



REPUBLIC OF MOZAMBIQUE

MINISTRY OF PUBLIC WORKS, HOUSING AND WATER RESOURCES

NATIONAL ROADS ADMINISTRATION (ANE)

INTEGRATED FEEDER ROAD DEVELOPMENT PROJECT (IFRDP)

(PROJECT -- P158231)

RESETTLEMENT POLICY FRAMEWORK (RPF)

Final Report



In Nampula and Zambezia provinces- Mozambique

September, 2017

LIST OF ACRONOMYS

ANE	Administração Nacional de Estradas
ARAP	Abbreviated Resettlement Action Plan
DINOTER	National Directorate of Territorial Planning and Resettlement
DPTADER	Provincial Directorate for Land, Environment and Rural Development
EA	Environmental Assessment
EIA	Environmental Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental Simplified Management Plan
FE	Fundo de Estradas
GoM	Government of Mozambique
IBRD	International Bank for Reconstruction and Development
ICR	Implementation Completion Report
IDA	International Development Association
IFC	International Finance Corporation
IFRD	Integrated Feeder Roads Development Project
INGC	Instituto Nacional de Gestão de Calamidades
INATER	Instituto Nacional de Transportes Terrestres
MTC	Ministério de Transporte e Comunicações
MASA	Ministério da Agricultura e Segurança Alimentar
MITADER	Ministério da Terra, Ambiente e Desenvolvimento Rural
MOPHRH	Ministério das Obras Públicas Habitação e Recursos Hídricos
NGOs	Non-Governmental Organizations
POs	Political Operations
OP	Operational Policy
PQG	Plano Quinquenal do Governo
RAP	Resettlement Action Plan
RoW	Right of Way
VLC	Voluntary Land Contribution

WB

World Bank

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TERMS AND DEFINITIONS

Barraca means small, temporary shop usually by the roadside selling consumer goods, hardware and other different types of domestic items.

Census means any field survey carried out to identify and determine the number of Project Affected Persons (PAPs) and their assets; in accordance with the procedures, satisfactory to the National legislation and WBG's Safeguard Policies. The census must be complemented by additional information gathered during consultations with affected communities and the Local Leaders.

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

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

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

Grievance Redress Mechanisms (GRM), means all processes and tools that serve to channel conflict into an institutionalized mechanism for peaceful resolution. They facilitate communication between affected people and management (project, local authorities, government, etc.) regarding problems that arise, and enable those affected to complain with dignity, knowing that there is a system of appeals leading to an impartial decision making. A detailed description of the GRM process is included in chapter 8.

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

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

Involuntary Land Acquisition is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

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

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

Machamba means subsistence farming plot.

Project Affected Persons (PAPs) means those persons who, as a result of land acquisition or involuntary displacement, economic and/or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. PAPs can include informal land occupants/users that lack formal and/or customary rights. These people may have their:

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

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

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

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

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

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

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

- Pre-project or pre-displacement, whichever is higher, market value of land of equal size and locational advantage in a similar area, plus the transaction costs.

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

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

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

Resettlement Action Plan (RAP) is a resettlement instrument (document) to be prepared when project activity locations, are identified and acquisition of land for the project is required. When land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. The project proponent impacting on the people (RF or ANE) and their livelihoods prepares RAPs or ARAPs. RAPs contain specific and legally binding requirements to be abided by IFRDP to resettle and compensate the affected people before implementation of the project activities causing adverse impacts. Where impacts are limited in nature and the number of PAPs is smaller an ARAP may be used.

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

Vulnerable Groups refers to:

- Low capacity households – especially those below the poverty line, the landless, the elderly, widows, ethnic minorities and/or subjects of gender bias, low income households and informal sector operators;
- Incapacitated households – those with no one fit to work and;
- Child-headed households and street children.
- Any other vulnerable groups identified during the census, as per the section 5.
 - This group is among other things, characterized by low nutrition levels, low or no education, lack of employment or revenue.

Executive Summary

The Government of Mozambique through Road Fund and National Roads Administration are preparing the implementation of the Integrated Feeder Roads Development Project (IFRDP) with objective of enhance mobility in selected rural areas in support of inclusive agriculture and other livelihoods of local communities, whilst ensure efficient mobility of people and freights along the connected main national corridors. The project will target roads in four districts of Zambezia province namely, Lugela, Murrumbala, Maganja da Costa and Pebane, as shown in the map below:



Figura 1. Mapa dos Distritos identificados na Província da Zambézia

In Nampula province the project will be implemented in the following districts: Memba, Moma, Namapa and Monapo as shown in the map below.



Figura 2. Mapa dos Distritos identificados na Província de Nampula

The project will have five components listed below, which are interrelated in nature and integrated in road development network in the target provinces: **Component 1:** Rehabilitation and Maintenance of Feeder Roads (Estimated cost US\$80 million, of which US\$60 million will be financed by IDA), **Component 2:** Rehabilitation of Primary Road Network (Estimated cost US\$80 million, of which US\$70million will be financed by the IDA), **Component 3:** Pilot Rural Transport Services (Estimated cost US\$10 million, of which US\$5 million will be financed by IDA), **Component 4:** Capacity Building and Project Administration (Estimated cost US\$15 million, financed by IDA) and **Component 5:** Zero-budget Contingency Component.

The project will bring possible social impacts such as access to social services, loss of support structures, loss part of plots used for agriculture and agriculture production, restriction or loss of access to economic assets and resources leading to land acquisition.

This Resettlement Policy Framework (RPF) will establish the general principles and parameters to be followed in the preparation and implementation of land acquisition activities through Resettlement Action Plans (RAPs) or Abbreviated RAPs (ARAPs) for the IFRDP. The RPF is required when the final selection and alignments of roads to be constructed, rehabilitated and maintained under the project are not precisely known. Once a road segment is selected and designed, Resettlement Action Plans (RAPs) will be prepared on the basis of this framework in order to guide the conduct of land acquisition and resettlement activities of the IFRDP.

The RPF was prepared in compliance with the standards of the GoM relevant legislation and the The World Bank Group (WB), Operational Policy (OP) 4.12 on Involuntary Resettlement. The RPF will be applicable to all sub-projects under the IFRDP where land acquisition and/or resettlement is required as part of project implementation.

This RPF recommends that where there is remarkable difference between Mozambican Legislation and the World Bank Operational Safeguards Policies that of the World Bank always supersedes, always in benefit of the PAPs, aiming fair compensation and full livelihoods restoration to same or better living standards, prior to the project. The Gaps between World Bank and Mozambican legislation are as follows: World Bank Operation Policy for compensation calculation consider market price of the construction cost, market price of a given crop including costs associated with the land preparation; for the fruit trees the calculation is done on the basis of the age and market prices, including the loss that the family will have until a new plant comes into production and includes the intangible cost of expropriation, on the other hand Mozambique legislation if the family house has to be expropriate the compensation has to be a three bed room (minimum of 70 m²) with conventional material, no matter the material of previous house and also compensation for infra-structure can be added in kind cash, for crop and fruit trees are compensate using the prices given by the Ministry of Agriculture and Food Security (MASA), in the targeted provinces and no social cost of expropriation included. The mitigation measures to be consider for the trees are to include age factor to compensate the family for the loss that will experience until the new plant comes to the production, also should include in kind compensation with fruit seedlings.

To determine if the sub project require the RAP/ARAP the consultant should do the screening process using the form in Annex 3 to identify the land/areas that are being impacted. Is also used to identify the type and nature of potential impacts related to the activities proposed under the project and to provide adequate measures to address the impacts. The project which have potential resettlement issues will then be subjected to a comprehensive sensitization and consultation process with the potentially impacted communities and the outcome of this process would be documented for each site and send to DPTADER for final decision on type of plan (other will be RAP or ARAP).

After DPTADER decision on type of plan the RAP Consultant should follow the steps involved in preparing the RAP/ARAP such as:

- (i) Project description, identification of potential impacts and objectives
- (ii) socio-economic Studies and census survey data to identify the persons who will be affected by the individual subproject,
- (iii) identify and analyze the legal framework for land acquisition and compensation;
- (iv) eligibility criteria for compensation and other resettlement assistance,
- (v)
- (vi) Valuation and compensation for losses;
- (vii) Resettlement measures
- (viii) public consultation and community participation
- (ix) grievance procedures;.
- (x) Organizational responsibilities
- (xi) Implementation schedule;
- (xii) Cost and Budget
- (xiii) Monitoring and Evaluation
- (xiv) All steps above involves a.

During the preparation and implementation of the RAP different agencies have different roles as shown below:

Stage in Sub Project Cycle	Responsible unity	Role and responsibilities
Sub Project Identification	ANE and RF HdQ WB DPTADER	Overall coordination implementation of the project (RPF and ESMF): Undertake Project Screening and determine eligibility Determine Category and required Instruments (ESIA, ESMP and RAP)
Sub Project Preparartion (Feasibility Study and Design)	Consultant hired by ANE Local administration and affected people	Prepare RAP or ARAP/ESIA/ESMP Participate in the socio-economic census, Public consultation; Implementing the grievances mechanism
Review and approval	ANE HdQ and Delegate World Bank Provincial government (DPTADER)	Review safeguards documents ; RAP or ARAP, ESIA, and ESMP Approval;

Project Implementation	Contractors; Consultation District administration ANE and FE Delegation; ANE HdQ DPTADER/Resettlement Committee	Overseen the implementation of ESIA, ESMP and RAP Monitor the implementation of RAP or ARAP, ESIA and ESMP (auditing) To oversee the GRM and the implementation of the RAP or ARAP, ESIA and ESMP of the subj project; To resolve the community complaint
Completion/turnover	ANE HdQ, ANE and FE Delegation RAP implementation Consultant DPTADER (Resettlement committee) Contractor	RAP Evaluation ESIA/ESMP
Operation/maintenance	Contractor ANE delegation	ESIA/ESMP implementation

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified in the desk studies and field consultations. ANE will ensure that all the entitlements have been fairly assessed and that the entitlement values have been agreed upon and accepted by the affected persons; and signed for by the individuals to be compensated.

Compensation entitlements for different categories of eligible persons and assets (properties) are summarized in the next table:

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
Owner	Land	Permanent Loss of fraction of land and the rest of the parcel is usable	Registration of land parcels to be lost prior to expropriation, free of cost Cash compensation for affected land at replacement cost (equivalent to the market value of the property, sufficient to replace the lost asset and cover the transaction cost) and any taxes for land registration	Transfer of property right through expropriation process	The value of the rest of the parcel will reduce. There is need to calculate the forgone value of the previous land and be compensated accordingly	
Owner		Permanent Loss of fraction of land and the rest of the parcel is not usable	Registration of land parcels to be lost prior to expropriation, free of cost Cash compensation for affected land at replacement cost (equivalent to the market value of the property, sufficient to replace the lost asset and cover the transaction cost) and any taxes for land registration	Transfer of property right through amicable agreement during the expropriation process	Calculation of total value of the parcel	Provision of the new replacement permanent land, with equivalent value, location and productivity; including the provision of funds to develop alternative replacement land.

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
			Replacement Land plot of similar size and characteristics (equivalent value, productivity, quality, size, location) with secure land tenure			
Tenant			Assistance on lease alternative land /property to re-establish use	Finding alternative location of similar characteristics given for use with secure tenure	This is unlikely situation	
Onwer		Temporary loss of land or access to land due to construction or rehabilitation works	<p>a new plot of land will be given to the owner based on costmary law. The replacement land must be permanent of equivalent value, size, location and productivity.</p> <p>In a case that the contractor need land outside the ROW (ancillary works, camp site, access roads etc), the contractor shall negotiate with the PAP compensation option that may include:</p>	In circumstances where part of land could be used by the owner/use or imposed restriction for use	<p>Before starting any borrow pit or quarry operation, the Contractor should obtain approval from the authorities (National Directorate of Mines) and linked to the ESIA an environmental license approval for operation of the quarry sites;</p> <p>Contractor's obligation for damages, restoring the property, (i.e crack in PAPs houses due to</p>	Landowners consent and approvals will be obtained prior to opening borrow pits or quarries. The approval will identify the future land-use required by the landowner for the area utilized as a borrow pit or quarry;

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
			<p>Rent payment for the time the land will not be available for owner or user;</p> <p>Compensation for the assets;</p> <p>Replacement land of equivalent value, productivity, location, and funds to develop the replacement land to the same quality as affected land</p> <p>Or</p> <p>Use of VLD subject to consent of landowner, if losses are small, as per the protocol</p>		<p>vibration or other construction related issues)</p> <p>The VLD, should be used in very limited situation, where the losses of PAPs are negligible and PAPs income/ subsistence is not significantly affected</p>	
Owner (1 and 3)	Commercial property (barraca, banca)	Loss of business and or banca	<p>Compensation for loss of income incurred as a result of reallocation including any discrepancies in livelihood. Assistance to displace the barraca or banca</p>	Compensation will be given until the income stream	For the non-permanent structure the owners will be given opportunity to remove the structure and transaction cost will be paid to transport the material to a new location;	

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
					If the structure is a conventional the compensation will be in money based on the cost of material and area demolished.	
Absence of legal land right (DUAT)	Land or Business	Losses of Land	No cash compensation for affected land at replacement cost. Compensation of the structure at the replacement cost and assistance to find a new place to establish same business		Encroachers prior to cut off date will be entitled for compensation to displace a structure or small business	
Owner	Economic trees and crops	Area Need for construction works	Registration of all type and quantities of affected trees prior to the construction activities starts; Determine the type and area affected crop field area that will be lost and identifies the crop.			

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
			<p>Cash compensation.</p> <p>Land compensation will consider the compensation mechanisms described under the land category above</p>			
Community asset	Sacred local, Cemetery	Area need for construction works	<p>Identify and describe the community affected asset;</p> <p>With the local leaders and affected families determine the conditions to relocate the affect sacred area if needed or adjust if possible the design to avoid these areas</p>		Provision of funds for traditional ceremonies, transport, assistance to communities.	
Owner	Business	Temporary interruption of business due to construction or rehabilitation works	<p>Compensation for the business interruption;</p> <p>Cash compensation</p>			

A summary of all the assets that the PAP is entitled to shall be prepared for easy reference.

There is also a Voluntary Land Contribution (VLC), a process on which an individual or communal owner agrees to donate land or property for project related activities. For that there are different criterias to be followed such as: The VLC limited to corridor of impact area only; Impacts on individual households should be marginal limiting up to 10% of the productive assets and the remaining assets are economically viable to ensure livelihood or shelter; The individuals/households making voluntary land contribution will be considered as direct beneficiaries of the project; The VLC is made freely in public and shall not affect the household's food security and in the event of few people's remaining assets becomes unviable, they will be provided suitable assistance and support.

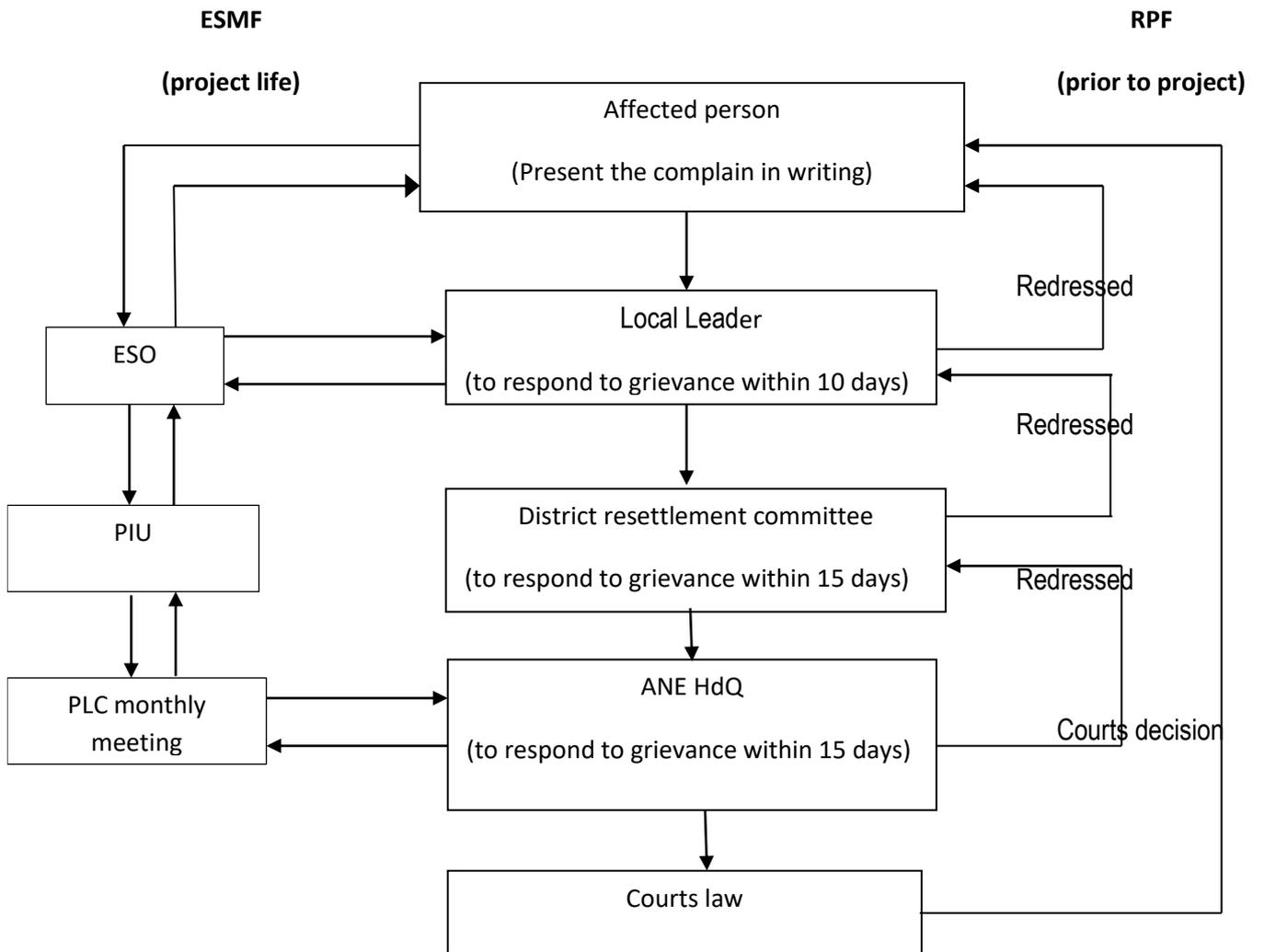
The arrangement for monitoring the RAP implementation will fit the overall monitoring programme of the entire IFRDP. The project proponent (ANE) will institute an administrative reporting system.

Monitoring of the compliance of project implementation with the mitigation measures will be carried out jointly with Monitoring Department from ANE HdQ, Focal point from Provincial Delegate, (PIU at provincial level) Environmental and Social Specialist from the Consultant and the, Contractor and the representative of the Community. Periodic audits will be made, by the PIU and DPTADER, in order to determine whether the PAPs are happy with the process.

The PIU at district level in coordination with RAP Committee should supervise the monitoring activities and report monthly to the site meeting. The site meeting should include the participation of the PIU at provincial and national level and the participation of the donor amongst other relevant entities.

Once the subproject is defined and the preliminary foot prints of the site-specific project are defined, public consultation will be organized with communities. In these meetings, people will be informed about grievance redress mechanism as well.

All grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation shall follow the steps shown on the organogram below:



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

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

Information on the GRM must be displayed in the affected community and all PAPs must know how it works, how to access it and how to follow it until an agreed solution is found.

In addition, the project may also consider the local/traditional structure for conflict resolution existing in the community as part of the entire GRM system.

The estimated cost for the implementation of the RPF is **USD 1 990 000,00**. These costs will cover elements for preparation of specific RAP/ARAP for the project, RAP/ARAP implementation and monitoring, compensation for affected trees, structures and buildings, compensation for loss of income and compensation for land acquisition, commercial structures and other means of subsistence. Details of the estimated budget are given in table 1, below. Successful implementation of this RPF and the Resettlement Action Plans (which will be prepared based on this RPF) will ensure that future projects activities are implemented, assessed reviewed to sustainably address any adverse social and economic impacts on PAPs.

Table 1: Estimative Budget for RAP/ARAP Implementation

Activities to be funded under the RPF	Costs (10³ USD)	N° of subprojects/districts	Total (10³ USD)
Preparation of the RAP for each sub project	30	15	450
Implementation of the RAP	100	15	1,500.00
Implementation of the GRM	5	8	40
Grand Total			1,990.00

SUMARIO EXECUTIVO

O Governo de Moçambique através do Fundo de Estradas e da Administração Nacional de Estradas , está preparando a implementação do Projecto de Desenvolvimento Integrado de Estradas Rurais (IFRDP), com o objectivo de aumentar a mobilidade em áreas rurais seleccionadas e apoiar a agricultura inclusiva e outros meios de subsistência das comunidades locais, garantindo uma mobilidade eficiente de pessoas e bens ao longo dos corredores nacionais principais conectados. O projecto tem como alvo as estradas em quatro distritos da província da Zambézia, nomeadamente Lugela, Murrumbala, Maganja da Costa e Pebane, conforme mostra o mapa abaixo:

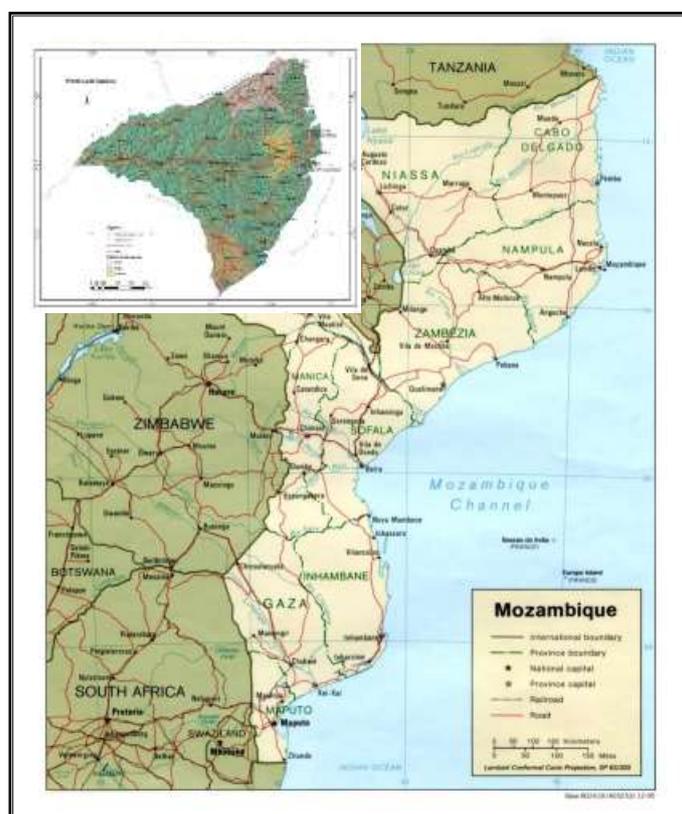


Figura 1: Distritos Identificados na Província da Zambézia

Na província de Nampula, o projecto sera implementado nos seguintes distritos: Momba, Moma, Namapa e Monapo, conforme mostrado no mapa abaixo.



Figura 2: Distritos Identificados na Província da Nampula

O projecto terá cinco componentes, que estão naturalmente inter-relacionados e integrados na rede de desenvolvimento rodoviário nas províncias alvo. **Componente 1:** Reabilitação e Manutenção de Estradas Rurais (Custo estimado de 80 milhões de Dólares Americanos dos quais 60 milhões serão financiados pela IDA); **Componente 2:** Reabilitação da Rede de Estradas Primária (Custo estimado de 80 milhões de Dólares Americanos, dos quais 70 milhões serão financiados pela IDA); **Componente 3:** Serviços piloto de transporte rural (Custo estimado de US \$ 10 milhões, dos quais 5 milhões de Dólares Americanos serão financiados pela IDA); **Componente 4:** Capacitação e Administração de Projectos (custo estimado em 15 milhões de dólares Americanos, financiado pela IDA) e **Componente 5:** componente de contingência de orçamento zero.

O projecto trará possíveis impactos sociais, como o acesso a serviços sociais, a perda de estruturas de apoio, perda de parte das parcelas utilizadas para agricultura, restrição ou perda de acesso aos activos económicos e recursos que levem a aquisição de terras. Este Quadro de Política de Reassentamento (QPR), estabelecerá os princípios e parâmetros gerais a serem seguidos na preparação e implementação Plano de Acção de Reassentamento para o IFRDP. O QPR é necessário quando a selecção e alinhamento final das estradas a serem construídas, reabilitadas e mantidas no projecto não são precisamente conhecidas. Uma vez que um segmento rodoviário e seleccionado e identificada a necessidade de reassentamento, os Planos de Acção de Reassentamento serão preparados com base neste QPR, a fim de orientar o processo de aquisição de terra e reassentamento no âmbito do IFRDP.

O QPR foi preparado conforme os padrões específicos da legislação Moçambicana relevante e na política do Grupo Banco Mundial, Política Operacional (OP 4.12) sobre Reassentamento Involuntário. O QPR será aplicável a

todos os sub-projectos no IFRDP, onde a aquisição de terras e /ou o reassentamento são necessários como parte da implantação do projecto. Este QPR recomenda que, sempre que exista uma notável diferença entre a Legislação Moçambicana e as salvaguardas Operacionais do Banco Mundial, prevaleçam as provisões da política de salvaguardas do Banco Mundial. As lacunas entre a legislação do Banco Mundial e Moçambicana são as seguintes: A política de salvaguardas do Banco Mundial sobre reassentamento involuntário, considera para o cálculo da compensação o **preço do mercado** para a construção de infra-estruturas, preço do mercado de uma determinada colheita, incluindo os custos associados a preparação da terra; para as fruteiras, o cálculo é feito com base na idade e nos preços do mercado, incluindo a perda que a família terá até que uma nova planta atinja o estágio de produção e inclui o custo intangível da expropriação, por outro lado a legislação Moçambicana se a casa e expropriada a compensação deve ser uma casa tipo 3 (com o mínimo de 70 m³) com material convencional, independentemente do material da casa anterior e também a compensação pela infra-estrutura pode ser adicionada em dinheiro vivo, as fruteiras e culturas são compensadas usando os preços fornecidos pela Direcção Provincial de Agricultura e Segurança Alimentar e nenhum custo social de expropriação é incluído. As medidas de mitigação a serem consideradas para as árvores são incluir um factor de idade para compensar a família pela perda que irá experimentar até a nova planta chegar a produção, também deve incluir compensação em espécie com muda de plantas.

Para determinar se o sub projecto requer o PAR ou PARA, o Consultor do PAR/PARA deve fazer o rastreio usando o formulário de pre-avaliação (Ver o anexo 4), para identificar as terras/ áreas afectadas pelo projecto. Também serão usados para identificar o tipo e a natureza dos potenciais impactos relacionados as actividades propostas no projecto e fornecer medidas adequadas para mitigar os impactos. O projecto que tenha problemas de reassentamento será submetido a um processo abrangente de sensibilização e consulta com as comunidades potencialmente impactadas e o resultado deste processo será submetido ao DPTADER para uma decisão final sobre o tipo de plano a ser preparado (PAR ou PARA). Após a decisão do DPTADER sobre o tipo de plano, o Consultor do PAR/PARA deve seguir as etapas previstas no QPR para a preparação do PAR/PARA, tais como: em primeiro lugar deve ser feito o censo e o levantamento de dados sócio-económicos precisos e apropriados para identificar as pessoas que serão afectadas por cada sub-projecto, para determinar quem será elegível a assistência e compensação, identificação e análise do quadro legal para reassentamento; em seguida desenvolver uma matriz de elegibilidade, descrição da assistência no processo de reassentamento e restauração de actividades de subsistência; orçamento detalhado; cronograma de implementação; descrição das responsabilidades organizacionais onde esta incluído o mecanismo de reclamação. Este processo inclui também a participação e consulta pública.

Durante a preparação e implementação, as agencias tem diferentes funções, como mostra abaixo:

Etapa do ciclo do projecto	Agencia Responsável	Papel e Responsabilidades
Identificação do subprojecto	ANE e FE a nível central BM DPTADER	Coordenação e implementação do projecto (RPF e ESMF): Triagem e determinação da elegibilidade do projecto Determinação da categoria e instrumentos necessários (PAR ou PARA, EIAS e PGAS)

Preparação do subprojecto (Estudo de viabilidade e desenho)	Consultor contratado pela ANE Administração Local e pessoas afectadas	Preparação do PAR ou PARA, EIAS e PGAS Participação no censo e no levantamento socioeconómico Consulta pública; Implementação do mecanismo das reclamações
Revisão e aprovação	ANE a nível central e as Delegações Banco Mundial Governo Provincial (DPTADER)	Revisão das salvaguardas; Aprovação do PAR ou PARA, EIAS e PGAS
Implementação do Projecto	Empreiteiro; Consultor Administração Distrital n Delegação da ANE e FE; ANE a nível central DPTADER/ Comité de Reassentamento	Responsável pela implementação PAR ou PARA, EIAS e PGAS Monitorar a implementação do PAR ou PARA, EIAS e PGAS (auditoria) Para monitorar o mecanismo de reclamação e a implementação do PAR PARA, EIAS E PGAS dos sub projectos Resolver as reclamações das comunidades
Conclusão/retorno	ANE a nível central, Delegações da ANE e FE Consultor de implementação do PAR DPTADER (comité de Reassentamento) Empreiteiro	Avaliação do PAR EIAS/PGAS
Operação/manutenção	Empreiteiro Delegação da ANE	Implementação do EIAS/PGAS

Os direitos a compensação devem basear-se nos critérios de elegibilidade e nas varias categorias de perdas identificadas nos revisao bibliográfica e nas consultas de campo. A ANE assegurará que todos os direitos tenham sido acordados e aceites pelas pessoas afectadas; e assinado pelos indivíduos para serem compensados.

Os direitos de compensação para diferentes categorias de pessoas e activos elegíveis (propriedades) estão resumidos na tabela abaixo:

Categoria dos PAs	Propriedade	Tipo de propriedade afectado ou perdido no projecto	Direito	Processo e condições específicas
	Casa	Perda completa ou parcial da casa	Registo da terra, material e das divisões antes da expropriação Cálculo da compensação	Construção da nova casa; Material de construção e custo de transporte para o novo local
Proprietário	Terra	Perda de porções de terra e o resto da parcela e viável	Registo de parcelas de terra a serem perdidas antes da expropriação, Compensação em dinheiro das terras afectadas ao custo de reposição (equivalente ao valor de mercado da propriedade, suficiente para substituir o bem perdido e cobrir o custo da transacção) e qualquer taxa para o registo da terra	Transferência do direito da propriedade por processo de expropriação
Proprietário		Perda de porção de terra e o resto da parcela não e utilizável	Registo de parcelas de terra a serem afectadas antes da expropriação, sem custos Compensação em dinheiro das terras afectadas ao custo de reposição	Transferência do direito da propriedade através de acordo amigável por

			(equivalente ao valor de mercado da propriedade, suficiente para substituir o bem perdido e cobrir o custo da transacção) e qualquer taxa para o registo da terra Terreno de tamanho e características semelhantes com posse segura da terra	processo de expropriação
Inquilino			Assistência e arrendamento de terra /propriedade alternativa para restabelecer a utilidade	Encontrar alternativa segura de característica semelhante para utilização segura
Proprietario (1 e 3)	Propriedade comercial (barraca, banca)	Perda do negocio e ou banca	Compensacao por perda da renda incorrida como resultado do reassentamento incluindo quaisquer discrepancia nos meios de subsistencia. for loss of income incurred as a result of Assistencia na deslocação da banca ou barraca	A compensacao sera dada ate a recuperacao do fluxo da receita
Ausencia do direito do uso da terra (DUAT)	Terra e negocio	Perda de terra	Nenhuma compensacao em dinheiro para terras afectadas ao custo de reposicao Compensacao da estrutura com o custo de reposicao e assistencia para encontrar um novo local para estabelecer o mesmo negocio	
Proprietario	Terra	Perda temporaria da terra ou acesso a mesma devido aos trabalhos de reabilitação ou construção	Nova terra sera dada ao proprietario baseando-se na lei costumeira	Nas circunstancias em que parte do terreno poderia ser usado pelo proprietario/uso ou restrições impostas para uso

Proprietário	Negocio	Interrupção temporária do negocio devido os trabalhos de construção ou reabilitação	Compensação por interrupção do negocio	
Proprietário	Árvore de frutas e culturas diversas	Área necessária para os trabalhos de construção	Registo de todo tipo de arvores que serão cortadas antes do inicio das actividades de construção; Determinar as parcelas de terra que serão perdidas e identificar as culturas. Compensação em dinheiro	As Culturas e fruteiras são compensadas usando os valores fornecidos pela Direcção provincial de Agricultura das províncias visadas
Activo comunitário	Locais sagrados, Cemitérios	Área necessária para os trabalhos de construção	Identificação e descrição dos activos da comunidade; Com os Lideres locais e as famílias afectadas determinar as condições de contornar a área se possível ou ajustar o projecto se possível para evitar a mesma área.	Acordar o mecanismo de compensação dependendo de cada família e comunidade Pagamento em dinheiro para as cerimónias tradicionais

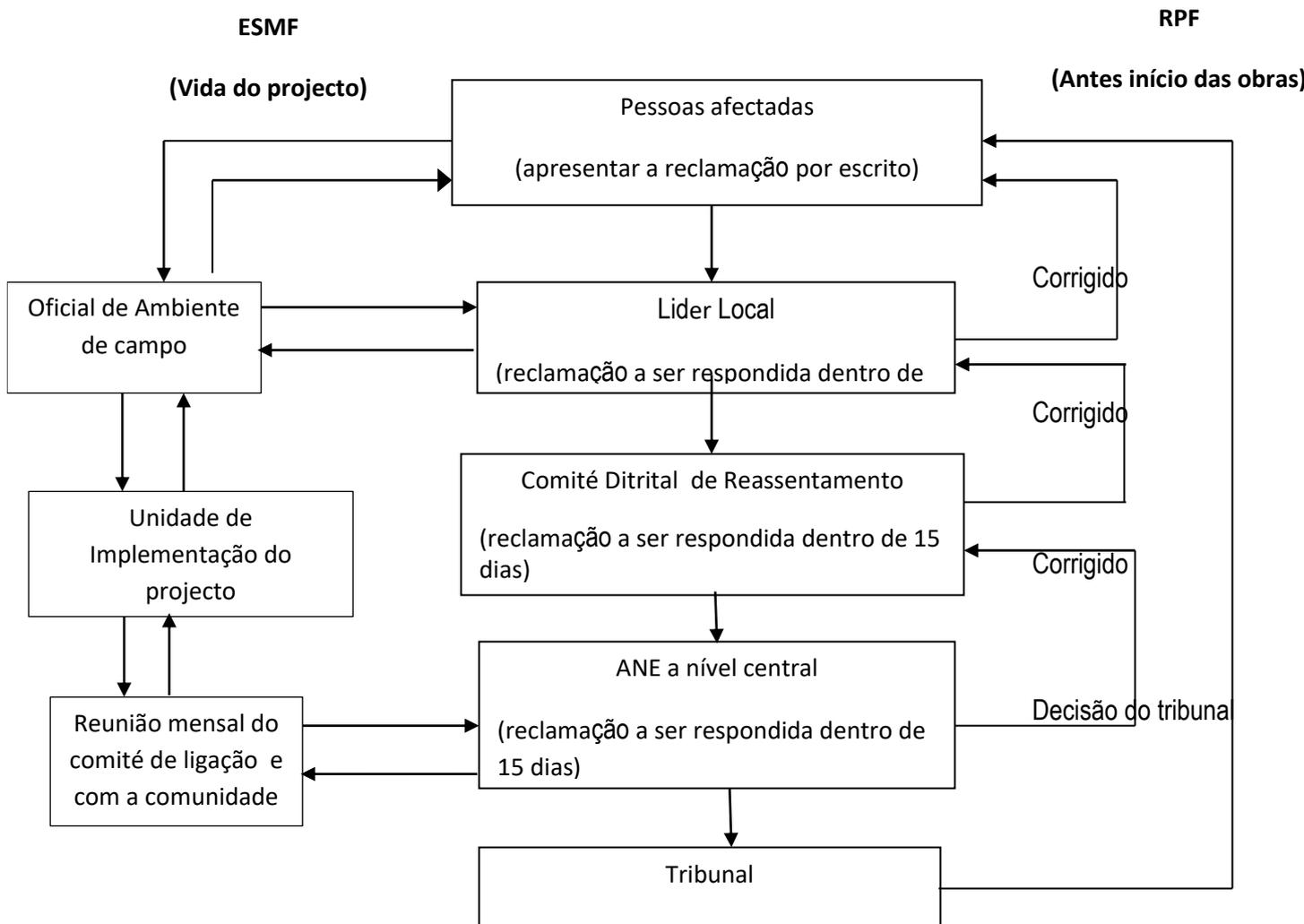
Um resumo de todos os bens que o PAP tem direito deve estar preparado para facilitar a consulta.

Há também um processo de Contribuição Voluntaria de Terra (VLC), no qual um proprietário individual ou comunal concorda em fornecer terra ou propriedade para actividades relacionadas ao projecto. Para isso, existem critérios diferentes a serem seguidos, tais como: O VLC limitado ao corredor de área de impacto apenas; Os impactos nas famílias individuais devem limitar marginalmente até 10% dos activos produtivos e os recursos remanescentes são economicamente viáveis para garantir subsistência ou abrigo; Os indivíduos / famílias que fazem contribuição voluntária da terra serão considerados como beneficiários directos do projecto; O VLC é feito

livremente em público e não afectará a segurança alimentar do agregado familiar e, se os bens restantes permanecerem inviáveis, serão providenciados assistência e apoio adequados.

O arranjo para monitorar a implementação do PAR ou PARA caberá ao programa geral de monitoramento de todo o IFRDP. O Sector de Estradas instituirá um sistema de relatórios administrativos.

