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Energy Development & Access Project

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Resettlement Policy

Framework



Acronyms & Abbreviations

| | |
|----------------|--|
| CRC | Compensation and Resettlement Committee |
| DE | Displaced Person |
| EDAP | Energy Development and Access Project |
| EDM | Electricidade de Moçambique |
| EFP | Environmental Focal Point |
| EIA | Environmental Impact Assessment |
| EMP | Environmental Management Plan |
| GoM | Gouvernement of Mozambique |
| kV | Kilovolt |
| M&E | Monitoring and Evaluation |
| ME | Ministry of Energy |
| MICOA | Ministry of Coordination and Environmental Affairs |
| NGO | Non-Governmental Organisation |
| OP | Operational Procedures |
| PAP | Project Affected Person |
| PCU | Project Coordination Unit (same as Management Coordination Unit) |
| PV | Photovoltaic |
| RAP | Resettlement Action Plan |
| RPF | Resettlement Policy Framework |
| WB | World Bank |

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1. Introduction

Only around 10.5% of households have access to electricity with over half of them living in Maputo and its surrounding areas. All the provincial capitals and most of the municipal areas are also supplied with electricity. Most of these urban centres are connected to the main national electrical grid which is owned and operated by the Mozambican power utility, *Electricidade de Moçambique* (EDM). The electricity demand has considerably increased in the urban centres with the expansion of peri-urban settlements. This demand can be satisfied through upgrading and extension of the distribution networks.

According to the Ministry of Energy's Management Strategy for the Energy Sector (2008-2012), Mozambique is recording a yearly growth in the electricity demand of 7%. The objective of the Government of Mozambique (GoM) is to reach an electrification rate of 15% by 2019 (and 20% by 2020).

In low-demand and isolated rural centres, electricity development, connection and operation costs per customer are higher than those in larger towns and cities. Some of the rural areas are located far away from the national grid. For these settlements, rural electrification programme based on off grid renewable energy systems is probably the most suitable option.



2. Project Description

The main objective of EDAP is to expand the delivery of affordable electricity services in peri-urban and rural areas of Mozambique to enhance social and economical development. This is in keeping with the GoM's vision of providing 20% of the population with access to electricity by 2020.

Peri-urban electrification through national grid extension is a specific project carried out by EDM. It will be the continuation of a project that started under the Energy Reform and Access Program (ERAP) in 2003 with co-financing from the World Bank, African Development Bank, Nordic Development Fund and the Government of Mozambique.

The fast growth on house building in peri-urban areas is presently putting EDM under considerable pressure to satisfy the escalating electricity demand.

Most of the existing primary distribution networks including the main substations and the main MV feeder lines and cables will rapidly become overloaded after the completion of the ongoing ERAP electrification projects. Part of the areas earmarked by ERAP will not be fully electrified and consequently not all targeted potential customers will be connected and supplied with electricity at the end of the project. Many more settlements with potential new customers have developed on the outskirts of the main urban centres targeted by the outgoing ERAP project.

EDAP will be focusing on peri-urban areas of the selected five urban centres where the electricity demand is considered as a short term priority. The selected five towns are Matola, Chimoio, Tete, Nampula and Pemba.

EDAP is expected to generate a positive impact on local economic development. Electricity supply can also generate major improvements of the quality of life in more remote rural areas that the existing grid cannot reach. EDAP will aim at implementing in selected rural areas an off grid renewable energy programme based on solar PV systems and micro hydropower projects. Electricity supply will benefit especially schools and health centres as well as women and children. With the electricity, new water pumping systems will be installed and women and children will no longer have to walk long distances to fetch water.

2.1 Project Components

As a continuation of ERAP, EDAP has been designed to achieve the scaling-up and broadening of the outgoing support programme components and interventions. As such, EDAP will be divided into four main components, which are:

1. Reinforcement of the primary networks and grid extension in urban centres and their peri-urban extensions;
2. Promotion of renewable energy;
3. Institutional strengthening and capacity-building;
4. Capacity-building and technical assistance to develop a National Rural Electrification Strategy and to review new energy projects.

The Implementation of large physical infrastructure investments is not envisaged under EDAP's components.

2.4.1 Rehabilitation & Reinforcement of Primary Network and Grid Extension

Both the upgrade of the primary networks and grid extension components will be implemented by EDM.

The existing primary networks have been overloaded as a result of the grid extension and new connections implemented under ERAP. This will be combined with the extension and intensification of the medium and low voltage grid in peri-urban areas with potentially high number of new customers.

2.4.2 Investments on Rural and Renewable Energy Component

This component will be implemented by FUNAE, in coordination with the Ministry of Energy. It aims at increasing and accelerating decentralized access to modern energy services by supporting the implementation and/or scaling-up of:

- (i) decentralised small- and medium-size investments on renewable energy production and distribution systems, including small hydro, solar PV and thermal, wind, biomass (co-generation, pelletisation, biofuels and biogas) in rural and some peri-urban areas;
- (ii) demonstration projects to accelerate the sustainable market penetration of clean Renewable Energy Technologies (RETs) in the agriculture, household, SME and transportation sectors; and
- (iii) capacity development and institutional strengthening of FUNAE. When applicable, Private-Public Partnerships (PPPs) will be set up for the implementation of individual RET projects.

Decentralised electricity technologies based on renewable energy sources hold a considerable promise to meet potential small, diverse demands for high value applications of electricity. This component will focus on accelerating access by rural institutions and households to electricity using renewable energy sources, especially solar PV energy.

