ground, land area for cultivation, residence, business; tree crops and income generating activities. It is important at this stage to gather enough information to be able to identify the total income per family and the proportion that will be interrupted or lost due to sub-project activity.

Follow-up to verify compensation procedures and dues with each family will identify any with high proportions of land / crops / livelihoods sources lost.

- Procedures for calculation of compensation values will involve:
 - Identification of all shelter assets with the objective of the Project developer replacing these with buildings of a better quality in locations chosen by the resettling families;
 - Attribution of monetary values or materials at agreed-to rates equivalent to current replacement costs for shelter assets owned by families who only come to use their shelters in the Project area in the agricultural season or for occasional trade;
 - Attributing monetary values to the crop assets affected by the sub-project according to rates per crop calculated by the government agricultural sector and agreed on by the affected families;
 - Attribution of assistance to find suitable alternative accommodation to rent to families renting and living in houses that will be lost;
 - Attributing monetary values and/or alternative livelihood opportunities to cover the period of interrupted income receipt for those with businesses wholly or partially affected by Project development.
- All compensation agreements should be recorded and signed with local witnesses as well as the signed verification of the local authorities. Copies of these documents should be held by the affected family and the Project Authority (FIPAG);
- Any productive land areas provided under the World Bank's 'land-for-land' compensation policy should be of equivalent or better productive potential in relation to the original land cultivated. They should be in an area of preference of the people being displaced as close as possible to the original land area, and they should be clearly identified prior to resettlement. Compensation for land that originally had standing crops should be provided already cleared and prepared for seeding. This may be done using local labour;
- If it is expected that resettlement will significantly disrupt the lives of affected individuals and/or families; families who are being resettled should be offered alternative livelihood source options.

Resettling individuals and/or families should have access to learning about alternative appropriate income generation;

A summary matrix that shows probable categories of displaced people, how these may be entitled to various types of compensation and other benefits from the Project.

Table 8-1: Entitlement Matrix

Category of Project Affected People	Type of Loss	Compensation for loss of Structures	Compensation for loss of Assets	Other assistance
<i>Families living in the development project area.</i>	Loss of physical assets and loss of livelihood sources (agricultural, trading locations)	Replacement of all structures	Cash compensation for lost standing crops and provision of alternative land for cultivation. Cash compensation for loss of property according to un-depreciated replacement costs	Assistance with food subsidies or employment until livelihood re-established; moving assistance; fruit tree seedling package; post-resettlement support; cash compensation for period of interrupted trade, livelihoods and income generation development support.
<i>Families living outside the development project area who practice agriculture in the area targeted for construction.</i>	Loss of standing crops and use of land for agriculture		Cash compensation for lost standing crops and provision of alternative land for cultivation	If alternative land is not provided with time to guarantee the next harvest and if the subsequent losses represent more than 50% of family livelihoods source, a food subsidy may be necessary.
<i>Families who only live and cultivate in the project area during the agricultural period.</i>	Loss of physical assets and loss of use of land for agriculture	Cash or (construction) material compensation for lost structures	Cash compensation for loss of crops and provision of alternative land for cultivation	
<i>Families living outside of project area, & only cultivate there in agricultural period.</i>	Loss of standing crops and use of land for agriculture		Cash compensation for loss of crops and provision of alternative land for cultivation	
<i>Families who rent houses in the project area.</i>	Loss of rented shelter			Assistance to find alternative rented accommodation.
<i>Individuals or families with a house / market stall / shop in the project area as livelihoods source.</i>	Loss of structure and interruption of income	Replacement of structure, construction materials or cash compensation	Cash compensation for loss of property according to un-depreciated replacement costs.	Cash compensation for period of interrupted trade. Assistance to develop alternative comparable income generating activity.
<i>Families who own property in the project area rented to or used by others</i>	Loss of property	Replacement of structure, construction materials or cash compensation	Cash compensation for loss of property according to undepreciated replacement costs.	
<i>Families living adjacent to areas</i>	Damage to physical assets	Compensation paid by the	Cash compensation paid by the contractor	None.

Category of Project Affected People	Type of Loss	Compensation for loss of Structures	Compensation for loss of Assets	Other assistance
<i>where construction will take place.</i>	and loss of livelihood sources (agricultural resources)	contractor according to undepreciated replacement costs.	for lost standing crops and damages to property according to official unit values.	

9 Organizational Procedures for Delivery of Entitlements

9.1 Overview

The World Bank and Mozambican legislation (decrees n^o. 23/2008, 181/2010 and 31/2012) identify organizational procedures for compensation delivery. Those procedures should be applied consistently to all people affected by a sub-project, as shown below.

9.2 Organizational Procedures for Meeting Resettlement Requirements

At the resettlement planning stage, FIPAG in consultation with local authorities and leaders will use the guiding principles presented in this RPF and identify the land required for the Project including areas designated for resettlement. Site identification is a responsibility of the DRC in collaboration with the Project Authority implemented via its Operational Area GEP staff and local technical staff from SDAE (District Service of Economic Activities). Resettlement areas must be acquired, demarcated and adequate access to public amenities ensured prior to house construction and resettlement.

This will involve payments for land acquisition, plot surveying and planning according to the Land Law and Regulations and municipal physical planning norms. The design of houses will be based on locally approved designs. Preferred construction materials will be those that permit rapid good quality construction since this activity is usually carried out under time constraints.

Once a site for resettling has been selected and agreed to, FIPAG's local Operational Area staff and the DRC will lead the process for the land to be officially allocated to the affected person. If the replacement land is in an area where land issues are governed by customary norms and practices suitable allocation arrangements will be made with the local administrative and traditional leadership. If the replacement land is in an area where land issues are not governed by customary norms and practices allocation will need to follow the legal procedures for registering and possibly, issuing title in terms of the Land Law and Regulations. The procedure requires an application to be made through the District Government to the Provincial Services of Geography and Cadastre or the Municipal Cadastre Services and may take between two to 12 months.

9.3 Assistance Procedures and Compensation Payment

- After agreement is reached and documented on compensations forms and amounts, different types of compensation must be delivered.
- Monetary compensation must be organized and payments made to project affected people before resettlement through a bank or other authorized institution.
 - Compensation for lost crops is best paid at a time that is directly related to the preparation of substitute areas for cultivation. When these have been identified and attributed to each family, and are ready for planting compensation may be paid, as long

- as it is not after resettlement. This is to ensure the best chance of this money being used to ensure the longer term benefits of from agricultural livelihoods activities;
- Compensation paid for interrupted business should be calculated to cover the period of time until the business is re-established. This can be minimized by the provision of alternative formalized small business facilities in appropriate areas to which people's economic activities can be relocated. Assistance may be provided to people to successfully develop their activities in the new conditions;
 - Cash compensation may be paid as a single lump sum, but for amounts over US \$450 or thereabouts families should be given the option of receiving payments in instalments. This will permit people to use the money for its intended purpose of re-establishing livelihoods and is a useful security measure;
 - All receipts of payment should be adequately witnessed, documented and receipts acquired;
 - Wherever possible payments should be made directly to recipients via a bank or other authorized entity. A coupon made out in the name of the beneficiary would be appropriate. This could be cashed in a prearranged system with a bank or at another reputable location of convenience.
- Moving assistance for relocating families must be provided to permit the transfer of all assets to the new location;
 - A start-up kit could be provided to each resettling family that is based on the basic livelihoods and health needs of the target group.

10 Implementation Process

10.1 Overview

The resettlement process should be guided by principles and mechanisms established by the World Bank's policy and the Mozambican legislation (degree nº. 31/2012 and the Ministerial Decree no. 156/2014) in order to ensure appropriate assistance to Project affected people.

10.2 Preparation of the Resettlement Site

The Project Authority will ensure implementation of resettlement and compensation plans by tasking the Environmental Specialist of the FIPAG with this responsibility ([Appendix 15.1](#)). The Project Authority may assist with strategic decisions concerning resettlement site location and development, and implementation resources and procedures.

District Governments through local authority chiefs and traditional leaders will provide land where compensation shall include land, or where land use rights shall be acquired for infrastructural development. The DRC will also take a lead role in supervising and monitoring this process, usually with assistance from a consultant or service provider. The relevant municipality or district will be responsible for detailed land-use planning, cadastre, delimitation and demarcation of sites for resettlement. Where there is no capacity in the municipality or the district, the Provincial Directorate of Agriculture's Cadastre Services should be asked to assist.

At the beginning of the implementation process the Environmental Specialist will organize technical support from the relevant Operational Area staff and the district or municipality as relevant for site demarcation and acquisition of land-use rights where necessary for resettlement and installation of other social and / or commercial facilities as necessary.

On behalf of the Project Authority FIPAG’s Environmental Specialist of the SCPI will contract additional assistance to facilitate resettlement such as contractors for house construction, consultants to oversee the construction process and social facilitators to organise implementation of the resettlement process with the project affected people. The use of the same facilitators that facilitated the consultation process required to prepare the RAP/ARP would be advantageous to promote trust and a sense of continuity among the project affected people. If this is not possible in the case of the RAP/ARP being elaborated as part of an ESIA securing an environmental license for the sub-project, then other local service providers should be sourced.

10.3 Organization for Resettlement

If resettlement or compensation are undertaken, the process begins with awareness raising at community level about procedures and timing of resettlement /compensation implementation and project development. Coordination should also be established with the DRC. The Terms of Reference for a Service Provider should be drawn up and tendered if the scale of resettlement requires it. Initial communication planning and preparation must be organized by the Environment Specialist from FIPAG together with the DZF of FIPAG’s Operational Areas.

