MAPUTO MUNICIPAL DEVELOPMENT PROGRAM

MOZAMBIQUE

Phase II

Resettlement Policy Framework Update

April 2010

By: Gaye Thompson
### List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
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<tr>
<td>APIE</td>
<td>Administration for State Property / Administração do Parque de Imobiliário do Estado</td>
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<tr>
<td>APL</td>
<td>Adaptable Programme Loan</td>
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<td>BP</td>
<td>Bank Policy</td>
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<tr>
<td>CBO</td>
<td>Community based organization</td>
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<td>CMM</td>
<td>Maputo Municipal Council / Conselho Municipal de Maputo</td>
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<tr>
<td>DC</td>
<td>Cadastre Department / Departamento de Cadastro</td>
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<tr>
<td>DEP</td>
<td>Studies and Planning Department / Departamento de Estudos e Projectos</td>
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<td>DGA</td>
<td>Environmental Management Department / Departamento de Gestão Ambiental</td>
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<td>DM</td>
<td>Municipal District / Distrito Municipal</td>
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<td>DMI</td>
<td>Municipal Directorate of Infrastructure / Direcção Municipal de Infraestrutura</td>
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<td>DMPUA</td>
<td>Municipal Directorate of Urban Planning and Environment / Direcção Municipal de Planeamento Urbano e Ambiente</td>
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<tr>
<td>DPU</td>
<td>Urban Planning Department / Departamento de Planificação Urbana</td>
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<td>EA</td>
<td>Environmental Assessment</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>GDEI</td>
<td>Office for Institutional and Strategic Development / Gabinete de Desenvolvimento Estratégico e Institucional</td>
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<tr>
<td>GIS</td>
<td>Geographic Information System</td>
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<td>GOM</td>
<td>Government of Mozambique</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<td>IDA</td>
<td>International Development Association</td>
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<td>LAA</td>
<td>Land Acquisition Assessment</td>
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<tr>
<td>MAE</td>
<td>Ministry of State Administration / Ministério de Administração Estatal</td>
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<td>MICOA</td>
<td>Ministry for Coordination of Environmental Affairs / Ministerio para Coordenação de Acção Ambiental</td>
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<td>MISAU</td>
<td>Ministry of Health / Ministério de Saúde</td>
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<td>MOPH</td>
<td>Ministry of Public Works and Housing / Ministério das Obras Públicas e Habitação</td>
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<tr>
<td>NGO</td>
<td>Non governmental organisation</td>
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<td>OP</td>
<td>Operational Policy</td>
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<td>PDMM</td>
<td>Maputo Municipal Development Programme / Programa de Desenvolvimento do Município de Maputo</td>
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<td>RAP</td>
<td>Resettlement Action Plan</td>
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<td>RC</td>
<td>Resettlement Committee</td>
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<td>RPF</td>
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I. Executive Summary

The Municipal Council of Maputo with financing from an Adaptable Programme Loan (APL) comprising a two phase IDA Credit, is preparing the second phase of an eight year Maputo Municipal Development Programme (PDMM). Financing will support implementation of the Municipal Council’s 10 year widely inclusive and ambitious proposal to improve the delivery and sustainability of municipal services. The IDA credit is being used to provide funds for the second phase of five years which will consolidate the initial capacity development aim, emphasise expansion and deconcentration of services with improved governance, improving neighbourhoods through regularizing expansion areas and reordering informal settlements as well as scaling up infrastructure investments.

Municipal citizens are to play an important role in developing municipal plans for land-use, urbanisation, and service and infrastructure management. The Council has moved ahead in involving its citizens in a more open governance style. Although the communication strategy that will clarify the mechanisms for a wide and productive flow of information between the Municipal Council and the urban citizens is currently being finalized, in the interim period the Citizen’s Report Card has been used with success to understand more about citizens’ priorities and preferences as well as the local impacts of development initiatives taken in the city. Once the communication strategy is finalized it will promote a more flexible and better structured and responsive management system. In the longer term citizens will become directly involved in partnerships, monitoring and ensuring the sustainable management of urban services, responsive governance, and the upgrading of living conditions and public facilities.

Main Programme activities include an institutional and organizational development component aiming at consolidating and strengthening improvements to organizational, human resources and governance improvement activities. A component on revenue and expenditure reforms aims to improve municipal financial performance, increase income and budget management. Two other components will support urban planning: improvement of the planning and management of urban space with targeted integrated neighbourhood upgrading and, infrastructure investments to improve and rehabilitate critical urban services. The final component focuses on strengthening metropolitan service delivery in priority sectors.

Key issues relating to community well-being implied in the design, development and implementation of the Maputo Municipal Development Programme include: a) clarification of the role of municipal authorities in relation to the central and provincial governments that also have jurisdiction extension over Maputo; b) the development of a systematic communication strategy to secure effective stakeholder
participation in developing and implementing the Programme, greater participation in sub-municipal governance, and broad-based buy-in by municipal stakeholders to help sustain political commitment; c) institutionalising participatory spatial planning and neighbourhood improvement linking governance reform with the gradual deconcentration of selected services to the districts; d) decentralization of some very basic functions to the Municipal Districts.

This Resettlement Policy Framework update covers the second phase of the Municipal Development Programme. Phase II will focus on broader improvements of living conditions and use of urban space and services. Improvements to roads and some neighbourhoods will cause physical displacement of people, possible property damage, loss of access to property / resources, loss of livelihoods sources and land use rights may have to be acquired for the projects and for displaced people’s resettlement. Presently the location, nature and scope of project impact are not yet known.

When, the details of involuntary resettlement and acquisition of land use rights are not fully known, a Resettlement Policy Framework (RPF) that establishes the policy principles for the development of specific Resettlement Action Plans (RAPs) is developed for public information and discussion. As, subsequent to the RPF, outlines of different initiatives in Phase II are known in sufficient detail, when deemed relevant, a RAP will be developed for each one based on the framework agreed upon in this RPF.

Resettlement covers physical displacement and economic impacts. Thus the need for resettlement and compensation refers to the impact of the development causing the loss of, or loss of access to, any assets growing on or permanently affixed to the land, such as shelters, businesses, buildings and crops and also to the impact causing loss of or access to an 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 project affected people whose livelihoods are land-based. In the case of Mozambique this must be interpreted as access to land for use for livelihood support, thus 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.

Encroachment on project sites during prolonged planning processes is common in Maputo. Houses, businesses and other structures - some temporary others permanent, as well as cultivation in open areas are common. People affected by the Maputo Municipal Development Programme (PDMM) II developments should 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.

Mitigation actions

A review carried out for the preparation of this Resettlement Policy Framework has identified that in Phase II potential physical displacement is very probable at four development sites but may occur on a more minor scale at other sites.
The costs of resettlement can add significant amounts to project budgets and wherever possible resettlement and compensation should be avoided. Where it is not possible to choose another location alignment of boundaries for a project, activities should be defined so that the least amount of people is affected without compromising the viability of the project.

The PDMM II includes inputs to the design of zoning, detailed land-use plans and in particular, new experiences with upgrading neighbourhoods with informal settlements and little or no urban services and infrastructure, the implementation of which will define community use and access to economic resources in different areas. Urban land-use changes will sometimes cause loss of property, loss of livelihoods or loss of access to economic assets and the need for local residents to relocate to other areas. It may marginalise some of the weaker members of households affected by these changes who are unable to take up the alternatives offered easily. Planning together with local people should identify vulnerable people and address their needs as early as possible in the project preparation process. When improvement of low-income areas of the city incorporate planned resettlement into the direct benefits of the Programme, resettlement solutions will include voluntary relocation as part of a location’s social uplift programme.

When an activity that causes impacts on local people is identified, alternative designs must be prepared to minimize the impact wherever possible. If activities carried out by a project unavoidably cause economic or physical displacement or require the acquisition of land use rights the World Bank requires that the CMM conducts a concise Land Acquisition Assessment (LAA) as a screening mechanism to identify if resettlement planning will be required. Since land cannot be purchased in Mozambique, the screening process will refer to acquisition of land use rights. Screening is a useful mechanism for a project where the enforcement of Municipal land use rights is likely to impact local people and/or their livelihoods, and it is an obligatory World Bank requirement.

The contents of an LAA will be included in the environmental and social Screening Form used by CMM and submitted to the World Bank if impacts requiring compensation and/or resettlement are detected. Thus where planned development initiatives and encroachment over the past few years mean that physical and/or economic impacts in including damage to property will occur, a simple LAA incorporated into the broader screening process will be used for these projects. If this screening device detects the likelihood of impacts 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 physical displacement of any people, this fact will necessitate an EA. A simple EA or more complex Environmental Impact Assessment (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. The EIA will present details of likely socio-economic impacts on people of project development and any associated facilities required for construction or operation phases. It will also identify probable induced impacts, including likelihood of in-migration to the project area.

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 project. A socio-economic baseline survey should include a census of all affected and 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 / SIA 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, according to World Bank requirements, these procedures will be defined in detail in a Resettlement Action Plan (RAP).

If in Phase II concessions involving land use rights acquisition are awarded for example, once a concession has been demarcated, it should be subject to screening.

An abbreviated RAP is used if the scale of resettlement is low. It describes the project activity and actions to minimise resettlement; it provides an officially certified survey of project affected 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 affected 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.

In cases where an activity or project will cause involuntary resettlement or negative impacts on people’s livelihoods or assets where more than 200 people impacted or loss is greater than 20% of assets, the CMM will prepare a full RAP for that particular project or activity. The scope and level of detail of a RAP will vary with the magnitude and complexity of the resettlement involved. The organisation and minimum of information required for a RAP should conform to requirements in the World Bank’s policies on Involuntary Resettlement OP/BP 4.12\(^1\) and this Framework.

**Institutional organisation**

**Screening**

Screening of a project that may require resettlement planning is initiated by the municipal department or other agency responsible for proposing the project. In Phase II this may involve the Urban Planning Department of the Municipal Council (CMM), the Transport Department, the Projects and Studies Department and the Water and Sanitation Department among others as projects developed by them trigger resettlement activities. A simple environmental screening checklist must be completed

\(^1\) Also see Annex 10.1.
for the Ministry for Coordination of Environmental Action and since Mozambique has no resettlement planning regulations, the contents of an LAA will be included in this Screening Form and be submitted to the World Bank if impacts requiring compensation and/or resettlement are detected. Once completed the Environmental Management Department of the CMM will ensure that if any physical displacement or economic impacts are registered, the Screening Form is submitted to MICOA and the World Bank.

**RAP development**
Responsibility for ensuring the production of a RAP lies with the Environmental Management Department delegated by the Programme Authority, the Office for Institutional and Strategic Development (GDEI). A consultant may be contracted to carry out socio-economic studies, an SIA and the RAP. The consultant would be responsible for stakeholder consultation, facilitating and supervising compensation negotiations and agreements and producing the draft RAP document. When the Municipal Council is responsible for RAP preparation, the task will be designated by the Project Resettlement Commission to the Technical Working Group of officers from the Municipal Directorate of Urban Planning and the Environment (DMPUA) and the Municipal Directorate of Infrastructure’s (DMI) Department of Studies and Projects (DEP).

In Phase II technical assistance will develop capacity of municipal personnel responsible for planning voluntary and involuntary resettlement in DMPUA.

**Resettlement implementation**
Responsibility for resettlement implementation lies with the Programme Authority, which will task the Environmental Management Department to organise social and other technical support from DMPUA and the various municipal departments to create and build capacity of teams for consultation, compensation negotiation and resettlement processes with the project affected people (DMPUA and DMI/DEP) as well as property evaluation (DMI/DEP), site demarcation and acquisition of use rights for land for resettlement (DMPUA). The Environmental Management Department may on behalf of the Programme Authority contract additional assistance to facilitate resettlement such as contractors for house design and/or construction, consultants to oversee the process and facilitators of the consultation, compensation negotiation and resettlement processes with project affected people.

It will be important to maintain access to an advisory resettlement specialist in the first two years who can be called upon to assist the Programme Authority and the municipal technical departments in social process and impact monitoring, capacity development and preventing negative outcomes during resettlement implementation.

The Environmental Management Department (DGA) was created during Phase I with five technical personnel. It has no social or resettlement specialist as yet. This shortage has meant that the Department has not been able to assume its responsibilities in relation to resettlement in Phase I.

It is recommended that a qualified and experienced technician is employed to be responsible for resettlement issues and that capacity is also developed in the DMPUA to supervise and manage the social inputs to the various resettlement processes.
planned during Phase II of the Programme. Until capacity is developed in the DMPUA to manage the social and coordination aspects of resettlement in Phase II, the advisory resettlement specialist should be used to help provide inputs and special guidance in these aspects to the DGA in particular and DMPUA in general.

The Environmental Management Department designated by the Programme Authority to lead the resettlement process, will participate in the development of capacity to manage involuntary and voluntary resettlement that will be needed in Phase II for DMPUA. Capacity development will require technical assistance to train personnel of DMPUA and DMI/DEP and help prepare for progressive allocation of responsibilities to DMPUA. For these teams to be able to implement they must be supported with the means to organise and directly supervise resettlement implementation at project sites, and be or be provided with, field facilitators. Men and women social facilitators should be drawn from DMPUA or if necessary, should be contracted to carry out the social and organisational aspects of resettlement. The use of the same facilitators in the consultation process required to prepare the RAP as well as to implement it is very advantageous in creating and maintaining community trust.

At community level where resettlement is required for more than fifty families a gender representative resettlement committee will be established comprised of representatives of affected families as well as others who are not affected. The local Resettlement Committee (RC) will be identified by the local Neighbourhood (bairro) Collective and include a sub-group of its members as well as other trusted local influence leaders and representatives of the men and women affected by the project. It will be a key forum for linking community issues, including resettlement and grievances with the social facilitator, the Municipal District, the DMPUA and ultimately the Municipal Assembly or Law Courts.

For the implementation of a RAP, the present norm of creating a Project Resettlement Commission (PRC) led by the councillor of the main Municipal District affected to ensure adequate dialogue with and organization of displaced and affected people and to ensure they are correctly consulted and compensated for losses should be continued. A Technical Working Group created from Project Resettlement Commission members to carry out the technical (and social) resettlement implementation tasks will also be continued, so that the Municipal District councillor leading the Commission can ensure coordination of District Consultative Council (CC) representatives in an informal working group liaising with the local RC, or where no RC is created, directly with affected people as an important communication channel. This organisational structure has been used in Phase I, and should continue to be followed as it appears to be effective. RCs and the informal District Working Group members at community level should be trained in social and management issues and be supported by social facilitators. At Municipal District (DM) level, the DM Councillor is responsible for the operation of the informal Working Group at District level.

The Project Resettlement Commission will coordinate and supervise community consultation and participation in RAP implementation at district level realized through its Technical Working Group or, when resources are available, contracted consultants.
Project Resettlement Monitoring Commissions have also been created to ensure implementation of resettlement in projects carried out by the CMM over the past two years. These have been successfully used to assess the effectiveness of RAP implementation and provide the report for official approval liberating the previously occupied areas and permitting the main construction project activities to go ahead. Resettlement Monitoring Commissions will continue to be used into PDMM II and constituted by a mix of independent uninvolved reviewers as well as representatives of affected families.