EDAP has allocated a limited budget to micro hydropower development. Several potential sites have been earmarked for hydropower development. They are located in Tete and Manica provinces.

FUNAE is also planning to spread the use of improved stoves and ovens in rural areas, promote the recycling of agricultural and agro-industrial waste and improve the energy efficiency of biomass resources.

2.4.3 Institutional Strengthening & Capacity-Building

This component will include:

- ③ Capacity development and institutional strengthening of FUNAE on: management, project evaluation, techniques of monitoring and assessing performance indicators, Private-Public Partnerships (PPPs) for RET projects;
- ③ Capacity-building and training of EDM on: Modern Integrated Business Management system designated as ERP/CIS, management of large projects, loss reduction process and financial and Accounting Management.
- ③ Institutional strengthening and capacity building of the Ministry of Energy with a view to improve its performance, efficiency and governance. ME requires substantial strengthening to be able to effectively: (i) transfer its monitoring and supervisory functions to the energy sub-sectors, including the rapidly growing natural gas and biofuels sub-sectors; (ii) promote the development of renewable energy technologies and applications in the country; and (iii) lead the establishment and roll-out of a SWAp for the energy sector.
- ③ Institutional strengthening and capacity development support will also be provided to CNELEC for it to effectively undertake its sector advisory/regulatory function.

2.2 Subproject Types

We are only focussing here on subproject types and activities with potentially negative impacts on the socio-economic and natural environments.

The main types of subprojects that are likely to be implemented are:

- ③ main grid investments in peri-urban areas:- new electricity distribution networks in currently un-electrified peri-urban areas and upgrading of primary networks including unplanned and substandard networks, using electricity supplied from the national grid; upgrading and expansion of existing distribution networks in partially electrified areas;
- ③ Solar powered electrification of rural institutions: new solar PV systems dimensioned for rural institutions;

- ③ Solar powered electrification of rural households: new solar PV systems dimensioned for the uses of rural household;
- ③ Development of micro hydropower schemes (new or rehabilitation / expansion of existing ones) in rural areas to supply isolated mini power grids.

2.3 Project Activities

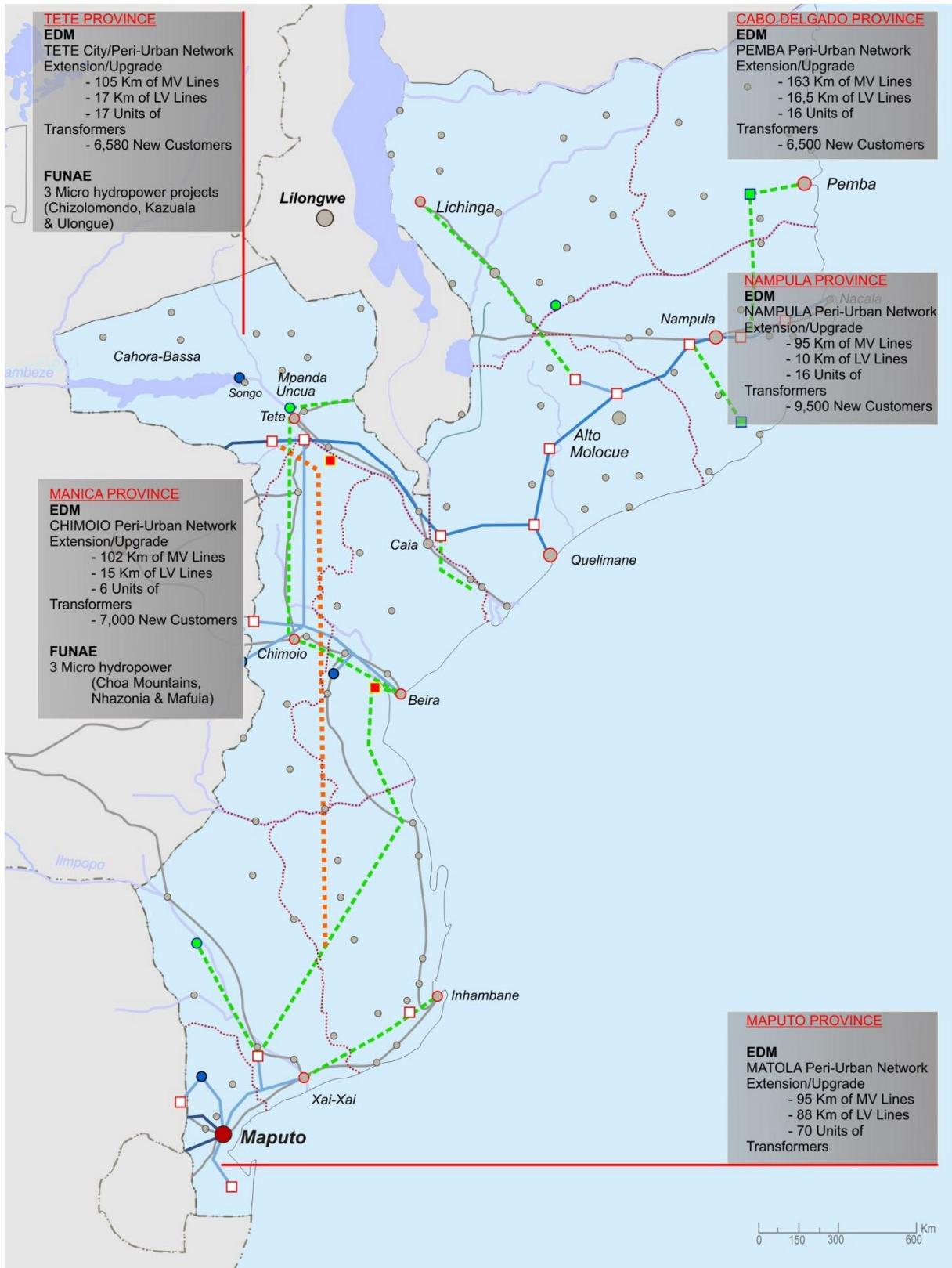
For each type of subproject, one or more activities will be carried out during the implementation phase:

- ③ Supply of electricity to new consumers through individual connections.
- ③ Construction of new or upgrading of existing electricity distribution networks including 33 and 11 overhead lines, installation of new distribution transformers to enable the extension of MV lines, extension of 0.4 kV voltage network.
- ③ Installation of solar PV systems in rural schools, health clinics and hospitals.
- ③ Installation of solar PV systems in villages for household lighting equipment, water pumping, public lighting, chargers, refrigeration.
- ③ Construction of new and/or rehabilitation of existing micro hydropower systems.



Figure 1: EDAP Subprojects with possible land acquisition and resettlement

Energy Development & Access Project



3. Resettlement Action Plan for EDAP

The Resettlement Policy Framework (RPF) aims at specifying the resettlement principles, practical and organisational arrangements as well as design criteria that shall apply to EDAP's subprojects during their implementation.

3.1 Background to the Preparation of the RPF

The ESMF suggests that the magnitude of adverse environmental and social impacts is expected to be minimal. However, minor impacts may arise out of with the grid electrification and renewable energy promotion components where there may need to take small amounts of land or productive resources, either temporarily or permanently, for sub-project activities and infrastructure. Taking of land and productive resources may result in relocation and resettlement of people and facilities.

For WB supported projects, any project that causes displacement must be subject to the requirements of its Operational Policy on Involuntary Resettlement (OP4.12). The policy covers direct economic and social impacts that are caused by the involuntary taking of land resulting in:

- ③ relocation or loss of shelter;
- ③ the loss of assets or access to assets important to production;
- ③ the loss of income sources or means of livelihood; or
- ③ the loss of access to locations that provide higher incomes or lower expenditures to businesses or persons.

Displacement may therefore be physical, economic, social or cultural.

The WB describes these processes and outcomes as "involuntary resettlement", or simply "resettlement", even when people are not forced to move. Resettlement is involuntary if affected people do not have the option to retain the status quo that they have before the project begins. WB OP 4.12 is applied whether or not the affected persons must move to another location.

EDAP is a sector-wide project. It involves multiple sub-projects each of which may require land and asset takings. Specific investment decisions will be made during the life of the project. Individual sub-projects will not be known at the beginning because they will be selected at a later date. In such cases the WB OP 4.12 requires two types of resettlement planning.

The first is a Resettlement Policy Framework (RPF) which guides and governs the project as sub-projects are selected for inclusion. An RPF is prepared in situations where specific investment sites and details (i.e. individual sub-projects) are not known. It is a statement of the policy, principles, institutional arrangements and procedures that will be followed in each sub-project involving compensation and/or resettlement. It sets out the elements common to all the sub-projects. It allows for the principles and processes to be agreed so that these do not have to be discussed for every sub-project. It also allows project implementers, who may be in many locations, agencies or communities, to undertake specific sub-projects without having to renegotiate fundamental agreements. The RPF must be prepared, accepted and disclosed publicly before the WB appraises the project.

The second element includes individual Resettlement Action Plans (RAPs) that are undertaken for each sub-project where land acquisition and displacement will occur, once more specific details of the location and nature of the sub-project are known. Individual RAPs must be prepared and reviewed before they are accepted for inclusion in the overall project or programme.

The RPF provides the basis for developing RAPs where the need to conduct one for a particular sub-project has been established. The RPF has been prepared to meet the GoM and WB's requirements to address the needs of people who may be affected by the implementation of individual sub-projects. The number of Project Affected Persons has not been estimated yet.

This RPF has been prepared to guide the preparation and implementation of sub-projects with components requiring land acquisition and leading to relocation. It lays down the principles and objectives, eligibility criteria for entitlements, legal and institutional frameworks, modes of compensation, stakeholder participation features and grievance procedures that will guide the implementation of compensation and resettlement for persons affected by land or resource acquisition and subsequent resettlement. The RPF has been prepared for the relevant EDAP's components or subproject activities according to GoM's and WB's standards and procedures relevant to involuntary resettlement.

The preparation of the RPF has also been guided by the "Sample Terms of Reference for a Resettlement Policy Framework" attached to the Terms of Reference for the ESIA and by several examples of RPFs prepared for WB supported projects in other regions.

As part of the overall ESMF, the RPF will be disclosed to relevant institutions and stakeholder groups for their endorsement and quick arrangement for implementing the framework. It will be sent to the Ministry for Environmental Co-ordination (MICOA), other line ministries, other donor groups working in the area as well as other relevant and previously identified stakeholders, for review and comment. As part of the ESMF, the RPF is required to be approved by the Bank's environmental and social reviewers and disclosed in both the WB Info-shop and within Mozambique. Subsequently, each RAP will have to be first approved and then disclosed in both the WB Infoshop and within Mozambique.