The tender process for the Service Provider needs to ensure that candidates have the capacity to manage involuntary resettlement as needed using Social Facilitators. They must be supported with the means to carry out the social and organisational aspects of resettlement implementation at Project sites.

At the start of the resettlement implementation process, if the number of affected families in a sub-project area reaches 40 or more, a Community Resettlement Committee (CRC) will be established to represent the interests of those who will be displaced. The CRC will include representatives from the various affected areas according to their administrative divisions and may be sub-divided into working groups for the purpose of managing issues. Steps will be taken to ensure committees have gender balanced representation and that women will be active participants in decision-making. Committee members should comprise of at least 30% women, though preferably more than this, in order that their representation is adequate. The Social Facilitators will organise the creation and capacity development of the committees. The CRC will be a key forum for linking community issues, raised during resettlement implementation with the social facilitator, the DRC, the municipal authorities, the SCPI Environmental Specialist and will provide the first step in grievance resolution that if not resolved would be referred ultimately to the DRC/PRC and/or Director of Central Services of Projects and Investments .

CRCs should be trained in social and management issues and be supported by social facilitators where possible. FIPAG’s GEP and DZF representatives delegated to work with the Project, the DRC representatives and the local authorities will coordinate, monitor and supervise community consultation and participation in RAP/ARP implementation at local level. The Operational Area teams will coordinate activities in the provinces and districts and provide information to the Environmental Specialist at FIPAG. The Operational Area office must ensure a copy of all information collected locally is deposited at FIPAG’s central SCPI offices.

Social facilitators would be engaged via FIPAG’s SCPI to focus on community capacity development and give support to CRCs during and after resettlement. Since resettlement planning and implementation is statutorily required to be district based, but in this Project will largely take place in municipalities, efforts should be made to keep the number of structures created for management to as few and as effective as possible. Any needed specialist technicians or representatives of other communities with experiences to share would be contacted by the social facilitators to support resettlement implementation.

Resettlement monitoring will be carried out through the DRC to objectively assess the effectiveness of RAP/ARP implementation. In addition to monitoring during implementation, the DRC should provide a

final evaluation report of the resettlement and/or compensation activity. Where resettlement specifically affects identified vulnerable groups, their welfare should be closely monitored.

10.4 Awareness, Compensation and/or Physical Resettlement

The social facilitators will work with sub-project affected people so that they are aware of their rights and responsibilities, mechanisms for grievance presentation and redress, and the procedures that will be undertaken to effect their compensation and resettlement.

The facilitators will verify that cash compensation paid by the Project Authority is carried out transparently before economic displacement or physical resettlement of affected families. They will inform the Environmental Specialist concerning progress with house construction and any other facilities required for the resettlement area to effectively support incoming families.

The facilitators will work with people physically displaced by a sub-project to ensure that they select houses to live in and areas to cultivate or conduct commerce and other livelihood activities that are socially acceptable to all of them, the local leaders and surrounding communities. The facilitators must ensure there is widespread understanding about the rights and responsibilities of Project affected people and that potential misunderstandings are minimized.

The FIPAG Environmental Specialist will ensure houses are constructed, inspected and handed over to the municipality to hand-over to incoming families.

The SCPI Environmental Specialist will be responsible for arranging appropriate moving assistance to displaced people and further assistance during the transition or adjustment period. Such assistance may include administering material grants such as food and building materials where necessary, and providing guidance on identification and development of alternative livelihood strategies. This assistance may be provided by contracted NGOs or from the public sector and should be sourced locally.

The Project Authority will ensure instructions are made to project contractors so that they do not begin works on occupied project sites until the occupants have been compensated and where necessary physically relocated to another area.

Directly supported by the FIPAG Environmental Specialist, an officer from the Operational Area should be designated and attributed no less than 50% of his/her time tasked with organizing and directly supervising resettlement implementation at sub-project sites, and be provided with contracted field facilitators to facilitate the social and organizational aspects of resettlement and compensation implementation.

10.5 Institutional Capacity Building

FIPAG as an institution has many years of experience with implementing involuntary resettlement according to World Bank policy though Operational Area teams have no social or environmental staff at management supervision level and staff at central level are mainly environmental specialists. In addition, implementing the new resettlement legislation is complex and linear projects such as constructing water mains pipelines in the WASIS II Project that are likely to be the main causes of displacement, are not easily accommodated in the framework.

Capacity development will not be required to support resettlement and compensation planning as this is likely to be carried out by EIA consultants. Should ARPs consist only of compensation for minor losses of assets and it is unlikely that an EIA will be necessary, then compensation planning may require expertise from FIPAG. In practice, most of the areas likely to be affected in this way will be in municipal territory

and collaboration from the municipalities will be a useful addition to local capacity. Pemba Metuge is the only District affected without a municipal component in the territory. A full RAP may be necessary here and for this, an EIA consultant is likely to carry out resettlement planning and a Service Provider implementation.

Although FIPAG's Environmental Specialists have experience with implementing compensation processes, supervising decision-making about options for organisation of resettlement implementation and rehabilitation of displaced people is not a skill area that these officers or their Operational Area colleagues are usually called upon to realize. It will therefore be in the interests of the Project that DRCs are established as soon as resettlement planning is initiated, and that FIPAG maintains close coordination with these and their provincial counterparts in order to manage supervision with scarce resources.

10.6 Post-Resettlement

After physical resettlement and payment of compensation the social facilitators will monitor and provide follow-up support when situations are detected where people may not be adapting or managing to take up the opportunities for adequate rehabilitation of their livelihoods.

The municipalities may be involved in rehabilitation of Project affected people's livelihoods and promotion of small enterprise development. Technicians from the SDAE may also assist in agricultural development with resettled people as necessary.

The National Directorate of Water, FIPAG and CRA would be responsible for ensuring the availability of adequate potable water sources for resettlers and host communities where necessary and for advising on community management models for the facilities.

Municipal Education and Health Departments would coordinate with the relevant Provincial Directorates to provide teachers and health workers respectively, if needed by resettling and host communities.

FIPAG's Executive Director will have oversight responsibility for intra- and interdepartmental coordination and will be responsible for ensuring compliance concerning public consultation and disclosure.

11 Grievance Management Mechanisms

11.1 Overview

Grievance management mechanisms provide a way to reduce risk concerning reaching Project outcomes in a timely fashion and maintaining a positive community attitude towards the Project proponent. They provide an effective avenue for expressing concerns and achieving remedies for communities, and promote mutually constructive relationships. Grievance mechanisms are increasingly important for development projects where ongoing risks or adverse impacts are anticipated. They serve as a way to meet requirements, prevent and address community concerns, reduce risk, and assist larger processes that create positive social change.

Many years of national and international experience endorse an approach of open dialogue and collaborative grievance resolution to provide good business practice both in managing social and environmental risk and in furthering the developer's and community's development objectives.

11.2 Grievances

Complaints and conflicts arising from the resettlement planning and implementation process generally arise from poor communication, inadequate or lack of consultation, inadequate flow of accurate information, or restrictions that may be imposed on Project affected people. In practice, grievances and disputes that arise during the course of implementation of a resettlement and compensation program may be related to:

- Disagreement on plot boundaries, either between the affected person and the expropriation agency or between two or more neighbours;
- Disputed ownership of a given asset (two or more affected people claim that the affected asset is theirs);
- Disagreement on plot/asset valuation, especially concerning intangible value;
- With affected people involved in a resettlement-based option, disagreement on the resettlement package (the location of the resettlement site does not suit them, proposed housing or resettlement plot characteristics/agricultural potential are not adequate in their view);
- Disputed ownership of businesses and business related assets (quite often the owner and the operator of a business may be distinct individuals, which give rise to disputes in the event of compensation).

11.3 Conflict Negotiation Capacity, Celerity and Legal Solution

Whenever misunderstandings and disputes arise between implementing parties, project contractors, local government bodies and affected parties involved in the resettlement and compensation process, the preferred means of settling these will be at the level closest to the conflict as possible. The involvement of communities in awareness-raising and training concerning their rights and obligations carried out by the Service Provider; also on how to obtain legal advice and representation, and how to seek redress against what they regard as unfair practices will help equip them and their leaders to defuse situations before they turn into full conflicts. Training for technical personnel from the FIPAG Operational Areas, including technicians from the Communication and Image Office, members of the Community Resettlement Committee, municipalities and local leaders in conflict management can assist in minimizing the negative impact of conflicts.

Training in conflict management by technicians from the Communication and Image Office of and local leaders will also help minimize potential conflicts.

Project affected people with grievances concerning proposed or actual resettlement or compensation arrangements will need to present these to trusted leaders who can act as linkages as necessary to others who may be needed to resolve the problems. Grievances can initially be presented for local redress to local influence leaders or the CRC.

Traditional and other influence leaders may be members of the CRC and be involved in creating awareness and resolving local problems, or they may be used as recourse for appeal or mediation if not part of a CRC. Some social, land and resource-use related conflicts may be resolved by traditional and other local leaders. If the issues are beyond their limits of authority, the CRC may pass cases on to the neighbourhood secretaries and municipal authorities for resolution if appropriate, or to the DRC.

If issues and grievances are concerned with relationships with secondary or external stakeholders, and / or are outside the capacity of the community or local authorities to resolve, they may be communicated to the social facilitator, who is likely to have earned a certain degree of trust locally for assistance with resolution. This channel may assist in local resolution or provide a rapid channel for timely resolution involving FIPAG's Operational Area manager, or subsequently the SCPI Environment Specialist, and if necessary, ultimately the Project Authority. Alternatively, in relevant cases, the DRC or the Municipal Mayor may be approached formally by the CRC to investigate and coordinate appropriate solutions to unresolved issues within their limits of authority.