Informal District Working Groups must coordinate their activities with the executive Project Resettlement Commission and in particular with the councillor leader of this Commission who is responsible for ensuring technical coordination through the Environmental Management Department. The Commission leader must ensure the Department secures and archives a copy of all technical information collected locally. The Department should pass copies of relevant information to the Municipal Communication Office.

Intra- and interdepartmental coordination for resettlement is overseen by the GDEI. The GDEI will also be responsible for ensuring compliance concerning public consultation and disclosure.

Public consultation and grievances

A local communication strategy outlining awareness-raising activities about the project(s) and resettlement procedures and entitlements should be implemented throughout preparation and implementation of resettlement in order promote dialogue and to reduce misunderstandings and grievances. This strategy is developed as part of the RAP. Communities will be involved 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. Training for technical personnel from the DMPUA and DMI facilitated by the Communication Office (GC) that can then be replicated with the District (Resettlement) Working Group members and local leaders in conflict management can assist in minimizing the negative impact of conflicts.

The Resettlement Policy Framework and RAP preparation processes are participatory. Resettlement preparation via consultation during the socio-economic studies and impact assessments should identify potential conflicts and communication channels for grievances. The consultation process for RAP preparation must involve all potentially affected people. During and after physical resettlement, 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.

Project affected people and host community grievances concerning proposed or actual resettlement arrangements can initially be presented for local redress to the Quarter Chief, a local influence leader or the local Resettlement Committee where this is created. Failing resolution at community level, issues may be presented to the District (Resettlement) Working Group for resolution or transmission to the Project Resettlement Committee. If the complaint merits higher level treatment, this should
be transmitted to the Programme Authority via the Environmental Management Department, or it may be formally taken to the Municipal Assembly to investigate and coordinate appropriate solutions.

Grievances may also be taken to the social facilitator working with the affected community. This channel may assist in local resolution or provide a rapid channel for timely resolution involving the Project Resettlement Commission.

Unresolved issues, dissatisfaction with solutions or if a community is in conflict with a private-sector contractor, may require formal recourse to the Municipal Assembly via the customary presentation and hearing of a municipal citizen’s petition. Failing resolution there, it will be taken 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.

The costs of resettlement including compensation and mitigating activities in Phase II are approximately US $2,345,000. This figure will be revised during project appraisal.

The PDMM II is further developing its good governance management model that uses participatory monitoring and evaluation tools to ensure the continued relevance of programme direction and activities. Community consultation and participation in the RAP planning process will identify progress and impact indicators. These will be used to formulate the RAP, and subsequently for monitoring and external audits during the implementation of the RAP. Communities will also participate in external evaluation of outcomes of resettlement.

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

The Programme Authority GDEI will be responsible for ensuring the adequate design, development and oversight of general resettlement monitoring and evaluation systems.
1. Introduction

Introduction

Phase II of the PDMM is to be implemented within the Municipality’s territorial area of 422 square kilometres on both sides of Maputo Bay. Although implementation will focus on issues related to Maputo municipality, policy, planning and metropolitan initiatives will be harmonised with neighbouring Matola and the Maputo City Government. Maputo municipality covers sprawling peri-urban areas that surround and radiate out from the commercial and residential ‘cement city’. Lying adjacent to the municipal centre are the high density inner and middle peri-urban neighbourhoods where people live in a mixture of permanent housing and more temporary housing in congested and unplanned settlements. Interspersed are lower density middle peri-urban neighbourhoods with a more organised physical appearance made up of temporary and semi-permanent housing.

Maputo’s high density peri-urban neighbourhoods are characterised by closely packed settlements of people displaced by the war and who over time have been gradually converting their temporary accommodation into simple cement block houses with corrugated iron roofs. The changes over the past ten years have been phenomenal, and despite the proximity between dwellings, the continued construction of permanent housing in unplanned areas is transforming the high and lower density areas.

Individual (dispersed) plots were demarcated by the Municipal Council prior to PDMM, as a way of regularising existing occupation. This was carried out at the request of ‘adverse possession’ rights holders, or those who had occupied land more recently without prior authorisation. The Municipal Council is now undertaking the regularisation of larger spatial areas rather than individual plots, starting with a limited number of neighbourhoods that will be upgraded through various different interventions depending on locally prioritised needs. The most successful approaches will be institutionalized through annual and longer term plans as resources become available.

2. Programme Description

Programme description

Maputo Municipality is preparing a second phase of the Maputo Municipal Development Programme (PDMM) with financing from an Adaptable Programme Loan (APL) comprising the second phase of an IDA Credit providing direct budget support for the PDMM over approximately eight years. Implementation of Phase I (three years) focused on institutional and financial restructuring and some low cost, quick win infrastructure and service delivery improvements. Phase II (five years) will consolidate the achievements of Phase I and will finance further infrastructure and

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2 The rights that arise from extended occupation, without opposition, of land in which another person has rights.
service delivery improvements. The Resettlement Policy Framework (RPF) for the PDMM developed in 2006 at the start of Phase I provided guidelines for the eight years of implementation. However it was foreseen that at the end of Phase I, the RPF would be reviewed, and would present a revised scope and budget of activities in Phase II.

This RPF update covers the broader scope of activities in the second phase of the PDMM. Further activities carried out under the umbrella of the Municipality’s ‘ProMaputo’ initiative are not covered by this RPF.

IDA funds were transferred to the Municipal treasury to cover the majority of improvements in institutional and organizational development, financial management and certain priorities in the area of service delivery in Phase I.

The second phase will focus on the consolidation of Phase I reforms, investment in sustainable infrastructure and service delivery improvements on a broader scale, and greater involvement of non-IDA financing.

Support will be directed to consolidation of the institutional and financial reforms by the municipal incumbents that took office in early 2009; investment in infrastructure and service delivery improvements on a broader scale; and support to decentralized governance, planning, land management, and neighbourhoods upgrading with a focus on poor peri-urban communities.

The three main Programme components have been reorganised to reflect progress to date and new challenges so that a) institutional and financial support is reinforced, b) the focus on decentralization and deconcentration of planning, governance and service delivery are brought together in a more integrated development approach to be implemented starting from spatial plans, and c) a separation of metropolitan development from institutional development into a component on its own reflecting the importance of operational transboundary systems linking municipalities and state government:

The proposed program design comprises five components:

A. Institutional Development
B. Financial Sustainability
C. Urban Planning
D. Urban Infrastructure
E. Metropolitan Development

Each component is subdivided into subcomponents, the ones of most interest to the formulation of this revised Policy Framework being in Components A, C, and D. Component B is important insofar as it will be sourcing new sustainable financing mechanisms and guaranteeing financial management quality of PDMM all funds, including those used for resettlement activities.

Component A: Institutional Development

The objective of this component is to strengthen municipal capacity for ensuring service delivery in response to citizen demand. This objective will
be achieved by a focus on improving administrative and technical performance by CMM units and staff and by a focus on improving governance to increasingly align municipal programs and initiatives with the priorities expressed by citizens and civil society.

   a. The Organizational Development and Human Resources areas of the program will cover performance improvement at the level of departments and sub departments; human resource management and training; information technology for improved efficiency and communication; improved working conditions for municipal personnel; and prevention and services related to HIV/AIDS for council staff and their families.

   b. The Governance areas of the program will cover deconcentration of selected municipal functions and services; strategic planning and monitoring to align resource use with priority policies and objectives; improved communication between the CMM and civil society; increases in the transparency and legality of CMM decisions, activities, and resource use; and promotion of greater private sector investment and of private sector partnerships with CMM for the provision of public infrastructure and services.

\[ \text{Component B. Financial Sustainability} \]

The objective is to ensure the financial sustainability of CMM. To do so, it seeks to raise revenues and rationalize expenditures within an integrated financial management system.

\[ \text{Component C. Urban Planning} \]

The objective is to guarantee the equitable and sustainable management of municipal land. Spatial rather than sectoral investments will be financed to ensure an integrated package of basic services that are both respectful to the environment and promote an efficient use of land.

   a. Urban land: Improvement of municipal land management with the development of simplified spatial plans in areas of informal settlement and scaling up the issue of land use rights (DUATs);

   b. Environment: improvement of management and mitigation on the impact on climate change, including land use zoning and coastal zone management.

   c. Neighborhood improvement: Implementation of a program with physical and social interventions in informal settlements and regularizing the informal occupation of the land through the issuing of DUATs.

\[ \text{Component D. Urban Infrastructure} \]

The objective of this component is to ensure the construction and conservation of municipal infrastructure, thorough the financing of a number of priority
physical infrastructure activities, investment and maintenance, according to relevant sectoral strategies and master plans.

a. Improvement of the quality of the road network, with the construction of new collector roads and extensions of existing roadways;

b. Ensure technical assistance for the area of infrastructure.

**Component E. Metropolitan Development**

The objective of this component is to introduce a metropolitan approach for the improvement of selected municipal services (transport, markets and solid waste management).

Increasing accountability and responsiveness to municipal citizens means that they will have the opportunity to play an important role in the sustainable management of municipal resources and in the planning and development of economic activities. The main mechanisms to achieve these goals will be:

1. Development of legal instruments and plans for urban and territorial development, ecological zoning, a transport masterplan, and a sanitation and drainage masterplan via a consultative process, and improving support for a restructured land use allocation process.

2. An integrated approach to development planning focusing spatially at neighbourhood level that will facilitate reordering and upgrading services, housing and infrastructure through a consultative process and voluntary resettlement - the product of a consultative resettlement planning process.

3. A crosscutting communication strategy will guide provision of timely and relevant information aimed to engage citizens in the management of their urban environment and to enhance their participation in municipal governance.

4. Development and dissemination of accessible messages regarding municipal policies, programmes and regulations as well as the rights and responsibilities of citizens and municipal officials.

5. Improved information flows between the CMM and key local political officials, including members of the Municipal Assembly, Municipal Districts and Neighbourhood Secretaries, will improve the consistency and quality of municipal policies and their implementation.

6. The capacity of municipal citizens and community-based institutions to articulate their concerns and to contribute to municipal planning and budgeting will also be strengthened, progressively linked to CMM’s decentralization process as the roles of district and neighbourhood structures are gradually enhanced.

7. Cooperation and coordination between the CMM and key public sector actors will be strengthened to support better service delivery.

Achievements of Phase I triggers are a precondition to the initiation of the second phase of PDMM. These are due to be reached during 2010 when it is expected that the
Municipality will be ready to increase its efficiency and be able to implement a more sustainable service provision and infrastructure investment programme.

Key issues relating to community well-being implied in the design, development and implementation of the first and second phases of the PDMM include:

- The role of national government in clarifying the role of municipal authorities in relation to the central and provincial governments that also have jurisdiction extension over Maputo in establishing a framework for coordination.
- The emphasis on development of a systematic communication strategy to secure effective stakeholder participation in developing and implementing the Programme, greater participation in sub-municipal governance, and broad-based buy-in by municipal stakeholders to help sustain political commitment.
- The use of participatory spatial planning that links governance reform with the gradual deconcentration of selected services to the districts and permits the reordering and upgrading of selected neighbourhoods through a more integrated development approach.
- The decentralization of some very basic functions to the Municipal Districts in order to improve efficiency and accountability as well as build capacity at these levels for more effective collaboration between citizens and their local authorities.

Although the details are not yet known and therefore Resettlement Plans may not be prepared yet, some infrastructure construction developed in Phase II will require resettlement of families presently occupying these areas. The total cost of resettling and compensating about 200 families for lost assets as well as the costs of technical assistance and capacity building for resettlement is calculated as approximately US $2,345,000 in this second phase, the details of which may be seen in section 13 below.

3. Potential Impacts of the Programme

Phase II of the MMPD focuses on the preparation of improved communication and accountability systems, participatory spatial and sectoral plans, integrated neighbourhood service, housing and infrastructure improvement as well as other priority infrastructure development. Improvements in community consultation concerning service priorities, land-use planning and titling processes, voluntary resettlement and impact monitoring will be implemented with the collaboration of different municipal agencies. The Programme explicitly addresses the need to link urban development planning to community participation and access to direct and indirect benefits.

Phase II of the Programme will improve service delivery both in terms of quality and coverage and undertake larger investments in infrastructure development. This will involve participatory planning and management of urban space, upgrading of informal settlement areas as well as strategic investments in road infrastructure and capacity development with maintenance and cost recovery strategies that will ensure the sustainability of the municipal services.

The details of activities in Phase II are not yet known, but it is expected that some will require acquisition of land use rights and will cause displacement of people from
their homes and businesses and loss of income from interrupted livelihoods activities. The scope of activities includes various that will trigger the World Bank’s Operational Policy / Bank Policy (OP/BP) 4.12. These have been reviewed and this framework is now amended and presented as an update of the original RPF for Phase I.

The Programme may cause impacts on people who may lose their homes and / or areas of informal business as a result of urban and peri-urban road rehabilitation and improvements (widening, erosion protection and surface improvements).

The reorganization of informal settlement areas, establishment of new planned urban residential areas and expanded service provision will involve projects that may require acquisition of land use rights and resettlement planning on a larger scale. Most of the resettlement for neighbourhood improvement will be voluntary and therefore will not trigger the World Bank’s Operational Policy / Bank Policy (OP/BP) 4.12 on involuntary resettlement. However, where new boundary creation causes a loss of access to property or natural or livelihoods resources, or damages to property occur as part of the urbanization and upgrading processes resettlement planning may be required under this RPF.

Presently the location, nature and scope of land use rights acquisition, displacement and loss of property are not yet known.

4. Objectives and Principles Governing Resettlement Policy Framework Preparation

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 operation. 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 development of specific RAPs is developed for public information and discussion. As, subsequent to the RPF, outlines of different initiatives causing displacement and loss of assets are known in sufficient detail, a RAP will be developed for each one based on the framework agreed upon in this RPF.

The principles outlined in the World Bank’s Operational Policy OP/BP 4.12 have been used in preparing the Resettlement Policy Framework. These principles and the resettlement measures stemming from them will apply to all projects of the PDMM, whether or not the scale and complexity of resettlement issues require preparation of a full RAP.

The present Resettlement Policy Framework is being developed as part of the preparations for the second phase of the PDMM since the Programme will involve infrastructure improvements that may have some negative socio-economic effects on local residents in the development areas. In the second phase of the Programme,
reorganization of informal settlement areas, establishment of new planned urban
residential areas and expanded service provision will involve projects that may
require acquisition of land use rights and resettlement planning that may include
some involuntary resettlement.

The objective of the Resettlement Policy Framework is to ensure that by screening
infrastructure improvements and changes in land-use, identifying where acquisition
of land use rights is inevitable, and where resettlement and compensation for local
people’s losses is unavoidable, that mitigating activities may be designed and carried
out in a socially sustainable manner. This will require the provision of adequate
resources to meet the needs of the displaced people whether they are physically or
economically impacted by project activities. It 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.