3.2 Possible Adverse Effects of EDAP's Subprojects

We anticipate that only very small amounts of land will be required for sub-project infrastructure and activities. Therefore, any potential impacts in terms of land take and destruction / relocation of assets and economic activities by people living or using land in or around subproject sites are expected to be limited. Institutional and household solar PV systems sub-projects are not expected to require the acquisition of any amount of land or to cause any significant resettlement. Subproject activities that may require land to be acquired, either permanently or temporarily, and which may adversely affect assets or livelihoods of displaced persons (DPs) or Project Affected Persons (PAPs) are described in Annexure.

3.2.1 Grid Extensions / Local Distribution Networks

Most grid electrification component sub-projects, and possibly some future micro-hydropower sub-projects, will require the establishment of new electricity distribution networks or the rehabilitation and/or expansion of existing networks. These will mainly consist of medium (33 & 11 kV) and low voltage overhead lines supported by wood or concrete poles. It is usual practice in Mozambique to align these along the sides of roads and public thoroughfares or along the boundaries between individual plots so as to cause as little disturbance as possible to private property and to allow for easy access for maintenance. In some instances, particularly in less densely populated peri-urban and rural areas, it may be necessary to route the distribution lines through fields and other open areas.

The permanent location of supporting poles is unlikely to take up any significant land. The OV lines should always be sited as to cause as little disturbance to human activities, private properties and assets as possible. It is expected that only insignificant areas of land may need to be compulsorily acquired for poles. Overhead medium and low voltage lines themselves do not occupy land and it highly unlikely that land will need to be "acquired" for this purpose. During construction existing trees and vegetation will need to be cut down, which will represent a loss of assets to some DPs. The lines

may also require the future permanent restriction from erecting structures or growing tall vegetation (e.g. fruit trees) underneath or very close to them.

During the construction of overhead distribution lines some losses may be experienced due to the need to acquire land for activities such as gaining access to sites, storage of construction materials and storage of spoil. Losses might include small areas of land, crops, fruit trees, ornamental plants, paved areas and fences. Losses are generally expected to be mostly temporary and are most likely to be due to damage caused by construction machinery and personnel.

The most effective measure for avoiding disruption of people's lives and livelihoods especially in rural areas is not to take their land. Unmitigated involuntary resettlement arising from development projects often leads to severe economic, social and environmental impacts. Below are some examples:

Production systems are dismantled;

- ③ People face impoverishment if their productive assets or income sources are lost;
- ③ People are relocated to environments where their community institutions and social networks are weakened;
- ③ Kin groups are dispersed; and
- ③ Cultural identity, traditional authority and the potential for mutual help are diminished or lost.

3.2.2 Micro Hydropower Development Projects

The amount of land that may need to be acquired for micro-hydropower scheme infrastructure will depend on the size and nature of the scheme and the site specific conditions. Intake structures, mills or generation plant and buildings, water conveyance structures (e.g. pipelines and canals) and access roads are unlikely to occupy a significant area of land. However, there may be cases where land has to be acquired compulsorily and where people have to be resettled. Headrace canals often require the acquisition of land and the permanent relocation of people and/or their productive activities (crop farming and cattle grazing).

Most environmental disturbances are likely to occur during earthworks and construction when vegetation is cleared or damaged, when construction materials and spoils are stored on land, when fences are removed, etc. These impacts are more likely to be temporary in nature than permanent.

The development of a micro-hydropower scheme may also result in the reduction of river flow downstream of the weir and water intake. The river stretches affected by water diversion will vary. A flow reserve to be released at the weir should be precisely assessed in order to maintain the environmental requirements downstream. For people who currently rely on such river stretches for water supplies, fishing or cattle drinking, this would represent a reduction in the access to the river resource.

3.3 Objectives and Principles of Resettlement Planning and Compensation

3.3.1 Objectives

The main objectives of the resettlement plan for EDAP are: (a) to avoid and minimize potential negative impacts which include involuntary resettlement and compensation caused by land acquisition, and (b) to develop measures to mitigate the adverse impacts if they cannot be avoided, to adequately compensate PAPs and to restore their livelihoods.

Where relocation is unavoidable, the ME and EDAP implementing agencies will have to ensure that sufficient financial resources are available for paying adequate compensations to PAPs, implementing resettlement and entitlement measures to enable them to at least maintain or improve their pre-project living standards, income earning capacities and production levels. It would seem that this objective was not always achieved under ERAP. In some instances, it was reported that local authorities did not have alternative land for resettlement of affected people and that funds had not been allocated to cover resettlement costs. The team is undertaking further work with EDM to determine the extent of safeguards compliance in ERAP and in determining appropriate actions as needed to ensure full compliance with Bank guidelines.