O monitoramento do cumprimento da implementação do projecto com as medidas de mitigação a serem definidas em cada subprojecto (PAR ou PARA, EIAS/PGAS) será realizado em conjunto com o Departamento de Monitoria da ANE a nível central, ponto focal da Delegação Provincial, PIU a nível provincial, Especialista em Meio Ambiente e Social do Consultor e do Empreiteiro e do representante da Comunidade. Auditorias periódicas serão feitas pelo PUI e DPTADER, a fim de determinar se os PAPs estão satisfeitos com o processo. O PIU a nível distrital deve supervisionar as actividades de monitoria e informar mensalmente na reunião de progresso da obra. O PIU a nível provincial e nacional incluindo o doador deverão participar na reunião de progresso sempre que possível. Uma vez que o subprojecto é definido e o alinhamento preliminar do projecto específico da estrada 'e conhecido, a consulta pública será organizada com as comunidades. Nessas reuniões, as pessoas também serão informadas sobre o mecanismo de reclamação. Todas as queixas relativas ao incumprimento de contratos, níveis de compensação ou embargo de activos sem compensação devem seguir as etapas mostradas no organograma abaixo.



O custo estimado para a implementação do PAR é **USD 1,990,000.00**. Estes custos irão cobrir a elaboração de PAR específico para os subprojectos, implementação e monitoria do PAR, compensação por árvores, infra-estruturas afectadas, compensação por perda de renda e compensação por reassentamento e reabilitação. Os detalhes do orçamento estimado são apresentados na tabela abaixo.

Actividades a serem financiadas no âmbito do RPF	Custos (10³ USD)	Nº de subprojectos/distritos	Total (10³ USD)
Preparação do PAR para cada sub projecto	30	15	450
Implementação do PAR	100	15	1,500.00
Operação do mecanismo de reclamação (GRM)	5	8	40
Grande Total			1,990.00

A implementação bem-sucedida deste quadro e os Planos de Acção de Reassentamento (que serão elaborados com base nesse quadro) assegurarão a implementação de actividades futuras de projectos, avaliadas para abordar de forma sustentável quaisquer impactos sociais e económicos adversos nos PAPs.

1. Introduction

The Government of Mozambique five-year program, the PQG 2015-2019, presents the country's economic and social development priorities whose central objective is to improve the living conditions of the Mozambican population, by increasing employment, productivity and competitiveness and creating wealth and generating balanced and inclusive development.

This objective is to be achieved, among others, by the sustainable expansion and quality improvement of strategic roads and bridges which links to private and associative sector promotion of productive activity and to increase the capacity of the public sector to provide basic social services to the population.

Integrated Feeder Roads Development Project (IFRDP) objective is to enhance mobility in selected rural areas in support of inclusive agriculture and other livelihoods of local communities, whilst ensuring efficient mobility of people and freights along the connected main national corridors. In response to this objective, and arising from the ongoing negotiations with the World Bank for the design of the terms of the new operation with the Road Sector, the Road Fund (RF) and ANE intend to support with the project preparation in the provinces of Zambezia and Nampula. The development of the road project will be in line with the other World Bank projects in rural development for instance the Agriculture and Natural Resources Landscape Project (Landscape Project), in Nampula and Zambezia provinces.

The present RPF will ensure that the implementation of the project does not result in involuntary resettlement/displacement of people as a result of individual sub-projects without adequate compensation and programs to restore PAPs livelihoods. The RPF is intended to serve as a practical tool to guide the involuntary resettlement process and compensation of the PAPs. The RPF will be prepared in compliance with the Bank's OP 4.12 and relevant Mozambican policies on social/resettlement assessment.

This RPF is the appropriate document which sets out guidelines and procedures for preparation of site specific resettlement action plan of specific rural road projects. These procedures and guidelines will help the implementing agencies (ANE) to identify the PAPs and determine eligibility for compensation. The RPF seeks to ensure that affected persons are meaningfully consulted, participate in the planning process and are adequately compensated to the extent corresponding at least to their pre-impact time or better. In case of the livelihood impacts, it must be assured that incomes have been restored and that the process is a fair and transparent one.

1.1 Project Description

Integrated Feeder Road Development Project (IFRDP) will be a national wide rural road project, with initial implementation area in Zambezia and Nampula Provinces. In spite of Zambezia and Nampula being the most populated and highly productive areas the development of road infrastructure is weak and most of the roads in the project area, including some of the other classified roads, are frequently in bad conditions and become non transitible during the rainy season due to poor maintenance. When it comes to feeder roads the situation gets even worse with drainage structure and destruction of the road bed as most are gravel road.

Feeder roads, in general, link production centers (irrigated area and service provider centers- centro de Serviços), small towns and rural villages with each other as well as with the classified roads. In order to offer favorable

conditions to facilitate movement of good and people within and between districts these roads will require alignment and realignment, as well as reconditioning of the asphalt or gravel roads. However, these roads cross dense and rich forest and sensitive areas. Therefore, improvement in these areas, if preventive actions are not taken, may facilitate encroachment into natural forest by forestry exploiters and hunters without permission.

Around small towns and local villages the roads tend to be surrounded by people's assets in the form of crops, trees, small business infrastructures (e.g. Barracas, kiosks, vending stalls, etc.). These people and their assets are likely to be affected by the expected interventions, especially in and around densely populated areas. Nampula province, which has more densely populated settlements, can be expected to be more affected. On the other hand, in several points, feeder roads in the project area pass through rivers, water courses and other lowland/swampy areas, which will require small bridges/culverts to connect both sides, in these points. Most of the roads in the project area are in very bad condition, like the below picture shows:



Picture 1-1: Roads condition in Murrumbala and Memba Districts

1.1.1 Project Location

World Bank has developed a model to prioritize districts that will be targeted in the IFRDP the selection criteria on criticality of the poverty and agriculture data in the district and on flood risk. base on the criticality and risk. Therefore, the project will target road in 4 districts of Zambezia province namely, Lugela, Murrumbala, Maganja da Costa and Pebane, as shown in the following map:



Map 1-1: Zambezia province project districts

In Nampula province the project will be implemented in the following districts: Momba, Erati/Namapa, Monapo, Mecuburi and Moma, as shown in the map below. The proposed roads are gravel road (unclassified) from 2 to 4 meters wide and an extension of more than 50 km, with several hidrological structures that includes bridges and cullverts.



Map 1-2: Nampula province project districts

The roads in the targeted districts are not transitable all year around, with restriction during the wet season, as most of the drainage infra-structure (bridges, culvert etc) are destroyed compromising the transitivity during the wet season. These road conditions has a detrimental implication on the moviment of people and goods to and from these districts. The selected districts are in highly productive areas from the agriculture and mining perspective, however development of these districts is low. The IFRDP aimsto facilitate the moviment of goods, and therefore improve the development of the district as well as to attract more investors to these areas.

The project will have five components, which are interrelated in nature and integrated in the road development network in the target provinces. Construction and maintenance components are among the most critical of the project and can be combined to facilitate the tender process. It is important to stress that the component description is undergoing work at ANE: The project components are as follow:

Component 1: Rehabilitation and Maintenance of Feeder Roads (Estimated cost US\$80 million, of which US\$60 million will be financed by IDA)

This component will finance rehabilitation works on parts of secondary and (classified and unclassified) rural roads in targeted districts in Zambezia and Nampula Provinces, including design studies and supervision activities, and support the extension of the Zambezia ABMS into Nampula Province.

The projectdesign utilizes a multi-criteria analysis to identify around 8 prioritized districts within the two provinces and gives weight to wider economic benefits and financial resource availability. The prioritization criteria could

include (a) criticality of the roads in the district for the functioning of the network, (b) proximity to high agriculture potential areas, (c) proximity to high fishery potential areas, (d) current agriculture production, and (e) poverty rate in the district. The analysis assesses both the flood risks, based on flood likelihood maps under various climate change scenarios, and vulnerability functions for bridges, culverts, and road surface. Finally, the prioritized project areas were chosen to ensure close collaboration and coordination with other ongoing and planned development projects in the country to maximize synergy across sectors. Other prioritized districts in the southern Namupla Province were excluded from the project as the European Union is preparing a road rehabilitation project in those districts. Based on the exercise, the potential prioritized districts selected are mentioned in table 1.1.

Nampula	Zambezia
Memba	Maganja da Costa
Moma	Morrumbala
Namapa	Lugela
Monapo	Pebane

Table 1.1: Districts Prioritized for Intervention

Potential investment options in each district were identified during two workshops with local stakeholders in January 2017 in Quelimane and Nampula. The workshops discussed the potential investment options in each district considering a combination of the following engineering solutions: (a) upgrade to surface treatment, (b) upgrade to gravel road, (c) rehabilitation of earth roads, (d) cleaning and repair of bridges, and (e) replacement of culverts. The workshops proposed the five potential investment options under a budget constraint. The economic viability of each option was assessed with the DMU approach considering benefits from climate resilience (see the details in Annex 4). Final engineering designs will be prepared based on the results of this analysis and engineering site surveys. An output and performance-based ABMS approach will be introduced to ensure sustainability of rural road infrastructure.

The ABMS has been applied in the districts in Nampula and has been shown to help maintain rural roads in a good condition for the long run. Typically, the ABMS has a contract term of 5 years. The project will review and improve the contract modality and apply it to the rural road network in the target districts together with rehabilitation works identified in the above analysis.

Component 2: Rehabilitation of Primary Road Network (Estimated cost US\$80 million, of which US\$70 million will be financed by the IDA fund)

This component will support rehabilitation of the connected primary road network of approximately 70km to enhance connectivity to not only roads but also final markets or economic destinations. The intervention will include, among others, road rehabilitation, improvement of road safety facilities, improvement of intersections,

and rehabilitation or reconstruction of culverts. The project will utilize the OPRC approach to implement rehabilitation and maintenance works.

Road sections to be rehabilitated under the component were selected based on the results of the network-based criticality analysis carried out for the district prioritization for the Component 1. The preliminary results of the analysis prioritized the following section on the N1 and N10 highways: Quelimane to Namacurra (70 km). The engineering project designs were prepared by the ANE and will be updated, if necessary, considering further surface deteriorations by the time of the effectiveness of the project.

The project plans to adopt the OPRC approach to implement rehabilitation and maintenance works. OPRC has been widely proven as an effective approach in technical and financial sustainability; OPRC can provide better service quality at a cheaper cost compared to conventional contracting for a project life-cycle period. This approach has been applied on a pilot basis into the ongoing RBMMP II roadworks in the Gaza province, which were contracted in January 2017, and lessons learned from that experience will be incorporated into the rehabilitation and maintenance works of primary roads under Component 2.

Component 3: Pilot Rural Transport Services (Estimated cost US\$10 million, of which US\$5 million will be financed by IDA)

Component 3 will support a pilot rural transport services program to improve mobility and access to economic and social services to all population groups in the selected areas. It will include the identification of current transport service availability and potential market barriers to private service providers. The pilot would benefit local communities near road improvement investments through expanded market opportunities to sell agricultural produce and purchase advanced inputs, as well as other benefits. The pilot would also use ICT-based solutions to connect services and end-users in a reliable and cost-effective manner.

The pilot will give special attention to improvement of women's accessibility. Given that women and men have different mobility patterns related to mode, affordability, quality of transport, and social norms, diagnostics will be conducted on mobility barriers to women's access to economic opportunities and services. The diagnostic will inform the pilot on rural transport services, so that both women's and men's needs can be considered. The pilot will be designed to contribute to elimination of identified barriers for women's mobility.

Component 4: Capacity Building and Project Administration (Estimated cost US\$15 million, financed by IDA)

This component would finance knowledge development and institutional capacity-building activities through the provision of goods, consulting, and non-consulting services and training, building on the institutional strengthening activities of the previous project, comprising, among others, the following areas:

- ✓ **Road asset management:** In support to the RF, the activities would include, among others, (a) improvement of the existing Pavement Management System (PMS) by including feeder roads into the system at the subnational level; (b) updating road condition data; and (c) expanding an internal model to enable PMS to carry out a climate resilience analysis.
- ✓ **Road safety:** The project will assist the ANE and INATTER with implementation of the activities

identified by the National Road Safety Policy prepared by the GoM, including, among others, (a) development of a Road Accident Data Management System; (b) provision of road safety equipment and materials for enforcement and education; (c) a study on introduction of scoring system for drivers; (d) improvement of engineering standards for road safety and road safety audit capacity; and (e) road safety risk assessment of the selected primary road sections.

- ✓ **PPP:** This would support ANE and the RF in carrying out, among others, (a) review of the existing highway concession projects; and (b) a feasibility study of potential national highway concession projects.
- ✓ **Climate resilience:** This would assist ANE, the RF and INGC with, (a) development of a geo-spatial screening tool to identify most critical and vulnerable transport assets to climate change impacts. This tool would be managed in conjunction with the INGC and MTC; and (b) extension of the DMU approach and climate resilience analysis of road infrastructure projects to the entire country.

This component will also provide support for improved project management in regards to implementation and supervision of the project, social and environmental safeguards, mitigation of gender gaps, and citizen engagement. The impact evaluation on the socioeconomic benefits of the project interventions will be assisted.

Component 5: Zero-budget Contingency Component

This component will facilitate access to rapid financing by allowing reallocation of uncommitted project funds in the event of a natural disaster either by a formal declaration of a national or regional state of emergency or upon a formal request from the GoM.

Component 4 will capacitate the institutions involved on the implementation of the project at national, provincial and district level, as well as enable them to implement to the project. It is expected that the training on the specific contract models, such as OPRC and ABMS, will be done for each level of administration based on the needs.

The component 5 is a result of the implementation of the component 1, 2 and 3, need to be better integrated into the overall project.

1.2 Objectives and basic terms of preparation of the RPF

RPF provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by the future road improvement project activities whose exact locations are not known prior to project appraisal. The RPF is intended for use as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for sub-

project activities during the implementation of the projects; and has been prepared as an instrument to be used throughout the programme implementation. The RPF will be disclosed to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. If there is need for RAPs preparation for the IFRDP subprojects these will be prepared consistent with the provisions of this RPF.

The RPF will be required when the final selection and alignment of roads to be constructed, rehabilitated and maintained under the project are not precisely known. Once a segment of road is selected and designed, a Resettlement Action Plan (RAP) can be prepared in order to guide land acquisition and resettlement activities of that particular sections. This RPF has two basic objectives as follows:

- a) To provide a Resettlement Policy Framework that will guide the preparation of any future Resettlement Action Plans for the roads sector. The RPF is to be prepared to the standards of the Government's resettlement policy and the World Bank's policy, OP 4.12.
- b) to ensure that where land acquisition and acquisition of other assets, or impact on livelihood by the subproject activities is inevitable, resettlement and compensation activities for lost resources shall be conceived and executed in a sustainable manner.

This entails providing sufficient investment resources to meet the needs of the affected people (AP) and/or displaced from their habitat and resources. It also requires adequate collaborative consultation and agreement with the PAPs to ensure that they maintain or improve their livelihoods and standards of living in the new environment.

1.3 Methodology

For the design of this RPF an extensive revision of World Bank operation policies and guidelines for environmental management and resettlement framework as well as the Mozambican legislation and best practices on resettlement process was undertaken. A field visit to Nampula and Zambezia provinces was carried out. In Nampula the team visited the Momba and Erati Districts, while in Zambezia was Maganja da Costa and Murrumbala. During the visit the team interacted with the provincial ANE delegation, the Road Fund (RF), DPTADER, DPSA and the local government. During the consultation process the discussion focused on the institutional arrangement for the RAP design and implementation.

2. Legal Framework

2.1 Mozambican legislation for Land expropriation

The process of land acquisition for public works in Mozambique is not new, during the colonial time there was already a legislation to deal with land expropriation for public uses. In 1948 under the law 2030 – on expropriation - it clearly states that should any occupied land be needed to establish any public service can be expropriated and the owner has to be fairly compensated for the asset losses, however this law was more applied to the physical structures (mostly houses) resettlement and not consider the social resettlement such as the social cohesion and family linkages with the area (affective bonds) within the community. In 1968 the Ultramarine Government of Mozambique approved the decree 43587 on Regulation of expropriation, which introduces diferent types of expropriation, grivence mechanism and set the time for reclamation, again the law did not consider the social losses of the affected people.

This resettlement Policy Framework draws its strength from local legal instruments that exist in Mozambique, specifically the new Land Law legislation No. 19/97 and the decree 109/2014 on Regulation the Use of the RoadReserve Under this decree ANE as a power to expropriate land without compensation, as well as the right to demolish any construction done within this area as well as to apply sanction to who violate this legislation.The Land Law also regulates key aspects of land occupation and use in Mozambique.

The Land Law regulates key aspects of land occupation and use in Mozambique. Also covered in the regulation are the various situations of land acquisition, including among others:

- ✓ The acquisition of the right of land use and benefit by customary occupancy in good faith,
- ✓ The acquisition of the right of land use and benefit through the official channels;
- ✓ The rules governing protection zones;
- ✓ The relationship between the public and the Cadastre Services; and
- ✓ The rights and duties of the title holders

In previews regulations a legal land title was a must, all the acquisition of the right of land use and benefit by customary occupancy in good faith was not taken into consideration for the compensation as it was considered an illegal occupaction. In the past the land was privately onwed, whereas thecurrent Land Law in the article 3, stipulates that in the Republic of Mozambique, land is the property of the State. This is also captured in Article 46 of the Constitution. Consequently, land may not be sold, alienated, mortgaged or attached (distrained). The Law states however, that although land is owned by the State, all Mozambicans have the right to use and enjoy the land or the right to land use and benefits thereto. Specifically, Article 9 provides for the acquisition of the right of land use and benefit by occupancy by local communities, while Article 10 provides for the right of land use and benefit by occupancy in good faith by national individuals.

The Mozambican Land Law Legislation recognizes the rights acquired through systems of customary occupancy and the role of communities in the management of land and natural resources and conflict resolution. This is spelt out in Article 24. Article 27 provides for the requirements and modalities regarding consultation, on land matters, with the local communities.

Article 30 dictates that the mechanisms for representation of and action by local communities, with regard to the rights of land use and benefit shall be established by law, while Article 23 empowers District Administrators, where there are no Municipal or Settlement Councils, to authorize applications for land use and benefit.

The Land Law Legislation captures and observes internationally innovative features that facilitate equitable development, based on relations that are mutually beneficial to local communities and to investors whether these are national or foreign.

The provisions of the Land Law support fair land acquisition, compensation and resettlement procedures to be developed and implemented. The Right of Eminent Domain (Article 86 of the new constitution of Mozambique) says that individuals and entities have the right to equitable compensation for expropriated assets and the right to a new and equal plot of land. Hence the Land Law provides adequate legal foundation for the preparation of this Resettlement Policy Framework.

The land law defines total and partial protection zones. In that group lies the protected areas and their buffer zone, as well as the reserve areas for the linear public infra-structure that includes road construction, and it defines the width of the zone from the rural area and urban as well as type of the road. In the total protection zone no activities that may harm the environment or biodiversity are allowed, while in partial protection zone some non permanent activities may occur. However, weak enforcement of the law regarding the use of partial zone has resulted in implantation of illegal or legal infra-structure within the most road reserve area around the country, with high cost of resettlement to be undertaken by ANE. In order to regulate the use of the road reserve the government approves the decree 109/14. Under this law ANE has the power to expropriate land without compensation, as well as the right to demolish any construction done within this area as well as to apply sanction to who violate this legislation.