The Municipal Mayor has direct responsibility and is accountable to the citizens of the cities, often receiving grievances in relation to performance of the municipal council and its representatives. The Mayor can address the councillors whenever needed in the course of identifying the best way to respond to unresolved issues. The DRC has a formal mandate to receive and manage grievances redress in its district. This is the route formally prioritised for the CRC to appeal to when issues are beyond its competency. Grievances should be presented formally in writing. The DRC may indicate District Services or any other stakeholders at district or municipal level to participate in resolution, including FIPAG representatives, contractors or others.

Decisions on grievance redress must be recorded and communication of these to the complainant should be timely at all levels. This will promote greater trust in the communication system and improve attitudes about the project within the community. Information should normally be returned to the community using the same channels as used for its initial transmission. The results should be communicated to all other levels and relevant structures at the same time for coordination and awareness purposes.

In cases where conflicts or complaints are directed against FIPAG, municipal or government sector agencies or sub-project management, whenever possible, displaced people and communities will be

encouraged to resolve conflicts harmoniously through informal mediation by external agencies or other government officers.

When disputes cannot be resolved informally, more formal mechanisms will be required. Unresolved issues, dissatisfaction with solutions or if a community enters in conflict with a private-sector developer, may require formal recourse to the Provincial Resettlement Commission. Failing resolution there, it will be taken to Resettlement Technical Commission at central level to be resolved or passed to the Ministry or agency with titular responsibility for the investment. Provisions to appeal concerning sectoral grievances to higher levels of government such as National Directors and Ministers exist in most legislation. Should any party be dissatisfied, the grieved party may take the complaint to court where it will be dealt with under Mozambican law.

11.4 Language

For better understanding and solving a problem, the language used in communication is very crucial. It is important that the stakeholders involved in the process are able to communicate so that each understands the grievance and that there are various ways to resolve a grievance. The language most used in each city where the Project is to be implemented should be used in communications to encourage the various stakeholders to present grievances freely and in order to gain a certain amount of understanding and trust in resolution procedures.

11.5 Registration of Grievances

If a sub-project entails resettlement or compensation, the implementation agencies will establish a register of resettlement and compensation related grievances and disputes. The existence and conditions of access to this register (where, when, how) shall be widely disseminated within the affected area of the city or district as part of the consultation undertaken for the sub-project in general. Any grievance that may arise from the RAP/ARP will be filed in the first instance upon presentation to the CRC, from which, if not resolved it will pass to the DRC or the FIPAG representative, and will be registered by the Operational Area management for further action locally or by the Environmental Specialist from FIPAG

12 Arrangements for Funding Resettlement

12.1 Overview

This section outlines the arrangements to fund resettlement. Estimations have been calculated for resettlement and compensation based on present costs, factoring in the likelihood that the construction phase will be implemented over the next three years.

Estimated costs presented in this RPF will be updated as RPA/ARPs are produced and implemented. It will be important that the RAP/ARPs elaborated in the detailed design phase can show that all efforts were made to avoid sites where the sub-project will affect private structures or crops. This may also be achieved by reducing the ROW from 30 to 5m wherever possible.

12.2 Cost Estimate

The cost estimate for the implementation of resettlement is based on an approximate cost per family of US \$5,377. It is recommended that RAP/ARPs should be grouped in a way consistent with civil works contracts that are defined by the Project. This will ensure consistency in timing and approach.

Table 12-1 below shows the total estimated value of \$5,377,571 for resettlement and compensation for partial socio-economic impacts for the estimated losses following guidelines in this RPF. Many cases will be compensation for crops and minor property losses due to construction of boreholes in the Project's distribution component, however, higher costs will be due transmission mains construction for water production causing physical displacement and requiring full RAPs.

The calculations are based on consideration of the costs of a Service Provider preparing resettlement action plans for sub-project sections (line A). Overall management of the planning and implementation process by the proponent (line B) is included. The estimate covers the costs of RAP implementation by a Service Provider with Social Facilitators responsible for community liaison, information management and community capacity development activities (line D). The figures provide for measures to reduce negative impact including estimated monetary compensation for losses including crops and business activities, as well as replacement of houses in-kind and alternative arrangements for lost access to use of land (lines E and F). The value of lines E and F will vary per RAP depending on the real distribution of assets and livelihoods that will be lost and require compensation but for the purposes of calculation an estimate has been made of an equal division between the ten contracts mentioned above. An estimated amount for internal and external monitoring is provided (line C) as well as local costs of resolutions of minor conflicts (line G).

Table 12-1: Resettlement Policy Framework - Cost Estimate - FIPAG WASIS II Project

	Description	Total US \$
A	Resettlement preparation cost – average one RAP + one ARP	615,054
B	Core management organization and supervision	207,509
C	Monitoring and evaluation cost	98,567
D	Community capacity development and resettlement facilitation (Service Provider)	410,036
E	Compensation and mitigation measures (land acquisition, preparation and housing)	2,754,040
F	Cash compensation measures (assets, crops and trees)	1,188,611
G	Minor conflict resolution costs	103,755
	Total	5,377,572
	Estimated number of families that may be affected by WASIS II	1000

The cost summary is estimated on the grounds of approximate knowledge of planned activities in the WASIS II Project, and it is expected that it will apply when screening reveals displacement or partial economic losses. The number of affected families is an estimate. Given that the majority will be compensated for ancillary items and houses constructed of temporary materials, it may be more than this number.

The budget is weighted by the need for construction of replacement houses, when they are used as primary residences, that have a minimum of three bedrooms as required by the resettlement legislation (Decree n° 31/2012). This generous standard is the main reason for line E being a high figure and is based on an estimated value of a replacement house at US \$ 15,500.

The cost estimates for two RAPs likely to be necessary in Pemba and Moatize, and for four ARPs in Moatiza, Metuge (x2) and Nacala can be seen in Table 12-2 below.

Table 12-2: Estimated costs per location and resettlement plan

DESCRIPTION	Tete RAP	Pemba RAP	Moatize ARP	Metuge x 2 ARPs	Nacala ARP	Total
Core management organization, and supervision	72,221	48,761	24,826	47,630	14,071	207,509
RAP + Serv. Prov.contract for impelmentation	356,769	240,879	122,639	235,293	69,509	1,025,089
Compensation and mitigation measures	1,372,190	926,459	471,687	904,974	267,341	3,942,651
Conflict resolution solutions	34,305	23,162	11,792	22,624	6,684	98,567
Monitoring	36,110	24,381	12,413	23,815	7,035	103,755
SUB-TOTAL PER LOCATION	\$ 1,871,596	\$ 1,263,642	\$ 643,357	\$ 1,234,337	\$ 364,640	\$ 5,377,571

Of note is that the market for house replacement costing purposes is highest in Pemba and Tete where there are influential private sector precedents. Although they will be a challenge to manage, the cost estimates are based on averages from urban and rural resettlement in the country.

12.3 Source of Funding

World Bank funds may be used for RAP / ARP elaboration, management and supervision costs, and for facilitators of resettlement implementation, monitoring and all compensation and mitigation measures except for the payment of cash compensation. Cash compensation must be sourced from FIPAG funds.

13 Public Consultation

13.1 Overview

Consultation with, and participation by, the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, there must be adequate consultation and involvement of the local communities and the affected persons.

13.2 Preparation of RPF

Preparation of this Resettlement Policy Framework has initiated the process of public consultation, comprising three phases, namely:

- Public consultation preparation and identification of relevant stakeholders to be consulted;
- Stakeholders consultation in each project city, to obtain relevant information to the RPF;
- Disclosure of draft RPF and public meetings in one strategic city per region.

Public consultation preparation

Through meetings with the main stakeholders from FIPAG responsible for infrastructure planning and development, management of information and programme implementation in each city it was possible to gather information to create the list of stakeholders, that included the following entities at central, provincial, district and municipal levels:

- FIPAG and its delegations, especially the planning and environmental/social personnel;
- People directly affected by previous FIPAG projects
- NGOs involved in resettlement processes;
- Provincial or District Land and Environmental planning officers;
- Provincial or District Public Works, Housing and Water Resources officers;
- Provincial or District Agriculture and Food Security officers;
- Municipal planning services and administration;
- Resettlement Commission and Committee representatives.

Initial stakeholder consultation

During preparation of the draft RPF visits were carried out to all project cities and districts, where the technical sector stakeholders involved in the safeguards implementation process were consulted to learn about their perceptions of the first phase of the WASIS Project, its benefits, challenges and lessons learnt that may be taken into consideration for the WASIS II RPF through semi-structured interviews and public meetings in Tete and Beira. A list of stakeholders consulted is available in [Appendix 15.2](#).

Households that had been part of a compensation or resettlement intervention by FIPAG and local leaders in these areas were also consulted in a rapid assessment of the engagement processes they had experienced and results of mitigation. Semi-structured interviews were carried out and results collated in order to obtain material to check and further understand compensation processes undertaken.

Public meetings

Two public meetings were carried out on 07, 09 and 12 of October in Beira, Pemba and Tete to present the draft RPF and obtain feedback from interested and potentially involved parties.

After preliminary comments from FIPAG and the World Bank, the draft RPF was disclosed to the stakeholders of all cities scheduled for Project implementation through a public meetings held in one city per project region (North and Centre).

The selection of the cities of Pemba, Beira and reflected the locations with the greatest likely magnitude of impact expected to be caused by WASIS II Project. Key stakeholders that had been consulted on initial visits were invited from all cities with potential resettlement or compensation and were assisted to travel to these two cities. Their participation in the meetings was encouraged in order a) for them to verify how their opinions and experiences had been incorporated into preparation of the RPF in order to help validate its content, and b) to also identify gaps and errors for correction. Local participants in the two cities were also more widely drawn from not only interested, but also potentially affected parties in Tete and Pemba.