3.3.2 Principles

The following general principles will govern the preparation and implementation of all subprojects:

- ③ alternative sub-project designs, which avoid or minimize land acquisition and involuntary resettlement of people and assets, will be explored in all cases;
- ③ adequate funds shall be provided for implementing RAPs;
- ③ EPAP Coordination Unit will work closely with its regional Representatives and the provincial / local authorities to resolve all issues: resettlement funding, release of alternative land for displaced persons, land preparation or servicing.
- ③ all possible means shall be used to ensure that no people are harmed in any way by subproject preparation and implementation activities and subproject outcomes;
- ③ when land is required, the area taken will be the smallest area possible to minimize the extent of physical and economic dislocations;
- ③ compensation and resettlement planning and implementation activities shall be undertaken with the participation of persons to be relocated and other project affected people. They will have to be consulted throughout the process;
- ③ DPs shall be informed about their options and rights pertaining to displacement, compensation and resettlement and about grievance mechanisms available to them;
- ③ only DPs who meet agreed eligibility criteria will be entitled to compensation and resettlement measures;
- ③ lack of legal rights to land and assets occupied or used shall not preclude a DP from entitlement to compensation and resettlement measures;
- ③ compensation, resettlement and rehabilitation measures will be as fair as possible to all parties concerned;
- ③ where compensation - in cash or kind - is provided for loss of assets (including housing), restriction on access to assets or damage caused to assets, it shall be provided on the basis of full replacement cost and shall include necessary additional costs incurred to achieve full restoration;

- ③ where replacement land is to be provided it will have a combination of productive potential, location advantages, accessibility, availability of services and other factors at least equivalent to the advantages of the original site and shall be as near as possible to the original site;
- ③ PAPs compensation will include, but is not limited to: land, houses, business premises, other infrastructure (fences, wells, latrines, lost crops and economic trees), as well as, in the instance of businesses, employee wages and business profits for the period of disruption; each item, as applicable. In the case of land, compensation in-kind (that is, land-for-land) is often preferred in rural areas.
- ③ when land is required, the area taken will be the smallest area possible to minimize the extent of physical and economic dislocations. Usually it is less disruptive to take community land rather than private land, as long as it is not occupied or utilised by others;
- ③ compensation will be paid at replacement costs without depreciation;
- ③ compensation will be paid prior to the move and acquisition of land / land take;
- ③ construction work shall not commence until DPs have been satisfactorily compensated and/or relocated;
- ③ Usually it is less disruptive to take community land rather than private land, as long as it is not occupied or utilised by others, whether legally or otherwise. Where suitable unused community land is unavailable, private land can be acquired.
- ③ DPs that are physically relocated shall be provided with relocation assistance (such as moving and translocation allowances) during relocation. Where necessary or appropriate development assistance, such as land preparation and training, will be made available to beneficiaries in addition to compensation and resettlement measures;
- ③ PAPs will be provided all reasonable and necessary assistance to restore their livelihoods to the extent these are affected where it is not feasible to avoid economic dislocation, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the subproject to share in the investment's benefits. Therefore, when incomes or livelihoods are affected, PAPs should be provided assistance in their efforts to improve their livelihoods and standards of living, or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

These principles provide basic guidelines for developing a detailed and time-bound Resettlement Action Plan (RAP) when a sub-project leads to involuntary resettlement. The purpose of developing a RAP is to work through not only the procedures for land acquisition but also to implement necessary measures to improve - or at least maintain - the living standards of PAPs. A RAP is prepared prior to subprojects' implementation.

4. Preparation, Review and Approval of RAPs

When land acquisition is unavoidable, a Resettlement Action Plan (RAP) is developed and implemented. Individual RAPs specifies the procedures for land acquisition, compensation and economic assistance of Project Affected Persons (PAPs).

Following the decision to implement a subproject, the following process will start:

- ③ Assessment of potential land acquisition issues if any, using the Environmental and Social Screening Checklist;
- ③ Development of a Resettlement Action Plan where land acquisition is needed;
- ③ Submission of the sub-project proposal and the RAP to the Environmental Focal Point (EFP) at ME.

4.1 Internal Preparation at Ministry of Energy

Before the planning and implementation of the first subproject commences, ME should ensure that a number of preliminary tasks are completed in preparation for the resettlement action planning process.

The first task will be to establish a small Management and Co-ordination Unit (MCU) within ME, utilising as much as possible existing staff resources. The goal of this unit shall be to oversee the preparation and implementation of individual sub-project RAPs. It is recommended that a technical Expert with experience in resettlement and compensation issues be engaged to assist this unit, particularly during the early stages of the project and until sufficient capacity has been established within ME. Such technical assistance may only be required on an *ad hoc* basis, depending on the number of individual subproject RAPs.

The second task for the MCU will be to centralise, design and produce standard forms to be used during the RAP preparation process. These will include for example:

- ③ environmental screening forms to be used to determine whether or not an EIA or EA needs to be prepared for each individual subproject. Environmental screening is required in terms of Mozambican environmental legislation. MICOA's standard environmental screening form may require modification to address the specific circumstances of EDAP subprojects;
- ③ survey forms to be used, where necessary, for collecting baseline information on DPs (or entities) and other project affected people within the footprint of the subproject. These forms will be used to record the manner of likely resettlement, whether physical, economic or social, and its extent;
- ③ a framework letter to be provided to DPs summarising the RAP process and indicating the rights of DPs and the grievance procedures available to them before, during and after resettlement;
- ③ asset inventory forms to be used for each DP (or entity) to quantify and qualify the assets which will be temporarily or permanently affected by sub-project activities;
- ③ a standard preliminary register of DPs (or entities), the displacement to be suffered, affected assets and the corrective (resettlement and compensation) measures subsequently taken during implementation;

- ③ entitlement agreement contracts to be signed by DPs or entities and the sub-project developer. These will record the final agreed compensation and resettlement entitlements;
- ③ *ad hoc* compensation claim forms to be used by persons or entities who suffer displacement or damage to property and assets during sub-project implementation, where such displacement or damage was not foreseen during RAP preparation;
- ③ entitlement receipt forms to be signed by beneficiaries on receipt of compensation and/or resettlement entitlements.