**General Principles and Policy Objectives concerning Involuntary Resettlement**

It is widely understood that involuntary resettlement may cause severe long-term
hardship, impoverishment, and environmental damage unless appropriate measures
are carefully planned and carried out. The screening process provided through the
development of this Framework is consistent with the Bank's safeguard OP/BP 4.12
for Involuntary Resettlement. The policy requires that all activities financed by the
Bank are screened for potential impacts, and that the required resettlement and
compensation is carried out on the basis of screening results. The Framework takes
into account the provisions of local legislation and the World Bank’s *policy
objectives* on involuntary resettlement which are the following:

- Involuntary resettlement and land acquisition should be minimized or avoided
  where possible. Where acquisition of land use rights is unavoidable, projects
  will be designed to minimize adverse impacts.
- Resettlement activities should be conceived and executed as sustainable
development programmes. Sufficient investment resources should be
  provided to enable the people affected by a project to share in project
  benefits.
- Project affected people should be meaningfully consulted and should have
  opportunities to participate in planning and implementing resettlement
  programmes.
- Project affected persons should be assisted in their efforts to improve their
  livelihoods and standards of living or at least to restore them to pre-project
  levels or to levels prevailing prior to the beginning of project implementation,
  whichever is higher.

**Specific Principles**

The OP 4.12 on Involuntary Resettlement ensures that the population displaced or
that loses assets as a result of a project receives benefits from it. This covers those
with benefits from or customary rights to the 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. Thus the need for resettlement and compensation refers to the impact of the development 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 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 for which a combination of productive potential, locational advantages, and other factors 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 project affected people in the planning and implementation of interventions that result from these policies is stressed. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement activity. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. Potentially affected persons must be informed at an early stage about the resettlement and compensation aspects of the project and development plans must take their views into account. Conflict resolution mechanisms should be identified as part of the above planning and implementation. Particular attention must be paid to the needs of vulnerable groups, especially those living below the poverty line, the landless, the elderly, women and children.

It may be necessary to ensure that displaced persons are provided with support after they have been resettled, 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.

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.

- Measures required to be taken prior to displacement include provision of compensation and of other assistance required for relocation, and preparation and provision of resettlement sites with adequate facilities.
- The taking of land and related assets 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 where 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 is economically viable. It may also be paid 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.

Displaced persons and their communities, and host communities receiving them, should be provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms that provide timely responses must be established for these groups.

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.

Patterns of community organization appropriate to the new resettlement circumstances should be based on choices made by the displaced persons.

Resettlement programmes will 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.

Acquisition of land use rights for development will be subject to a Land Acquisition Assessment (LAA) to verify if communities are to be displaced or goods lost as a result of proposed development. The LAA identifies the land, people occupying or using it, land uses and attitudes of the people towards the acquisition. Their signed agreement is necessary to provide documented proof of compliance of the project proponent with project financing agreements with regard to resettlement activities.

Methodology used to prepare the Resettlement Policy Framework

The existing Resettlement Policy Framework (RPF) which was prepared for the first phase of PDMM has been reviewed and provides the basis for this update. In order to update the RPF available relevant documentation was reviewed, thirteen officers involved in supervising and implementing projects and resettlement in Phase I were interviewed, and eleven project sites thought to have potential negative social impacts proposed for Phase II of the programme were visited.

Efforts were made to understand how resettlement had been carried out in the first phase, the difficulties and successes so these could be built on in the present Policy Framework. Past projects were reviewed with regard to strategies used to minimize resettlement and proposed project sites visited and studied using Google Earth in order to try and estimate the potential scale of impacts. The present RPF has been
developed taking into account important efforts made by officers involved in resettlement to reduce the scale of impacts. These included application of successful strategies of supporting voluntary resettlement as a viable option in many cases. An indicator of the success of the approaches used is the low number of complaints received to be dealt with by the Project Resettlement Commissions. The approach has resulted in significant reduction of involuntary resettlement.

RPF preparation also involved presentation of draft principles and policy proposals to representatives of potentially affected and interested parties at District Consultative Council meetings in four of the Municipal Districts where PDMM activities are likely to be carried out. Participants in these meetings included a total of over 120 district, neighbourhood and local leaders.

The draft RPF was presented to 13 members of the municipal team of councillors, directors and technical staff for their feedback. It is expected that the draft RPF will be presented to the Mayor prior to finalization.

5. The Social Screening Process

Planning to avoid resettlement

Phase II of the PDMM includes inputs to the design of zoning and detailed land-use plans the implementation of which will define community use and access to economic resources in different areas. Preparation of zoning and other physical land-use and similar plans will involve consultation with communities in a systematic way that will be institutionalised by the Programme so that adverse socio-economic impacts such as displacement and property loss can be avoided as much as possible. Low-income families and new migrants occupy poor quality housing often in areas where they are illegal and where they have access to minimal if any public services. Working with CBOs and social development specialists during planning and implementation of major changes can help minimize the negative impacts by specifically identifying potentially vulnerable groups early on in the process.

By emphasising capacity development that will bring together technical GIS information management and participatory planning methods, it is expected that inputs to the management of urban space, the approval of infrastructure plans, development of spatial and sectoral plans, as well as the processes and procedures related to the granting of land use rights, and the implementation of an information system for these purposes will mitigate as effectively as possible the adverse impacts of unavoidable acquisition of land use rights and involuntary resettlement. Key mitigating tools are the programme’s focus on improving the CMM’s effective communication with its various audiences as a basis for improved governance and improving the Municipality’s consultative skills and integrated development planning capacities through the framework of the neighbourhood improvement programmes.

Phase II of the PDMM foresees the rehabilitation and upgrading of priority infrastructure such as roads in the city and peri-urban areas, and upgrading of neighbourhoods which may cause involuntary displacement and loss of property or access to livelihoods resources. Encroachment onto roadsides and unoccupied spaces
means many are now occupied by businesses constructed from permanent and temporary materials, houses, some temporary others permanent, and cultivation. The absence of signs and low-level enforcement of the CMM claims to land areas, has meant that under the pressures to find residential space, the use of plots is informally ‘sold’ to willing buyers.

The period between planning urban development and implementation of projects provides the opportunity for influxes of new occupants into some Phase II project areas. 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 dense settlement and to 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 project planning stage.

The longer term perspective of the development programme for Maputo involves the design of projects which will require planners to address issues related to the upgrading of low-income settlement, and the development of new expansion areas. Maputo has a growing number of unplanned informal settlements being built on land that is unsuitable for building (e.g. it is polluted, has steep erodable slopes, or is prone to flooding). Some of these areas will be targeted for improvement and/or resettlement through the Programme. Voluntary resettlement is not covered by the World Bank’s policy OP 4.12. The high cost of involuntary resettlement can be offset if plans to improve low-income areas of the city can incorporate the resettlement that may be necessary into the direct benefits of the Programme, providing solutions to resettlement that include voluntary relocation as part of a location’s social uplift programme.

In all cases project screening will identify appropriate resettlement planning procedures.

**Project screening**

A preliminary review carried out for the preparation of this Resettlement Policy framework has identified that in Phase II potential involuntary displacement and loss of assets is only likely at four roads improvement sites and will be associated with the neighbourhood upgrading initiatives.

If activities carried out by a project unavoidably cause displacement or require the acquisition of land use rights the World Bank requires that the CMM should conduct a concise Land Acquisition Assessment (LAA) as a screening mechanism to identify what kind of resettlement planning will be required. Since Mozambique has no applicable resettlement planning regulations, the screening process is a useful mechanism for a project where the enforcement of Municipal land use rights is likely to cause physical displacement of local people or loss of property, 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, a simple LAA will 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 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 necessitate an EA. A simple EA or more complex Environmental Impact Assessment (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.

The environmental screening process required by the Mozambican government does not specifically identify potential impacts of the proposed project on assets other than public infrastructure, nor potential loss of income. For this reason a composite Screening Form (annexed to the ESMF) with additional screening questions covering these and other LAA issues will be used for all projects.

Screening carried out as part of project development in the PDMM will therefore be based on a broader environmental and social checklist that incorporates verifying impacts that will trigger resettlement and compensation activities.

*Land Acquisition Assessment*

If activities carried out by the Programme cause unavoidable impacts requiring acquisition of land use rights the World Bank requires screening to identify: (i) the location of the land for which rights are being acquired; (ii) its size; its status (public use rights, private, legally protected etc.); (iii) its current use(s) (agriculture, commercial, residential etc…); (iv) the current beneficiary (ies) and their approximate numbers; and (v) how the use rights for this land is being or planned to be acquired (exchange, donated by the government, purchased, etc…). These details are included in the overall project Screening Form annexed to the ESMF.

The authors of the screening process will also make their own comments and observations about the situation that will comprise part of a report submitted to the World Bank. It is necessary for the Screening Form to be signed by the author and the representative of the concerned stakeholders (local authorities, representatives of the communities, including community associations, the CMM, etc.). The filled in Screening Form must be approved by the CMM, MICOA and the World Bank before resettlement and site development are initiated.

On the basis of the Screening Form the Bank will advise the CMM if a full or abbreviated RAP should be prepared or not, and if other remedial actions need to be taken. The submission of the Assessment and approval by the Bank is a condition that must be met prior to approval of the activity / project and the initiation of any works.
Institutional responsibility for screening

Screening assessments compliant with World Bank and MICOA requirements will be carried out on all development projects in Phase II where displacement and/or loss of assets is likely to occur. Assessments will involve the Urban Planning Department of the Municipal Council (CMM), the Transport Department, the Projects and Studies Department and the Water and Sanitation Department among others as projects developed by them trigger resettlement and/or compensation activities.

Minimizing impacts

When an activity entailing acquisition of land use rights and/or displacement and/or loss of assets is identified, alternative designs must be prepared to minimize the impact wherever possible.

Any activities implying people’s resettlement, urban plot demarcation and/or the development of new residential neighbourhoods covering more than 20 hectares, and establishment or expansion of recreation areas equal to or greater than five hectares are required by Mozambican regulations to have a full environmental impact assessment (EIA) performed.

The scoping phase of the environmental assessment will identify the terms of reference for the impact study and the scale of socio-economic impact of displacement caused by a project. It will also identify other likely impacts on affected populations, probable impacts related to associated facilities such as work camps, access routes, use of public services, etc. that are necessary for the construction and operational phases of a project, and probable induced impacts, including likelihood of subsequent in-migration to the project area.

The EIA will include a social impact component that will identify and quantify impacts and the numbers of people affected by the project. A socio-economic baseline survey will include a census of all people affected by the project and provide the basis for estimation of impacts on the population. EIAs require extensive and recorded public consultation during preparation. Mitigating action plans are also required to be prepared as part of the EIA.

EIA mitigation measures 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, these procedures will be defined in detail in a Resettlement Action Plan (RAP).

A social impact assessment with a socio-economic baseline study, and detailed inventory of assets (with photographic records where possible) are also required by for the preparation of a RAP. OP/BP 4.12 specifies that a full RAP is required if over 200 people must be relocated or if these people are not physically displaced but lose over 10% of their assets due to the project. If the impact is less than this an abbreviated resettlement plan should be prepared instead. An abbreviated resettlement plan is also prepared when there is no relocation required but where compensation for damages, loss of property or loss of access to livelihoods resources needs to be planned and budgeted for.
In the case that proposed 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 should 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 Programme at a later date, and avoid further encroachment. The use of cut-off dates for moratoria should not however be maintained for longer periods, as this not only creates antagonism among local people which may subsequently jeopardise the success of the project, but it may negatively affect some people’s livelihoods as well.

The CMM has gained experience in Phase I of the PDMM in adopting strategies to reduce the magnitude of resettlement and the impact on local residents wherever possible by agreeing to families preferences to remain living on the same site, and just shifting their houses to an unaffected part and using compensation for damages to their property to re-establish themselves. The advantages of remaining close to improved roads and other municipal services has proved to be important incentives for families to remain close to or on the site of their original houses where there is space for this.

In acquiring land use rights for urban expansion and development projects Maputo Municipality has in the past negotiated with communities and provided alternative plots of land. The location of resettlement sites should be as close as possible to the originally occupied area, resettled people should have access to services and to livelihoods sources, be these land for cultivation or markets for trading. The conditions of the new location should be no worse, and preferably better for the resettled people than their previous conditions. Their tenure in the new location should be secured formally. The impact of resettlement on communities already living in the resettlement area, the ‘host’ communities, must also be taken into account. It may be necessary to formally incorporate these people into the formal tenure system to be established for the resettled families, to avoid the development of inequalities and resentment. It may also be necessary to assess the impact on local resources and local services with the advent of settling families in order to plan for adequate provision for all users or in some cases further compensation. The host population should be consulted as early as possible in the resettlement planning process so that resettlement areas and facilities can be constructed taking their preferences into account as well.

People’s preferences about where they would like to live, where they would like to cultivate and how this can best be achieved must be taken into account during the preparation of resettlement plans. Given that people differ in their capacity to manage their resources and the pressures of having to secure livelihoods in cities mean that the weaker ones lose out, a system for monitoring resettlement and the rehabilitation of resettled people must be carried out with rapid responses to grievances and detected signs of negative impacts.

Customary rights related to land use and property inheritance among the mainly patrilineal groups in Maputo have changed with influxes of new people to the city, changes in levels and types of poverty and the social and economic causes of this.
Now there are more women-headed households, single parent families and families where all the members in the household are under 20 years old than ever before. Informal land allocation\(^3\) usually takes place through the neighbourhood secretaries. Payment is usually involved, but no title is provided.

Since records are not changed for informal settlements, land tenure status must be assessed for every party affected by a project and for every claim for compensation, and must be treated on a case by case basis. Individual consultation, verification with local leaders and neighbours, keeping a written record of all meetings and their results, as well as agreements signed by all relevant parties identifying the losses incurred and the terms of compensation and resettlement will defend the Programme proponent against unjust claims, as well as protect the rights of the affected party. Given that it is common for the least well-off to gain their livelihoods from a variety of small trading and labour activities, consideration of adequate affordable substitution of livelihoods options must be discussed and implemented in order that the most vulnerable people are not left worse off than they were before.

6. The Process for Preparing and Approving Resettlement Plans

**Institutional organisation and responsibilities**

The CMM is responsible for most urban development in the Maputo municipal territory, and contains an Office for Strategic and Institutional Development (GDEI), the agency responsible for leading the change management and institutional reform planning and supervision process that comprises the core of the PDMM. GDEI has a strategic position responsible for management and oversight of inter-institutional relationships, communication mechanisms and strategic planning of the municipal units involved in implementing each component of the PDMM.

**Preparation of Resettlement Plans**

Whenever a PDMM component investment unavoidably entails a change in land-use that results in physical displacement or economic losses of residents or users, the responsible agency will develop for public information, discussion and agreement, a full draft or an abbreviated draft RAP to guide implementation of the resettlement operation. Each RAP will accord with the principles and procedures of this Policy Framework.