In addition to the Land Law, there are several legislations that pertain to land administration in Mozambique. These include the Land Policy, the Framework Environmental Law, and the National Heritage Protection Law. However, this study has revealed that the provisions in these Acts are not comprehensive enough to accord fair compensation and resettlement arrangements. The following are some of the relevant legislations:

The Land Policy was approved by the Council of Ministers in October 1995. The main elements of this new policy are that: it recognizes customary rights over land, including the various inheritance systems; it recognizes the role of the local community leaders in the prevention and resolution of conflicts; it aims at creating conditions for the development and growth of the local community and the promotion of investment by the commercial sector; and that it maintains the concept of land belonging to the state.

The Framework Environmental Law passed by Parliament in July 1997, provides the legal framework for the use and correct management of the environment and its components; and to ensure sustainable development in Mozambique. Among other things, the law (Article 4) states that any citizen who believes his rights have been violated or are under threat of violation may take legal action against the perpetrator. Violation of rights includes personal loss and injury; and the loss of crops and profits. In 1995 MICOA drew up the National Environmental Management Plan, which among other things, forbids all activities that may threaten biodiversity. The plan also provides for the establishment of Environmental Protection Zones, which may cover land areas and other distinctive features.

The National Heritage Protection Law (Law 10/88 of December, 1988) is intended to protect all national antiques, historical and cultural heritage. Such protected areas are to be avoided in the selection of project sites.

The other legislative provisions fall short of the necessary provisions to adequately support compensation and resettlement problems. It is expected therefore, that the relevant legislations that must deal with land acquisition

will either be reviewed or separate regulations will be promulgated to ensure that land acquisition, compensation and resettlement issues are at par with those contained in the Land Law and the World Bank Policy on involuntary resettlement. However, where currently there are discrepancies between the World Bank's and the Government's requirements, the World Bank policies will prevail.

General Land Classification Land in Mozambique is owned by the state and ownership is vested with the President as a trustee. According to the MOZLEGAL Land Law Legislation of 2004, land ownership is categorized as follows:

Public domain is areas destined for the satisfaction of the public interest. This is land on which socio-economic activities are permitted. The Total and Partial Protection Zones are part of the public domain. Also included in the public domain are the Nature Protection Zones, which are intended for conservation of certain animal or plant species, biodiversity, historical, scenic or natural monuments. These zones are subject to specific regulation and the law advocates a system of management that involves local community participation. Total Protection Zones are areas that are intended for nature conservation or preservation activities and also for State security and defence.

Partial Protection Zones include:

- ✓ land strips up to 50 meters along the edges of navigable rivers and lakes, measured from the high water mark of such waters;
- ✓ the land strip of up to 100 metres surrounding water sources;
- ✓ the strip of maritime coastline including that around islands, bays and estuaries, measured from the high water-mark to a point 100 meters inland;
- ✓ the strip of up to 250 meters along the edge of dams and reservoirs and;
- ✓ two kilometres strip of land along the terrestrial border.
- ✓ the land occupied by public interest railway lines and bordering strips including the respective railway stations;
- ✓ the land occupied by motor ways and highways, aerial, surface, underground and underwater installations and conduits for electricity, telecommunications, petroleum, gas and water including bordering strips of 50 metres on each side;
- ✓ land occupied by roads including bordering strips of 30 for primary roads and 15 metres on each side for secondary and tertiary roads.

No rights of land use and benefit can be acquired in total or partial protection zones, although special licenses may be issued for specific activities.

General Land Acquisition, Title, Transfer and Term of Ownership

Land acquisition in Mozambique may be achieved through:

- ✓ Occupancy by individual persons and by local communities, in accordance with customary norms and practices, which do not contradict the Constitution;
- ✓ Occupancy by individual national persons who have been using the land in good faith for at least ten years and;
- ✓ Authorization of an application submitted by an individual or corporate person in the manner established

by the Land Law

The Land Law Legislation stipulates that a land title shall be issued by the general or urban Public Cadastre Services. However, the absence of title shall not prejudice the right of land use and benefit acquired through occupancy of good faith. The application for a land title deed shall include a statement by the local administrative authorities, preceded by consultation with the respective communities, for the purpose of confirming that the area is free and has no occupants. Title deeds to the local community shall be issued in a name decided upon by the community and individual men and women who are members of the local community may request individual titles after partitioning community land. The right of land use and benefit can be proved by presentation of the respective title; testimonial proof presented by members, men and women of local communities and by expert evidence and other means permitted by law.

Among other modes of land transfer, the Land Law permits the transfer of land by inheritance, without distinction by gender. The term of land use and benefit, for the purpose of economic activities, is subject to a maximum term of 50 years, renewable for an equal period upon application. The right of land use is not subject to time limit for the following cases:

- Where the right was acquired by local communities through occupancy;
- Where it is intended for personal residential purposes and;
- Where national individuals intend it for family use.

In other hand the execution of private works that may result in the need for expropriating land and the relocation of populations are regulated under the decree 181/2010 and 31/2012. The Ministerial Decree 181/2010, approved by the Ministry for the Coordination of Environmental Action, Ministry of Finance and Ministry of Justice and the Government Decree 31/2012, from August 8th, establish the basic rules and principles that guide the resettlement process resulting from public or private economic activities aimed at ensuring sustainable and equitable socio-economic growth and a better standard of living for the population affected by the process.

The Decree introduces specific procedures for the design and implementation of the Resettlement Action Plan (RAP), defines the content of the RAP and the Resettlement Implementation Action Plan, the rights of affected parts, the responsibilities of the project proponent and the Implementation of the public consultation process.

In addition, it creates a technical commission for the revision of the Resettlement Action Plans triggered by projects that cause resettlement and defines the responsibilities and procedures of the commission in the approval of the RAP as well as in the monitoring of its implementation. This responsibility lies within the district government.

2.2 Institutional Framework, role and responsibility of the Affected and Interested Parties

This section discusses the institutional arrangements available to implement the resettlement process associated with the IFRDP Project. The ultimate responsibility, however, rests with the National Road Administration (ANE).

According to the Road Sector and project unity at ANE it is expected that the implementation of some components of the project will be decentralized to the delegates in order to promote road sector decentralization and create capacity at the provincial level. To do so the project will have to create an institutional arrangement that should be in line with the existing delegation mandate and build capacity at provincial level. Under this project, the ANE Delegation will be responsible for procurement and contract management, with the support of consultants. Regarding environmental and social safeguards, ANE HdQ and RF will retain the safeguards responsibility at the beginning of the project and will provide a training program to transfer responsibilities in the following years to the Focal Points at the provincial and district level. Financial Management and Audit responsibilities will remain in RF HQ. For the success of the process there is a need of efficient coordination between Road Fund and ANE at central level and provincial delegations. ANE Delegations has limited or no safeguards capacity to supervise the implementation of the RAP/ARAP, thus a RAP/ARAP Consultant will need to be hired to each specific sub-project with resettlement implications. Although ANE has already created specific unit to oversee implementation of safeguards activities for other projects, additional safeguards specialists may be required.

Provincial Government /District Administration

ANE delegations from Nampula and Zambezia have some experience implementing RAP in other projects but for this project, ANE headquarter Monitoring Department will oversee the implementation of the RAP with involvement/colaboration of Provincial Delegate and district level for two years and will provide a training program to transfer responsibilities in the following years to the Focal Points at the provincial and district level. In year three the provincial delegations will take care of all social and environmental safeguards with the support of ANE headquarter and supervision consultant.

PIU (Project Implementation Unity)

The PIU will be based in the province and will be responsible of coordinating the implementation of the RAP with Focal point of provincial delegation, monitoring departmente of ANE headquarter, resettlement commitee and the RAP consultant apointed to implement the RAP. The following table describe the role and responsibilities of each institution on the project phases:

Table 2-0-1: Roles and Responsibilities of each instituion on the project implementation

Stage in Project Cycle	Sub Project	Responsible unity	Role and responsibilities
Sub Identification	Project	ANE and RF HdQ WB DPTADER	Overall coordination implementation of the project (RPF and ESMF): Undertake Project Screening and determine eligibility Determine Category and required Instruments (ESIA, ESMP and RAP)

Sub Project Preparation (Feasibility Study and Design)	Consultant hired by ANE Local administration and affected people	Prepare RAP or ARAP/ESIA/ESMP Participate in the socio-economic census, Public consultation; Implementing the grievances mechanism
Review and approval	ANE HdQ and Delegate World Bank Provincial government (DPTADER)	Review safeguards documents ; RAP or ARAP, ESIA, and ESMP Approval;
Project Implementation	Contractors; Consultation District administration ANE and FE Delegation; ANE HdQ DPTADER/Resettlement Committee	Overseen the implementation of ESIA, ESMP and RAP Monitor the implementation of RAP or ARAP, ESIA and ESMP (auditing) To overseen the GRM and the implementation of the RAP or ARAP, ESIA and ESMP of the subj project; To resolve the community complaint
Completion/turnover	ANE HdQ, ANE and FE Delegation RAP implementation Consultant DPTADER (Resettlement committee) Contractor	RAP Evaluation ESIA/ESMP implementation
Operation/maintenance	Contractor ANE delegation	ESIA/ESMP implementation

2.2 Safeguard policies

The World Bank's Safeguard Policy OP 4.12 applies to all components of the programme and to all economically and /or physically project affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. The World Bank's policy on involuntary resettlement will be applied in any

subproject of the IFRDP that displaces people from land or productive resources and which results in relocation, the loss of shelter, loss of assets or access to assets important to production, the loss of income sources or means of livelihood. For such projects the Bank requires the preparation of this document, the resettlement policy framework, to guide the project as sub-projects are selected and specific resettlement action plans (RAPs) for each sub-project are prepared. The RPF must be ready, accepted and publicly disclosed before the Bank will appraise the project and it is expected to define the principles and procedures for resettlement operations: land acquisition; valuation; compensation and reporting; for the road sector investment; in accordance with national and Bank safeguard policies related to involuntary resettlement.

The Bank's policy advocates that where feasible, involuntary resettlement should be avoided or minimized, the resettlement must be conceived and executed as a sustainable development program, providing sufficient investment resources to enable persons displaced by the project share in project benefit. Persons displaced must be:

- ✓ Meaningfully consulted and should have opportunity to participate in the planning and execution of the resettlement.
- ✓ Compensated for their losses at full replacement cost prior to civil works,
- ✓ Assisted with the move and supported during the transitional period in the resettlement site and
- ✓ Assisted in their effort to improve their former living standards, income earning capacity and production levels or at least to restore them.

Particular attention should be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons. The World Bank's Policy requires that a resettlement action plan is prepared and cleared by the Bank prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to Project Affected Persons is carried out prior to the displacement of people. In particular, possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the Resettlement Action Plan.

The policy encourages availing employment opportunity, on the project activities, to the affected persons. This facilitates easy participation of the affected persons, in the planning and preparation of Resettlement Action Plans. It also offers the impacted persons an opportunity to generate income.

A new provision under this safeguard is related with the land acquisition based on voluntary land contribution. It refers to a process by which an individual or communal owner agrees to provide land or property for project-related activities. It must be obtained without coercion or duress from people with full knowledge of other options available and their consequences, and aware of their right not to contribute or transfer the land.

Voluntary Land Contribution may be of two types:

- Voluntary Land Contribution for Compensation, or
- Voluntary Land Contribution without Compensation, according to WB provisions/procedures

The World Bank's policy on involuntary resettlement will be applied in any subproject of the IFRDP that displaces people from land or productive resources and which results in relocation, the loss of shelter, loss of assets or access to assets important to production, the loss of income sources or means of livelihood. For such projects

the Bank requires the preparation this document, the resettlement policy framework, to guide the project as sub-projects are selected and specific resettlement action plans (RAPs) for each sub-project are prepared. The RPF must be ready, accepted and publicly disclosed before the Bank will appraise the project and it is expected to define the principles and procedures for resettlement operations: land acquisition; valuation; compensation and reporting; for the road sector investment; in accordance with national and Bank safeguard policies related to involuntary resettlement; (OP4.12).

2.2.1 World Bank's operational procedure on involuntary resettlement

The World Bank's operational policy 4.12 on involuntary resettlement requires that involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced (if any) by the project to share in project benefits. Affected persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement/compensation programs. They should also be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms.

Firstly, the project affected persons have to be informed about the project implementation and impacts, in order to, having received feedback from them, choose the best alternative to minimize the negative effect of the project. Secondly, the authority in favor of which the expropriation will be done will negotiate with affected people for an agreement on expropriation. If the affected counterparts do not agree with the proposed terms, the unilateral expropriation process will be activated; after all alternative project designs to avoid impact have been assessed

The Bank's policy advocates that the resettlement must be conceived and executed as a sustainable development program, providing sufficient investment resources to enable persons displaced by the project share in project benefit. Persons displaced must be:

- a) Meaningfully consulted and should have opportunity to participate in the planning and execution of the resettlement.
- b) Compensated for their losses at full replacement cost prior to civil works,
- c) Assisted with the move and supported during the transitional period in the resettlement site and
- d) Assisted in their effort to improve their former living standards, income earning capacity and production levels or at least to restore them.

2.2.2 Comparison between Mozambican Legislation and World Bank Safeguard Policies

The World Bank Operational Policy unequivocally makes sufficient provision for project affected persons who are either displaced or suffer other losses, as a result of projects, to be adequately taken care of. Livelihoods of

persons to be affected must be preserved, however where a situation is inevitable, then minimal displacements should take place. In situations where displacement is unavoidable, compensation should be paid to PAPs to help them to restore their social, economic and environmental livelihoods.

The Mozambican legislation on resettlement makes provision for compensation to be paid to only persons who have suffered any loss and can produce any form of title that is legal in the form of deeds, leaseholds, or legally binding tenancy agreement to the land in consideration. However the Operational Directive envisages all forms of losses without exception to be compensated for.

Under the Mozambican Laws, in determining the cost of compensation the cost estimate is agreed upon or, in default of agreement, determined in accordance with the provisions of the Compulsory Acquisition Act whereas the World Bank OP 4.12, advocates the involvement of the project affected persons through out to ensure that the project enjoys the full support of the Bank and affected persons.

The Operational Policy advocates that the project affected persons be assisted during their transition period in the resettlement site and efforts made to restore their livelihoods whereas the Zambian laws are silent on that.

To operate within the directives of the Bank, the RFP is being developed in line with the OP4.12, with the involvement of affected persons through consultations and compensation paid based on full replacement cost, disturbance and restoration of livelihood.

2.2.3 Differences/gap between Mozambican Legislation and World Bank Policy on Involuntary Resettlement

The differences between the WB Safe Guard Policies and the Mozambican Legislation relevant to this RPF are outlined below:

The national provisions for the management of resettlement related issues are not as fully developed and therefore not at same level with the World Bank safeguard policy requirements. Thus, it is expected that the WB OP 4.12 will be mostly applied under the IFRDP and a separate document to guide the process, i.e. a Resettlement Policy Framework (RPF) document will be prepared as a standalone report to support the social management and acceptability of the project.

Cost of Compensation

In determining the cost of compensation, the World Bank cost estimate is given as market value of any asset lost, whereas in the case of Mozambican legislation have diferent mechanism of valuation. If infrastructure is a family house the compensation will be a house. For other infra-structure the valuation is based on market value, whereas for crop and trees is a given price defined by the agriculture office in the provinces. The value for fruit trees does not consider the age of the tree.

Restoration of Livelihoods

The World Bank emphasizes restoration or maintenance of previous livelihood levels, whereas the Mozambican Government the responsibility ends at replacing the depreciated value of the lost asset and does not assist with restoration of previous livelihood.

The Bank insists on ensuring that the PAPs are not adversely affected during the transition period while the national legislation is silent on this. Furthermore, the Bank requires that PAPs that belong to the disadvantaged groups such as orphans, the elderly, the sick, female headed households and others shall be given special attention to meet their needs so that they do not lose the proximity and access to the socioeconomic services that satisfy their particular and specific needs. This RPF recommends that where there is remarkable difference between the Mozambican Legislation and the World Bank Operational Safeguards Policies that of the World Bank always supersedes.

Table 2-2: Gap Between World Bank and Mozambican legislation

Category of PAP	Mozambique legislation	World Bank Operation Policy	Mitigation measures to be given
calculation of asset Compensation	Loss of family house it should be replaced by a three bed room, constructed by a conventional material, no matter the construction material used on the previous house	It should be replaced using Market price of the construction material cost, including	The most beneficial option for the PAP should be adopted
	Cost of compensation for crops and fruit trees are calculated using price table given by the Agriculture office in the targeted provinces. These do not include forgone benefits or any other values related with the maintenance of the productive land.	Market price of a given crop including associated cost with the land preparation; For the fruit trees the calculation are done on the basis of the age and market prices, including forgone benefits that the family will not experience, until a new plant comes into production	For crop compensation calculation shall be included also a amount agriculture inputs (seed); For the fruit trees calculation, should be include an age factor to compensate the family for the forgone benefits that will experience until the new plant comes to the production, It also be included a compensation in kind with fruit seedlings for replacement.
Social Values compensation	No social cost of expropriation included	Includes the intangible cost of expropriation	

2.2 Resettlement Instrument Preparation and Implementation

In most cases, resettlement is done because the project activities demand land acquisition. Little attention, if any, is given to the welfare of the people who may be affected because of:

- ✓ Loss of agricultural land;
- ✓ Loss of buildings;
- ✓ Loss of access or proximity to water;
- ✓ Health and social amenities.

Where resettlement has to take place, a Resettlement Policy Framework is needed to guide the process for land acquisition, compensation and physical resettlement. For the physical resettlement of project affected persons (PAPs) to be done in a fair manner, preparation of a Resettlement Action Plan (RAP) is necessary. A RAP is a detailed and specific plan that contains information prepared for well-defined specific project activities. A RAP contains detailed census information with the numbers and names of persons that are to be displaced or persons that are affected in some way or another, including loss of shelter, loss of access to services and loss of means of livelihood. A RAP will contain information on property values, the basis and conduct for compensation. A RAP also contains specific work plans including dates when the displaced persons are going to be relocated. RAPs contain specific and legally binding requirements to be abided by the project developer to resettle and compensate the affected persons before implementation of the project activities causing the adverse impacts. A Resettlement Policy Framework (RPF) guides the preparation of a RAP.

This RPF covers subprojects that will be defined in the future. Under IFRDP, the ANE or a consultant will prepare the RAP and ANE will pay the costs of resettlement. The project authority (ANE) and its local officials (and not the construction companies) will be responsible for the land-taking, evaluation and compensation activities. This is important in order to ensure that the construction companies' performance, in the construction works, is not influenced by the resettlement activities and their integrity is not compromised and that the PAPs are treated in a fair manner. With this approach, the project authority and the local officials are not to delegate the census of the affected population, the inventory of assets to be taken, the valuation of those assets, the negotiation of compensation amounts, or the payment of compensation to the road construction contractor. ANE will support this approach and will therefore provide the necessary financial and administrative resources for the preparation of the RAP with the help of Consultant firms or resettlement service providers.

3. Public/Stakeholder consultation and participation

3.1 Public Consultation and Participation

Projects involving the community owe their success to community participation and involvement from the planning stage to implementation. Hence, public consultations through participatory rural appraisal shall be mandatory for all sub projects requiring land acquisition, compensation and resettlement for the IFRDP activities.