Feedback from participants in the draft RPF disclosure and consultation meetings was added to feedback from FIPAG delegations and other stakeholders to whom the draft was sent electronically prior to the disclosure meetings. The final draft RPF for disclosure by the World Bank will therefore have taken into consideration the comments and queries of most of the key interested and affected parties.

13.3 Resettlement Action Plan / ARP Preparation

The RAP/ARP preparation process is participatory and consultation during the socio-economic studies and impact assessments local social organization and communication channels for grievances should be identified. The consultation process must involve all potentially affected people. During and after implementation individual and group consultation should continue to verify resettled people's progress in taking up new livelihoods activities and in restoring their lives to the levels they were prior to resettlement.

Socio-economic baseline studies are required for developing a RAP/ARP. These include questions on issues that are further developed during the participatory planning process. Thus facilitators employed to assist with the development of resettlement plans will consult with displaced people, local leaders and local authorities during this phase in order to identify among others:

- Acceptable resettlement and compensation alternatives and solutions, and
- Indicators for monitoring recuperation of livelihoods after resettlement.

These important steps will be arrived at through a process that involves all the important local stakeholders in four statutorily required public consultation meeting rounds so that agreement on acceptable ways forward is reached. The public consultation process should be used to drive participatory

decision-making for resettlement site selection, resettlement housing design, entitlements to compensation, design of appropriate compensation and assistance packages, and mitigation actions reducing the impacts of physical resettlement and livelihoods development strategies.

Following opinions from the Resettlement Commissions at all levels, the District Government, and then the World Bank must approve a draft RAP/ARP prior to its implementation. FIPAG is responsible for making the draft RAP/ARP available at a place accessible to displaced persons and local community based organizations, in a form, manner, and language that are understandable to them for consultation. The RAP/ARP will be provided to the World Bank, which in turn makes it available to the public through its Info Shop. Following disclosure and incorporation of feedback into the RAP/ARP and the District Government's approval any pending Environmental License associated with the sub-project can be emitted. The World Bank's approval of the final RAP/ARP will enable resettlement implementation to be undertaken. Any RAP/ARP that does not provide a report of public consultation carried out or does not fully integrate local issues and recommendations will not be approved.

13.4 Resettlement Implementation and Follow-up

A communication plan stressing awareness-raising activities about the sub-project and resettlement procedures and entitlements should be developed by the Proponent to promote dialogue and to reduce misunderstandings and grievances. This communication plan should stress the importance of ensuring women are equally consulted and actively participate in sub-project decisions. A planned communication approach to resettlement implementation should be developed by the Proponent together with the Service Provider. The communication plan needs to consider written and oral mechanisms.

Consultation with, and participation by, the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, there must be adequate consultation and involvement of local communities and the affected persons.

14 Monitoring and Evaluation Arrangements

14.1 Overview

The monitoring and evaluation will be the main mechanism to alert FIPAG of any delays and problems and these activities will help measure the extent to which the main objectives of the RPF have been achieved. Monitoring aims at correcting implementation methods during the course of the Project, as required, while evaluation is intended at checking whether policies have been complied with and providing lessons learnt for amending strategies and implementation in a longer term perspective. Monitoring will be internal and evaluation external.

14.2 Principles

The overall objective for monitoring resettlement and compensation is to make an evaluation of the process in order to determine: (i) if affected people have been paid in full and before implementation of the Project activities, and (ii) if the people who were affected by the project have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are actually poorer than before.

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, household income levels after resettlement compared to before, how many children are in school compared to before, health

standards, etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it;
- The local communities remain supportive of the project.

Another important indicator is the absence or prevalence of conflicts which may be used, though the type of conflicts is also important to the evaluation of the indicator. In order to assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

14.3 Monitoring Process

To ensure that the implementation of resettlement is executed in line with the RAP/ARP, activities will be monitored by the DRC on ground at the district and cities level. The Provincial Resettlement Commission may join FIPAG in routine internal monitoring and evaluation of implementation of the resettlement process. The Operational Areas will be responsible for the internal monitoring and supervision of resettlement action plan implementation on behalf of FIPAG (SCPI). They will maintain a record of RAP/ARP monitoring information. The Social Facilitators will regularly monitor the status of vulnerable groups and households through on-going consultation.

Activities addressed in any written agreements between FIPAG and community representatives will be jointly monitored. Communities will assist in identifying indicators for the RAP/ARPs that will permit the early identification of vulnerable groups or households so that redress or assistance can be provided. Communities will participate in the external evaluation of resettlement outcomes.

At community level, the CRCs will be the main local structure involved in monitoring. The Social Facilitators will collect, verify with the resettlement committees, local leaders and authorities and, where possible ensure a direct response to local issues revealed through the monitoring process and/or pass the information on to the Operational Areas.

The Operational Areas will also carry out at minimum monthly monitoring visits jointly with the DRC and CRC members or local leadership structures to verify progress.

Evaluations of process and impact can be useful mechanisms for learning lessons, improving resettlement and compensation practices and ensuring compliance. Internally, the quality of monitoring processes should be regularly reviewed and improved, at least on a quarterly basis. Issues such as leadership, representation, equity, and treatment of individuals vulnerable to specific hardships must be addressed through these monitoring reviews. The use of monitoring and evaluation for adaptive management decisions and for good communication flow is important. Monitoring should be structured so that it not only measures compliance with the RAP/ARP but is also iterative so that lessons provided can amend implementation strategies, especially in the longer term.

A final external audit of resettlement outcomes is an important source of information to ensure the resettlement process is concluded and livelihoods adequately restored.

14.4 Indicators

The RAP/ARPs will indicate parameters to be monitored, institute monitoring milestones and identify resources necessary to carry out the monitoring activities. They will reflect two major socio-economic goals by which to evaluate success:

- Whether affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it;
- Whether local communities remain supportive of the Project.

Various indicators should be used to determine the status of affected people before and after the resettlement interventions including land being used, housing standard, household income levels, number of children in school, health standards, etc. Other important indicators that should be used are the absence or prevalence of conflicts and the type of conflicts.

See the table below for a list of process indicators for resettlement monitoring. For each item, for instance census and social facilitator mobilisation, issues such as timeliness, quality, and accuracy will need to be used to assess performance. The existence *per se* will not be sufficient to suggest that resettlement implementation is effective and efficient.

Table 14-1: Suggested indicators to guide resettlement monitoring

Activity	Suggested Milestones / Indicators	Sources of information	Agency responsible
Performance Monitoring	<ul style="list-style-type: none"> • Local Resettlement Committee established and operating • Resettlement Monitoring Commission established and operating • Public meetings held • Census complete • Settlement land demarcated • Social Facilitators indicated / recruited / seconded • Communication campaign for awareness raising about resettlement • Project affected people verified • Assets inventories complete • Grievance redress system in place and operating • Monitoring systems operational • Settlement sites and land area chosen • Housing and related infrastructure complete • Compensation paid • Timely reporting • External evaluations carried out & reports submitted • Timely refinements made to the resettlement programme in response to M & E reports • All grievances responded to / redressed within stipulated time • Approval of Final Report of Resettlement Monitoring Commission giving go-ahead to initiate works at previously occupied sites 	<ul style="list-style-type: none"> • Resettlement Committee Reports • Consultation records • Facilitators field reports • Six monthly and Annual progress and financial reports • Evaluation reports • Final report of Resettlement Monitoring Commission 	<ul style="list-style-type: none"> • Project Resettlement Committee / local authorities • Service Provider • Resettlement Monitoring Commission • Initial support from Resettlement or Environment Specialist

15 Appendices

15.1 List of functions of the Environmental officer responsible for resettlement FIPAG

Functions of the Environmental Officer responsible for Resettlement in the SCPI

These should include but not be limited to:

The Officer will promote resettlement planning principles endorsed by FIPAG and the World Bank in its Operational Policy 4.12 on Involuntary Resettlement. This will include the involvement of communities in the planning and implementation of interventions that result from these policies and the use of acceptable conflict resolution mechanisms.

The Officer will ensure particular attention is paid to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children.

The Officer must ensure that displacement, economic impacts or restriction of access do not occur before necessary measures for resettlement are in place, including provision of compensation and of other assistance required for relocation, and preparation and provision of resettlement sites with adequate facilities.

It is highly desirable that displaced persons and their communities, and host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. The Officer should use all means to ensure that these take place and that appropriate and accessible grievance mechanisms are established for these groups.

The Officer will together with the District Resettlement Commission and relevant sector and municipal departments contribute to ensuring the quality and accessibility of infrastructure and public services for the displaced persons and host communities.

RAP/ARP Implementation:

Ensure the:

- Adequate design of awareness raising materials about the process of resettlement, development and implementation of a communication strategy.
- Adequately trained field facilitators for all resettlement programmes.
- Situation assessments, planning and implementation of communication strategies are carried out.
- FIPAG Operational Area supervision of resettlement and compensation payment and that the whole process is documented adequately and is carried out as transparently as possible.
- A Community Resettlement Committee is created at each resettlement site to coordinate activities, participate in resettlement monitoring, grievances reception and channelling to the FIPAG Operational Area, provide help to families in discussion and selecting appropriate livelihoods development alternatives and ensure justice and equity at local level.
- Public meetings are carried out to raise and continue to update project affected groups and host communities on procedures and progress of implementation of the resettlement plan.