4.2 Preparation of individual RAPs

Once a subproject and its developer have been identified and the basic infrastructure plan has been produced, the RAP process will begin. A summary of the RAP preparation process is presented in Annex .

The end result of the RAP process is the production of a draft RAP which will be an agreed action plan and commitment of all stakeholders for resolving the displacement, compensation and resettlement matters related to a particular subproject. Among others, it will indicate the criteria to be used after overall approval and during implementation. These approved criteria will assist in determining whether a person or entity is eligible for compensation or resettlement entitlements, what entitlements will be due to different categories of DPs and for different types of losses, how the affected assets of individual DPs will be valued and how compensation and resettlement entitlements will be delivered. It therefore forms the basis for determining the specific entitlements due to individual DPs during implementation.

4.2.1 Environmental & Social Screening and RAP Needs Assessment

Mozambican environmental legislation requires that certain categories of proposed projects should be subjected to environmental and social screening to determine whether an environmental and social assessment of some type needs to be undertaken. The screening process identifies potential environmental and social impacts of sub-project activities, including impacts on land, assets and socio-economic activities. This requirement will be applied to all EDAP subprojects.

Environmental screening is normally the responsibility of the Developer but in order to ensure transparency and uniformity, it is proposed that the Project Coordination Unit at ME should be responsible for initiating the environmental screening process for subprojects which should be undertaken by a team of environmental and social practitioners from the public and/or private sectors in Mozambique. The environmental screening process entails the completion of the standard environmental screening form which has to be submitted by ME to MICOA which then decides whether or not further environmental and social impact studies are required.

In cases where it is determined that no further environmental and social assessment is necessary the preparation of a RAP would normally not be required. The final decision will be made by the WB.

Where the environmental screening process determines that an environmental assessment is necessary the initial screening process will have determined whether or not there are significant adverse social impacts that require attention. Where it is clear that there will be no significant adverse impacts, including deprivation of land and assets, and where any small losses can be dealt with effectively in accordance with a simple EMP a separate RAP may be considered to be unnecessary. The final decision will be made by the ME.

In situations where it is determined that the preparation of a RAP is necessary the size and complexity of the sub-project will determine whether, in accordance with the requirements of WB OP 4.12, a full RAP or an abbreviated RAP should be prepared.

The result from the environmental and social screening should (i) be communicated to local communities and their leaders; (ii) be used to develop appropriate mitigation measures; and (iii) help identify the need, if any, for any additional environmental analysis (i.e. Environmental Impact Assessment). If the screening's output shows a "No" to all questions, the subproject receives the 'green light' for implementation. But if the screening reveals one or more 'Yes' answers, one or more of the following is required:- Environmental Impact Assessment (EIA); Environmental Management Plan (EMP); 3. A Resettlement Action Plan (RAP).

For anyone or all of the above, the EFP/GO with assistance from EFP/ME and the local MICOA Representative will provide resources including technical manpower and budgets.

The screening checklist constitutes a 'certification' by the community and is countersigned by both the EFP/GO (can be called 'Animator' or *in Portuguese* 'Facilator') and the EFP/ME.

4.2.2 Subproject Compensation and Resettlement Committee

For each subproject, ME will establish a Compensation and Resettlement Committee (CRC) which will in most cases, be established at the provincial level. The composition of a CRC will vary depending on the specific circumstances of each sub-project but could include representatives from the following:

- ③ Provincial Government (e.g. Provincial Governor, Provincial Directorate of Agriculture and Rural Development and Provincial Directorate of Public Works and Housing);
- ③ DPs / PAPs;
- ③ Subproject developer (e.g. EDM, FUNAE, private sector Developer, or local authority as the case may be);
- ③ Local Authority (e.g. District Administration or Municipal Council);
- ③ Provincial Representatives of ME and/or EDM;
- ③ Relevant Non-Governmental Organisations (NGOs) and other persons.

The function of the CRC will be among others, to facilitate communication with and participation of DPs, provide technical information to the RAP preparation team, set eligibility criteria specific to subproject circumstances, verify eligibility, approve specific valuation methodology specific to sub-project circumstances, verify entitlements, ensure that entitlements are provided satisfactorily and attend to grievances.

4.2.3 Team for the Preparation of Draft Resettlement Action Plan

The subproject Developer (e.g. private sector developer, EDM or Local Authority) will be responsible for producing the draft RAP. The Developer will establish and fund a RAP preparation team to prepare the draft RAP for a particular subproject. The Developer will be ultimately responsible for the implementation of the draft RAP. The composition of a team may vary from one subproject to another but could include practitioners in socio-economics, agriculture and construction, particularly personnel experienced in asset valuation and compensation and resettlement planning.

Whether or not the Developer has the internal capacity to prepare the RAP will depend on the size and complexity of the subproject, the magnitude of adverse social impacts and the internal resources of the Developer. EDM for instance, has established an environmental unit to deal with resettlement and compensation issues within its own development projects. Local authorities are usually able to utilise the services of technicians in Government ministries and institutions. Where the Developer does not have the internal capacity to prepare a draft RAP, third party personnel or teams will need to

be engaged either from the private sector in Mozambique or from relevant Government ministries and institutions.