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

- a) Their options and rights pertaining to resettlement and compensation;
- b) Specific technically and economically feasible options and alternatives for resettlement sites;
- c) Process of and proposed dates for resettlement and compensation;
- d) Effective compensation rates at full replacement cost for loss of assets and services; and
- e) Proposed measures and costs to maintain or improve their living standards.

The aim of the public consultations at the screening stage will be to:

- Disseminate concepts for proposed project activities with a view to provoking project interest amongst the communities;
- Promote sense of ownership for the project and resettlement activities;
- Invite contributions and participation on the selection of project sites;
- Determine communities' willingness to contribute in kind towards the implementation of the project; and
- Determine community willingness to contribute towards long term maintenance of the project facilities.

During public consultation, there is the need to negotiate compensation and resolve conflicts. Grievance redress is very important to the success of implementation of resettlement action plans.

3.1.1 Consultation and participation of affected persons Public Consultation and Participation Plan (PCPP)

The rights and interests of the PAPs are to be heard and considered in the site specific Resettlement Action Plans (RAPs). Participation and consultation of PAPs is essential for a transparent and effective compensation and mitigation of adverse impacts. The RPF seeks to ensure that affected people, communities and local authorities (depending on severity of impacts) are regularly and genuinely informed and meaningfully consulted;

are encouraged and assisted to participate in the compensation planning and implementation process; and are adequately compensated to the extent that their incomes have been restored (in case of loss of livelihoods).

Affected people from the concerned areas will be informed about the site specific project/s. Public consultation will be organized in the settlements where the road maintenance project will be applied. The public consultation informs the type and purpose of works and especially to avoid any need for land or small business impact.

Once the public consultation is finalized and site specific project footprints will be discussed, pictures will be taken and actual situation will be recorded. The content of the public consultation will be part of the RAP which will be disclosed in DPTADER, ANE as well as in the district administration where the site specific project will be implemented.

In addition, during this public consultation the affected people will be in touch with the contact information in the District and provincial Resettlement Committee, ANE for any additional question which may arise before or during the execution of the works. Through these contacts, the residents will be able to resolve their grievance through informal agreements or arrangements at local level.

3.2 Method for consultation and participation

3.2.1 Notification procedure

The Project (through the appropriate implementing authority) shall by public notice, and publicly announced through the community leaders and notify the public of its intention to acquire land earmarked for the project. The notice shall state: a) government's proposal to acquire the land b) the public purpose for which the land is needed. Assurances must be made that affected persons have actually received this information and notification. Public consultation and participation are essential because they provide an opportunity for informing the stakeholders about the proposed project.

Public consultation and participation create a sense of ownership for the project, providing an opportunity for people to present their views and values and allowing consideration and discussion of sensitive social mitigation measures and trade-offs. Public consultation and participation will afford the PAPs an opportunity to contribute to both the design and implementation of the program activities. In so doing, the likelihood for conflicts between and among the affected and with the management committees will be reduced. In recognition of this, particular attention shall be paid to public consultation with PAPs, households and homesteads (including host communities) when resettlement and compensation concerns are involved.

As a matter of strategy, public consultation shall be an on-going activity taking place throughout the entire project cycle. Hence, public consultation shall take place during the:

- ✓ Project inception and planning;
 - ✓ Screening process;
 - ✓ Feasibility study;
 - ✓ Preparation of project designs;
 - ✓ Resettlement and compensation planning;
 - ✓ Drafting and reading/signing of the compensation contracts
 - ✓ Payment of compensations;
- Resettlement activities and implementation of after-project community support activities.

Public consultation and participation shall take place through local meetings and completion of questionnaires/application forms.

Public documents shall be made available in appropriate languages at the national, local and village levels. Public consultation measures shall take into account the low literacy levels prevalent in the rural communities, by allowing enough time for discussions, consultations, questions, and feedback.

4. Guidelines for RAP

4.1 Process for Screening and Review of RAP

The first stage in the process of preparing the individual resettlement and compensation plans is the screening process to identify the land/areas that are being impacted. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the screening process. This section sets out a “harmonized” step by step process that the IFRDP will take to determine whether the subproject will result in physical or economic displacements, and therefore whether a resettlement action plan (RAP) is required and of so, how to prepare and implement one. The screening process presented below will ensure that subprojects presented to the IFRDP for funding comply with the requirements of OP 4.12 and the national legislation.

Subproject screening is used to identify the types and nature of potential impacts related to the activities proposed under the Project and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening, as is detailed in the ESMF. Measures to address resettlement shall ensure that PAPs are:

- ✓ Informed about their options and rights pertaining to resettlement;
- ✓ Included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives;
- ✓ Provided prompt and effective compensation at full replacement value; and
- ✓ Experiencing losses of assets and access attributable to the subproject(s).

Subproject screening will be incorporated into the subproject application form which the ANE delegate of Nampula and Zambezia must submit to DPTADER when a categorization of subprojects will be done. The goal is to identify and consider resettlement issues as early as possible.

4.2 Screening Checklist

The screening checklist form is shown in Annex 1 and is based on the same format to be used in the implementation of the ESMF. This is to ensure that the screening process remains simple and concise. The list of sub projects that have potential resettlement issues will then be subjected to a comprehensive sensitization and consultation process with the potentially impacted communities and the outcome of this process would be documented for each site. The list and the outcome of the consultative process for each site/sub-project on the list would then be sent to DPTADER (provincial resettlement committee) to confirm, approve, disapprove, refer for further consultation and/or take a final decision on each proposed site/sub-project. Carrying out the screening process in this way is designed to give it the integrity and transparency it needs to allow all stakeholders to have confidence in the process.

4.3 Preparation of individual resettlement action plans (RAPs).

A RAP shall be prepared in accordance with the OP 12 and the Mozambican legislation by registered consultants. When a RAP is required, the consultant shall submit completed studies along with their RAP's subproject application to the Resettlement Committee for appraisal, and subsequently to the World Bank.

Detailed guidelines for preparing a RAP and an abbreviated RAP are available on the World Bank's website (www.worldbank.org) and in the World Bank's Resettlement and Rehabilitation Guidebook.

4.3.1 Baseline, socio-economic data, and census

An important aspect of preparing a RAP is to establish appropriate and accurate baseline socio-economic data and census to identify the persons who will be affected by the individual subproject, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits (see section 9 for cut-off date). The PAPs may be classified into three groups:

- ✓ Those who have formal legal rights to the land they occupy;
- ✓ Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national, local, or traditional laws including those measures put in place by the draft land policy; or
- ✓ Those who have no recognizable legal right or claim to the land they occupy.

In summary, the census consolidates information that provides initial information on the scale of impacts, gives an indication of further socioeconomic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and establishes indicators that can/be measured at a later date during monitoring and evaluation.

4.3.2 Review of Subproject RAPs

RAP is subject to final review and approval by the World Bank in order to ensure compliance with Bank safeguards. At its sole discretion the World Bank may delegate through the Government to the Local Governments this responsibility to ensure compliance with the provisions in this RPF after it is satisfied that effective monitoring of this process is in place.

Capacity will be built at the central, provincial and district level through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.

- Identification of project impacts and affected populations;
- Baseline socio-economic data and census;
- Legal framework for land acquisition and compensation;
- Compensation framework;
- Description of resettlement assistance and restoration of livelihood activities;
- Detailed budget;
- Implementation schedule;
- Description of organizational responsibilities;
- Framework for public consultation, participation, and development planning;

5. Eligibility Criteria for Various Categories of Affected People

5.1 Eligibility for affected people Compensation and Method to Determine the Cut – Off Dates

The likely displaced persons can be categorized into four groups, namely;

- (a) **Affected Individual** – An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economic resources as a result of the sub-project activities and to whom compensation is due. For example, an affected individual is a person who farms a land, or who has built a structure on land that is now required by a sub project for purposes other than farming or residence by the initial individuals.
- (b) **Affected Household** – A household is affected if one or more of its members is affected by sub-project activities, either by loss of property, land, loss of access, or otherwise affected in any way by project activities.
- (c) **Affected local community** – A community is affected if project activities affect their socio-economic and/or social-cultural relationships or cohesion. For example project activities could lead into such improvement of socio-economic welfare that class-consciousness arises coupled with cultural erosion etc.
- (d) **Vulnerable Groups**– Vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them: (i) Unmarried women/women headed household; (ii) Non-farming, (iii) Elderly, (iv) The infirm or ill and (v) Orphans headed household. These household types are not mutually exclusive, so that the elderly may be internally displaced persons, and women are affected individuals.

The Bank's OP 4.12 suggests the following three criteria for eligibility:

- (a) Those who have formal rights to land (including customary and statutory rights of occupancy recognized under the Laws of each respective country)
- (b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets or become recognized through a process identified in the resettlement and compensation plan.
- (c) Those who have no claim to land they are occupying or using.

Those covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy.

Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date established by the local Government Technical Planning Teams and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

Therefore, it is clear that all affected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the census of persons and their property in the area is carried

out, i.e. the time when the project area has been identified and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance. People that will be permanently losing land and/or access to assets under customary rights will be eligible for compensation.

When ANE approves the sub-project, the consultant contracted to develop a specific PAR will discuss and agree on a programme of implementation. They will also choose tentative cut-off dates. Cut-off dates tend to coincide with the date of the initial census. The dates would then be communicated to the community through their respective representative in the Village or district administration.

The entitlement cut-off date refers to the time when the assessment of persons and their property in the sub-project area is carried out, i.e. the time when the sub-project area has been identified and when the site-specific socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a major risk to the sub-project. Therefore, establishment of a cut-off date is of critical importance. The community leaders will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their local leaders.

Where there are clearly no identified owners or users of land or assets, community leaders and representatives have to help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives (District Resettlement Committee).

5.2 Methods of valuing affected assets

The Ministry responsible for agriculture maintains a list of amounts which may be used for compensation of crops. This list is available for use by other institutions that may wish to calculate compensation amounts for agricultural produce. However, the calculation of this value does not take into account the market value of the crop and does not consider loss of income by PAPs during the transition period up to the time that replacement crops develop to maturity.

On the infra structure side, it was noted that ANE has a more elaborate way of calculating compensation amounts for buildings and other assets. The method uses current cost of materials to determine the values of the buildings. The method also differentiates between the types of houses depending on whether they are classified as high, medium and low expense houses. ANE is assisted in the valuation of houses and crops by the Ministry of Public Works, Housing and Water Resources and the Ministry of Agriculture and Food Security respectively. The Local Administration in the districts uses tables of rates for compensation for crops and trees. Individual and household compensation will be made in kind and/or in cash. Although the type of compensation may be an individual's choice, compensation in kind will be preferred, if the loss amounts to more than 20% of the total loss of assets.

Table 5 0 1: Type of compensation used for the RPF

Cash Payments	Compensation will be calculated and paid. Rates will be adjusted for inflation
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In-kind Compensation	Compensation may include items such as land houses, building material, seedlings, agricultural inputs and financial credit for equipment
Assistance	Assistance may include moving costs, transportation and labours

Cash payments raises issues regarding inflation and security that have to be considered. Cash payments must allow for inflationary adjustments of compensation values. Security, for people who will be receiving cash compensation payments will need to be addressed by the local administration. These are some of the reasons why compensation in-kind will be preferred. For payment of compensation in-kind, the time and new location will have to be decided and agreed upon by each recipient, in consultation with the Local Government Authorities.

6. Calculations for compensation payments per category of loss

6.1 Compensation for Land

According with the land law, in Mozambique land does not have a market price, therefore compensation relate to land will cover compensation for replacement cost of the crop lost based on the price given by the Provincial Directorate of Agriculture and Food Security (DPASA). In contrast, the World Bank OP 4.12 compensation for land includes also compensation for labour used to prepare the land and cultivate the crop. For the WB the term "Land" refers to an area or homestead in cultivation, being prepared for cultivation, or cultivated during the last agricultural season. This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labour.

There is also a Voluntary Land Contribution a process, on which an individual or communal owner agrees to provide land or property for project-related activities. The voluntary Land Contribution will be based on the following criteria:

- ✓ Voluntary Land contribution will be limited to corridor of impact area only;
- ✓ Impacts on individual households should be marginal limiting up to 10% of the productive assets and the remaining assets are economically viable to ensure livelihood or shelter;
- ✓ The individuals/households making voluntary land contribution will be considered as direct beneficiaries of the project;
- ✓ The Voluntary Land Contribution is made freely in public and shall not affect the household's food security;
- ✓ In the event of few people's remaining assets becomes unviable, they will be provided suitable assistance and support,

Land measurement

The unit of measurement for land will be that which is used and understood by the affected persons. Therefore if a traditional unit of measurement exists in the rural areas, that unit shall be used. If a traditional unit of measurement does not exist, it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. In such cases, the unit that is-being used must be explained to the affected farmers/users.

The unit of measurement must be easily related to recognizable land features that the communities are familiar with, such as relative location of trees, stumps and other fixed features on the sites. Understanding the unit of measurement ensures that the affected person is able to verify his/her own size of land that is being lost. This maintains transparency in the process and avoids subsequent accusations for wrong measurements or miscalculation of land areas.

6.2 Determination of Crop Compensation Rates

Both cash and consumption crops are valued based on the prices provided by the institution responsible for agriculture in both provinces, using a crop area. An alternative land will have to be negotiated with the local leaders and given to the affected people for cultivation after the loss of the previous land.

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

Compensation for crops and Fruit trees

Given the importance of the crop production to the local subsistence economy in the provinces, crops will be compensated on the basis of the prices provided by the DPASA of Nampula and Zambezia. These figures can be adjusted to the market price prevailing at the time of compensation. However, an awareness campaign has to be undertaken by the ANE in conjunction with the district administration/local leaders in line with the implementation of the decree 109/14 regarding the use of the road reserve. During this campaign communities will be requested not to cultivate in these areas in the following season and therefore, decrease the need for compensation due to loss of crops.

For fruit trees the compensation will be on a combined replacement value. Fruit tree compensation will be the value based on the lost production until the replacement seedling comes into production. These values are determined and verified by the provincial Agriculture Department and at district level by the SDAE. Preference will be given to the replacement of affected trees seedlings, unless otherwise decided by the PAPs. The cost of new fruit trees seedlings, the labour for planting and tending the new trees to maturity and compensation rates for loss of income will be based on information obtained from the DPASA and from the socio-economic surveys. Based on this information, a compensation schedule for fruits such as cashew, coconut, guava, mango and other trees can be developed, incorporating the following criteria:

- ✓ Replace loss of income for subsistence fruit (e.g. coconut, cashew, guava or mango) based on production yields as quickly as possible. Cash payments to farmers will be aimed at replacing income derived from the sale of excess fruit production until replacement trees produce the equivalent (or more) in projected cash income.
- ✓ Provide subsistence farmers with new tree seedlings to replace the affected trees to sustain future source of income and food from the fruits.
- ✓ Provide farmers with the opportunity to derive alternative income from trees bearing more valuable fruits at off-season periods.

Other Domestic Fruit and Shade Trees

These trees have recognized local market values, depending upon the species and age. Compensation for wild trees "owned" by individuals, who are located in lands as defined in this policy, will be paid. Wild, productive trees belong to the community when they appear in the bush as opposed to a fallow land. These trees will be compensated for under the umbrella of the village or community compensation.

6.3 Compensation for Buildings and Structures

Compensation for buildings and structures will be paid by replacing huts, houses, farm outbuildings, latrines, fences and other impacted structures. Any homes lost will be rebuilt on the acquired replacement land. However cash compensation will be available as a preferred option for structures such as extra buildings lost, that are not the main house or house in which someone is living. The applicable replacement costs for construction materials, as well as associated labour costs needed to build replacement structure, will be used to calculate the values. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey and update construction material prices on an ongoing basis and will consult with the Ministry of Public Works and Housing (or relevant authority in each country) in updating these prices. Compensation will be made for structures that are abandoned because of relocation, or resettlement of an individual or household, or structures that are damaged directly by construction activities. Replacement values will be based on:

- ✓ Drawings of individual's house and all its related structures and support services,
- ✓ Average replacement costs of different types of household buildings and structures based on information on the quantity and type of materials used for construction (e.g. bricks, rafters, bundles of straw, doors etc.),
- ✓ Prices of these items collected in different local markets and as provided by the Ministry of Public Works and Housing (or relevant authority in each country,
- ✓ Costs for transportation and delivery of these items to acquired/replacement land or building site,
- ✓ Estimates of construction of new buildings including labour required.

6.4 Compensation for Sacred Sites

Compensation for sacred sites is determined through negotiation with the appropriate parties. Sacred sites include but are not restricted to: ritual sites and cemeteries. Sacred sites include such sites or places/features that are accepted by local laws including customary practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, homesteads and village government, the use of sacred sites for any project activities should be avoided under the IFRDP.

Compensation entitlements for different categories of eligible persons and assets (properties) are summarized in the next table:

Table 06-1: A summary of all the assets that the PAP is entitled to shall be prepared for easy reference.

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
Owner	Land	Permanent Loss of fraction of land and the rest of the parcel is usable	Registration of land parcels to be lost prior to expropriation, free of cost Cash compensation for affected land at replacement cost (equivalent to the market value of the property, sufficient to replace the lost asset and cover the transaction cost) and any taxes for land registration	Transfer of property right through expropriation process	The value of the rest of the parcel will reduce. There is need to calculate the forgone value of the previous land and be compensated accordingly	
Owner		Permanent Loss of fraction of land and the rest of the parcel is not usable	Registration of land parcels to be lost prior to expropriation, free of cost Cash compensation for affected land at replacement cost (equivalent to the market value of the property, sufficient to replace the lost asset and cover	Transfer of property right through amicable agreement during the expropriation process	Calculation of total value of the parcel	Provision of the new replacement permanent land, with equivalent value, location and productivity; including the provision of funds to

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
			<p>the transaction cost) and any taxes for land registration</p> <p>Replacement Land plot of similar size and characteristics (equivalent value, productivity, quality, size, location) with secure land tenure</p>			develop alternative replacement land.
Tenant			Assistance on lease alternative land /property to re-establish use	Finding alternative location of similar characteristics given for use with secure tenure	This is unlikely situation	
Owner		Temporary loss of land or access to land due to construction or rehabilitation works	<p>a new plot of land will be given to the owner based on customary law. The replacement land must be permanent of equivalent value, size, location and productivity.</p> <p>In a case that the contractor need land outside the ROW (ancillary works, camp site, access roads etc), the contractor shall negotiate with</p>	In circumstances where part of land could be used by the owner/use or imposed restriction for use	<p>Before starting any borrow pit or quarry operation, the Contractor should obtain approval from the authorities (National Directorate of Mines) and linked to the ESIA an environmental license approval for operation of the quarry sites;</p> <p>Contractor's obligation for</p>	Landowners consent and approvals will be obtained prior to opening borrow pits or quarries. The approval will identify the future land-use required by the landowner for the area utilized as a borrow pit or quarry;

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
			<p>the PAP compensation option that may include:</p> <p>Rent payment for the time the land will not be available for owner or user;</p> <p>Compensation for the assets;</p> <p>Replacement land of equivalent value, productivity, location, and funds to develop the replacement land to the same quality as affected land</p> <p>Or</p> <p>Use of VLD subject to consent of landowner, if losses are small, as per the protocol</p>		<p>damages, restoring the property, (i.e crack in PAPs houses due to vibration or other construction related issues)</p> <p>The VLD, should be used in very limited situation, where the losses of PAPs are negligible and PAPs income/ subsistence is not significantly affected</p>	
Owner (1 and 3)	Commercial property (barraca, banca)	Loss of business and or banca	<p>Compensation for loss of income incurred as a result of reallocation including any discrepancies in livelihood.</p> <p>Assistance to displace the barraca or banca</p>	<p>Compensation will be given until the income stream</p>	<p>For the non-permanent structure the owners will be given opportunity to remove the structure and transaction cost will be paid to</p>	

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
					transport the material to a new location; If the structure is a conventional the compensation will be in money based on the cost of material and area demolished.	
Absence of legal land right (DUAT)	Land or Business	Losses of Land	No cash compensation for affected land at replacement cost. Compensation of the structure at the replacement cost and assistance to find a new place to establish same business		Encroachers prior to cut off date will be entitled for compensation to displace a structure or small business	
Owner	Economic trees and crops	Area Need for construction works	Registration of all type and quantities of affected trees prior to the construction activities starts;			

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
			<p>Determine the type and area affected crop field area that will be lost and identifies the crop.</p> <p>Cash compensation.</p> <p>Land compensation will consider the compensation mechanisms described under the land category above</p>			
Community asset	Sacred local, Cemetery	Area need for construction works	<p>Identify and describe the community affected asset;</p> <p>With the local leaders and affected families determine the conditions to relocate the affect sacred area if needed or adjust if possible the design to avoid these areas</p>		Provision of funds for traditional ceremonies, transport, assistance to communities.	