- The transparent realisation of compensation payment prior to resettlement.
- All public consultation is documented and retained as required by FIPAG.
- Monitoring and follow-up is carried out with all impacted individuals and/or families (and host communities where relevant) verifying with them their participation in activities that promote their rapid recuperation of livelihoods and social networks.
 - needs analysis and support to vulnerable families
 - training in alternative livelihood skills
 - basic health, hygiene and nutrition training
 - community organisation and leadership training support
- Coordinating with the FIPAG General Director to ensure a capable Service Provider is contracted to provide community capacity support and resettlement facilitation as needed.
- Ensuring the social facilitators monitor the use of grievance channels and facilitate their effective use by project affected people, and that redress by FIPAG or other indicated parties is timely.

Appendix**15.2 Stakeholders engagement during RPF preparation****LISTA DE PESSOAS CONSULTADAS / LIST OF PEOPLE CONSULTED****Maputo**

Nome/name	Entidade/entity	Posição/Position
Fernanda Quintano	FIPAG, Maputo	<i>Directora dos Serviços Centrais de Projectos e Investimentos / Director of Central Services of Projects and Investments</i>
Nordino Ticongolo	FIPAG, Maputo	<i>Engenheiro ambiental/ Environmental Engineer</i>
Milton Nhachengo	FIPAG, Maputo	<i>Engenheiro ambiental/ Environmental Engineer</i>
Sérgio Cavadias	FIPAG, Maputo	<i>Chefe do Departamento de Investimentos / Head of Investment Department</i>
Yazald Tayob	FIPAG, Maputo	<i>Chefe de Departamento de Projectos e Ambiente / Head of Projects and Environment Department</i>
Amós	CRA	<i>Jurista/Legal advisor</i>

Pemba

Nome/name	Entidade/entity	Posição/Position
Milton Nhachengo	FIPAG, Maputo	<i>Técnico de Meio Ambiente/ Environmental technician</i>
Emidio Francisco	FIPAG, Pemba	<i>Director/Director</i>
Samira Gafur	FIPAG, Pemba	<i>Técnico / Technician</i>
Silvio Machachane	FIPAG, Pemba	<i>Técnico de SIG/GIS Technician</i>
Policarpo Napica	DPCA	<i>Director / Director</i>
Edu Marques	DPCA	<i>Chefe de departamento de ordenamento e planeamento do território / Head of spatial and territorial planning department</i>
Lúcia Alberto	DPCA	<i>Técnica /Technician</i>
Martes Nana	Conselho Municipal da Cidade de Pemba / Pemba Municipal Council	<i>Vereador de Urbanização e Gestão do Solo Urbano /Urban Soil Manager & Urbanization Councillor</i>
Micas Afonso	Conselho Municipal da Cidade de Pemba / Pemba Municipal Council	<i>Chefe de departamento técnico no departamento de Urbanização e Gestão do Solo Urbano / Head of technical department of Urbanization and urban</i>

Nome/name	Entidade/entity	Posição/Position
		land management
Omar Saíde	Conselho Municipal da Cidade de Pemba / Pemba Municipal Council City	<i>Vereador de Actividades Económicas / Economic Activities Councillor</i>
Ntepa	Administração do distrito de Pemba Metunge / Pemba District administration Metunge	Director de Actividades Económicas / Economic Activities Director
Cruz Acácio	Administração do distrito de Pemba Metunge / District Administration of Pemba Metunge	Director de Infra-estruturas / Director of Infrastructure
Amilcar Mafumo	Direcção Provincial de Agricultura / Provincial Agriculture Directorate	Chefe dos Serviços Provinciais de Agricultura / Head of Provincial services of Agriculture

Nacala

Nome/name	Entidade/entity	Posição/Position
Daniel Saimo Samo	FIPAG	<i>Eng. Civil/ civil engineer</i>
Serrafim Pilale	Organização de base comunitária / Community based organization	<i>Líder comunitário /Community Leader</i>
Samuel Vasco Domingo	Conselho Municipal de Nacala Porto / Nacala Port Municipal council	<i>Director da Urbanização e planificação no Município / City Director of Urbanization and planning</i>
Dalia A. Filipe	Serviços Distritais de Planificação e Infra-estruturas / District Services for Planning and Infrastructure	<i>Técnica responsável na área de água e infra-estrutura / technicianResponsible for Water and Infrastructure</i>
Adriano Bata	FIPAG	<i>Técnico/Technician</i>
Luis dos Santos	Conselho Municipal de Nacala Porto / Municipal council of Nacala Port	<i>Técnico de Planeamento físico / Physical Planning Technician</i>
Américo Arnaldo	SDPI	<i>Director / Director</i>
Samuel Vasco Domingo	Município de Nacala Nacala Municipality	<i>Director de Planeamento urbano / Urban Planning Director</i>
Adelino Cobre	Municipal de Nacala Nacala Municipality	<i>Director de Ambiente e Salubridade / Environmental & Salubrity Director</i>

Chimoio, Manica, Gondola

Nome/name	Entidade/entity	Posição/Position
Milton Nhachengo	FIPAG, Maputo	Técnico de Meio Ambiente /Environmental Technician
Altino Luis	FIPAG, Chimoio	GEP
Fortunato Chivambo	FIPAG, Chimoio	GEP
Eusebio Andrade	FIPAG, Conselho Municipal / Municipal Council.	Vereador de Urbanização / Councillor Urbanization
Luis Bacacheza	DPCA	Chefe de Departamento de Planeamento e Ordenamento de Território / Head of spatial & planning territorial department
Marcelino Uleba	DPA	Chefe de Repartição de Geografia e Cadastro / Head Office of Geography and Cadastre
Sivino Paulo Santiago	DPOPH	Chefe do Departamento de Habitação e Urbanização / Head of Department of Housing and Urbanization
Raimundo Manuel Guembo	Município de Manica / Manica Municipality	Presidente do Conselho Municipal / President of the Municipal Council

Beira/Dondo

Nome/name	Entidade/entity	Posição/Position
Matias Murromo	FIPAG	Chefe do Gabinete de Estudos de Projectos
José Rapouso	FOPROSA	Chefe do Gabinete de Estudos de Projectos / Head of Studies and Projects Cabinet
Marylene Mart	Kulima	Provincial / Provincial
Lucas Magul	CMC Dondo	Conselheiro de infraestrutura e construção urbana / Infrastructure and Urban construction adviser
Oltvio Faustino	SDI Dondo	Técnico de Água / Water Technician
Filipe Sitole	SDI Dondo	Técnico de trabalho / Works Technician
Paulo Domingos	DPCA/ Sofala	Coordenação e Comissão / Coordination & Commission
Julios Manuel Tembe	DPOPH- Sofala	Técnico de Obras / Public Works Technician
Francisco Madeira	GPHAS - CMB	Técnico / Technician
Lâchavy Neves	ADS	Director / Director
Milton Nhachengo	FIPAG - Maputo	Técnico Ambiental / Environmental Technician
José Macedo	SCDS, Lda	Consultor Social / Social Consultant

Tete/Moatize

Nome/name	Entidade/entity	Posição/Position
Milton Nhachengo	FIPAG, Maputo	Técnico de Meio Ambiente / Environmental Technician
Alex Chiluvane	FIPAG, Tete	Chefe de Departamento Técnico / Head of Technical Department
Amilcar Carvalho	FIPAG, Tete	Chefe de Património / Head of Heritage
Nuno Miguel Vicente	FIPAG, Tete	GEP
Aristides Guida	DPOPHRHT	DAS
Wache Eugenio Matavele	FIPAG Tete	Gestor Técnico / Technical Manager
Filete Estevine	UPC Tete	Membro / Member
Alenda Varinde	Repres. Secret Bairro Samora Machel / Representative of Secretary of <i>Bairro</i> Samora Machel	Chefe da Unidade 24 de Marco / Head of March 24 Unit
Ana Telma Benjamim	DPCA	Técnica de Ambiente / Environmental Technician
Eulalia Duarte	Vale de Nhartanda	Camponesa / Peasant
Isabel Suzilande	Vale Nhartanda sul	Presidente da União de Camponeses de Vale de Nhartanda sul / President of of South Nhartanda Valley Peasant Union
Geraldino Zeca	FIPAG	Gestor da área comercial / Commercial area Manager
Janete Fidelis	Conselho Municipal Tete / Municipal Council of Tete	Vereadora Agricultura / Agriculture Councillor
Rafael Luis Tembo	Conselho Municipal Tete / Municipal Council of Tete	Vereador / Councillor
Egídio Joaquim	FIPAG - Tete	GEP
Sérgio Adriano	C.U	Membro / Member