An abbreviated RAP will 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 and, if appropriate, socio-economic survey;

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\(^3\) Studies in Maputo cited in ‘Land Tenure, Housing Rights and Gender - National and Urban Framework: Mozambique’, UN HABITAT, 2005, have found, that the most important means of access to land for housing (even for formally planned and demarcated plots) are informal, and include allocation at local levels of the city administration, inheritance and ceding within families, swapping, direct occupation and private purchase.
- 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.

In cases where an activity or project will cause involuntary resettlement or negative impacts on people's livelihoods of a significant scale, the CMM will prepare a full RAP for that particular project or activity. The scope and level of detail of the RAP will vary with the magnitude and complexity of the resettlement involved. The organisation and minimum amount of information required for a full RAP should conform to requirements in OP/BP 4.12 (refer to the policy for full details and requirements). The most important issues that must be covered include:

(a) The findings of the socio-economic studies carried out as part of the EIA / social impact assessment (SIA) and RAP preparation with the involvement of potentially impacted people. These must include the results of the census and detailed income flow information about the current occupants of the project area to establish a basis for application of the eligibility criteria and presentation of the cut-off date to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance.

Study results should present the socio-economic and cultural characteristics, livelihoods sources and quantified income from formal and informal activities and the health of impacted households. Of particular importance is an accurate assessment of people’s land tenure status and currently used transfer systems, an inventory of sources from which people derive their livelihoods and sustenance, non-title-based land use systems (including use of areas for agriculture, trade and the construction of latrines for example) governed by locally recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area. Patterns of social interaction among the affected groups, including social and economic networks and social support systems, and how they will be affected by the project must be shown, and the formal and informal institutions that may be relevant to the consultation and resettlement strategies.

Details of the scale and extent of partial and total physical and economic losses expected for all project affected people and vulnerable groups in particular must be registered. Since the preparatory process may take a fairly long period, provision must be made to update information on affected people's livelihoods and standards of living so that the latest information is available at the time of their displacement. Given the complexity of income sources and considerations concerning relocation in urban areas, all relocation options must be discussed and solutions agreed upon. This is important because cases will vary and the solutions may have to too.
Dividends of consulting and planning projects together with the people living in and around the area foreseen for the project may include improved project design, reduced displacement and losses, less local resistance to the project, and greater support in operating or maintaining project-related facilities or services.

(b) Also required is an analysis of the legal framework including relevant laws (land, environment, social welfare, community consultation, municipal and public administration) and steps necessary to recognize legal claims to land-use rights; analysis of the power of eminent domain and the nature of compensation, applicable legal and administrative procedures available to project impacted persons in the judicial process, any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project. Gaps between local laws and the Bank's resettlement policy, and the mechanisms to bridge such gaps must be demonstrated.

(c) The RAP is a tool to guide implementation of resettlement and to protect the interests of people displaced by a project or that lose assets or access to these due to the project. It should be as clear and useful as possible. Its elaboration also requires descriptions and operationally oriented analyses of:

i. The institutional framework for resettlement implementation: agencies responsible, the role and capacity of NGOs and agencies potentially involved, and steps to enhance capacity where necessary.

ii. Eligibility criteria for compensation and other resettlement assistance and relevant cut-off dates.

iii. Valuation methodology for assessing losses and description of compensation for losses.

iv. Resettlement measures presented as the packages of compensation and other resettlement measures that will assist each category of eligible impacted persons to achieve the objectives of the policy. Resettlement packages should be compatible with the cultural preferences of the project affected persons, and prepared in consultation with them.

v. Alternative relocation sites considered and justification for selection. A description of the institutional and technical arrangements for identifying and preparing relocation sites comparable to the old sites, with an estimate of the time needed to acquire land use rights and transfer ancillary resources.

Discussion of measures necessary to prevent land-use speculation or influx of ineligible persons at the selected sites, should be accompanied by procedures for physical relocation under the project, including timetables for site preparation and transfer; and the legal arrangements for regularizing tenure and transferring titles to resettlers.

vi. Plans to provide adequate housing, infrastructure, and social services to resettlers and host populations.
vii. An assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts within and around specific site boundaries.

viii. 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, and a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities.

ix. Measures to mitigate the impact of resettlement on host communities, including consultations with host communities and local government representatives; arrangements for prompt tendering of any payment due to 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.

x. The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; coordination arrangements, measures needed to strengthen the implementing agencies' capacity to carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

xi. Affordable and accessible grievance procedures and for third-party settlement of disputes arising from resettlement should be described taking into account the availability of judicial recourse and community and traditional dispute settlement mechanisms. Project affected people should also be able to communicate their concerns to project authorities throughout planning and implementation, and institutionalized measures to ensure this must be devised. It must be shown how vulnerable groups such as the landless, handicapped and women will be adequately represented.

xii. An implementation schedule covering all resettlement activities from preparation through to implementation and follow-up indicating how the resettlement activities are linked to the implementation of the overall development project.

xiii. Costs and budget tables showing itemized cost estimates for all resettlement activities.

xiv. Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank. Performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the impacted persons in the monitoring process; evaluation of the impact of resettlement for a reasonable
period after all resettlement and related development activities have been completed.

**Institutional responsibilities for preparing Resettlement Plans**

Responsibility for ensuring a RAP is produced lies with the Programme Proponent the CMM, in which the GDEI can be considered the Programme Authority. As the Programme Authority, GDEI will be involved in RAP development only insofar as it oversees inter-institutional relationships, communication mechanisms and the development of monitoring and evaluation systems. The Programme Authority will delegate responsibility for RAP production to the Environmental Management Department.

The Environmental Management Department (DGA) was created during Phase I but no capacity for resettlement planning has been developed, nor personnel admitted who can lead the process. The social aspects of resettlement planning and implementation are linked to environmental management planning and implementation in Mozambican legislation and in World Bank policy. The process for environmental impact assessment in Mozambique includes the screening of social impacts, and the physical displacement of people is one of the triggers requiring an environmental impact assessment. Social and environmental impact assessments provide processes for evaluating impacts and proposing mitigating measures and plans to manage the adverse environmental and social impacts of development projects. As such, it is the Environmental Management Department that has the responsibility for supervision and management of the social inputs to the resettlement processes undertaken in the Programme. A list of functions of the individual to be recruited and the team tasked with these resettlement responsibilities is in Appendix A.

In Phase I the CMM was involved in resettlement and compensation activities and has experience in these areas assessed by the World Bank as good. However there is still a need to support capacity development in the Environmental Management Department and DMPUA for voluntary and involuntary resettlement that will result from infrastructure projects and the neighbourhood improvement schemes.

It is recommended that a qualified and experienced technician is employed by DGA to be responsible for resettlement issues and that capacity is also developed in the DMPUA to supervise and manage the social inputs to the various resettlement processes planned during Phase II of the Programme. Until capacity is developed in the DMPUA to manage the social and coordination aspects of resettlement in Phase II an advisory resettlement specialist should be used to help provide inputs and special guidance in these aspects to the DGA in particular and DMPUA in general. Technical assistance should be used to develop effective systems for involving communities in addressing priority issues, options for organisation of resettlement implementation and rehabilitation of project affected people.

A consultant may be contracted to carry out socio-economic studies, a social impact assessment and a RAP. The contracted consultant would be responsible for stakeholder consultation, facilitating and supervising compensation negotiations and agreements and producing the RAP document. The consultant would work together...
with the Environmental Management Department and Municipal Directorate of Urban Planning and the Environment (DMPUA) team responsible for resettlement planning which will ensure the continuity of field teams that maintain contact with affected community members and their leaders.

If no consultant is contracted, a socio-economic impact assessment and RAP preparation must be carried out by a DMPUA team, led by the DGA officer recruited for this task. These activities will require support from technical assistance to the DMPUA team responsible for resettlement planning so that principles and processes are understood and performed to World Bank standards. A two year draw-down contract with an experienced resettlement specialist may be appropriate for these irregular technical support inputs.

Capacity development will require technical assistance to train personnel of DMPUA and DMI/DEP and help prepare for progressive allocation of responsibilities to DMPUA. For these teams to be able to carry out resettlement planning they must be supported with the means to consult with affected people, and be or be provided with, field facilitators. The source of social facilitators should be drawn from DMPUA or if necessary, should be contracted to carry out the social and organisational aspects of resettlement

The Municipal Department of Studies and Projects (DEP) is responsible for assessing the value of structural assets for compensation or replacement, and the Provincial Directorate of Agriculture for assessing agricultural assets.

Participation in resettlement planning begins at local level. Local leaders and representatives from local community commissions or neighbourhood development committees should be included in the main consultative forums in a given area containing families who will be impacted.

Resettlement Plan Approval

A draft RAP should be submitted to the CMM GDEI and the World Bank for review. Once an acceptable draft has been prepared it would be publicly disclosed via World Bank InfoShop and within Mozambique. During the disclosure period, the RAP 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 project area. Feedback obtained from disclosure must be incorporated in the final document. It should be stressed however, and 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 for Defining Categories of People Affected by the Project

Cut-off date

If proposed project sites are occupied by people, a date for a moratorium on occupiers’ construction activities and investments in permanent improvements on project development land such as tree crops for example should be declared by the Programme 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 is to 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 land is 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 users of land.

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

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 EIA carried out by independent consultants if the baseline study is implemented at this early stage of 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 project affected people.

Categories of impacted people

Implantation of new projects may involve the physical relocation of people resulting in their loss of shelter, productive assets and access to productive assets to various degrees. In addition to physical displacement, there are also families affected by economic displacement, the results of actions which interrupt or eliminate their access to productive assets, although they themselves will not be physically relocated. The World Bank’s involuntary resettlement policy is designed to ensure that all people who are negatively impacted as a result of development projects are no worse off than they were before the project. The Programme proponent has the additional
opportunity to provide means of restituting 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 projects causing potential impacts revealed by the project screening process. It is likely that the scale of impacts in Phase II will be much greater than Phase I due to the increased area of the interventions and the fact that many of them will be aimed at upgrading areas occupied by low-income families.

Categories of people who lose assets may be those indicated in the table below, however others may be identified during the development of RAPs for projects that require them. Households in which single members are affected by the project are considered members of affected families. The exact numbers of impacted 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.

Criteria for assessment of potentially affected families

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

The likely (economically or physically) impacted 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, women headed households, etc). These groups are identified as particularly vulnerable so that special attention can be paid to them by identifying their needs from the socio-economic and baseline study so that (i) they are individually consulted and given the opportunity (i.e. not left out) to participate in the investment project activities, (ii) that their resettlement and compensation is designed to improve on 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 grievance mechanisms of the project, and (v) decisions concerning them are made in the shortest possible time.

Eligibility for Community Compensation

Communities permanently losing use of land and/or access to assets and or resources under statutory rights will be eligible for compensation. Example of community compensation could be for lost public toilets, market place, taxi parks, schools and health units. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is restored.

Procedures for Assessing Entitlement

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

- A census of all people who will be affected by the project should be carried out in the early planning stages of the project. 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 Municipal District Administration the 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 structures, 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 loss 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 Programme 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, 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 in section 11 below.
- 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.

8. Legal Framework: A Review of the laws and regulations of Mozambique and World Bank policy requirements and the proposed measures to bridge the gaps between them

The Mozambican Constitution (2004) in its articles 271 and 281 determines objectives of ‘local power’ in organizing the participation of citizens in the solution of their own problems and those of their community, in promoting local development, in deepening and consolidating democracy and the unity of the State. Local power covers municipalities as public collective entities with bodies of representation, property and financial property and which are under the administrative supervision of the State.

A fundamental principle 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.

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.

It 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.

Existing rights to use and benefit of the land may be terminated through revocation of such right for reasons of public interest, after the payment of fair compensation, in which case the non-removable improvements will revert to the State.

Compensation for losses incurred as a result of relocation is recommended in the Land Law Regulations 66/1998. Basic compensation guidelines are provided in the form of tables produced and updated by the Provincial Directorate of Agriculture covering the current market and productive values of various annual and tree crops. The guideline for assessing the value of urban houses produced by the State Property and Building Administration (APIE) is used to assess housing values as recommended by the Municipal Finance Law 11/97, Art 56, until appropriate regulation is developed.

The National Land Policy (Council of Ministers Resolution n° 10/95) 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.

The Land Law Regulations (Decree 66/98) 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.

The Land Law Regulations note that the approval of construction projects for public infrastructure including roads implies the automatic creation of a Partial Protection Reserve of 50m abutting this for main highways, or 30 metres of 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 planning decree (77/2006)** regulates urban structure plans, general and partial urbanization plans and detailed land use plans. The various types of urban plans are hierarchically organized and legally regulate land use once approved at local level, ratified by the Minister of Local Government and published in the Government Gazette.

The urbanization plan focuses on urban uses and functions and defines service needs with special attention to the areas of spontaneous occupancy. Planning is participatory and consultative. It uses a social-spatial information baseline drawn from consultation with interested and affected parties in government and in the planning area for decision-making. The results are publicly disclosed prior to approval and a public hearing organized to assemble feedback. Urbanization is a progressive process and the plans reflect this insofar as urbanization services, infrastructure and occupation are improved and upgraded over time.

Land use rights can be granted by official request, attributed though public auction or lottery (with 20% reserved for the poorest), private negotiation or via rights of occupation in good faith. The decree clearly defines the rights of existing land use title holders (including those with rights by occupation in good faith) complying with approved urban spatial plans to continue occupation, while those who cannot be reasonably included must be given priority in the attribution of new areas to occupy and be compensated for their property losses. Land may be expropriated for projects of national and public interest or as servitudes; property may be expropriated for public interest or use reasons, and in such cases compensation is awarded for loss of property.

**Decree 15/2000** describes the articulation of local state authorities and community leadership mainly in rural areas through local councils and legitimises community leaders - traditional leaders and neighbourhood secretaries. It gives them powers under Art. 24 of the Land Law to participate in conflict resolution, represent community opinions on applications for land, and identify and delimit community land.

The **Municipal Framework Law nº 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.

In Maputo, the municipality has no recent specific policies on land use or relevant bylaws. Recourse is made to established practices based on outdated laws.

The **Municipal Finance Law nº 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 Property Registry is responsible for independently recording land use and property titles and transactions. Its legal basis of operation is in the process of review and updating.

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 urban 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. Other relevant objectives of the law are the reclassification of urban areas that have been spontaneously occupied, are degraded, or were occupation as a result of an emergency and, the management of conflicts of interest via agreement between the parties that must always ensure the occupancy rights of local communities are respected.

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 again 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 **regulations** of the **Territorial Planning Law (Decree nº 23 / 2008)** specify in Articles 70 to 72 that: compensation must be paid prior to transfer of property being expropriated; the process should ensure that the real value of the expropriated property is applied, and that it takes into account indirect damages and lost profits. Information provided to affected parties must include a copy of the legal claim of the developer to the land area, proposed basis for calculation of compensation, modes of payment and period until payment is made, when the property will be taken over by the developer, and the period for affected parties claims against the proposal for compensation to be lodged. The regulations note that buildings may only be
demolished for the purpose of implementing a detailed urban plan, and when buildings do not meet safety and public health requirements.

The Family Law n° 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 n° 10/88 aims to protect all national antiquities, historical and cultural heritage. Such protected areas are to be avoided in the selection of project sites.