Category of PAP	Property	Type of project affected right or property or loss	Entitlement	Process and specific condition	Remarks	Specifications
Owner	Business	Temporary interruption of business due to construction or rehabilitation works	Compensation for the business interruption; Cash compensation			

6.5 Organizational elements and procedures for delivery of entitlements

The compensation process will involve several steps and would be in accordance with the individual project resettlement and compensation plans.

Public Participation with the local communities would initiate the compensation process as part of an ongoing process that would have started at the land selection/screening stage and at the time the socio-economic assessment is being carried. This would ensure that no affected individual/household is simply “notified” one day that they are affected in this way. Instead, this process seeks their involvement and wishes to inform communities in a participatory approach with the project, from the beginning.

Notification of land resource holders – the respective local/district heads involved in identifying the land will notify the District, Village leaders and village community who will help to identify and locate the property users. The users will be informed through both a formal notification in writing and, as many people are illiterate, by verbal notification delivered in the presence of the Village leader or his representative. In addition, the Village Committees and individuals who control land will accompany the survey teams to identify sensitive areas. Results of the census surveys, including:

Documentation of Holdings and Assets: Village and District Officials to arrange meetings with affected individuals and/or households to discuss the compensation process. For each individual or household affected, the District Official completes a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, dependents, total landholdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by Village Officials and Technical Planning Teams. Dossiers will be kept current and will include documentation of all assets surrendered and/or impacted. Each individual will be provided a copy of the dossier at the time of negotiations. This is necessary because it is one way in which individuals and households can be monitored over time. All claims and assets will be documented in writing.

Agreement on Compensation and Preparation of Contracts: All types of compensation are clearly explained to the individual or household. The Technical Planning Team draws up a contract, listing all property and land being surrendered and/or assets impacted, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed (see the annex 3). The compensation contract is read aloud in the presence of the affected party and the respective Technical Planning Team, Village officials and other village leaders prior to signing.

Compensation Payments: All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party and the village officials.

7. Guidelines for Resettlement Action Plans

The process of preparing the resettlement action plans, in line with the requirements will involve the following:

- ✓ Establishment of the cut of date and carrying out of a census to identify PAPs;
- ✓ Census will generate information about the PAPs, their entitlements regarding; compensation, resettlement and rehabilitation assistance as required;
- ✓ Disturbances, especially those affecting income-earning activities, shall be properly recorded for the sake of compensation or asset replacement;

ANE/ PIU shall make sure that following the census, a comprehensive Resettlement Action Plan is prepared for each subproject that triggers resettlement, To do the Rap the project may employ a private consultant to provide valuation services required for the RAPs. This assignment shall be financed by the Project. In case of involuntary resettlement, approval of the new pieces of land to be used for resettlement shall be sought from the Government in consultation with local communities and affected individuals. To ensure transparency of procedures, PAPs shall be informed of the method of valuation used to assess their assets. All payments of compensation, resettlement assistance and rehabilitation assistance, as the case may be, shall be made in the presence of the PAPs in question and the local leaders.

7.1 Timeframe for PAR

The following key timeframes shall apply unless otherwise agreed between ANE, the Resettlement Committee and the PAPs; provided however, that no agreement to waive the timeframes shall adversely affect the rights or interests of PAPs, under this Framework:

- ✓ The inventory shall be completed at most four months prior to the commencement of work;
- ✓ The Resettlement Plan shall be submitted to implementing agency for approval immediately after completion of inventory;
- ✓ Civil works shall commence after compensation, resettlement and rehabilitation activities have been affected.

Comprehensive time frames shall be drawn up and agreed upon by all parties including the PAPs. Compensation payments for acquired land and affected assets and resettlement of households as described above, must be completed as a condition for the taking away of land and before commencement of the civil works under the project.

Adequate time and attention shall be allowed for consultation of both the displaced and host communities before bringing in the new comers. The actual length of time will depend on the extent of the resettlement and compensation and will have to be agreed upon by all parties.

7.2 Linking resettlement implementation to civil works

PAPs will need to be compensated, in accordance with this Resettlement Policy Framework and subsequent Resettlement and Compensation Plan, before work on that road segment can begin. For activities involving land

acquisition or loss, denial or restriction to access of resources, it is required that provisions be made, for compensation and for other assistance required for relocation, prior to displacement. The assistance includes provision and preparation of resettlement sites with adequate facilities.

In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to PAPs. For project activities requiring relocation or resulting in loss of shelter, the resettlement policy further requires that measures to assist the project affected persons are implemented in accordance with the individual RAPs.

In the Implementation Schedule of each RAP, details on resettlement and compensation must be provided. The schedule for the implementation of activities, as agreed between the Project Planning teams and PAPs must include:

- ✓ Target dates for start and completion of civil works,
- ✓ Timetables for transfers of completed civil works to PAPs,
- ✓ Dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and for payments of all compensation) and;
- ✓ The link between RAP activities to the implementation of the overall sub project.

When approving recommendations for resettlement during screening, PAPs must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this policy. Proper timing and coordination of the civil works shall ensure that no affected persons will be displaced (economically or physically) due to civil works activity, before compensation is paid and before any project activity can begin.

7.4 Process for Screening and of RAP- Preparation

The RAP will be prepared by ANE or a consultant contracted by ANE in coordination with MITADER. ANE has the responsibility and will take all the necessary steps in coordination with the MITADER for resolving any case that may arise.

Once the investment and the preliminary footprint of the site-specific project is defined, MITADER/DPTADER will determine whether there is the possibility of any impact, such as the existence of any land in use by private persons, the need of occupied land acquisition or any envisaged displacement. In case there is the need for preparation of RAP, then ANE will prepare a screening report where the impacts will be defined (this is the situation where impacts such as loss of assets or displacement cannot be avoided).

- ✓ ANE will carry out consultations with the affected persons and record minutes of these meetings. As set above, the consultation with the affected persons will be about the modes of compensation and level of compensation.
- ✓ ANE will prepare a RAP laying the plan, budget and time frame for implementation of the RAP.
- ✓ ANE will submit the RAP to the MITADER if the sub-roject is classified A+ or A or to DPTADER of Nampula or Zambezia if the subproject is classified B or C and after obtaining approval, then ANE will start the RAP implementation.
- ✓ The procurement of the goods and works cannot start prior to the satisfactory implementation of the RAP.

ANE, in coordination with the provincial and District Resettlement committee will conduct the expropriation when needed.

However, a pre-screening process will be carried out by the Bank and ANE to determine if the selected road is eligible for funding based on the screening checklist on the annex 1.

8. Grievance Redress Mechanisms

The preparation of the RAP/ARAP will allow time for PAPs to express their concerns and objections prior to the approval of RAPs/ARAPs and signing of Resettlement Agreements. The procedure for channelling grievances shall be made simple and accessible to the PAPs and will be handled at the local level. PIU at provincial level will designate a grievance point person./ officer to undertake the following: create and update a grievance database for the entire project. This database shall be kept at ANE HdQ and in line with the census database.

Wherever possible grievances should be solved amicably and make use of community established structures to solve it, however, where such approach is not possible, those wishing to express their grievances may do so through the administrative post and/or district government, who will consult with the Technical Commission to determine the validity of claims and rule on the final settlement.

An independent team comprising local administration, ANE at provincial and central levels, project affected people (including women), community leaders and NGOs will play key roles in establishing a grievance mechanism needed to solve problems and manage unforeseen issues, which may arise during implementation. An affordable and accessible procedure for PAPs settlement of disputes arising from resettlement, the GRM will take into account the availability of judicial resources and community and traditional dispute settlement mechanisms. It will be organized in such a way that they are accessible to all, with particular attention for the vulnerable groups. This mechanism will be available for the sub-project affected persons to be able to address their issues and to solve prior to use formal legal justice system. Once the subproject is defined and the preliminary foot prints of the site-specific project are defined, public consultation will be organized with communities. In these meetings, the affected community will be informed about existence and procedures of the grievance redress mechanism as well.

The GRM will involve the Resettlement Committee with representatives of the district government (representatives of the education, health, Infra structure and Agriculture sectors). Representative of ANE central and provincial levels, local leaders, where the settlement belongs. The committee will facilitate procedures about the issues raised by the PAPs during the implementation process. Through this mechanism, PAPs will be able to react on any damages occurred during the works or any other issue that might arise during RAP/ARAP implementation process.. A simple and easier system for GRM should be established. ANE (Project implementation Unity- PIU), at provincial level, has to verify at the time of project implementation, if any of the community members has ownership claims on the property in case this is a public land. A pre-disclosure phase is recommended in cases when PAPs are not identified as they could no longer reside in the expropriated areas (migrated in another region of the country or emigrated abroad). The notification should be done by the implementing Agency through publication of PAPs name at the site-project level or through the local leaders.

At the time that the individual RAPs/ARAPs are approved and individual compensation agreements are signed, affected individuals and households will have been informed of the GRM process for expressing dissatisfaction and to seek redress. The GRM procedure will be simple and will be administered as far as possible, at local levels to facilitate access by PAPs. All grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the district resettlement committee. All attempts shall be made to settle grievances harmoniously. Those seeking redress and wishing to state grievances will do so by notifying their Local Leader in writing. Where the affected person is unable to write, s/he should obtain assistance to write the note and emboss the letter with his/her thumbprint. The Local Leader will inform and consult with the District resettlement committee to determine validity of claims. If valid, the Local Leader will notify the complainant and s/he will be assisted. The Local Leader should respond within 10 days during which any

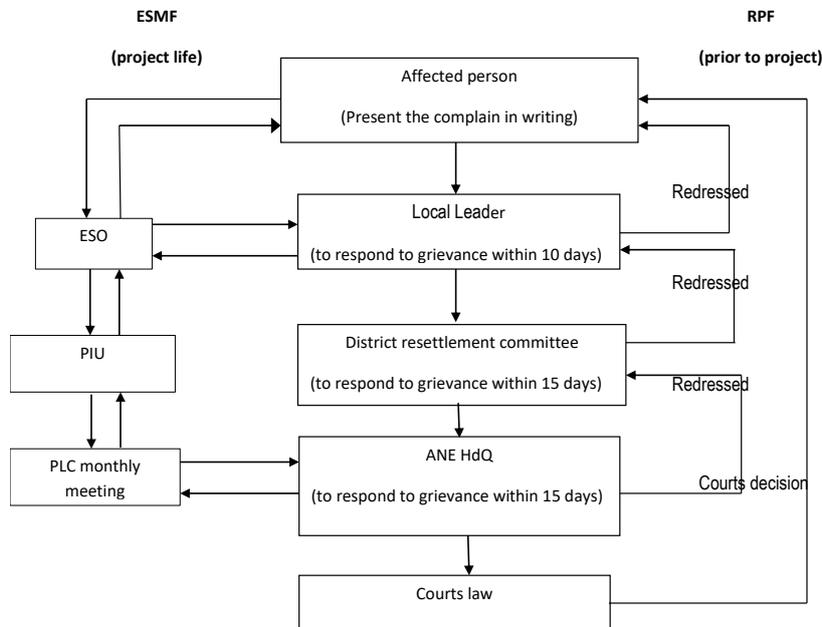
meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates valuation of assets, experts may need to be requested to revalue the assets and this may necessitate a longer period of time. If the complainant's claim is rejected, the matter shall be brought before the local government authority for settlement.

It must be noted that in the local communities, people take time to decide to complain when aggrieved. Therefore, the grievance procedures will ensure that the PAPs are adequately informed of the procedure, before their assets are taken. The grievance redress mechanisms are designed with the objective of channeling and solving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to a Tribunal for resolution. Nevertheless, if the PAPs is not comfortable with the decision of RAP Committte, he/she can them present its case to the Tribunal. Compensation and resettlement plans (contracts) will be binding under statute, and will also consider that customary law governs land administration and tenure in the rural/village areas. This is the law that inhabitants living in these areas, are used to and understand.

All grievances/complaints shall be made in writing, in the language that the PAPs understands and are familiar with and channeled to the Local Leader. Copies of the complaint shall be sent to IFRDP- PIU at provincial level and to DPTADER within 15 days after the public notice. Channelling complaints through the Local Leader is aimed at addressing the problem of distance and cost the PAP may have to face. The Local Leaders shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made. The procedure for handling grievances should be as follows:

- (a) The affected person should file his/her grievance in writing, to the Local Leader or directly to the Consultant implementing the RAP/ARAP. The grievance note should be signed and dated by the PAP. Where the affected person is unable to write, s/he should obtain assistance to write the note and emboss the letter with his/her thumbprint. The RAP consultant will also be available to assist with the completion of the form mentioned above. If it appears that the PAP dis not understand the process or entitlement the RAP consultant will be expected to provide explanantion and play a largely facilitator's role. A sample grievance form is provided in Annex 1;
- (b) The Local Leader or RAP consultant will them either accept to consider the grievance or reject it. The response should be within 10 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may need to be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the Local Leader or RAP consultant that his/her complaint is being considered. If the resolution proposed by the Local Leader is accepted by the PAP, the PAP will sign the grievance form to show agreement and the grievance register will also be updated to reflect conclusion of the matter, otherwise step c) below will be followed in appeal;
- (c) If the PAP does not receive a response or is not satisfied with the outcome within the agreed time he lodges his grievance to the District Resettlemet Committee. An intention to appeal should be communicated through the RAP consultant and recorded in the Grievance Register. The RAP consultant on nothing the appeal will forward the case to the District Resettlement Committee with all details attached and notify the PAP of the venue, date and time of when a hearing will be consucted aimed at resolving the grievance;

(d) The District Resettlement Committee will then attempt to resolve the problem (through dialogue and negotiation) within 15 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to the provincial level and to the national level and finally the court, as a last resort, until the complaint is solved. Figure below shows the grievance redress mechanism:



Picture 8-1: Process of GRM

The main steps of land and other permanent assets acquisition process are:

- ✓ The PIU, the ANE delegation in coordination with local authority will inform local people about the Right Of Way (ROW),
- ✓ The RAP consultants will identify individual land donors, amount of donated land and remaining holding, damage/loss of residential structure and its percentage and loss of livelihood and minor structural damage or loss, at the time of social screening and inform the affected people about their damage/loss;
- ✓ After availability of detail records of impacts, ANE through the RAP consultant will publish notice about land and other permanent assets acquisition;
- ✓ ANE in coordination with Consultant, Local authority and resettlement committee will raise awareness of local people about the benefit of the road and inform them about the provision of the project about land donation and structure damage;
- ✓ ANE in coordination with Consultant, Local authority and resettlement committee will provide assistance to seriously project affected people (above 10% land donors and structure damage household) and will fill the voluntary land donation form of the land donors. In case of any complaints, the people can approach the grievance redress mechanism team formed to receive complaints related to voluntary donation process.

PAPs can address complaints not resolved at local level to ANE of RF for further consideration under the IFRDP GRM which can also offer the option of independent technical evaluation and mediation.

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

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

8.1 Consensus, Negotiations and Conflict Resolution

Consensus and negotiations are central to addressing grievances. In general, people are aware of their rights. However, some projects have been known to stall due to delays in disbursement of compensation. Prior negotiations, between Government representatives and project beneficiaries, are therefore crucial to the success or failure of the project. As a guiding principle emphasis shall be placed on simplicity and proximity of the conflict resolution mechanisms to the affected persons and the following shall be noted:

- a. Negotiation and agreement by consensus will provide the best avenue to resolving any grievances expressed by the individual landowners or households affected by any of the IFRDP sub projects. These grievances shall be channelled through the Local Chiefs or leaders.
- b. The PIU at provincial and district level shall ensure that the main parties involved achieve any consensus freely. The relevant government representative shall clearly advise the general public, as to who is responsible for the activity and the procedure for handling grievances or compensation claims.
- c. Grievances shall be addressed during the verification and appraisal process. If a suitable solution is not found, PIU teams shall defer consent of the project and the concerned project activities shall not be allowed to proceed.
- d. Grievances for which solutions have not been found shall be referred back to the community for discussion where the Local Leader and District Administration will redress the matter of concern to assist the claimants. The mediation process will be implemented according to traditional methods of mediation/conflict resolution. The resolution will then be documented on the relevant consent forms and verified.
- e. If an agreement cannot be reached at community level the aggrieved party or parties shall raise their concerns to the Project Planning teams who shall refer them to the respective PIU, within 15 days of the verification meeting. Grievances that cannot be resolved at the Local and District level shall be submitted to the Local Government and to executing agencies. Should grievances remain unresolved at this level, they can be referred to the court of law for each respective country.

8. 2 Monitoring and evaluation arrangement

The implementing agency of the RAP will be ANE and during the implementation of RAP a monitoring plan will be required, to assess whether the objectives are being met. The monitoring plan will indicate parameters to be monitored and the responsible to carry out the monitoring activities.

ANE may contract a consultancy service to design the RAP based on the guidelines provided in this RPF. The Consultant will have to work in closely with ANE delegation in Nampula and Zambezia, MITADER/DPTADER as well as the district authorities and local leader within the settlements along the subproject road to carry out the socio economic census. The table below provides the roles and responsibilities for the RAP preparation, implementation and monitoring

Stage in Sub Project Cycle	Responsible unity	Role and responsibilities
Sub Project Identification	ANE and RF HdQ WB DPTADER	Overall coordination implementation of the project (RPF and ESMF); Undertake Project Screening and determine eligibility Determine Category and required Instruments (ESIA, ESMP and RAP)
Sub Project Preparartion (Feasibility Study and Design)	Consultant hired by ANE Local administration and affected people	Prepare RAP or ARAP/ESIA/ESMP Participate in the socio-economic census, Public consultation; Implementing the grievances mechanism
Review and approval	ANE HdQ and Delegate World Bank Provincial government (DPTADER)	Review safeguards documents ; RAP or ARAP, ESIA, and ESMP Approval ;
Project Implementation	Contractors; Consultation District administration ANE and FE Delegation;	Overseen the implementation of ESIA, ESMP and RAP Monitor the implementation of RAP or ARAP, ESIA and ESMP (auditing) To overseen the GRM and the implementation of the RAP or ARAP, ESIA and ESMP of the subj project;

	ANE HdQ DPTADER/Resettlement Committee	To resolve the community complaint
Completion/turnover	ANE HdQ, ANE and FE Delegation RAP implementation Consultant DPTADER (Resettlement committee) Contractor	RAP Evaluation ESIA/ESMP
Operation/ maintenance	Contractor ANE delegation	ESIA/ESMP implementation and adjustments after five years

Table 8-1: Role of institutions on RAP preparation and implementation

The arrangement for monitoring the RAP implementation will fit the overall monitoring programme of the entire IFRDP. The Road Sector will institute an administrative reporting system.