Appendix

15.3 Rapid Situation Assessment of the Cities Covered by the RPF

WASIS II PROJECT - RAPID SITUATION ASSESSMENT IN THE CITIES COVERED BY THE RESETTLEMENT POLICY FRAMEWORK					
Rapid Assessment	Beira and Dondo	Chimoio, Manica and Gondola	Pemba	Tete/Moatize	Nacala
<i>Sub-project Description</i>					
Scope of Works	Network extension for 106 000 beneficiaries with pipelines laid in the road edges, in the road reserve. Where these cross paved areas and roads, restoration will be rapid. Please visit table 4.1 for detailed scope of work.	Supply of materials for connections and other goods. Please visit table 4.1 for detailed scope of work. This RPF consider also the possibility of extension of 105km of distribution network.	Boreholes, transmission main, distribution centre and network extension for 63 600 beneficiaries with pipelines laid in the road edges, in the road reserve. Where these cross paved areas and roads, restoration will be rapid. Please visit table 4.1 for detailed scope of work.	Boreholes, transmission main, distribution centre and network extension for 127 200 beneficiaries with pipelines laid in the road edges, in the road reserve. Where these cross paved areas and roads, restoration will be rapid. Please visit table 4.1 for detailed scope of work.	Boreholes, transmission main, distribution centre and network extension for 42 400 beneficiaries with pipelines laid in the road edges, in the road reserve. Where these cross paved areas and roads, restoration will be rapid. Please visit table 4.1 for detailed scope of work.
Works equipment & materials.	Construction: Local contractor with manual labour to install pipes & connections, generators, vehicles. Use of chlorinate flush out to clean PVC pipes, thinners & glue for fixing. Operation: Same, without generators.	Construction: Local contractor with manual labour to install goods. Use of chlorinate flush out to clean PVC pipes, thinners & glue for fixing. Operation: Same, without generators.	Construction: Contractor with manual labour, crane, vehicles and generators to install pipes & connections. Use of chlorinate flush out to clean PVC pipes, thinners & glue for fixing. Operation: Same, without generators and crane.	Construction: Contractor with manual labour, crane, vehicles and generators to install pipes & connections. Use of chlorinate flush out to clean PVC pipes, thinners & glue for fixing. Operation: Same, without generators and crane.	Construction: Contractor with manual labour, crane, vehicles and generators to install pipes & connections. Use of chlorinate flush out to clean PVC pipes, thinners & glue for fixing. Operation: Same, without generators and crane.
Labour	Maximum of 100 casual labourers & supervision.	Approximately 30 casual labourers per zone & supervision.	Depends on contractor's proposal.	Depends on contractor's proposal.	Depends on contractor's proposal.
Equipment / material storage	Existing warehouses.	Existing warehouses.	Warehouses to be rented	Warehouses to be rented	Warehouses to be rented
Infrastructure in the project area	Schools & health units, electricity, road access, paved areas	Schools, electricity and road access	Schools & health units, electricity, road access	Schools & health units, electricity, road access	Schools & health units, electricity, road access

Rapid Assessment	Beira and Dondo	Chimoio, Manica and Gondola	Pemba	Tete/Moatize	Nacala
<i>Land Use, Resettlement, and/or Land Acquisition</i>					
Land use plans may be negatively impacted	No	No	No	No	No
Densely populated areas in or near the sub-uses.	Yes, positive impact of water supply connections.	Yes, positive impact of water supply connections.	Yes, positive impact of water supply connections.	Yes, positive impact of water supply connections.	Yes, positive impact of water supply connections.
Sensitive land uses.	None to manual labour works.	None to manual labour works.	None to manual labour works.	Yes, the transmission main may cross a cemitere	None to manual labour works.
Loss of natural resources	No	No	Yes, some quiosques may be disturbed	Yes, some quiosques may be disturbed	No
Loss of access to natural resources	Yes, few firewood trees	No	No	No	No
Additional demands on natural resources	No	No	No	No	No
Affect quality of natural resources	No	No	No	No	No
Resettlement	No	No	No	No	No
Sub-project labour influx to	Minimal since most labour will be recruited locally.	Minimal since most labour will be recruited locally.	Minimal since most labour will be recruited locally.	Minimal since most labour will be recruited locally.	Minimal since most labour will be recruited locally.
Property ownership & land use rights	Areas are all residential and comertial private ownership of structures, most without formally registered occupation rights.	Areas are all residential, private ownership of houses & structures, and most without formally registered occupation rights.	Areas are all residential and comertial private ownership of structures, most without formally registered occupation rights. Experience of compensation from Municipal Council for house loss.	Areas are all residential, private ownership of houses & structures, and most without formally registered occupation rights.	Areas are all residential, private ownership of houses & structures, and most without formally registered occupation rights.

Rapid Assessment Category	Beira and Dondo	Chimoio, Manica and Gondola	Pemba	Tete/Moatize	Nacala
<i>Loss of Crops, Fruit Trees, and Household Infrastructure</i>					
Permanent or temporary loss of	Yes, annual crops planted in road reserve.	No	Yes, annual crops planted in road reserve.	Yes, annual crops planted in road reserve.	Yes, annual crops planted in road reserve.
Permanent or temporary loss of	Yes, some fruit trees in road reserve.	Yes, some fruit trees in road reserve.	Yes, some fruit trees in road reserve.	Yes, some fruit trees in road reserve.	Yes, some fruit trees in road reserve.
Permanent or temporary loss of household structures	Yes, walls around plots, steps and pavement encroaching on pavements, vegetative materials used as perimeter fencing.	No	Yes, houses, walls around plots, steps and pavement encroaching on pavements, vegetative materials used as perimeter fencing.	Yes, walls around plots, steps and pavement encroaching on pavements, vegetative materials used as perimeter fencing.	Yes, walls around plots, steps and pavement encroaching on pavements, vegetative materials used as perimeter fencing.
<i>Occupation health & safety</i>					
Occupation health & safety	Will be safeguarded by normal company & state regulations & benefits.	Will be safeguarded by normal company & state regulations & benefits.	Will be safeguarded by normal company & state regulations & benefits.	Will be safeguarded by normal company & state regulations & benefits.	Will be safeguarded by normal company & state regulations & benefits.
Accidents at	Protection via the labour law.	Protection via the labour law.	Protection via the labour law.	Protection via the labour law.	Protection via the labour law.
Local labour opportunities	Yes local labour will be recruited but unlikely to be women due to strength demanded.	Yes local labour will be recruited.	Yes local labour will be recruited but unlikely to be women due to strength demanded.	Yes local labour will be recruited including women following positive experiences in the past.	Yes local labour will be recruited including women following positive experiences in the past.
<i>Historical, Archaeological, & Cultural Heritage</i>					
Affect historical, archaeological, or cultural heritage	No	No	No	Yes, sacred baobab trees used for supplication to ancestors & graves in a cemetery.	No
<i>Additional observations:</i>					
- new access roads	No	No	Yes, new access road will be required for the works in the distribution main	No, but improvement of existing ones, some reduced to paths with crops on necessary to gain access to some areas.	No, but improvement of existing ones, some reduced to paths with crops on necessary to gain access to some areas.
- institutional capacity & relations	Municipal council of Beira performs most community liaison in the city. In Dondo collaboration between the municipality & FIPAG is good.	Municipal council performs most community liaison in municipal/FIPAG construction activities. Good relations and close collaboration is allowing to prevent encroachment on the transmission main and its ROW.	Municipal council performs most community liaison in municipal area/FIPAG construction activities. Good relations. FIPAG's ES, UGF/DZF and GEP/DT sections needs support.	Municipal council performs most community liaison in municipal area/FIPAG construction activities. Good relations. FIPAG's ES, UGF/DZF and GEP/DT sections needs support.	Municipal council performs most community liaison in municipal area/FIPAG construction activities. Good relations. FIPAG's ES, UGF/DZF and GEP/DT sections needs support.

Rapid Assessment	Beira and Dondo	Chimoio, Manica and Gondola	Pemba	Tete/Moatize	Nacala
<i>Recommendations:</i>					
<p>Compensation for lost property will be required. Advice one season in advance to cease cropping in road reserve areas to be used by the project.</p> <p>A compensation plan made by FIPAG and or a consultant that includes municipal council and involvement of local authorities for communication purposes.</p> <p>In principle there should be no need for resettlement planning, and pipe laying should be designed to avoid all housing structures. Compensation plan implementation would need additional training for local FIPAG staff.</p> <p>Consider the involvement of women in the labour groups & spread the benefits of this practice to women-headed households.</p> <p>Capacity building of UGF/DZF and GEP/DT for consultation and communication.</p>	<p>Compensation for lost property will be required. Advice one season in advance to cease cropping in road reserve areas to be used by the project.</p> <p>A compensation plan developed by FIPAG (communication & image section), a consultant, municipal council & CRA & includes involvement of local authorities for communication purposes. Monitoring via municipality & support from CRA.</p> <p>In principle there should be no need for resettlement planning as no significant civil work is expected</p> <p>Consider the involvement of women in the labour groups & spread the benefits of this practice to women-headed households.</p> <p>Capacity building of UGF/DZF and GEP/DT for consultation and communication.</p>	<p>Resettlement for lost property will be required. Advice one season in advance to cease cropping in areas to be used by the project.</p> <p>Capacity building of ES for ARP preparation and implementation or a consultants should be engaged for RAP preparation and implementation, depending on the magnitude of impact.</p> <p>Resettlement plan implementation and monitoring would need additional training for local FIPAG staff.</p> <p>Consider the involvement of women in the labour groups & spread the benefits of this practice to women-headed households.</p> <p>Capacity building of UGF/DZF and GEP/DT for consultation, communication and RAP implementation</p>	<p>Resettlement for lost property will be required. Advice one season in advance to cease cropping in areas to be used by the project.</p> <p>Capacity building of ES for ARP preparation and implementation or a consultants should be engaged for RAP preparation and implementation, depending on the magnitude of impact.</p> <p>Resettlement plan implementation and monitoring would need additional training for local FIPAG staff.</p> <p>Consider the involvement of women in the labour groups & spread the benefits of this practice to women-headed households.</p> <p>Capacity building of UGF/DZF and GEP/DT for consultation, communication and RAP implementation</p>	<p>Resettlement for lost property will be required. Advice one season in advance to cease cropping in areas to be used by the project.</p> <p>Capacity building of ES for ARP preparation and implementation or a consultants should be engaged for RAP preparation and implementation, depending on the magnitude of impact.</p> <p>Resettlement plan implementation and monitoring would need additional training for local FIPAG staff.</p> <p>Consider the involvement of women in the labour groups & spread the benefits of this practice to women-headed households.</p> <p>Capacity building of UGF/DZF and GEP/DT for consultation, communication and RAP implementation</p>	