The regulations on Environmental Impact Evaluation (Decree nº 45/2004) obligate a project proponent to carry out consultation and public participation particularly in the case of people who’s use of natural resources is restricted by a project or physical displacement is implied in the project preparation process. The regulations require presentation of an initial project proposal to MICOA for preliminary screening which will result in definition of the category of the project and the sort of impact assessment necessary. If the screening process triggers any one of the conditions outlined in the Regulations causing it to be defined as an A or B category activity, a Scoping Study is required to determine the terms of reference for an environmental impact assessment (EIA). If a project is to be implanted in a settled area implying the need for larger scale resettlement it must be considered an A category activity requiring a full environmental impact assessment, for small-scale socio-economic impacts a category B and simple environmental impact assessment would be necessary. For all negative socio-economic impacts appropriate mitigation measures must be designed as part of an environmental management plan.

In 2000 the Ministry for Coordination of Environmental Affairs (MICOA) produced guidelines on the Criteria for Resettlement of Populations in Rural Areas that were aimed to facilitate the process of resettlement after the floods.

All Mozambican guidelines underline the importance of involving local authorities at (urban) district level and below in the process of resettlement to ensure it is locally
appropriate, and so that government personnel may learn and apply similar procedures to other instances of resettlement in their territory.

**Forestry and Wildlife Law nº 10/1997** – identifies the principles of local community participation in sustainable natural resources management. The law emphasises that conservation and sustainable use resources should harmonise with actions of the local authorities within the framework of decentralization.

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.

**Overview of World Bank Safeguard Policies**

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

<table>
<thead>
<tr>
<th>World Bank Safeguard Policy</th>
<th>Triggered</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OP 4.01 Environmental Assessment</strong></td>
<td>Yes. Category B - potential adverse environmental impacts on human populations or environmentally important areas including wetlands, forests, grasslands, and other natural habitats are site-specific; few of them are irreversible; and in most cases mitigation measures can be designed.</td>
</tr>
<tr>
<td><strong>OP 4.11 Cultural Property</strong></td>
<td>Possibly Yes. National requirements pertaining to chance finds will be followed.</td>
</tr>
<tr>
<td><strong>OP 4.12 Involuntary Resettlement</strong></td>
<td>Yes. This Resettlement Policy Framework presents the mitigation instruments to be used for involuntary resettlement.</td>
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</tbody>
</table>

**PDMM II - Resettlement Policy Framework**
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.


The legal framework relating to land administration in Mozambique is wide reaching and complex. Entitlements for payment of compensation are based on the right to use and benefit of the land which is the property of the State as defined under statutory law. Whereas the Bank’s OP4.12 states that all project affected persons 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. The Bank’s focus is to mitigate the adverse impacts of poverty as part of a project where any adverse impacts occurring are directly or indirectly attributable to activities funded by the project.

Therefore, for this project the Mozambican Law would take precedence in as far as it recognizes rights of tenure. In cases where project affected people have no rights of tenure according to Mozambique law, the provisions of the Bank OP 4.12 would 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 activities, must be confident that they can find alternative sources of food or livelihoods. These must be provided via the resettlement project if they are not accessible. The Mozambican legal frameworks for Land, Planning and the Environment support this approach to sustainable human development and environmental management.

In cases of infrastructure investments, spatial plans or projects that may involve involuntary resettlement, even where the exact scale of impacts and numbers of project affected and physically displaced people is not known, the Programme implementing agency must screen 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 displaced and compensated and the 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 from the Programme proponent a resettlement plan consistent with OP/BP 4.12.

The tenor of Mozambican decentralization and deconcentration policies advocating greater involvement of local level government and the autonomous Municipal authorities is one that proposes commitment to more transparent governance, participatory planning processes and consultation with communities as clients. This basis of operations is endorsed completely by OP/BP 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 concerning resettlement is minimal, however it does require payment of compensation, and it underlines that potential displacement automatically triggers the realization of an EIA and the production of an environmental management plan. However the EIA legislation makes no distinct reference to a resettlement planning process. In the absence of such guidance, for all projects the principles and procedures stipulated in the Bank’s OP/BP 4.12 will prevail and supplement all the gaps.

Comparison of Mozambican Law and World Bank OP4.12 regarding compensation.

<table>
<thead>
<tr>
<th>Category of Project Affected People / Type of Lost Assets</th>
<th>Mozambican Law</th>
<th>World Bank OP4.12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use and Benefit Title Owners</td>
<td>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.</td>
<td>Recommends land-for-land compensation. Other compensation is at replacement cost.</td>
</tr>
<tr>
<td>Land Users</td>
<td>In some cases land users have a form of 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.</td>
<td>Entitled to some form of compensation whatever the legal recognition of their occupancy. Entitled to compensation for crops, may be entitled to replacement land, and income must be restored to pre-project levels at least.</td>
</tr>
<tr>
<td>Owners of ‘non permanent’ buildings</td>
<td>Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programmes.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Owners of ‘permanent’ buildings</td>
<td>Cash compensation is based on market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost</td>
</tr>
<tr>
<td>Category of Project Affected People / Type of Lost Assets</td>
<td>Mozambican Law</td>
<td>World Bank OP4.12</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>----------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Perennial Crops</td>
<td>Cash compensation based upon rates calculated as an average net agricultural income.</td>
<td>including labour and relocation expenses, prior to displacement.</td>
</tr>
</tbody>
</table>

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


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 Programme developer from unjustified and exaggerated claims.

Compensation calculations

Although the basic formula provided through the Mozambican legal framework for valuation of houses used for living and business purposes in urban areas for sale refers to state property sold by APIE (ref: Decree nº 13/94), in order to comply with World Bank requirements the final assessment value must be made using full undepreciated replacement costs. Monetary compensation for a house or ancillary structure will be the full undepreciated value of replacing the original house / structure.

The reason for adopting World Bank recommendations is that the APIE formula takes the value of the building when new (area of construction, factoring in location in the city, 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 District Agriculture technicians based on a standard formula. 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.

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 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 project impact;
- 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 recognised institution.
- Local currency payments should take local currency fluctuations and inflation into account using a correction index.

Inventory and Valuation

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. 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. Although between a quarter and a third of household heads in Maputo are women, in households headed by men, attention must be paid to the contribution of women’s economic activities to the household income and whenever possible women should be included in discussions about impacts of the project on livelihoods. The procedures for realizing the valuation of assets is outlined below:

Valuation procedures

a) A mixed team with representatives from the local authorities, local leaders, Provincial Directorate of Agriculture and the Project Developer’s Urbanization and Construction Department should be assembled to carry out an inventory of assets that will be lost.

b) 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, income generating activities and a list of animals that will have to be moved. 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 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.

c) Procedures for calculation of compensation values will involve:
   a. Identification of all shelter assets with the objective of the programme developer replacing these with buildings of a better quality in locations chosen by the resettling families.
   b. 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.
   c. Attributing monetary values to the crop assets affected by the development project according to rates per crop calculated by the government agricultural sector and agreed on by the affected families.
   d. Attribution of assistance to find suitable alternative accommodation to rent to families renting and living in houses that will be lost.
   e. 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.

d) 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, the Programme proponent (CMM), and possibly, after capacity has been developed, the Municipal District Administrations.

e) 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.

f) If it is expected that resettlement will significantly disrupt the lives of affected families, families who are being resettled should be offered alternative livelihood source options. Resettling families should have access to learning about alternative appropriate income generation.

A summary matrix that shows probable categories of project affected people, how these may be entitled to various types of compensation and other benefits from the Programme can be found on page 36.
10. Organisational Procedures for Delivery of Requirements

Organizational procedures for meeting resettlement requirements

1. Resettlement planning requires that the Project Authority in consultation with Local Authorities and local leaders identifies the areas that will experience impacts as a result of project activities and the areas designated for resettling physically displaced families and/or their livelihoods activities. Land areas must be acquired, demarcated and adequate access to public amenities secured prior to house construction and resettlement.

2. At the same time as identification of areas for resettlement, a similar process is required to ensure resettled families have substitute farm land areas, adequate service facilities, access to transport and trading or market areas.

   ▪ This may involve payments for land acquisition, plot surveying and planning according to the Land Law and Regulations and municipal territorial planning norms.

   ▪ The design of houses should be based on locally approved designs. Preferred construction materials should be those that permit rapid good quality construction since this activity is usually carried out under time constraints.

3. The typical procedure for the formal authorisation of rights to use land in urban areas such as might be needed for land acquisition for the relocation of displaced families includes the following steps to be taken by the CMM:

   ▪ Application for concession of land from the relevant municipal directorate or municipal cadastral services. The state of the land being applied for will be verified, through consultations with the neighbourhood secretary or other local official, and by checking in the municipal land registers;

   ▪ After receiving provisional authorisation, application is made for a topographic map to show boundaries and their coordinates. A copy of the land concession must be attached to the application.

   ▪ Application for a building licence, and submission of a complete design of a building showing its location on the topographic map. A copy of the land concession must be attached. A number of departments are involved in approval including the health department and the fire brigade. The charge for a building licence is related to the costs of the proposed building;

   ▪ After the building licence has been issued and the building completed, application for an inspection and land certificate must be made, attaching copies of the land concession, building licence and the topographic map. The land certificate is provisionally registered in the Property Register;

   ▪ Application for a land-use title, attaching the land certificate and the plan. The title is authorised by the Mayor of the Municipal Council. It can then be registered in the Property Registry. In Maputo, the issue of title depends on the building inspectors and the cadastre departments.
In cases where the CMM is not solely responsible (i.e. in obtaining building licenses), impacted persons will be assisted by CMM in completing these steps.

Compensation payment and assistance procedures

After agreement is reached and documented on compensations forms and amounts, different types of compensation must be delivered.

1. Monetary compensation must be organised and payments made by the Programme Authority to displaced people before resettlement through a bank or other authorised institution. Where no physical resettlement is planned, compensation must be paid before the property is destroyed or removed allowing the investment project works to proceed.

   ▪ 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 minimised by the provision of alternative formalised 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 it is preferable that for amounts over US $450 or thereabouts that families are given the option of receiving payments in instalments. This will permit people to use the money for its intended purpose of re-establishing livelihoods.

   ▪ 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 authorised 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.

2. Moving assistance for relocating families must be provided to permit the transfer of all assets to the new location.

3. 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.
### Entitlement Matrix

<table>
<thead>
<tr>
<th>Category of Project Affected People</th>
<th>Type of Loss</th>
<th>Compensation for loss of Structures</th>
<th>Compensation for loss of Assets</th>
<th>Other assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Families living in the development project area.</td>
<td>Loss of physical assets and loss of livelihood sources (agricultural, trading locations)</td>
<td>Replacement of all structures</td>
<td>Cash compensation for lost standing crops and provision of alternative land for cultivation. Cash compensation for loss of property according to undepreciated replacement costs.</td>
<td>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.</td>
</tr>
<tr>
<td>Families living outside the development project area who practice agriculture in the area targeted for construction.</td>
<td>Loss of standing crops and use of land for agriculture</td>
<td>Cash compensation for lost standing crops and provision of alternative land for cultivation</td>
<td>If alternative land is not provided with time to guarantee the next harvest &amp; if the subsequent losses represent more than 50% of family livelihoods source, a food subsidy may be necessary.</td>
<td></td>
</tr>
<tr>
<td>Families who only live and cultivate in the project area during the agricultural period.</td>
<td>Loss of physical assets and loss of use of land for agriculture</td>
<td>Cash or (construction) material compensation for lost structures</td>
<td>Cash compensation for loss of crops and provision of alternative land for cultivation</td>
<td></td>
</tr>
<tr>
<td>Families living outside of project area, &amp; only cultivate there in agricultural period.</td>
<td>Loss of standing crops and use of land for agriculture</td>
<td>Cash compensation for loss of crops and provision of alternative land for cultivation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Families who rent houses in the project area.</td>
<td>Loss of rented shelter</td>
<td></td>
<td>Assistance to find alternative rented accommodation as well as at least 2 months rent which would cover deposit as well as first months rent.</td>
<td></td>
</tr>
<tr>
<td>Individuals or families with a house / market stall / shop in the project area as livelihoods source.</td>
<td>Loss of structure and interruption of income</td>
<td>Replacement of structure, construction materials or cash compensation</td>
<td>Cash compensation for loss of property according to undepreciated replacement costs.</td>
<td>Cash compensation for period of interrupted trade. Assistance to develop alternative comparable income generating activity.</td>
</tr>
<tr>
<td>Families who own property in the project area rented to or used by others.</td>
<td>Loss of property</td>
<td>Replacement of structure, construction materials or cash compensation</td>
<td>Cash compensation for loss of property according to undepreciated replacement costs.</td>
<td></td>
</tr>
<tr>
<td>Families living adjacent to areas where construction will take place.</td>
<td>Damage to physical assets and loss of livelihood sources (agricultural resources)</td>
<td>Compensation paid by the contractor according to undepreciated replacement costs.</td>
<td>Cash compensation paid by the contractor for lost standing crops and damages to property according to official unit values.</td>
<td>None.</td>
</tr>
</tbody>
</table>
11. The Implementation Process

Resettlement site preparation
The Programme Authority will ensure implementation of resettlement plans by tasking the Environmental Management Department with this responsibility. The Programme Authority may assist with strategic decisions concerning resettlement site location and development, and implementation resources and procedures.

At the beginning of the implementation process the Environmental Management Department will organise technical support from the Urban Planning and Cadastre Departments for site demarcation and acquisition of land-use rights for resettlement and installation of other social and/or commercial facilities as necessary.

The Municipal Urban Planning and Environment Directorate (DMPUA) will be responsible for social impact assessment, facilitation of dialogue and reaching agreements for compensation as well as follow-up ensuring this is paid and resettlement carried out, land-use zoning, cadastre, delimitation and demarcation of sites for resettlement. The Urban Planning Department (DPU) has a special responsibility for physical planning of resettlement and supervision. The Cadastre Department (DC) will be involved in demarcation of the land for resettlement and formalising local territorial plans. The Environmental Management Department will work with members of DPU to and the Municipal Infrastructure Directorate Department of Studies and Projects (DMI/DEP) to carry out the social and coordinate the technical inputs to resettlement implementation.

On behalf of the Programme Authority the Environmental Management Department may contract additional assistance to facilitate resettlement such as contractors for house design and/or construction, consultants to oversee the construction process and social facilitators to organise implementation of the resettlement and compensation processes with the project affected people. The use of the same facilitators from the consultation process used to prepare the Resettlement Plan is always advantageous to promote trust and a sense of continuity among the people affected.

Organisation for resettlement
The resettlement process begins with awareness raising at community level about procedures and timing of resettlement implementation and project development. This must be organised by the Environmental Management Department in coordination with DMPUA and the DMI/DEP. Initially this will require technical assistance to ensure all procedures are understood by men and by women and applied in the best way possible depending on available resources. For external higher level communications the Communication Office of the CMM may be useful.