Periodic evaluation will be made in order to determine whether the PAPs have been paid in full and before implementation of the subproject activities and whether the PAPs enjoy the same or higher standard of living than before.

The Road Sector through the Provincial Delegates shall accompany and assist the District with transport and provide necessary expenses to facilitate the monitoring process. The PIU with support from the Resettlement Specialist, will institute an administrative reporting system that:

- a. Alerts PUI on the necessity and procedures for land acquisition for the project activities and the need to incorporate land acquisition, resettlement, loss of assets and impact on livelihood provisions in the design technical specifications and budgets;
- b. Provides timely information about the asset valuation and negotiation process,
- c. Maintains records of any grievances that require resolution, and
- d. Documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses, as well as unanticipated, additional construction damage.
- e. Updates the database with respect to changes that occur on the ground as resettlement and compensation activities are being implemented

Periodic audits will be made, by the PIU and DPTADER, in order to determine whether the PAPs have been paid in full and before implementation of the sub project activities; and whether the PAPs enjoy the same or higher standard of living than before. This framework is suggesting that where appropriate and where it is determined to be cost effective, the office of the District Administration shall be structured to host the monitoring and evaluation component of the project/program. This will take the form of giving the districts the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the program life.

The objective will be to make a final evaluation in order to determine:

- a. If the affected people have been paid in full and before implementation of the subproject, and
- b. if the people who were affected by the subproject 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 they are actually poorer than before.

A number of objectively verifiable indicators (OVI's) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions.

(a) Indicators to determine status of affected people

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, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socioeconomic goals by which to evaluate its success:

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

(b) Indicators to measure RAP performances

In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, PIU will monitor milestones and provide resources necessary to carry out the monitoring activities. For example the following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance. Questionnaire data will be entered into a database for comparative analysis at the provincial PIU:

- ✓ Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.
- ✓ maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages
- ✓ Percentage of individuals selecting cash or a combination of cash and inkind compensation,
- ✓ Proposed use of payments

- ✓ The number of contentious cases out of the total cases
- ✓ The number of grievances and time and quality of resolution
- ✓ Number of impacted locals employed by the civil works contractors
- ✓ General relations between the project and the local communities

(c) Indicators to monitor and evaluate implementation of RAPs

Financial records will be maintained by the PIU to allow calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing:

- ✓ Individual bio-data information,
- ✓ Number of people s/he claims as household dependents
- ✓ Amount of land available to the individual or household when the dossier is opened.
- ✓ Level of income and of production
- ✓ Inventory of material assets and improvements in land, and

9. Estimated budget

The IFRDP is in the initial stage of the project conception and design, therefore number, location and extension of the subprojects are not known, which implies that the total cost of the project is not also known. which makes the budget calculation of the RPF difficult. Nevertheless, RPF should consider resources to fund the preparation of the of each RAP (socio economic surveys and compensation calculation), the cost associated with the RAP implementation and functioning of the RAP .

Funds for implementing inventory assessments and preparation of resettlement action plans will be provided by World Bank under the IFRDP. In general, the cost burden of compensation will be borne by the executing agency, ANE.

The RAP for a sub-project would include an itemised, indicative budget and ANE will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the IFRDP. This budget will be subject to the approval by the ANE.

ANE will have to finance the resettlement compensation because they will be impacting on the people's livelihoods. Disbursements based on budgetary requirements, established by the RAPs in consultation with PAPs and local leaders, will be made through the relevant District Administration.

Adequate budgetary allocations and funding will have to be provided for; and the entire process of land acquisition and resettlement will have to be adequately monitored and evaluated to ensure that the needs of the PAPs are met; to restore and maintain their living standards to the original state or to improve them.

The estimated cost for the implementation of the RAP is **USD 1 990 000,00** . These costs will cover elements for preparation of specific RAP for the project, RAP preparation implementation and monitoring, compensation for affected trees, structures and buildings, compensation for loss of income and compensation for resettlement and rehabilitation. Details of the estimated budget are given in table below.

Table 9 1: Estimates for the RAP preparation and implementation

Activities to be funded under the RPF	Costs (10 ³ USD)	Nº of subprojects/districts	Total (10 ³ USD)
Preparation of the RAP for each sub project	30	15	450
Implementation of the RAP	100	15	1,500.00
Operation of the GRM	5	8	40
Grand Total			1,990.00

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ANNEX 1: Environmental Screening Form for Checklist of Likely Environmental and Social Impacts of Sub-projects

Project title.....
Project number.....
Project type.....
Name of district for infrastructure rehabilitation/construction.....
Name of Executing Agent.....
Date:
Name of the Approving Authority

PART A: BRIEF DESCRIPTION OF THE PROPOSED ACTIVITIES

Please provide brief information on road rehabilitation project road (extension, wide).

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

Please describe how the construction/rehabilitation activities will be carried out, including complementary activities and infrastructures and resources required e.g., roads, and traffic routes, disposal sites (waste and removed materials), water supply, energy requirement, storage areas, human resources, worker camps, security arrangements, etc.

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

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

Name: -----

Job title: -----

Telephone numbers: -----

Fax Number: -----

E-mail address: -----

Date: -----

Signature: -----

Please describe the proposed infrastructures location, sitting, coordinates; surroundings (include a map of the sub-region as well as a detailed area map of the project and its ancillary facilities, and their immediate surroundings)

Describe the land formation, topography, vegetation in/adjacent to the activity areas (project and ancillary facilities/activities)

Estimate and indicate where vegetation might need to be cleared, erosion and drainage issues might occur.

Environmental and social aspect	Yes	No	Don't Know
Is the site zoned for the proposed land-use?			
Are there any environmentally sensitive areas or threatened species (specify below) that could be adversely affected by the project?			
Are there any intact natural forests? Or other vegetation?			
Is there any surface water courses, natural springs?			
Is the water table close to the surface? i.e. 0,5 m or less?			
Are there any wetlands (lakes, rivers, swamp, seasonally inundated areas) in the proximity of the site?			
Is the project located near the coast? If so near any marine reserve area?			
Is there any area of high biodiversity or high conservation value?			
Are there habitats of endangered/threatened or rare species for which protection is required under the Mozambican national law/local law and/or international agreements (such as IUCN listed or identified as HVCA or IBA?)			
Is there a possibility that, due to construction/rehabilitation works and subsequent operation of the infrastructure, coastal, the river and lake ecology will be negatively affected with regards to its water quality and quantity?			
Is the site (or its complementary facilities) located within/adjacent to any protected areas designated by the government or international agreement (national park, national reserve, world heritage site etc.)?			
Is the project likely to alter any historical, archaeological, cultural heritage traditional (sacred, ritual area) site or require excavation or other significant disruption near same?			
Will the project involve any land acquisition?			
Will any such land acquisition be effected through voluntary donations?			
Will the activities be located in any vacant public land?			
Under any of the types of land acquisition above are there any current uses or activities on the land proposed to be acquired? Any formal or informal occupation?			
Is the project located in any or near polluted area (near a waste dump or any industrial facility)?			
Is the project located in an area of steep slope and or susceptible to landslides or erosion of soils?			
Is the project located in or near to agricultural land? Including seasonal, recession, or sporadic agriculture?			
Is the project located in the proximities of tourism activities?			
Is the project site susceptible to natural disasters (flooding, fire, cyclones and earth quake)?			

Is the project located in area of population concentration points (schools, markets, health facilities, churches, office buildings, water sources and commercial areas, transportation hubs)?			
Will the construction/rehabilitation activities including support facilities result in the permanent or temporary loss of crops, fruit trees and household or livelihood related infra-structure (such as granaries, outside toilets and kitchens, livestock grazing and watering areas, irrigation canals, wells and water sources)?			
Will the construction/rehabilitation activities including support facilities interfere with employment, livelihood activities, markets or formal or informal commercial activities including street vendors and similar?			
Will the construction/rehabilitation works interfere with or block access, routes etc. (for people, livestock and wildlife) or traffic routing and flows?			
Will the construction or operating noise or vibration level exceed the allowable/safe noise/vibration limits?			
Will the construction/rehabilitation works require large number of staff and labourers as compared to the size of the communities? large construction camp? Overnight worker accommodations for extended periods?			
Will the activities result in emission of significant amounts of dust, hazardous fumes?			
Will the activities decrease traffic or personal safety in their immediacy or beyond? during construction and/or operation			
Will the construction/rehabilitation works generate solid or liquid wastes? (including human excreta/sewage, asbestos,)			
If "Yes", does the architectural plan include provisions for their adequate collection and disposal, particularly asbestos?			
Are the construction/rehabilitation activities prone to hazards, risks and could they result in accidents and injuries to workers or nearby communities during construction or operation?			
Will the operation involve use of considerable amounts of natural resources (construction materials, water, land, energy from biomass etc.) or may lead to their depletion or degradation at points of source or discharge?			
Has public consultation and participation been sought?			
Will the project interfere with community (households) access to water, firewood, medicinal and food plants, hunting or fishing resources, and other natural resources in general that support food security or livelihood activities?			
Will the community participate in work opportunities or receive any benefits from the project?			
Is the community highly vulnerable?			
Is the community conflictive?			

	Is the community known to be opposed to the project or similar activities.			

PART D: MITIGATION MEASURES

For all “Yes” responses, please briefly describe the nature and scope of the impacts and the measures proposed to be taken to address them. Subsequent to completion of the present Environmental and Social Screening Form, the analysis by the DPTADER will follow in order to classify the activity into one of the categories A+, A, B or C according to local law.

The PIU (along with DPTADER as applicable) will validate the category under the ESMP and ensure that the appropriate ESHS studies are carried out and an ESMP, and where applicable a RAP are prepared.

PART E: SCREENING RESULTS

Elegibly for funding _____ Yes _____ No

If No, state reason and recommend needed for revision of design_____

Requirements (check)

_____ESMP _____ESIA/ESMP _____RAP _____Abbreviated RAP

ANNEX 2: Compensation Agreement Form

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

<i>Full name of Project Affected Person (picture to be attached on this form)</i>		<i>Identification Document and number</i>	
<i>Village or Municipality</i>	<i>Administrative Post</i>	<i>District</i>	
<i>Address</i>	<i>Cell phone (if available)</i>	<i>PAP number as Per RAP database</i>	<i>Asset Numbers in database (if applicable)</i>

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

2. Payment values for crop and trees:

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

3. Payment of affected infrastructure and ancillaries

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

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

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

Total			

4. Payment of affected business income and assets

Type	Business	Monthly Earnings (MT)	Value (MT)
Total			

5. Land replacement

Type	Size	use	Replacement in kind/allowance for substitution (market plus transaction) in has/MT

6. Agreed form of compensation:

(a) Direct cash payment (crops and trees in cash only) Total
 Amount:.....

(b) Formal attribution of -----ha of substitute farming/business land by -----District Administration (other party), in replacement site identified by the District Services for Economic Activities and accepted by PAP, with DUAT title. [or land replacement allowance: Total Amount:.....]

(c) Direct cash payment (infrastructures and ancillaries)
 Total Amount:.....

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

(a) Bank Account:

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

5. I agree to vacate the site [x Days/Months] after in-kind compensation has been made available and all cash payments have been completed.

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

If yes, tenant receives compensation for lost crops and trees and disturbance allowance including all transitional losses. The owner receives the land, structures, clearance allowance and disturbance allowance (lost income). *Both Tenant and owner sign the compensation agreement.*

7. Allowances

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

(b) Transport allowance or as greed per local costs).....MT

Sum of Total Allowances.....Mt

8. I..... confirm to have read and understood information in this form, accept the compensation amount and the allowance amounts, substitute assets and livelihood restoration actions stipulated in the RAP as full release of all claims. I understand that the calculation of my in-kind replacement assets and monetary replacement compensation was undertaken by a professional and independent consultant based on international good practice at full replacement value (market value plus transactional costs). I also agree to salvage assets from my farming plot/place of residence as I may wish, and take these with me and in accordance with project safety procedures; and to vacate the site xx days/month (s) after in-kind compensation has been made available and all monetary compensation has been paid and while livelihood restoration actions are proceeding in a timely manner.

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

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

9. Other Signatures

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

District Administration/ Services for Economic Activities:

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

District Administration/ Services of Planning and Infrastructures Activities:

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

Consultant's Representative

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

Local Community Leader

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

Witness (e.g. neighbour, friend)

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

ANNEX 3: In Kind Confirmation form

I _____, ID n^r _____, issued by _____ in ____/____/____, resident in village _____
 A Locality _____ Administrative Post _____ District of _____, I agree to received in Kind compensation for the following assets that will be affected by the road rehabilitation project.

N ^r	Designation of asset	Quantity/area	Latitude	Longitude
1				
2				
3				
4				
5				
6				
7				

Truthfully, I sign as it is on my ID

PAP Signature: _____

Witness:

Local Leader : _____

Spouse signature or other Household member _____

_____ in _____ of _____ of 20____.

ANNEX 4: Structure for Preparation of RAP/ARAP

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

- The dimension of the foreseen small-scale civil works (new infrastructure or rehabilitation);
- The level and nature of populations disturbances likely to occur;
- The environmental and social sensitivity of the proposed site for the civil works
- The specific application of eligibility criteria and evaluation of assets according to this RPF to the project area.

The Team carrying out the RAP will apply this RPF in order to ensure that all WB Operational Policy (OP/BP 4.12), requirements are totally covered in the RAP for the proposed activities. In cases where certain requirements are not applicable, such cases should be indicated and justified as part of the RAP to be presented to the WB for non-objection.

Introduction

- Provide a summary description of the proposed activities, including making references to how the RPF links to those activities;
- Make references to The Need for RAP;
- Summarise the results of the environmental and social screening per Part C above;
- Briefly describe the scope of the RPF and the reference documents for the team preparing RAP; and
- Listing the procedures for review and approval of the RAP.

Project description

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

Dimension and nature of potential resettlement

- Delineation of the baseline field socioeconomic survey and asset carried out or to be carried out;
- Provide details on population (or other entities) to be potentially resettled due to the Project activities, as well as description of potential losses;
- Listing of categories of the PAPs;
- Listing the results of the consultations with PAPs regarding the results of resettlement surveys and asset inventories; and

- Describe the procedures related with the updating of the results of the surveys.

Legal basis for compensation and resettlement

- Refer to the description of the legal or regulatory issues related to land use rights, compulsory land acquisition, compensation, and complaints and grievance mechanisms included in the RPF and (i) confirm their application in the RAP; and (ii) explain any exceptions or special application needed for the specific RAP.

Eligibility criteria for the various categories of PAPs

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

Evaluation of Assets

- Describe the procedures used for inventory of assets during the preparation of the RAP, which are specific to the proposed project I activities;
- Describe the methods for payment/provision of compensation and resettlement actions resulting from the projects; and
- Describe the methods for determining and validating the amounts of compensation to be paid for assets affected by the project.

Host areas

- Discuss issues related to availability of land for resettlement;
- Identify potential host areas and alternatives, providing results of studies, surveys and consultations carried out for each alternative and the selected alternative and the reasons to select it;
- Describe any consultation carried out in relation to selection of host areas alternatives, and;
- Register the level of acceptance or any other reaction by PAPs and local authorities in relation to potential host areas showing overall satisfaction with the host area on the part of both the resettled and host populations.

Livelihood Restoration component

- Describe the economic displacement and livelihood impacts caused by the project
- Describe the proposed livelihood restoration measures describing the technical basis for the formulation and quantification

- Register the level of acceptance or any other reaction by PAPs and local authorities in relation to the livelihood restoration plan showing overall satisfaction with the plan

Implementation of RAP (Procedures and institutional responsibilities)

- Explain how RAP implementation will be integrated in the general implementation of the projects-civil works and support activities/sites;
- Describe and explain to the PAPs the specific procedures regarding the inventory of assets potentially affected by the proposed activities (which will form the basis for final negotiation of compensation payment);
- Describe the method to be used with a view to obtain the final value of assets for each PAP, and to determine and negotiate the rights for compensation of individuals;
- Explain how each eligible PAP will be affected in relation to the whole profile of losses and in relation to the compensation/resettlement proposal, and how the acceptance of the proposals was worked out and registered;
- List specific procedures of the proposed civil work and responsibilities for selection, inventory, planning and land allocation; -if not previously completed
- Describe the process and responsibility for physical transportation of individuals and their assets to the host areas;
- Describe procedures and responsibilities to provide any assistance to resettlement and development in relation to PAPs;
- Describe methods and responsibilities for carrying out compensation including substitution of goods and assets (including substitution of land, wherever applicable) and payment in monetary values or provision of in kind compensation;
- Describe the time, budget, process and responsibilities for the implementation of the livelihood restoration plan as well as for monitoring its results and taking additional action if needed.
- Describe methodology to cater for unforeseen events of losses and damages caused to land or property during the carrying out of the foreseen small-scale civil works, and methods for claiming compensation for such losses and damages;
- Describe the method for obtaining the conformation of reception of compensation/resettlement by PAPs;
- Delineate steps and responsibilities for monitoring and report presentation in relation to the progress of implementation of RAP; and
- Include a time schedule for implementation (including the responsible personnel for this activity) and relate this to general implementation of the civil works.

Consultation and Participation

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

Monitoring and evaluation

- Describe the procedures and responsibilities for internal monitoring of RAP implementation in coordination with the project civil works;
- For external evaluation, the conditions stipulated in the RPF shall be considered and the RAP shall set up the baseline (based on the census) and the targets (based on restoring the living conditions and livelihoods of the PAs).
- All documentation for voluntary land donations (with or without compensation) will be reviewed and validated through PAP interviews.