Appendix

15.4 Land Use Assessment Form (for Land Use Acquisition)

MINISTÉRIO DE OBRAS PÚBLICAS E HABITAÇÃO

AVALIAÇÃO DE TITULARIDADE DE USO DA TERRA			F-1/1
A.T.U.T.			
CIDADE :	PROVINCIA :	DATA:	Nº
I - OBRA A SER EXECUTADA			
Descrição :			
Área de construção (m2):		Área total do terreno (m ²) :	
II - LOCALIZAÇÃO DO TERRENO			
Localização do terreno :			
Localidade :		Bairro :	
Posto Administrativo :		Zona:	
Coordenadas do terreno (por GPS) :			
III – TITULAR DO TERRENO			
Direito de Uso e Aproveitamento da Terra : Público () Privado ()			
Nome :		Nº do título :	
Endereço :			
Data de emissão do título ::		Validade :	
Outras informações :			
IV – UTILIZAÇÃO ACTUAL DA TERRA			
USO ACTUAL : Sem uso () Agricultura () Comércio () Outros _____			
V - PARECER			

A) O local está disponível para concessão do direito de uso e aproveitamento. ()	
B) O Titular do terreno existe mas não foi localizado. ()	
C) Será necessário montar um processo de titulação do direito de uso. ()	
D) Será necessário montar um processo somente para cadastro. ()	
E) Será necessário revogar direito de uso por motivos de interesse público. ()	
F) O perímetro do terreno não está definido. ()	
G) Outros . ()	
OBSERVAÇÕES :	
Elaborado por :	
Assinatura :	Data :
Aprovado por :	
Assinatura :	Data :

Projecto de Serviços de Sector de Água e Apoio Institucional (WASIS II)

Appendix

15.5 Full RAP Outline

Introduction

- Brief description of the project with a list of project components including associated facilities. Description of project components requiring land use rights acquisition and resettlement with overall estimates of land rights acquisition and resettlement necessary.

Minimizing Resettlement

- Efforts made to minimize displacement, the results expected by these and the mechanisms used to minimize displacement during implementation.

Census and Socioeconomic Surveys

- The results of the census, assets inventories, natural resource assessments, and socioeconomic surveys should be presented. All categories of impacts and people affected should be identified and a summary of consultations on the results of the various surveys with affected people. If there is a need for updates to the census, assets inventories, resource assessments, and socioeconomic surveys, this should be mentioned and planned for as part of RAP monitoring and evaluation.

Legal Framework

- All relevant Mozambican laws and customs that apply to resettlement and the gaps between the Mozambican laws and World Bank policies should be identified. Project specific legal mechanisms to address conflicts may be covered here.

Entitlements

- Describe entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP.
- Describe method of valuation used for affected structures, land, trees, and other assets. Prepare entitlement matrix.

Resettlement Measures and Income Restoration

- Are the compensation entitlements sufficient to restore income streams for each category of impact? What additional economic rehabilitation measures are necessary?
- Briefly spell out the compensation packages and restoration strategies for each category of impact and describe their institutional, financial, and technical aspects.
- Describe the process of consultation with affected populations and their participation in finalizing strategies for income restoration.
- How do these strategies vary with the area of impact?
- Does income restoration require change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation.
- How are the risks of impoverishment to be addressed?
- What are the main institutional and other risks for the smooth implementation of the resettlement programs?
- Describe the process for monitoring the effectiveness of the income restoration measures.
- Describe any social or community development programs currently operating in or around the project area. If programs exist, do they meet the development priorities of their target communities? Are there opportunities for the project proponent to support new programs or expand existing programs to meet the development priorities of communities in the project area?

Resettlement Sites

- Does the project require community relocation sites? Have affected people been involved in a participatory process to identify sites, assess advantages and disadvantages of each site, and select preferred sites?
- Have the affected people been involved in developing an acceptable strategy for housing replacement? Will new housing be constructed/allocated?

- Does the project involve allocation of agricultural land or pasture/rangeland?
- Have the individual households that will be allocated lands been involved in identifying potential new sites, and have they explicitly accepted the selected sites?
- Describe the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites.
- Describe the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.
- Demonstrate that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land. Provide data on land quality and capability, productive potential, and quantity.
- Give calculations relating to site requirements and availability.
- Describe mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands.
- Provide detailed description of the arrangements for site development for agriculture, including funding of development costs.
- Have the host communities been consulted about the RAP? Have they participated in the identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RAP? Do the host communities have a share of the resettlement benefits?

Housing, Infrastructure and Social Services

- Describe plans to provide or to finance resettlers' provision of housing, water supply and access roads infrastructure, and social services such as schools and health services;
- Describe plans to ensure comparable services to host populations;
- Provide information about any necessary site development, engineering, and architectural designs for these facilities.

Environmental protection and management

- Describe the boundaries of the relocation area;
- Assess the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Participation and Consultation

- Describe the various stakeholders.
- Describe the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning.
- Describe the involvement of resettlers and host communities in preparing the RAP, a summary of their views and choices made regarding resettlement sites and organization of settlement, compensation and assistance, access to cultural property.
- Describe the process of involving affected populations and other stakeholders in implementation and monitoring.
- Describe the plan for disseminating RAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

Measures to mitigate the impact of resettlement on host communities

- Describe and report on consultations with host communities and local governments;
- Describe arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers; arrangements for addressing conflicts that may arise between resettlers and host communities; and measures necessary to augment services in host communities to make them at least comparable to services available to resettlers.

Institutional Arrangements

- Describe the institution(s) responsible for delivery of each item/activity in the entitlement policy; implementation of income restoration programs; and coordination of the activities associated with and described in the resettlement action plan.

- State how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time.
- Identify the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?
- Describe the external (non-project) institutions involved in the process of income restoration (land development, land allocation, credit, training) and the mechanisms to ensure adequate performance of these institutions.
- Discuss institutional capacity for and commitment to resettlement.
- Describe mechanisms for ensuring independent monitoring, evaluation, and audit of the RAP and for ensuring that corrective measures are carried out in a timely fashion.

Grievance Redress

- Describe the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication modes.
- Describe the mechanism for appeal.
- Describe the provisions for approaching civil courts if other options fail.

Implementation Schedule

- List the chronological steps in implementation of the RAP, including identification of agencies responsible for each activity and with a brief explanation of each activity.
- Prepare a month-by-month implementation schedule (using a Gantt chart, for example) of activities to be undertaken as part of resettlement implementation.
- Describe the linkage between resettlement implementation and initiation of civil works for each of the project components.

Costs and Budgets

- Provide a clear statement of financial responsibility and authority.
- List the sources of funds for resettlement and describe the flow of funds.
- Ensure that the budget for resettlement is sufficient and included in the overall project budget.
- Identify resettlement costs to be funded by the government and the mechanisms that will be established to ensure coordination of disbursements with the RAP and the project schedule.
- Prepare an estimated budget, by cost and by item, for all resettlement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies.
- Describe the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations.
- Describe the provisions to account for physical and price contingencies.
- Describe the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of resettlement.

Monitoring and Evaluation

- Describe the internal/performance monitoring process.
- Define key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring.
- Describe institutional (including financial) arrangements.
- Describe frequency of reporting and content for internal monitoring.
- Describe process for integrating feedback from internal monitoring into implementation.
- Define methodology for external monitoring.
- Define key indicators for external monitoring.
- Describe frequency of reporting and content for external monitoring.
- Describe process for integrating feedback from external monitoring into implementation.
- Describe arrangements for final external evaluation.

Annexes

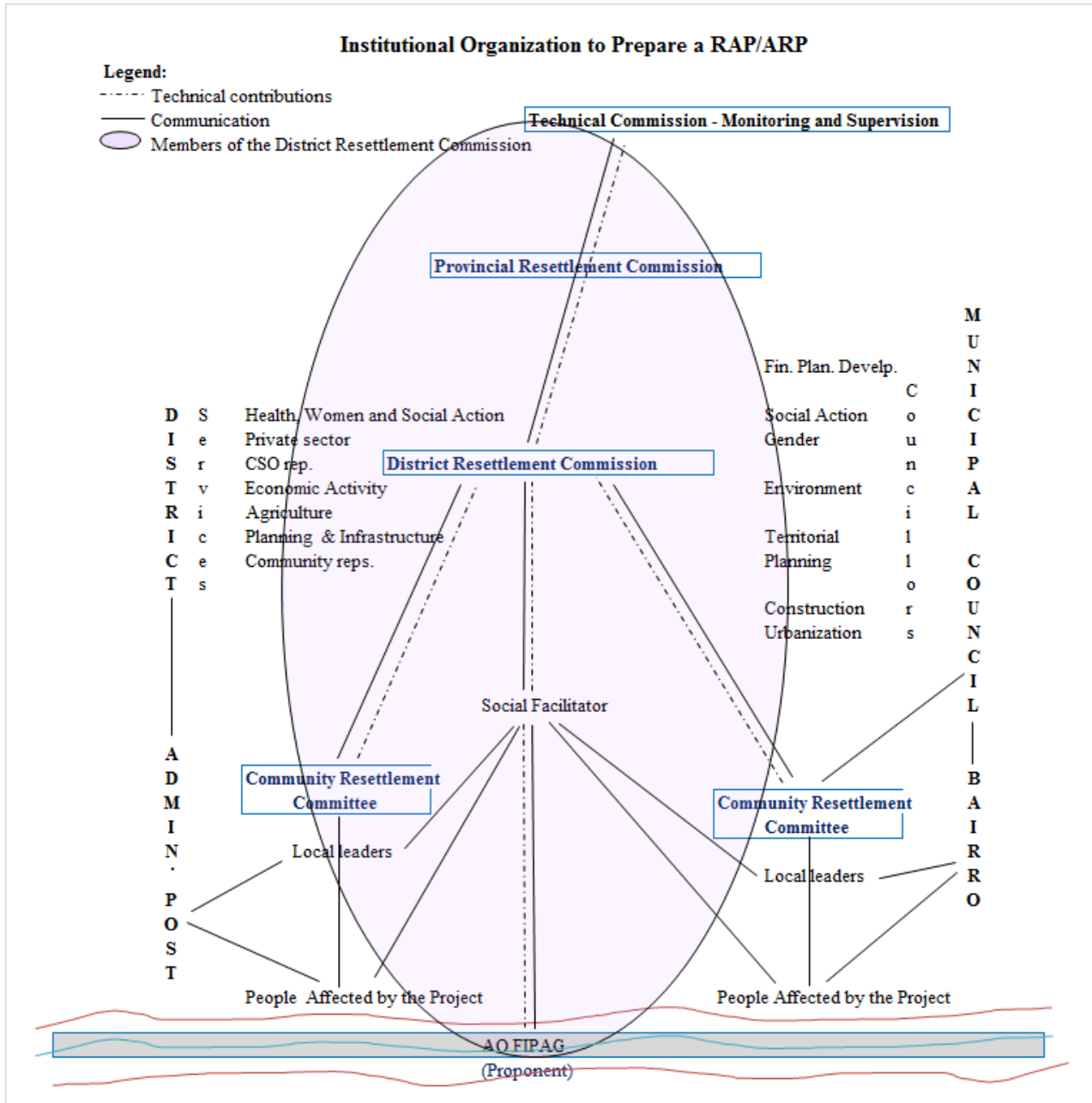
- Copies of census and survey instruments, interview formats, and any other research tools.