The Environmental Management Department designated by the Programme Authority to lead the resettlement process, will participate in the development of capacity to manage involuntary and voluntary resettlement that will be needed in Phase II through the DMPUA. Capacity development will require technical assistance to train personnel of DMPUA and DMI/DEP and help prepare for progressive allocation of responsibilities for facilitating resettlement implementation to DMPUA. For these
teams to be able to implement they must be supported with the means to organise and
directly supervise resettlement implementation at project sites, and be or be provided
with, field facilitators. Social facilitators should be drawn from DMPUA or if
necessary, should be contracted to carry out the social and organisational aspects of
resettlement.

At the start of the resettlement implementation process, if the number of families
exceeds 50, a community resettlement committee should be established to represent
the interests of those who will be impacted by the project. Steps must be taken to
ensure committees have gender balanced representation and that women will be active
participants in decision-making concerning appropriate compensation and its delivery.
The facilitators should organise the creation and capacity development of a local
Resettlement Committee (RC) that is identified by the local Neighbourhood (*bairro*)
Collective and includes a sub-group of its members, local leaders, and representatives
of the impacted people. Committee members must comprise of at least 30% women,
though preferably more than this, in order that their representation is adequate. It will
be a key forum for linking community issues, including resettlement and grievances
with the social facilitator, the Municipal District, the DMPUA and ultimately the
Municipal Assembly or Law Courts.

For the implementation of a RAP, the present norm of creating a Project Resettlement
Commission (PRC) led by the councillor of the main Municipal District affected to
ensure adequate dialogue with and organization of displaced and affected people and
to ensure they are correctly consulted and compensated for losses.

A Technical Working Group is created from Project Resettlement Commission
members to carry out the technical (and social) resettlement implementation tasks,
while the Municipal District councillor leading the Commission ensures coordination
of District Consultative Council (CC) representatives in an informal working group liaising with the local RC, or where no RC is created, directly with affected people as
an important communication channel. This organisational structure has been used in
Phase I, and should continue to be followed as it appears to be effective. RCs and the
informal District Working Group members at community level should be trained in
social and management issues and be supported by social facilitators (ideally 50% of
whom are women). At DM level, the Councillor is responsible for the operation of the
informal Working Group.

The Project Resettlement Commission will coordinate and supervise community
consultation and participation in RAP implementation at district level realized through
its Technical Working Group or, when resources are available, contracted consultants.
Other participants may be invited to Project Resettlement Commission meetings on an
as-needed basis. Invited participants may be specialist technicians, other government
members, or even representatives of other communities with experiences to share.
RCs and District Resettlement Working Groups should be trained in social and
management issues by the DMPUA facilitators to support resettlement
implementation. The facilitators should where possible, continue to provide support
after training.

Independent Project Resettlement Monitoring Commissions have also been created to
ensure implementation of resettlement in projects carried out by the CMM over the
past two years. These have been successfully used to objectively assess the effectiveness of RAP implementation and provide the report for official approval permitting the main construction project activities to go ahead. Resettlement Monitoring Commissions are constituted by a mix of independent uninvolved reviewers from neighbouring districts as well as representatives of affected and unaffected families from the project area. This good example of an organizational structure will be continued into PDMM II to assist in maintaining objectivity and for ensuring compliance with the principles and procedures required for implementation. In order to ensure the representation of women’s interests the Monitoring Commissions must comprise of at least 30% women, though preferably more than this.

At DM level, the DM councillor is responsible for leading the District Resettlement Working Group. The Group will coordinate and supervise community consultation and participation in resettlement implementation at Municipal District level. The Working Group should coordinate its activities, and receive and provide information to the Project Resettlement Committee and the Technical Working Group members implementing the social and technical aspects of the RAP. The councillor leader of the Project Resettlement Commission is responsible for ensuring technical coordination through the Environmental Management Department, and must ensure the Department secures and archives a copy of all technical information collected locally. The Department should pass copies of relevant information to the Municipal Communication Office.

Technical expertise for resettlement support may need to be drawn from the various technical departments of the CMM and elsewhere. The short term technical advisor for resettlement should aim to build enough capacity in the CMM for it to be able to plan and implement resettlement well.

Awareness raising, compensation and resettlement

Men and women social facilitators will work with 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 Project Resettlement Monitoring Commission will verify that cash compensation paid by the Programme Authority is carried out transparently before the physical resettlement of affected families. It will inform the Project Resettlement Commission and Environmental Management Department concerning progress with house construction and any other facilities required for the resettlement area to effectively support the incoming families.

The resettlement facilitators will support these verification activities and work with project affected people 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 Environmental Management Department will ensure houses are constructed, inspected and handed over to the CMM to hand-over to the incoming families. Where houses are constructed by families paid compensation and allocated a titled plot for such, the Environmental Management Department is responsible for ensuring houses are built and lived in, and the plot is not used for speculative purposes. The Department is also 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 may be outsourced.

The Programme 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 physically relocated to another area. A report from the Project Resettlement Monitoring Committee must provide the Programme Authority with enough information to ensure compliance with this norm.

A specific person in the Environmental Management Department must be designated to organising and directly supervising resettlement implementation at project sites, and be provided in-house or contracted field facilitators to facilitate the social and organisational aspects of resettlement implementation.

It will be important to maintain access to an advisory resettlement specialist in the first two years of Phase II, who can be called upon to assist the Programme Authority and the municipal technical departments in social process and impact monitoring, capacity development and preventing negative outcomes during resettlement implementation.

Until capacity is developed in the DMPUA to manage the social and coordination aspects of resettlement in Phase II, the advisory resettlement specialist should be used to help provide inputs and special guidance in these aspects to the DGA in particular and DMPUA in general.

**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 Municipal Directorate of Economic Activities may be involved in rehabilitation of displaced people's livelihoods and promotion of small enterprise development. Technicians from the Provincial Directorate of Agriculture may also assist in agricultural development with resettled people as necessary.

The National Directorate of Water Affairs and the Water Assets Fund (FIPAG) shall be responsible for ensuring the development 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 will coordinate with the relevant Provincial Directorates to provide teachers and health workers respectively, if needed by resettling and host communities.

The GDEI will have oversight responsibility for intra- and interdepartmental coordination and will be responsible for ensuring compliance concerning public consultation and disclosure.

12. Grievance Redress Mechanisms

**Grievance mechanisms**

Conflicts or grievances 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.

Communities will be involved 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. Training by the resettlement specialist assistance for technical personnel from the CMM, District Resettlement Working Group members and local leaders in conflict management can assist in minimizing the negative impact of conflicts. Special attention should be paid to women in affected households to ensure they understand their rights. This may be assisted by the use of women social facilitators and ensuring women are included in the local Resettlement Committees.

Language should not be an impediment to complainants, and facilitators should be able to work in Portuguese and several of the other local languages used in Maputo. Presentation of complaints should not incur undue costs to the complainant. Complaints presented at Project Resettlement Commission level have been found to be most effectively managed if they are written. It is recommended that mechanisms for receipt of complaints are always focused at the most local level possible.

Project affected people with grievances concerning proposed or actual resettlement arrangements should be able 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 in a local language for local redress to the Quarter Chief, a local influence leader or the local Resettlement Committee - where this has been created. Traditional and other influence leaders should be members of the local Resettlement Committee and the District Resettlement Working Group and be involved in creating awareness and resolving local problems. 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, they may be passed on to the neighbourhood secretaries and District Resettlement Working Group for resolution if appropriate.
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 the CMM’s Environmental Management Department and if necessary, ultimately to the Programme Authority. Alternatively, the Municipal Assembly may be approached directly by the complainants through to investigate and coordinate appropriate solutions to unresolved issues within its limits of authority.

The Municipal Assembly receives petitions from municipal citizens concerning grievances in relation to performance of the CMM and its representatives. Its role is that of an arbiter. It communicates with the Mayor and can address the councillors whenever needed in the course of identifying the best way to respond to unresolved issues.

Decisions on grievance redress 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 municipal or government sector agencies, project management or private investors, whenever possible, project affected people and communities will be encouraged to resolve conflicts harmoniously through informal mediation by external agencies or other government officers. The Mayor’s ‘open presidency’ approach to public consultation in the neighbourhoods may also provide an opportunity for direct communication of important issues.

When disputes cannot be resolved informally, more formal mechanisms will be required. Unresolved issues, dissatisfaction with solutions or if a community is in conflict with a private-sector developer, may require formal recourse to the Municipal Assembly. Failing resolution there, it will be taken to the Ministry or agency with titular responsibility for the investment.

**Administrative and Legal Procedures**

Provisions to appeal with sectoral grievances to higher levels of government such as National Directors and Ministers exist in most legislation. Decisions made by the Municipality can be appealed in a civil court or the Administrative Court. Various actions in the course of resettlement may lead to disputes, for instance, poor construction quality of facilities.

In general, should any party be dissatisfied, the grieved party may take the complaint to a civil court where it will be dealt with under Mozambican law. In principle, a community can take a contractor or licensee to court for not abiding by the terms of an EIA. Ultimately, though not usually practiced, all citizens have the right to address complaints to the Public Prosecutor, the institution responsible for ensuring the law is
correctly applied, particularly in the elaboration of territorial management instruments and their implementation.

Municipality and some sectoral government ministries represented by respective national and provincial directorates or departments will apply legally recognised procedures during planning and implementing of resettlement. These will include:

- **CMM**: The Municipal Council approves land-use management plans for Maputo City and is responsible for ensuring compliance.
- **CMM**: The Municipal Assembly together with the Ministry for Education and Culture may declare historical-cultural use zones in the city boundaries.
- **CMM**: GDEI is the Programme Authority. It is responsible for ensuring compliance concerning public consultation and disclosure.
- **CMM**: Environmental Management Department shall be responsible for ensuring EIAs identify and mitigate potential displacement and negative economic impacts, RAPs comply with World Bank standards, national and local government legislation and implementers comply with RAP orientations.
- **CMM**: Municipal District councillors and neighbourhood secretaries and traditional leaders will identify available land where compensation shall include land. The DM Councillors will also take an important role in promoting local level resolution of grievances of project affected people.
- **Maputo Provincial Government** will intervene if the use of land is required outside the municipal territory.
- **CMM**: Municipal Directorate for Urban Planning and Environment (DMPUA) has the authority to delimit land and authority to gazette its use. The Cadastre Department shall process land use rights acquisition and transfers of title deeds, they shall demarcate plots and provide other relevant technical assistance to legal processing of these. DMPUA technicians from the Urban Planning Department (DPU) are responsible for spatial planning, resettlement planning and participating in integrated development planning. Facilitators from DPU and the Environmental Management Department (DGA) engaging in resettlement planning will be responsible for continuing to engage with affected communities and their leaders in the RAP implementation phase.
- **CMM**: Municipal Infrastructure Directorate technicians from the Department for Studies and Projects (DMI/DEP) shall identify and evaluate impacted people’s structural assets. Facilitators from DEP engaging in resettlement planning will be responsible for continuing to engage with affected communities and their leaders in the RAP implementation phase.
- **Provincial Agricultural Directorate** shall provide technical services for identification and evaluation of affected people’s agricultural assets.

Legal procedures for acquiring land use rights for public interest shall be observed as provided for in the Constitution and laws of Mozambique, and supplemented by this Policy Framework.

Particular attention during planning and implementation must be paid to the following principles outlined in the Constitution, and environmental, municipal, land and land use laws and regulations:
Consultations with local authorities and impacted people must occur before and during project implementation.

Notification of intentions or plans to acquire land use rights must be made public as required by the laws and this Framework.

Assets and other losses must be valued. Determination of compensation will be guided by Mozambican law, Ministry of Agriculture and Ministry of Public Works and Housing / APIE norms and World Bank's O.P. 4.12 on involuntary resettlement.

Determination of alternative livelihood measures will be made by the displaced people, with the assistance of the Municipal Environmental Management Department, Municipal Directorate of Economic Activities and Enterprises, and other agencies with expertise in the area.

Full compensation must be paid to project affected people, and alternative livelihood measures initiated, before PDMM activities begin in a project area.

13. Arrangements for Funding Resettlement

The cost estimate for resettlement is based on an approximate calculation for resettlement planning and implementation at a moderate scale in Phase II of the PDMM. Of the total projects to be implemented in Phase II, it is estimated that the development of four roads and some of the neighbourhood upgrading at sites that are as yet unknown are likely to have moderately negative socio-economic impacts. Other sites may be identified during the course of implementation with low level compensation requirements.

Estimations have been calculated for resettlement and compensation based on present costs, factoring in the likelihood that the projects will be implemented in the next five years.

The cost table shown below shows the total estimated for resettlement and compensation for partial economic losses of approximately 200 families potentially affected by approximately six projects following guidelines in this Resettlement Policy Framework.

This calculation is based on consideration of the costs of consultants or the Municipal Council Resettlement Working Groups to prepare resettlement and/or compensation plans for projects likely to require these (line A). Overall management of the planning and implementation process by the Environmental Management Department (line B) and capacity building of CMM department personnel and representatives in the municipal districts (line C) are included. The costs of the resettlement advisory specialist, a vehicle and computer equipment are also covered in line C. It also covers the costs of social facilitators responsible for community liaison, information management and capacity development activities (line E). The figures provide for measures to reduce negative impact including estimated compensation for lost crops and business activities, replacement of houses and alternative arrangements for lost access to use of natural resources (lines F and G). An estimated amount for internal and external monitoring is also provided (line D), and local costs of resolutions of minor conflicts (line H).
The cost summary is estimated on the grounds of approximate knowledge of planned activities in Phase II, and it is expected that it will apply when screening reveals displacement or partial economic losses.

**Resettlement Policy Framework - Cost Estimate**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>Total US $</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Resettlement preparation costs (5 abbreviated RAPs)</td>
<td>350,000</td>
</tr>
<tr>
<td>B Core management organization, and supervision</td>
<td>471,200</td>
</tr>
<tr>
<td>C Technical assistance costs (consultancy, capacity development &amp; training)</td>
<td>215,500</td>
</tr>
<tr>
<td>D Monitoring and evaluation costs</td>
<td>120,000</td>
</tr>
<tr>
<td>E Community capacity development &amp; resettlement facilitation (5 abbreviated RAPs)</td>
<td>388,800</td>
</tr>
<tr>
<td>F Compensation &amp; mitigation measures (houses, businesses, agricultural land)</td>
<td>544,500</td>
</tr>
<tr>
<td>G Cash compensation measures (assets, businesses)</td>
<td>181,500</td>
</tr>
<tr>
<td>H Conflict resolution solutions</td>
<td>73,500</td>
</tr>
<tr>
<td><strong>GLOBAL TOTAL</strong></td>
<td><strong>2,345,000</strong></td>
</tr>
</tbody>
</table>

**Estimated number of families that may be affected by project development activities in Phase II**

200

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

Estimated costs presented in this Resettlement Policy Framework will be updated and improved during Programme implementation.