Budget and Cost estimation

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

ANNEX 5: Sample Grievance Form

Name (Complaint): _____

PAPs ID Number: _____

Contact Information: _____ (Community; mobile phone)

Nature of Grievance or Complaint:

Date Individuals Contacted Summary of Discussion

Signature

PAPs: _____ Date: _____

RAP Consultant representative: _____ Date: _____

Local Authorities: _____ Date: _____

ANNEX 6: Sample Resolution Form

Name of Person : _____

Position: _____

Review/Resolution

Date of Meeting on Grievance: _____

People Present at Meeting (see attachment):

Was field verification of complaint conducted? Yes ___ No ___

Findings of field investigation:

Summary of Conclusions from the Meeting:

Key Issues:

Was agreement reached on the issues? Yes ___ No ___

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below and Next Action Step Agreed:

Signed (Conciliator): _____ Signed (person): _____

Signed (Independent Observer): _____

Date: _____

ANNEX 7: Sample Table of Contents for Consultation Reports

1. Introduction.

1.1 Project Description

2. Stakeholder Analysis

2.1 Areas of Influence/Stakeholders

2.2 Description of Stakeholders

3. Stakeholder Engagement

3.1 Previous Consultation Activities

3.2 Implemented Community Engagement Activities

4. Summary of Key Issues

5. Future Consultation Events

Template: Consultation Activity Summary Table

Location and communities represented	Meeting Date	Participants	Discussion Summary

ANNEX 8: Voluntary Land Contribution Protocol

The Voluntary Land Donation may be used in a very limited case for linear projects, in particular the roads project, this annex will provide details on how these scenarios are intended to be managed. All land acquisition within the COI is subject to compensation as described in the RAP entitlement matrix. On the other hand, the required land acquisition by the contractor outside the COI, (i.e. equipment lay-down areas, road diversions, quarry sites, borrow pits/areas) the VLD may be applicable, if the PAPs does not lose more than 10% of affected land and PAPs subsistence is not affected.

For small civil works ANE and the Technical Resettlement Committee will follow this Protocol for Voluntary Land Contribution (VLC). This protocol will be applicable in limited situations such as land needed to establish a camp site, borrow areas etc. As described in section 9.2 above, land in Mozambique belongs to the State, therefore PAPs will only be voluntarily donate a right to use the Land. All assets over the land are subject to be compensated based on the eligible criteria identified.

Proposals including voluntary contributions will not be submitted or considered for approval where they would significantly harm incomes or living standards of individual owners or users.

During project implementation, ANE and the Technical Resettlement Committee will conform a provincial and district multi-stakeholders committee ("Committee") to oversee the process and ensure that voluntary land donations process is followed and implemented for limited scenarios described above. The process will include the following protocols:

1. Official information and initial assessment. Determining the appropriateness of VLC in the circumstances of the project. The proponent will inform the village head and villagers or land owners and users through official notification of the areas needed for the project. The proponent and Technical Committee will take in consideration the following details for such documentation:
 - What the land will be used for;
 - How much land the project will require on both a permanent and temporary basis;
 - How much of the land will be donated;
 - What alternatives to donation exist (e.g., right of use, , temporary permission to use);
 - The terms of the donation;

- The identities of the parties who intend to donate;
- The beneficiary of the donation; and
- Any details that are relevant to why donation may be appropriate.

2. Verification of voluntary Contributions **for the limited cases described above**. The following conditions will be confirmed by the District Resettlement Committee including the village chief:

- Confirmation that affected people agree to donate land , based on a face to face meeting without presence of the proponent;
- No individual PAP or household would lose more than **10%** of their total productive assets;
- No physical relocation will be necessary as a result to the donation.

3. Initial Village Consultation. Under the village head leadership, a consultation process will be launched to invite different interested parties, including land owners and users to discuss and ratify the appropriateness of the voluntary basis of land donation.

4. Transferring and formalizing the land. The proponent shall establish and communicate to the PAPs, including potential donors, a process for land donation that includes very clear procedures that explain the process that should be followed to transfer the land, and appropriate ways to formalize the respective transfer. The process must include consideration of the legal and administrative requirements based on the Mozambican legal framework. The process will describe a clear and transparent decision making process.

5. Verification process (surveys) to identify land ownership and use. The proponent and the Technical Committee will carry out specific surveys to understand the type of land rights and uses that exist in the project area, and to identify any particular issues relating to land ownership and use. Specific surveys must be conducted on each parcel of land proposed for donation to identify:

- The owner or owners of the land;
- The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities or resource use on the land);
- Any competing claims of ownership or use;

- Structures and assets on the land;
- Any encumbrances on the land.

6. Scope of Donation. It is important to: (i) identify the right that is being transferred (an ownership right, a use right, etc.); and (ii) check whether the transferor actually has the rights/he claims to have. In many circumstances where careful due diligence is not carried out, significant conflict can arise at a later stage when another party claims that they have the same or a competing right. Documentary evidence that the transferor will have the necessary rights is highly desirable though it must be validated by the due diligence process. However, where no documentary evidence exists, the due diligence can also establish rights by documenting the results of consultations with local community officials and neighbours. There should be a clear agreement as to whether the donation includes the land and all assets on it, or whether compensation for improvements, crops, trees, and any other standing assets as of the cut-off date is expected.

7. Public consultations and disclosure. The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else should be consulted about the proposed donation; for example, spouses and older children.

There should be a clear agreement as to which **contractor** will pay the costs associated with the transfer of the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferor's remaining land and any new documentation relating to it.

8. Establishing informed consent

The proponent and the technical committee in coordination with the District Resettlement Committee will verify the informed consent or power of choice by the people who would donate the land, **assuming that contractor will compensate for all assets on proposed portion of the land to be donated outside the COI.** In particular, the following will be verified and documented in the voluntary donation report:

- What the land is going to be used for, by whom and for how long;
- That the donors and any users will be deprived of the ownership or right to use the land, and what this really means;
- That the donors have a right to refuse to donate the land and any users have the right to object;
- Whether there are alternatives to using this land;
- What the donors will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
- The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.
- All conditions provided in the para. 2 above.

The right to refuse must be a legitimate right, unconditional, and the potential transfer or must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.

Proper documentation. During the VLC process for each ancillary area, it is important to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the **right to use the land** is legally transferred. While the process relating to the legal transfer of the land **rights** is frequently complicated and time consuming, it must be addressed. In specific circumstances, for example where the land is being transferred to or by a community, experience indicates that lack of formal transfer can create significant uncertainty

in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community relations.

The proponent must:

Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;

Ensure that the agreement:

- Refers to the consultation that has taken place;
 - Sets out the terms of the transfer;
 - Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
 - Confirms that the donors are aware of their right not to donate and/or to be compensated;
 - Attaches an accurate map of the land being transferred (boundaries, coordinates);
 - Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights;
- Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
- Ensure that the transfer and title is registered or recorded; and
- Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

It is also important to maintain a record of the process that has been followed, including:

- The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
- Records of the consultations that were held and what was discussed and agreed;
- Evidence of the due diligence that was conducted, including primary data, photographs, communications interchanged, etc.;
- Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner involved;
- Copies of all documents, registrations or records evidencing the legal transfer of the land;
- A map, showing each parcel of land.

The proponent will maintain a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

9. Grievance redress arrangements. The project provides access to the IFRDP GRM and specifies means by which donors (potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised. The grievance process includes participation of reviewers not directly affiliated with the proponent. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

FORM for Voluntary Land Contribution

Province / Region:	
District:	
Community:	
Sub-project ID:	

Name of land owner:	ID Number:	Beneficiary of the project: Y/N		
Sex:	Age:	Occupation:		
Address:				
Description of land that will be taken for the project:	Area affected:	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact:				
	Details	Number		
– Trees that will be destroyed				
– Fruit trees				
– Trees used for other economic or household purposes				
– Mature forest trees				
– Other				
Describe any other assets that will be lost or must be moved to implement the project:				
Value of donated assets: Land rights- Other assets-				

The land user or donor confirms that he/she received information on the project and understands that the above assets will be (permanently/temporarily) transferred and that he/she will have no access to the land or assets for (*specify time or restricted uses*).

By signing or providing thumb-print on this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary and that he/she understands that he/she has the choice to require compensation, and that by signing or providing his/her thumb print he/she agrees not to request any such compensation now or in the future [except as agreed in Annex XX hereto –Note: include an annex with any compensation for assets, transfer costs, etc.]

If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumb print³, and ask for compensation instead.

Date:

Date:

District Leader representative's signature

Affected persons signature
(both husband and wife)

³ If thumb print, provide a witness statement or if allowed a video recorded statement.

ANNEX 9: RPF Consultation Process



RESETTLEMENT POLICY FRAMEWORK FOR THE N1/N10: QUELIMANE - NICOADALA - NAMACURRA ROAD REHABILITATION PROJECT



CONSULTATIONS REPORT

2017

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Consultation Process and Site Visit to the IFRDP in Nampula and Zambezia

31/05 to 2/06/ 2017

The site visit was done during the period of 31/05 to 2/06/ 2017. To carry out the consultation process were established two teams, each per province. The teams visited two districts in Nampula (Memba and Erati) and two districts in Zambezia (Maganja da Costa and Murrumbala). The main objective of the field visit was to identify the main environmental and social impacts that the feed road project can bring.. As well as to assess the capacity in place at provincial and district level to implement and monitor the ESMF and RPF of the IFRDP. The methodology adopted was carrying out meetings with representatives of ANE and Road Funds, as well as with the line departments that have a say on the environmental and social issues associated with projects implementation (DPTADER, DPASA, DPOPHRH). Then the team visited the targetted districts and also hold a meeting with the local authorities as well as visited the priority roads for the districts.

The first meeting was held at DPTADER with head of Environmental Assessment Department Mr. Victor Lopes in Nampula, while in Zambezia the meeting at DPTADER was with the provincial director, team of the Territorial Planning (Resettlement unity) and Environmental Assessment Department. During the meeting the team, accompanied by ANE delegation, did the project presentation and informed the expected role of the Directorate in line with the RPF and ESMF. DPTADER in both provinces has human capacity to fulfil their role.

The DPTADER Director in Zambezia informed that for the IFRDP the system will be the same they are using for other projects. ANE has to submit the screening form for project categorization under the decree 54/2015 as well as the Decree 31/2012 regarding the resettlement. In a case that the project is categorized as B or C DPTADER will follow up the entire process until the license be given. The cost of the screening process has to be payed by the project proponent. The cost for the screening process include: (i) field visit for the DPTADER team; (ii) participation of the DPTADER team in all public consultation and (iii) establishment and functioning of the resettlement committee at provincial and district level . According with type of project a technical committee is formed, which is composed by different institutions to evaluate the project.

During the Implementation of the project DPTADER will have to audit the project, subject to availability of financial resources. However, DPTADER never audit road projects, due to lack of funds, but the audit is mandatory. The Proponent can hire a Engineer to do the external audit and send to DPTADER the external audit report.

The concern of DPTADER and the source of main conflicts with PAP's is regarding the resettlement process. In main case, where a project result in expropriation, there is no a prior discussion between ANE and PAPs on the construction design of the PAP's affected structures. Other aspect is related to the compensation modality, most of the time the affected person prefer to received compensation in cash rather than in-kind (i.e a house). But the Mozambican law (Decree 31/2012) recommend not to compensate in cash but in-kind.

DPASA (Nampula)

The meeting at DPASA was held with Mr. Pedro Dzucula, Provincial director. During the meeting the Director inform that they work in coordination with ANE Delegation, when it is necessary. Also inform that the following are the priority districts for Nampula: Memba, Erati, Mecuburi, Murrupula, Monapo, Meconta, Angoche, Moma,

Malema, Ribawe, Mogincual and Liopo . He shows satisfaction, that rural road project will be implemented within the priority districts.

The Director advise to visit the road which is going to Nameroa and the other one was the road going to Chipene. Regarding to the compensation there is a table with price of plants which is updated in each five (5) year.

In Zambezia was not possible to have a meeting with the DPASA as they were not available.

DPOPHRH (Zambezia)

The meeting at DPOPHRH was with Mr. Fernando Manuel Manhique head of planning department in substitution of Provincial Director.

Mr Fernando inform that the DPOPHRH is happy with the project and will give the necessary assistance for the successes of the project.

The head of the department inform that the challenges are enormous, considering that most of the network at provincial level is feeder roads and the expectation is to have all the roads transitable during the year. The DPOPHRH inform also that technical capacity to monitor the process exist what are not there are the resources such as computers, fuel, transport, cameras and so on.

Regarding the resettlement process the team was informed that DPOPHRH in coordination with ANE will assess the affected infrastructures to get the compensation value. The challenges on this assessing process as been related with the cut of date and the compensation payments. In most cases the communities continues to construct within the area of direct impacts after the census survey, therefore, resulting in high number of the affected parties. The decree 109/2014 is a legal instrument that will help ANE to take action sanction to those violating the cutting of date. DPOPHRH recommends that the implementation of it to be done immediately after the census.

ANE DELEGATION (Nampula and Zambezia)

In Nampula the meeting was held with Mr. Isac Ibrahim, Olinda Ernesto, Carvalho Jose and Armindo Gabriel. The delegate was in the field. While in Zambezia the meeting was lead by the ANE Delegate, with participation of the Road Fund Delegate.

The Nampula team was informed that the human resources for implementation project exist, what is needed is training and other resources such as transport, fuel, computer, camera and so on. There is no specific unity created but three (3) technicians were indicated to work on crosscutting issues when is necessary.

The relationship with other institutions is good, when there is a need to work with other institutions ANE delegation inform them and they indicate someone to work with.

The experience ANE delegation has in resettlement is that when the period of assessment and implementation is long the cost of compensation increase because people come closer to the road.

In Zambezia the situation of ANE delegation does not differ much from the Namputa, but the environmental team of Zambezia, comprised by two people, are more involved in the social aspects related with the provincial road maintenance and not much environmental issues, they have stated that the environmental team at ANE HdQ is responsible for the monitoring process of the ESIA and ESMP for the projects that are funded by the central government. In most cases, they are only involved during the resettlement designing and implementation. To play any role for the IFRDP the environmental team at ANE delegation in Zambezia will need capacitation and strengthening the institutional relationship with DPTADER and other institutions for the implementation of the ESMF of the IFRDP.

The Delegate referred to the work done by ANE and CPCS for the ITS and HIV/AIDS sensitization as well as the opportunity that this partnership may represent for the implementation of the decree 109/2014. The Road Fund delegation in Zambezia and Namputa agreed that the provinces and districts can manage the Project, however will need a training and assistance at the beginning. For Road Fund to play its role in the project will need more staff.

Then the team with the ANE delegation staff visited the districts. In Namputa the team visited the following districts: **Mimba** is a district located along the coast with population of 270.000 habitants. The main economic activity is agriculture, followed by fisheries and trade. The district is characterized by high terrains. Erosion is one of their major environmental problem.

The district is rich on cultivation land producing cashew nut, pigeon peas, cassava, ground nut other important area of development of the district is fisheries and forest resources with high commercial value species such as jambirre, chanfuta, umbila, pau preto, in small quantity pau ferro. Also, has potential for mining being rich on tourmaline, gold, quartz, iron. At the district the team had the following contacts:

The district administrator welcome the project as it will bring development to the district and emphasize that ANE need to look more than maintenance there is a need to decentralize the funds to the district, to give more technical assistance and train the district staff.

SDPI and SDAE

We were informed that the district is facing difficulties to transport people and goods within the district due to the high level of road degradation. And because of the road degradation, SDAE states that it affects the price of products and tourism.

SDPI informed that for them to be part of the implementation of the subprojects in their district and follow with the monitoring of the ESMF, ESIA, ESMP and RPFa capacity building is necessary. SDPI listed a number of roads which need intervention to impulsion the development.

1. Road to Simuco Beach (has potential tourism, fishing)
2. Ingeba Beach also has potential tourism, has an aerodrome;
3. Road Mazua - Chipene

To reduce the need of resettlement along the subprojects there is a need to sensitize the communities not to build or do farm in road reserve.

The relationship with road fund is not efficient the SDPI is not informed about the payments and the process of payment takes long. The certifications of the works sometimes are not done in the field because of lack of fund to go to the field.

In district some NGO's operates in several field namely Save the Children, Inter Aid, Water Aid. USAID have also a project in the district.

To fulfill the role that the district is expected to undertake on the implementation of the ESMF there is a need of:

1. Technical assistance
2. Training
3. Improve communication between district and Road Fund/ANE

Road visited: Mazua – Simuco 40 km

The road visited is located at a north part of Memba, with 40 km. The road is located in a mountainous area. The road gives access to the Simuco beach, the fishing center and the potential area for turism. Along the road there are small farms and some forest were communities take material for the construction of their houses.

The conditions of the road are precarious, presents problems of erosion and is full of sand, making it difficult to transport fishing products and the exist agricultural production. Then the team drove from Memba to Erat District localized in interior area with hills . The network is composed mainly by non classified roads. The district has 3 administrative posts: Namapa, Namiroa and Alua. The district is potencial in:

- Agriculture production (Maize, bens, gergelim, cotton, cassava)
- Forest resources (Umbila, pau-ferro, pau preto)
- Mineral resources (Quartz pink, Calcite, granada, gold, pedras preciosas)
- cultural heritage for the communities (Mount Erati-speritual place) and historical places in Riane Landscape around Lurio River (for tourism)

At Erati the team met with the district administrator and the representative of SDPI and SDAE. The Administrator wellcome the team and inform that Erati road network is mainly unclassified, that is the reason during the rainy season the transitability is difficult. He is happy with project and they will do what is needed for the success of the project.

The Administrator inform that in the district there is capacity but needs training, technical assistance and resources to implement the project.. The Administrator recommends need for good communication system during the implementation to bring success in the project, also to be involved in all project phases.

The representative of the SDAE and SDPI referred the importance of the road to the agriculture commercialization as well as the movement of people and goods. However, the district is understaffed, only one person is deal with all roads projects in the district. The district has 3 officials that are trained/training environmental engineering and working in other areas.

To avoid the delay in the project we recommend the involvement of the district from the beginning of the process, the decentralization of funds to the district, provide training to the staff, provide technical assistance also provide resources.

Regarding the resettlement the district have experience gained during the rehabilitation of Namialo-Rio Lurio road, which was good but they were not involved in the preparation of resettlement action plan. A resettlement committee was formed to monitor the implementation process.

For this project SDPI recommend to involve the staff of the district from the beginning of the process, to do the evaluation very well to avoid as much as possible mistakes. SDAE referred that the investors face challenge in transporting products and these companies are are doing some road maintainance in some road to access their projects (Jacaranda, PASP) which . Therefore, the IFRDP will will impulsion the development of the triangle of district: Namapa – Namiroa – Alua.

Road visited: Namapa sede - Namirroa - 70 Km

The road is located at Southern part of Erati, with 70 Km. The road takes to the agricultural production area. The road presents problems of erosion, with much sand and several deviations due to mud in the rainy season, these difficulates the access. Along the road there are small machambas.

Field work in Murrumbala and Maganja da Costa District (Zambezia province)

In Zambezia was only possible to meet with officials in Murrumbala. The messages get there is similar to that got by the Nampula team. The districts expects to play important role from the beginning of the project and not be only a recipient , but any active body in the implementation of the ESMF as the district will be then responsible for the maintainance. In Murrumbala and Maganja da Costa the government with the World Bank funds is reahabilitating irrigation schemes, but the road to access to these important investments are in bad condition.

Visited roads in Zambezia

The team drove from Zero to Murrumbala sede, and then to the Chire River . While, in Maganja the team drove from the Bive to Maganja da Costa-Sede and then to the Post Administrative of the Nante. From the districts view these are the most priority roads that need intervention. The adminisrator of Murrumbala, referred that daily 4 to 5 car of 30 tons enter into Murrumbal to buy maize.

The main environmental problems that was possible to identify was the erosion, drainage. Regarding road reserve occupancy they have mostly agricullture plots, and the house are far from the area of the direct impacts.

Figure 1: Picture of the potential environmental problems seen in the districts

	
<p>Picture: Road between Memba and Erati</p>	<p>Picutre: Road from Zero to Murrumbala Sede</p>