- Information on all public consultation including announcements and schedules of public meetings, meeting minutes, and lists of attendees.

Appendix**15.6 Institutional Organization and Overview of Responsibilities**

Institutional Organization and Overview of Responsibilities for Resettlement WASIS II		
Screening		
Activity Phase	Institution / Agency	Responsibilities
Project planning	FIPAG, Environmental Specialist of Central Projects and Investments Services (SCPI)	Ensure project planning and design TOR includes measures to avoid or minimize need for compensation or resettlement (ESMF/RPF).
	FIPAG Op. Area, Studies and Projects Office (GEP), Technical Department (DT) and Supply Zones Department (DZF)	Identify needs for compensation or resettlement for specific sector projects. Carry out screening assessments.
	FIPAG Environmental Specialist (SCPI)	Assist with screening assessments.

RAP Preparation		
Activity Phase	Institution / Agency	Responsibilities
Socio-economic baseline & impact assessment with mitigation actions.	ESIA Consultant or Environmental Officer from Consulting Engineer team	Community consultation, field survey, identification of income and livelihoods data and potential impacts of project. Ensure mitigation recommendations identify if a RAP is necessary and describes level of complexity and potential numbers affected.
RAP Preparation	FIPAG General Director	Project Authority. Strategic and oversight responsibilities for inter-institutional relationships and communication mechanisms. Ensuring compliance concerning public consultation and disclosure. Declares the cut-off date.
RAP Preparation	FIPAG Environmental Specialist (SCPI)	Ensure EIA scoping of planned project identifies if resettlement required and potential scale. Ensure EIA of a project includes a RAP if identified in the scoping. Present this intention formally to the District Resettlement Commission.
RAP/ARP Preparation	ESIA/RAP Consultant	Community consultation, census, inventory of losses, family income-flow, resettlement site and conditions, consultation with host community, leaders and other stakeholders, establishment of resettlement and compensation agreements, develop draft
ARP or Compensation Plan preparation	ESIA/RAP Consultant or Municipal Council/District Services/NGO service provision	Community consultation, census, inventory of losses, family income-flow, resettlement site and conditions, consultation with host community, leaders and other stakeholders, establishment of resettlement and compensation agreements, develop draft ARP/Compensation Plan.
RAP / ARP Preparation	District Resettlement Commission (DRC)	Declare initiation of resettlement planning process to affected communities, accompany all 4 community consultation meetings for RAP, resettlement site identification and use rights acquisition. Provide technical opinions on all stages of resettlement planning and the draft and final RAP /ARP.
RAP / ARP Preparation	Municipal Urbanisation and Planning departments / District Economic Area Services	Resettlement site identification with displaced people. Ensure acquisition of use rights. Accompany ESIA/RAP consultant if contracted, if not, accompany FIPAG OA- DEP carrying out social facilitation to collect information and negotiation for RAP/ARP, and develop the document according to the RPF.
RAP/ARP / Compensation Plan Preparation	FIPAG GEP, Municipal Urbanisation and Planning departments / District Economic Area Services	Resettlement site verification, acquisition of use rights, physical planning and supervision.
RAP/ARP / Compensation Plan Preparation	FIPAG GEP, Municipal Council Urbanisation and Financial Planning Depts./District Services of Infrastructure and Public Works (SDPI)	Assist in the inventory and evaluation of displaced people's structural assets.
RAP/ARP / Compensation Plan Preparation	FIPAG GEP, Municipal Council Urbanisation and Financial Planning Depts./District Services of Economic Activities (SDAE)	Assist in the inventory and evaluation of displaced people's crops.
RAP / ARP Preparation	Municipal local authorities, Heads of Administrative Posts and Localities	Assist with resettlement site location together with Neighbourhood Secretaries and community leaders
	Provincial Resettlement Commission (PRC)	Support the DRC technically, and ensure services and decisions required from provincial level are timely and efficiently provided. Participate in public consultation meetings where necessary.
	Technical Commission for Monitoring and Supervision	Ensure resettlement planning process is compliant with legislation, support the PRC with technical material and advice. Participate in 4 public consultation meetings.
	District Government	Approves the RAP/ARP.



Resettlement implementation		
Activity Phase	Institution / Agency	Responsibilities
Resettlement implementation	FIPAG General Director	Project Authority. Strategic and oversight responsibilities for inter-institutional relationships and communication mechanisms. Ensuring compliance concerning public consultation and
	FIPAG, Central Projects and Investments Services (SCPI)	Financial management of project funds, compensation payment and registration.
	FIPAG Environmental Specialist (SCPI)	Supervision of the resettlement process via contracted or in-house facilitators.
	Municipal Council Services/District Services/NGO service provision	Facilitate the social and technical resettlement processes ensuring continuity of consultation through the RAP/ARP development phase. As members of the District Resettlement Commission support the Community Resettlement Committees and provide information to the Provincial Resettlement Commission and FIPAG SCPI
	District Resettlement Commission (DRC)	Responsible for supervising and monitoring the development of the RAP and its implementation via a Service Provider and community Resettlement Committees.
	Environmental Councillor of affected Municipal area	Participate in the District Resettlement Commission and provide the link between this and Municipal Council services involved in implementation.
	Cadastral section of Urban Planning Services or SDAE	Resettlement site planning and demarcation for resettlement. Provide tenure legalization services.
	Cadastral section of Urban Planning Services or SDAE	Substitute agricultural areas site selection and legalization.
	FIPAG SCPI / FIPAG AO GEP	Ensure appropriate house design in consultation with affected people, and tender for construction contractor for houses and social infrastructure, supervise construction and hand-over.
	Municipal / District Economic Activities services	Assist in agricultural development in resettlement areas.
	Municipal / District Economic Activities services	Assist in displaced people's livelihood rehabilitation and promotion of small enterprise development etc.
	Municipal and District local authorities	Ensure public participation in consultation via the Service Provider and the District Resettlement Commission. Support coordination and supervise community consultation and participation in resettlement implementation at Bairro / Administrative Post levels and support monitoring.
	Provincial Resettlement Commission (PRC)	Support the DRC technically, and ensure services required from provincial level are provided in a timely and efficient way.
	FIPAG and DPOPHRH/SDPI	Develop adequate potable water sources for resettlers and host communities
Municipal Education and Health Departments and the relevant Provincial Directorates	Provide teachers and health workers respectively, if needed by resettling and host communities	
Technical Commission for Monitoring and Supervision	Ensure resettlement process is compliant with legislation, support the PRC with technical material and advice.	

Grievance communication & response		
Activity Phase	Institution / Agency	Responsibilities
Grievance communication & response	Community Resettlement Committee (CRC)	Forum for linking community resettlement and compensation grievances to the Municipal or District services, the District Resettlement Commission and the Service Provider.
	Local leaders	Social, land and other resource-use based grievance resolution.
	Neighbourhood / Bairro secretary or local authorities (Locality or Administrative Post Chief	Local conflict resolution.
	Service Provider (Social Facilitator)	Local conflict register, support to CRC to register grievances, referral of relevant grievances to the Project Authority for direct resolution in a timely fashion of resettlement and compensation issues.
	District Resettlement Commission (DRC)	Grievance and conflict resolution requiring district level authority. Resolution of issues relating to resettlement process misunderstandings or errors. Promote timely resolution of relevant issues by District / Municipal services or Project
	Provincial Resettlement Commission (PCR)	Resolution of issues referred on by District Resettlement Commission. Promote timely resolution of relevant issues by Provincial Services or Project Authority.
	Project Authority (FIPAG) through its OAs	Receive records of grievances from the Service Provider or DRC, categorise and direct responsibility to agencies, ensure timely responses, report on and archive closed cases.
	Municipal <i>Provedor</i>	Hearing and investigation of unresolved issues and instructions for resolution to Municipal Services
	Mayor	Resolution of questions relating to issues outside of the Municipal Council.
Civil or Administrative Courts	Resolution of litigation brought by aggrieved parties.	