14. **The Mechanisms for Consultation and Participation of Impacted People in Planning, Implementation, and Monitoring**

A local communication strategy stressing awareness-raising activities about the project(s) and resettlement procedures and entitlements should be developed and carried out throughout preparation and implementation of resettlement in order to permit continuous consultation and reduce misunderstandings and grievances. This communication strategy will stress the importance of ensuring women are equally consulted and actively participate in project decisions. The Programme Authority is responsible for ensuring compliance concerning public consultation and disclosure.

**Preparation of the RPF**

Preparation of the Resettlement Policy Framework has initiated the process of public consultation through meetings with the main stakeholders from the CMM responsible for PDMM infrastructure planning and development, management of information and programme implementation. The preparation process has also involved site visits and assessments of the potential social impact likely for each of the planned developments and consultation with some local authorities and community members living in the future development areas.
Consultation was also carried out in order to develop viable options for the management of resettlement implementation with the World Bank Task Team and CMM advisors and programme managers. The Resettlement Policy Framework was developed over a period of one month, building on prior consultation carried out by the CMM in the development of its 10 year Municipal Development Programme for Maputo. A list of people consulted can be found in Appendix 10.3.

The Resettlement Policy Framework and RAP preparation processes are participatory. Via consultation during all phases, especially the socio-economic studies and impact assessments, potential conflicts and communication channels for grievances should be identified. The consultation process must involve all potentially impacted people. Consultations and negotiations will be carried out with all people affected by a project who will partially or wholly lose assets as a result of project activities, to determine their eligibility and preferences for compensation and participation in alternative livelihood development opportunities. During and after implementation individual and group consultation should continue to verify progress in taking up new livelihoods activities and in people restoring their lives to at least the levels they were prior to resettlement.

The draft RPF has been circulated to the GDEI and the Municipal Council Advisors, the Mayor and Municipal Executive, as well as the Municipal Districts likely to be involved in resettlement. It will be sent to the World Bank’s Social Safeguard Reviewers - ASPEN. The Resettlement Policy Framework will be finalized after receipt of comments from all these bodies.

Resettlement Plan preparation

The initial socio-economic baseline studies required for Resettlement Plan development will include questions on issues that will be further developed during the participatory planning process. Thus facilitators from the DMPUA or employed to assist with the development of the resettlement plan will consult with impacted people, local leaders and Local Authorities during this phase in order to identify:

- 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 so that agreement on acceptable ways forward is reached.

The World Bank must approve an abbreviated or full draft RAP document prior to its implementation. The CMM is responsible for making a draft RAP available at a place accessible to project affected persons and local community based organisations, in a form, manner, and language that are understandable to them for consultation. The RAP is also submitted to the Bank, which makes it available to the public through its InfoShop. Following disclosure and incorporation of feedback into the RAP, and after the Bank has approved the final RAP, it and the government are obliged to disclose it again in the same manner. Any RAP that does not provide a report of public consultation carried out or does not fully integrate local issues and recommendations will not be approved.
Resettlement implementation and follow-up

A planned communication approach to resettlement implementation should be developed by the Environmental Management Department of the CMM, initially with support from the resettlement technical assistance and the Communication Office. All aspects from community level organisation, the resettlement process and project development progress through to grievances should be planned for in this approach. This should be integrated wherever possible with the principles and mechanisms developed by the Communication Office for the Programme’s main communication strategy.

Communication via leaflets, direct consultation and radio may be appropriate. In order to avoid grievances and misunderstanding, it is essential that effort is put into ensuring that affected community members are informed about their rights and responsibilities, and that they can discuss these so that they understand them.

Facilitators, who are accepted by the community, speak the local language and possibly even come from the area, should be selected as the means for organisation of community level discussions about the procedures and implications of the resettlement process. Concerns of vulnerable groups may be transmitted through the channels created for grievances, and may be presented in facilitated discussion groups or through individual interviews. Many residents of Maputo are somewhat inhibited and mistrusting of group meetings that are often seen to achieve nothing. When people see that their problems and queries are addressed and remedied, they gain confidence to participate more strenuously in resettlement activities.

Facilitators will continue consultation after the physical relocation of affected people to new settlement sites to monitor their capacity to recuperate their livelihoods to levels equal to or better than they were before. This will involve the use of indicators identified in the Resettlement Plan as discussed below.

15. Monitoring and Evaluation Arrangements

Principles

The overall objective for monitoring will be to make a final evaluation of the compensation 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 their 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 which may be used 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.

**Monitoring processes**

Community consultation and participation in the resettlement planning process will result in the identification of parameters and milestones to be monitored to assess resettlement progress. These will be used in the formulation of the Resettlement Plan, for monitoring by external monitors and for verification by auditors during the implementation of resettlement. Special efforts will be made to ensure women and vulnerable peoples are fully consulted and actively participate.

Communities will assist in identifying indicators for the Resettlement Plan that will permit the early identification of vulnerable groups or households so that redress or assistance can be provided. Communities should also participate in the external evaluation of outcomes of resettlement.

In principle the activities implied in any written agreements between the Programme Authority and community representatives will be jointly monitored. Where possible, community organizations should be responsible for ensuring compliance with the agreement by community members.

At community level, resettlement committees will be the main local structure involved in monitoring. The District Resettlement Working Groups will be involved in receiving monitoring information from the social facilitators. They should verify and directly respond to local issues revealed through the process and/or pass the information on to the Environmental Management Department.

The Environmental Management Department will be responsible for the monitoring and supervision of Resettlement Plan implementation. The Department will receive reports from the Project Resettlement Monitoring Commission and maintain a record of Resettlement Plan monitoring information. The social facilitators will regularly monitor the status of vulnerable groups and households through on-going consultation. Where necessary follow-up work with communities and individuals must be carried out to identify activities and sources of income that can improve their well-being.

The Project Resettlement Monitoring Commission will carry out monitoring visits jointly with the local resettlement structures to verify progress. The Commission will provide the report for official approval from the Programme Authority permitting the main construction project activities to go ahead. Resettlement Monitoring
Commissions are constituted by a mix of independent uninvolved reviewers as well as representatives of affected families.

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

Audits of process and impact can be useful mechanisms for learning lessons, improving resettlement practices and ensuring compliance with agreed principles.

The PDMM is assisting the CMM to establish a new structure and management model. Through this mechanism the quality of monitoring processes should be regularly reviewed and improved. Issues such as leadership, representation, equity, and treatment of individuals vulnerable to specific hardships must be adequately addressed through monitoring. Training of all participants in how to use monitoring and evaluation for adaptive management decisions and how to use it as a basis for good communication flow will be essential for good programme management.
### Suggested Indicators to guide Resettlement Monitoring

<table>
<thead>
<tr>
<th>Activity</th>
<th>Suggested Milestones / Indicators</th>
<th>Sources of information</th>
<th>Agency responsible</th>
</tr>
</thead>
</table>
| Performance Monitoring    | - Project Resettlement Commission established and operating  
- Technical Resettlement Working Group established and operating  
- District Resettlement Working Group established and operating  
- Resettlement Monitoring Commission established and operating  
- Public meetings held  
- Census complete  
- Settlement land demarcated  
- 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 & 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 Committee giving go-ahead to initiate works at previously occupied sites | Resettlement Commission Reports  
Consultation records  
Facilitators field reports  
Six monthly and Annual progress and financial reports  
Evaluation reports  
Final report of Resettlement Monitoring Commission | Project Resettlement Commission  
Environmental Management Department  
Technical Working Group  
Resettlement Monitoring Commission  
Initial support from Resettlement Technical Assistance |

*PDMM II - Resettlement Policy Framework*
<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestones / Indicators</th>
<th>Sources of information</th>
<th>Agency responsible</th>
<th>Frequency / Report Audience &amp; use</th>
</tr>
</thead>
</table>
| Impact Monitoring        | ▪ Host community and settlers’ attitudes to project & to one another: # satisfied with resettlement process / resettlement staff / mechanisms for grievance & problem solving / involvement in decision-making / development opportunities etc.  
▪ Time lapse before families feel they have reached the same / and better life than prior to relocation  
▪ # of grievances presented to Project Resettlement Commission / to Technical Working Group / to Resettlement Monitoring Commission  
▪ % resolved at each level in stipulated time  
▪ Proportion of families that do not leave their resettlement sites after one year / two years  
▪ Conservation of residence  
▪ # affected families with members temporarily / permanently employed by the CMM / project | Reports of the Resettlement Monitoring Commission.  
Regular public meetings, consultation with people affected by the project.  
Review of facilitator’s reports, Project Resettlement Commission and Technical Working Group reports on grievance mechanisms. | Environmental Management Department  
Project Resettlement Commission and Resettlement Monitoring Commission  
Initial support from Resettlement Technical Assistance | Annual or as required by the CMM and World Bank |
| Completion Audit         | Final evaluation of baseline indicators  
% compliance with World Bank involuntary resettlement policy  
Evaluation of relevance, replicability and sustainability of resettlement programme | Resettled families, host population and others in project and resettlement areas. Review of all project reporting and consultation documentation | Contracted external audit and social evaluation company | On completion of RAP timetable as agreed by CMM and the World Bank |
16. A Full RAP Outline

Introduction
- Brief description of the project with a list of project components including associated facilities. Description of project components causing impacts with overall estimates of social impacts and if physical relocation is 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 project 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. Verify that legal mechanisms used meet or exceed World Bank standards.

Entitlements
- Describe entitlement policies for each category of impact and specify that compensation 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 and standard of living for each category of impact? What additional 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. Include what mechanisms will be put in place to ensure vulnerable groups are active participants.
- 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 displaced people been involved in a participatory process to identify sites, assess advantages and disadvantages of each site, and select preferred sites?
- Have the displaced 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?
- Have all people within households been informed and involved?
- 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 to be settled;
- 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 with special focus on vulnerable groups.

- Describe the involvement of impacted persons 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. Ensure ways in which vulnerable groups will be informed.

**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 impacted people; arrangements for addressing conflicts that may arise between impacted people and host communities; and measures necessary to augment services in host communities to make them at least comparable to services available to impacted people.

**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 impacts are spread over a number of jurisdictions or where compensation 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 compensation and 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.
Appendices

A. Qualifications and functions of the officer responsible for resettlement in the Environmental Management Department

Qualifications and Functions of the Officer responsible for Resettlement in the Environmental Management Department

Qualifications:

- A degree in social sciences or planning or engineering.
- More than five years experience in community work / resettlement / facilitation.
- Fluent in Portuguese and relevant local languages.
- A reasonable command of English.

Functions should include but not be limited to:

The Officer will promote resettlement planning principles endorsed by the Municipal Council of Maputo 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 polices 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, impact on assets, or restriction of access does 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 compensation options, and offered opportunities to participate in planning, implementing, and monitoring impacts and compensation. 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 other municipal departments contribute to ensuring the quality and accessibility of infrastructure and public services for the displaced persons and host communities.

**RAP Planning:**
Should follow the guidelines in this RPF.

**RAP Implementation:**
Ensure the:
- Adequate design of awareness raising materials about the process of compensation, 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.
- A Municipal District Resettlement Working Group is created as an *ad hoc* working group of the District Resettlement Committee to supervise impacts caused by project activities 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 impact site when there are over 50 affected families to coordinate activities, participate in resettlement monitoring, grievances reception and channelling to the District Resettlement Working Group or Project Resettlement Commission, 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 impacted 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, filed and relevant information passed to the Information Office.
- Monitoring and follow-up is carried out with all impacted 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 GDEI to ensure technical assistance is contracted to provide training and support as needed.
- Ensuring the social facilitators monitor the use of grievance channels and facilitate their effective use by stakeholders, and that redress by CMM or other indicated parties is timely.
B. Consultation during RPF Preparation

Interviews were carried out with:

**Municipal Council of Maputo**

Fernando Vieira  
Institutional Reform Advisor

Maurício Vieira  
Strategic Planning Advisor

Narciso Faduco  
Director, Municipal Communication Office

Arqº Luís Nhaca  
Councillor, Urban Planning and Environment

Victor Fonseca  
Municipal Director of Infrastructures

Engº Virgílio  
Engineer, Municipal Directorate of Roads and Bridges

Paulino Pires  
Director, Department of Studies and Projects

João Thompson  
Technical officer, Department of Studies and Projects

Dário Marivate  
Technical officer, Department of Studies and Projects

Dr Conta  
Department Head, Environmental Management

João Costa  
Officer, Department of Environmental Management

Dr Monteiro  
Legal specialist, Department of Markets

Joaquim Stretz  
Environmental Engineer, GTZ – Technical support for solid waste management

**World Bank**

Sibekile Mutetwa  
Safeguards Specialist

Natalino Nascimento  
Municipal Engineer, Consultant

**MEETINGS WITH MAPUTO MUNICIPAL DISTRICT CONSULTATIVE COUNCILS**

**OBJECTIVES:**
1. Presentation of the environmental and Resettlement policy framework
2. Dissemination of the questionnaire results for the level of satisfaction in the districts
3. Comments for the revision of the resettlement policy framework

**DATE:** Thursday, 19-11-2009

**LOCATION:** Municipal District 1

**PARTICIPANTS:** 20 Neighbourhood secretaries and District officers

**COMMENTS / CONCERNS ABOUT**
- Existence of funds for the proposed projects.
- Disorganized settlement in reserved areas for municipal construction.
- In some of the areas the people are using the stones for the erosion protection terraces in their own private construction activities.
Need of socio-environment studies prior to constructions.
Need to improve not only the main roads but also secondary ones to facilitate transport needs.
Positive opinion on the existence of informative committees and community participation in resettlement.

DATE: Friday, 20-11-2009
LOCATION: Municipal District 4
PARTICIPANTS: 50 Neighbourhood secretaries and District officers

COMMENTS / CONCERNS ABOUT
- Existence of big lorries transporting / dumping rubbish on the Costa de Sol area where water used to circulate but now it does not.
- In the J. Chissano road; the road surface has been elevated 70 cm, so the concern was about the situation for neighbouring houses when the rains arrive.
- When allocating land before the rains drainage is not adequately addressed; the plots may be in poor conditions once the rains start due to the lack of drainage on the roads.
- People cooking as a business on construction roads in the middle of all the dust from the construction is potentially unhealthy.
- The Sebastião Mabote road had a negative impact in the community that was not analyzed.
- Before resettlement there is need to create enough conditions in the new areas, because many people come back due to the lack of adequate conditions.
- The actual city solid waste dump has got a number of families living there. There are fires every night. It is an unhealthy situation for all of them as well as the neighbourhoods around them.
- There are constructions happening in areas reserved for agriculture, without conditions for urbanization. There should be some coordination to avoid it happening.
- Positive opinion on the existence of informative committees and community participation on resettlement.
- On the Rua de Beira, there is a petrol station built in a low area. It is concerned with diverting the water, and this will enter the houses.
- Disorganized settlement/construction in reserved areas for municipal construction like pharmacies.
- Area adjacent to the railway is without water and access.
- In some areas tubes from installation of water supplies left lying in the road have been stopping traffic.
- Need to check the viability of the projects to avoid negative impacts.
DATE: Friday, 27-11-2009

LOCATION: Municipal District 2

PARTICIPANTS: 27 Neighbourhood secretaries and District officers

COMMENTS
- Specific cases concerning resettlement were raised such as when the children are studying in schools or universities in Maputo, the person may have extra transport costs after resettlement in far away areas.
- In the allocation of plots there is not room for the police in an initial phase and later somebody has to be resettled again to allow for the space.
- Lack of services in resettlement areas, hospital, schools, transports etc.
- This neighbourhood has not got space for constructions and they would like to improve the environment.
- Possibility of an incentive policy in the periphery to stimulate the population to move (like services).
- Even though people would like to leave the District 2 in favour of better organized districts, it is a very poor district and there is nowhere for them to go.
- Disorganized settlement in District 2 with 4 families on the same plot.
- Cases of 37 families sharing an outside latrine.
- Possibility of the government to construct houses and the people could re-pay them in 20 years.
- Specific case of the construction of a school. Only half way through the construction they realized that they will need the space occupied by four families in the area.