4.2.4 Baseline Survey & Preliminary Asset Inventory

During the preparation of the EA, or soon thereafter, the Developer will indicate as accurately as possible the location of proposed infrastructure, rights-of-way and construction sites. Based on this information, the RAP preparation team will undertake a baseline survey. The purpose of this baseline survey is to:

- ③ determine who (individuals, households and entities) will be potentially displaced (physically, economically or socially) by sub-project activities;
- ③ determine the nature and extent of potential displacement;
- ③ complete an affected asset inventory form for each potential PAP/DP (or entity) to be signed by the PAP/DP and the developer;
- ③ compile a preliminary register of potential PAPs/DPs (or entities) and their affected assets which should be checked and agreed to by the CRC.

It should be noted that, since the exact location of sub-project infrastructure may not be known at the time of the baseline survey, it will in, most cases, not be possible to exactly determine who all DPs are and the exact nature of the displacement in terms of type and size. This can only often be determined during final detailed survey work after sub-project authorisation has commenced. For this reason the preliminary register of potential DPs and the potential displacement should only be considered as tentative and to be used for developing the main elements of the draft RAP.

As potential DPs are identified during the baseline survey each DP is to be provided with a letter or fact sheet, briefly explaining the sub-project and detailing the planning procedures being followed, the cut-off date for eligibility, the rights of DPs and the grievance procedures to be followed.

4.2.5 Categorisation of Affected Persons

Based on the preliminary register of potential PAPs/DPs and affected assets the draft RAP preparation team will identify different categories of potential PAPs/DPs and assign each potential DP to one of the categories. This will enable the preparation team to determine the number of DPs in each category, the number of each type of affected asset in each category, the overall total number of potential DPs and the total number of affected assets.

Possible Categories

The amount of displacement (physical, social, economic and cultural) that could occur as a result of subproject activities would be highly dependent on specific subproject circumstances. It is not possible to estimate at this stage the number of PAPs/DPs although it is not expected to be very high. Most of the displacement will be caused by the construction of subproject infrastructure, principally poles and overhead distribution lines which will require the permanent acquisition of minimal areas of land.

Those likely to be most affected are people living in medium to high density peri-urban and rural areas where the pattern of settlement may be classified as more 'urban' than 'rural'. The main form of land use is residential although most people grow a limited amount of crops, vegetables and fruit trees. Losses are likely to be small and will most commonly include the permanent loss of very small, almost negligible, areas of land, the permanent loss of some fruit trees, the temporary loss of vegetable gardens and small areas under crops, the temporary loss of land areas during construction and the temporary loss of or damage to infrastructure and crops or trees during construction.

Both people with and without official title to their land are likely to be affected, with people without official title likely to be the larger group.

In some subprojects, people using larger areas of land in peri-urban and rural areas may be affected. In such cases affected land is most likely to be used for smallholding or family sector (mainly subsistence) farming purposes. In peri-urban areas, affected people may or may not have official title to the land while in family sector farming areas people are most likely to have no official title, the land being held in terms of customary norms and practices.

DPs may include individuals, households, businesses, communities, associations (e.g. churches) and public authorities (e.g. municipal councils). A sample listing of possible categories of potential DPs is presented in Annex . It should be noted that a DP may be placed in more than one of the categories or sub-categories indicated and this will result in a variety of categories each with multiple attributes.

For example, a DP living in a rural centre, without having officially registered his or her title to a piece of land, may experience the loss of his or her residential plot, house, fruit trees and vegetable garden at the same time and would therefore be eligible for both physical relocation to another plot and compensation for the other losses.

4.2.6 Determination of eligibility for compensation and resettlement entitlements

Based on the framework eligibility criteria presented in the RPF, the draft RAP preparation team will draw up a list of criteria that have to be met for a particular PAP / DP to be considered eligible for compensation and/or resettlement entitlements. The criteria will be formulated together with traditional or local leaders, Government officials and local authorities. The list of eligibility criteria will be submitted to the CRC for final approval.

Using the approved eligibility criteria and the preliminary register of potential PAPs/DPs the draft RAP preparation team will determine which categories will be eligible for various compensation and/or resettlement entitlements, including any additional allowances and assistance to be provided.

Eligibility Criteria

The World Bank's OP 4.12 on Involuntary Resettlement classifies as eligible for consideration all those who either have formal legal rights to land (including customary and traditional rights recognised under the laws of the country), those who do not have legal rights but have a claim to land or assets under national legal processes that could be adjudicated over time, and those who have no recognisable legal right or claim to the land they are occupying.

Of this last category, the World Bank's policy provides for resettlement assistance as necessary to achieve the objectives set out in the policy (recovery of lost assets, incomes and standards of living, or improvement of them). The only caveat is that all people should be recognized as having occupied the project area or had rights to its resources prior to an established cut-off date which 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.

Under this Policy Framework, any individual who loses land or other assets (e.g. housing, business premise, crops or economic trees) or whose livelihood is affected by land acquisition or changed land use by EDAP is eligible for compensation and/or assistance. The nature and extent of compensation and assistance depends on the rights that individual has to the land taken and on the nature and extent of the impact. Table 1 provides some examples.

In some instances, it may not be necessary to acquire the entire plot. If the remaining area is no longer viable, the entire plot will be acquired. Where, however, sufficient area remains for the occupant to continue using the remaining area, land and any structures taken are compensated, and

the owner rebuilds the structures lost on the remaining area, if the individual so wishes. Temporary land take should be relatively uncommon, and is generally treated as land rent (e.g. area for a construction depot).