DATE: Friday, 27-11-2009

LOCATION: Municipal District 5

PARTICIPANTS: 25 Neighbourhood secretaries and District officers

COMMENTS
- The neighbourhood has been badly designed with few access routes and no drainage.
- There is already water and electricity but the roads do not have adequate conditions when the rains start.
- Regarding the programme of participatory road repairs, some of the roads (nº 7 and 15) the municipality only did half the job and the low areas remain full of water.
- Query about the situation with rubbish.
- Many access roads were blocked due to the reconstruction of Avenida General Sebastião Mabote and now with the rains there is already erosion on the road. There should be a feasibility study before the construction because the water is already affecting people.
- There is always confusion with the implementation of infrastructure projects and people avoid leaving the neighbourhood. There should be a way to minimize this situation.
- The vibrations on houses built near the airport create damage to the structure. The question was how to claim for the damage.
- Need to urbanize the neighbourhoods.
- Disorganized settlements have no roads and now there is no space for cars.
- There is rubbish left in the neighbourhoods.
- There is only one rubbish container per neighbourhood.
- 1500 plots are equal to 1500 fires at night. Worry about the environment.
- Repairs of the main roads needed.
- The municipal market is in a low area, during the rains it floods.
- The full amount of compensation for houses was given for people to construct new ones, but there was a three month delay before they could have access to plots for construction, so the people had already used the money.
- Need for drainage on the roads.
- After the floods of 2000 the people sold their resettled plots and went back to their original areas.
- Concern with some electricity posts in areas affected by erosion. The posts may fall.
- CMM makes many promises but later the people are moved to areas without conditions.

Presentation of draft RPF and ESMF to GDEI and key members of the Municipal Executive:

Place: Meeting Room, Municipal Council

Date: 05.02.2010

Participants:

**Members (Councilors Advisors and the communication office):**
- Rogério Nkomo – VF
- Florentino Ferreira – VSC
- Mário Macaringue – VI
- Alexandre Manguele – VSAS
- João Matlombe – VTT
- Celestino Jamal – VAE
- Narciso Faduco – DGC
- Fernando Vieira – AGDEI
- Mauricio Vieira – AGDEI
- Cláudio Nascimento – AF

**Other invited participants:**
- Armando Novo – Human Resources
- Paulino Pires – DMI
- Fernando Conta – DMPUA

Comments:
- It is appropriate to use the experiences of Phase I and as such note that resettlement costs can be high and the CMM cannot afford to pay all costs.
- Reinforcing personnel and training them is needed but costs should be covered.
- Are contractors aware of environmental requirements?
- It is useful to see the roles of each department.
- Experience has shown that planning and implementation of resettlement is best carried out by the same team as it allows continuity of trust with the affected people which is essential.
- The technical team currently carrying out resettlement facilitation does not have social skills, the teams must be made up of social facilitators.
- The Infrastructure sector has motives to drive the resettlement process ahead, but it is correct that social and planning people should carry out the work. The transfer of responsibilities should be gradual and start with smaller works.
- Complaints should be dealt with by a different department from that which is carrying out implementation of resettlement. It is difficult to be objective when the department is already involved.
- There could be synergies and opportunities to integrate schools and school children more into the resettlement process so that information and education can be enhanced and not undermined by the process.
- On the question of costs is the issue of being able to afford the cost of the tax imposed by MICOA for EIAs.
C. Recommended Institutional Organization and Overview of Responsibilities for Resettlement

Institutional Organization and Overview of Responsibilities for Resettlement Phase II, PDMM

Screening

<table>
<thead>
<tr>
<th>Activity Phase</th>
<th>Institution / Agency</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project planning</td>
<td>GDEI</td>
<td>Ensure project planning and design TOR includes measures to avoid or minimize need for compensation or resettlement.</td>
</tr>
<tr>
<td></td>
<td>DPU, DGA &amp; other CMM technical departments (Transport, Water and Sanitation, Studies and Projects etc.)</td>
<td>Identify needs for compensation or resettlement for specific sector projects. Carry out screening assessments.</td>
</tr>
<tr>
<td></td>
<td>DGA (Environmental Management Department)</td>
<td>Assist with screening assessments.</td>
</tr>
</tbody>
</table>
Institutional Organization for RAP Preparation

Legend:
- Technical assistance
- Supervision / communication

GDEI Institutional and Strategic Development Office
GC Communication Office
DMPUA Municipal Directorate of Urban Planning and Environment
DGA Environmental Management Department
DPU Urban Planning Department
DMI Municipal Directorate of Infrastructure
DEP Studies and Projects Department
Members of the Project Resettlement Commission
**RAP Preparation**

<table>
<thead>
<tr>
<th>Activity Phase</th>
<th>Institution / Agency</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Socio-economic baseline &amp; impact assessment with mitigation recommendations.</td>
<td>Consultant or DMPUA with support from DMI/DEP and technical assistance for 1st 2 years</td>
<td>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.</td>
</tr>
<tr>
<td>RAP Preparation</td>
<td>Consultant or DMPUA with support from DMI/DEP and technical assistance for 1st 2 years</td>
<td>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 RAP. Capacity development of DMPUA team responsible for resettlement</td>
</tr>
<tr>
<td></td>
<td>Office of Strategic and Institutional Development (GDEI)</td>
<td>Programme Authority. Strategic and oversight responsibilities for inter-institutional relationships and communication mechanisms. Ensuring compliance concerning public consultation and disclosure.</td>
</tr>
<tr>
<td></td>
<td>Environmental Management Department (DGA)</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>DPU/DGA</td>
<td>Resettlement site identification with displaced people. Ensure acquisition of use rights. Accompany and supervise RAP consultant if contracted, if not, carry out social facilitation to collect information and negotiation for RAP, and develop the document according to the RPF.</td>
</tr>
<tr>
<td></td>
<td>Urban Planning Department (DPU)</td>
<td>Resettlement site verification, acquisition of use rights, physical planning and supervision.</td>
</tr>
<tr>
<td></td>
<td>Studies and Projects Department (DEP)</td>
<td>Assist in the inventory and evaluation of displaced people’s structural assets.</td>
</tr>
<tr>
<td></td>
<td>Provincial Directorate of Agriculture</td>
<td>Assist in the inventory and evaluation of displaced people’s crops.</td>
</tr>
<tr>
<td></td>
<td>Municipal District</td>
<td>Assist with resettlement site location together with Neighbourhood Secretaries.</td>
</tr>
</tbody>
</table>
### Resettlement implementation

<table>
<thead>
<tr>
<th>Activity Phase</th>
<th>Institution / Agency</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resettlement implementation</td>
<td>Office of Strategic and Institutional Development (GDEI)</td>
<td>Programme Authority. Strategic and oversight responsibilities for inter-institutional relationships and communication mechanisms. Ensuring compliance concerning public consultation and disclosure.</td>
</tr>
<tr>
<td></td>
<td>Environmental Management Department (DGA)</td>
<td>Supervision of the resettlement process via contracted or in-house facilitators.</td>
</tr>
<tr>
<td></td>
<td>Consultant or DMPUA with support from DMI/DEP and technical assistance for 1st 2 years</td>
<td>Facilitate the social and technical resettlement processes ensuring continuity of consultation through the RAP development phase. As members of the Technical Working Group support the Project Resettlement Commission and the informal District Working Group.</td>
</tr>
<tr>
<td></td>
<td>Project Resettlement Commission</td>
<td>Responsible for organizing and the development of the RAP and its implementation via a consultancy or the Technical Working Group and the informal District Working Group.</td>
</tr>
<tr>
<td></td>
<td>Councillor of affected Municipal District</td>
<td>Lead the Project Resettlement Commission and provide the link between this the Municipal Council and the Technical and District working groups.</td>
</tr>
<tr>
<td></td>
<td>Cadastral Department (DC)</td>
<td>Site demarcation for resettlement.</td>
</tr>
<tr>
<td></td>
<td>Project Resettlement Monitoring Commission</td>
<td>Responsible for monitoring RAP implementation which may be implemented via a consultant or directly by the Commission with support from the Working Groups.</td>
</tr>
<tr>
<td></td>
<td>Resettlement specialist Advisor</td>
<td>Assist the Project Resettlement Monitoring Commission and the Environmental Management Department in monitoring and preventing negative outcomes during and after resettlement implementation.</td>
</tr>
<tr>
<td></td>
<td>Provincial Directorate of Agriculture</td>
<td>Assist in agricultural development in resettlement areas.</td>
</tr>
<tr>
<td></td>
<td>Municipal Directorate of Economic Activities Municipal District</td>
<td>Assist in displaced people's livelihood rehabilitation and promotion of small enterprise development etc. Ensure public participation in consultation via the District Working Group on Resettlement. DRWG should coordinate and supervise community consultation and participation in resettlement implementation at district level and support monitoring.</td>
</tr>
<tr>
<td></td>
<td>National Directorate of Water Affairs and the Water Assets Fund (FIPAG)</td>
<td>Develop adequate potable water sources for resettlers and host communities</td>
</tr>
<tr>
<td></td>
<td>Municipal Education and Health Departments and the relevant Provincial Directorates</td>
<td>Provide teachers and health workers respectively, if needed by resettling and host communities</td>
</tr>
</tbody>
</table>
Institutional Organization for Grievance Communication

Legend:
- Normal communication lines
- Grievance Communication
- GDEI Institutional and Strategic Development Office
- GC Communication Office
- DMPUA Municipal Directorate of Urban Planning and Environment
- DGA Environmental Management Department
- DPU Urban Planning Department
- DMI Municipal Directorate of Infrastructure
- DEP Studies and Projects Department
- Members of the Project Resettlement Commission
**Grievance communication & response**

<table>
<thead>
<tr>
<th>Activity Phase</th>
<th>Institution / Agency</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grievance communication &amp; response</td>
<td>Local Resettlement Committee</td>
<td>Forum for linking resettlement grievances to the Municipal District, the Project Resttlement Commission and ultimately the Provedor.</td>
</tr>
<tr>
<td></td>
<td>Local leaders</td>
<td>Social, land and other resource-use based grievance resolution.</td>
</tr>
<tr>
<td></td>
<td>Neighbourhood secretary</td>
<td>Local conflict resolution.</td>
</tr>
<tr>
<td></td>
<td>District Resettlement Working Group</td>
<td>Greivance and conflict resolution requiring district level authority.</td>
</tr>
<tr>
<td></td>
<td>Project Resettlement Commission</td>
<td>Resolution of issues relating to resettlement process misunderstandings or errors. Promote timely resolution of relevant issues by Municipal Departments</td>
</tr>
<tr>
<td></td>
<td>Municipal Provedor</td>
<td>Hearing and investigation of unresolved issues and instructions for resolution to Municipal Directorates</td>
</tr>
<tr>
<td></td>
<td>Mayor</td>
<td>Resolution of questions relating to issues outside of the Municipal Council.</td>
</tr>
<tr>
<td></td>
<td>Civil or Administrative Courts</td>
<td>Resolution of litigation brought by aggrieved parties.</td>
</tr>
</tbody>
</table>

**Monitoring and Evaluation**

<table>
<thead>
<tr>
<th>Activity Phase</th>
<th>Institution / Agency</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>RAP implementation and post-resettlement</td>
<td>RAP Consultant</td>
<td>Identification of indicators and M&amp;E system for resettlement.</td>
</tr>
<tr>
<td></td>
<td>Project Resettlement Monitoring Commission</td>
<td>Monitor the resettlement process and the indicators identified in the RAP. Consult with affected people and others. Produce final report at conclusion of resettlement for approval so main project works can be initiated.</td>
</tr>
<tr>
<td></td>
<td>External auditor</td>
<td>Process and impact audit of resettlement if required as a means to learn lessons for future application.</td>
</tr>
<tr>
<td></td>
<td>Programme Authority (GDEI)</td>
<td>Oversight of development of M&amp;E system for resettlement.</td>
</tr>
<tr>
<td></td>
<td>Environmental Management Department (DGA)</td>
<td>Maintenance of a record of RAP monitoring information and pass relevant information to the Communication Office.</td>
</tr>
<tr>
<td></td>
<td>District Consultative Committee - Resettlement Working Group</td>
<td>Participate in monitoring and evaluation and assist RAP consultant identify relevant indicators. Manage collection of information and channel relevant information to the Project Resettlement Commission &amp; the DGA.</td>
</tr>
<tr>
<td></td>
<td>Local Resettlement Committee</td>
<td>Participate in monitoring and evaluation.</td>
</tr>
<tr>
<td></td>
<td>Resettled people and host communities</td>
<td>Participate in monitoring and evaluation.</td>
</tr>
</tbody>
</table>
D. Recommended Capacity Development

*Training and technical assistance support (estimated and included in the budget presented in Section 13):*

**DMPUA**
- Resettlement screening, planning and implementation – World Bank Principles and guidelines.
- Support to developing RAPs.
- Negotiation and conflict management training.
- Social facilitation.
- Monitoring and evaluation of resettlement.
- Post resettlement impact monitoring.
- Establishment of systems for improving interdepartmental coordination and support.

**DMI, DMPUA, DMAE, DMSS**
- Voluntary and Involuntary resettlement.
- Resettlement screening.
- Negotiation and conflict management training.

*Other capacity support (estimated and included in the budget presented in Section 13):*

- 4 x 4 vehicle, two computers with UPS and backing up facilities.
- Recruitment of one higher level technician to DGA.
- Technical assistance from a Maputo-based experienced resettlement specialist (over 10 years of experience) contracted via a draw-down contract for intermittent as needed support (estimated at eight days a month for 16 months during a period of two years).
E. References

Excerpts from documents prepared by the CMM for the PDMM Phase II Pre-Appraisal visit by the World Bank in December 2009:

- Informal Settlements / Neighbourhood improvement Programme, 2.12.09
- Draft Budget, Indicators and Objectives, 8.12.09
- Phase II Coordination and Implementation Mechanisms.

Records of communications, institutional organization, negotiations forms and complaints for resettlement along Avenida General Sebastião Mabote, 2008

Designs for highest impact road infrastructure in Phase II, DEP, DMI.


Socio-economic Impact Study for the Maputo City Road Rehabilitation Project, Maputo Municipal Council, DMEP, by UMP / Técnica and Al-Obaid Consultants, August 2007.