The cut-off date for eligibility will be set by each subproject as the date when the community project-development committee completes the census of people occupying the land to be acquired, the inventory of their assets (land, built structures, and other infrastructure such as wells, latrines, fences).

4.2.6 Determination of eligibility for compensation and resettlement entitlements

Based on the framework valuation methodology of the RPF, the RAP preparation team will submit a more detailed valuation methodology to the CRC for approval.

This will include a list showing standard unit costs or rates for each type of asset. In some cases the application of standard unit rates may not be appropriate and more specific valuations may need to be obtained and negotiated with potential DPs / PAPs.

The RAP preparation team will then calculate the estimated cost of compensation and resettlement measures in accordance with the agreed valuation methodology. This might, for example, be achieved by multiplying the standard unit rates for a particular type of asset with the total number of potentially affected assets within categories of DPs / PAPs that are deemed eligible for compensation and/or resettlement entitlements.



Table 1: Illustrative Compensation List By Type of Asset Lost and Ownership Right

| IMPACT | RIGHT | COMPENSATION |
|---|---------------------------------|---|
| Land | Formal title or customary title | Replace with plot of similar size and location for residence or similar size and characteristics (soil, water) for agriculture |
| | Renter or Lessee | No payment for land; assistance to locate replacement plot for rent. Payment for work invested to improve the land |
| | Squatter | No payment for land; assistance to locate replacement plot. Payment for work invested to improve the land |
| House or Business Premise (including all infrastructure such as wells, fences, outdoor kitchens, chicken coops and the like) | Owner | Replace with house of at least same size and infrastructure |
| | Renter | Reimburse any advance rental payments; provide assistance to locate new rental property; provide at least three months rent (as disturbance fee) |
| | Squatter | Provide assistance to locate new rental property; provide at least three months rent (as disturbance fee); assistance to acquire house plot recommended |
| Crops annual | Owner/farmer | Compensate for lost production (yield) at price between harvests |
| Trees | Owner | Provide seedlings as replacement; Value of lumber or of fruit lost until seedlings come into production |
| Business | Owner | Compensate monthly profits foregone during period of relocation; Pay employee salaries during period of relocation |
| | Renter | Compensate profits and employees for wages as above, plus assistance to acquire new locale (as for all renters) |

4.2.7 Draft RAP report

The draft RAP preparation team, on behalf of the Developer, will be responsible for preparing the draft RAP document following the "suggested structure of a subproject resettlement action plan" presented in Annex. It is recognised that each sub-project will produce different impacts although many of them will be common among subprojects. The level of detail will also depend on the nature and extent of impacts. For some sub-projects, this may require only a very brief RAP or a statement in the EMP concerning the payment, for example of cash compensation to one or two PAPs/DPs for the loss of a few fruit trees. Although not very likely, in other instances the impacts may be more severe and requiring the physical relocation of a number of households.



According to the Annex to WB OP4.12 agreement may be reached between the World Bank and the GoM to prepare an abbreviated RAP, as opposed to a full RAP, where the impacts on the entire displaced or affected population are minor or where fewer than 200 people are displaced. This is likely to be the situation regarding most subprojects to be implemented under EDAP.

The draft RAP document will be presented either as a full RAP or an abbreviated RAP, depending on the decision made immediately after environmental screening. The contents and level of detail of the draft RAP report will vary according to specific circumstances of each subproject but will, in all cases, include details of the procedures for implementing the RAP (i.e. detailed valuation of the assets of each DP and the subsequent provision of entitlements), responsibilities of the various stakeholders, an implementation timetable and cost estimates.

The draft RAP document will be accompanied by signed asset inventory forms, the preliminary register showing, for each DP, the nature and extent of any displacement, affected land and assets and the agreed corrective measures and entitlements.

4.2.8 Review and Approval

The Developer will be responsible for submitting the draft RAP documentation. At this stage, the main elements of the draft RAP, particularly those concerning implementation and delivery of entitlements, will be disclosed to the PAPs/DPs, although detailed compensation and/or resettlement entitlement in respect of each DP will only be determined after approval of the final RAP and the overall subproject plan. The CRC will review and approve the draft RAP before forwarding it to ME.

Because a RAP may be considered to be a constituting part of an EMP, required as part of the environmental assessment process, each draft RAP will be submitted to MICOA which has to approve the document along with the other parts of the EMP before it will issue an environmental licence to the Developer.

Upon approval by MICOA, each RAP will need to be submitted to the WB for review and final approval as a precondition for approval of the overall subproject plan and authority to proceed with subproject implementation.



5. Legal Framework

EDAP project activities - especially the Reinforcement of the primary networks and grid extension in urban centres and their peri-urban extensions - are likely to result in involuntary resettlement, or directly or indirectly affect people's livelihoods and access to land and socio-economic opportunities. Where new land acquisition is involved, three scenarios are possible: (i) land is contributed voluntarily for the development project and with compensation; (ii) land is contributed voluntarily for development project without seeking compensation; and (iii) land is acquired involuntarily for the development projects.

The guiding principle for land acquisition shall be that where land is required for implementing the EDAP project activities, appropriate safeguards would be observed to reduce the adverse impacts and any suffering of the affected community members. This framework shall be used on all EDAP subprojects activities.

As indicated earlier, this Resettlement Policy Framework is based on the World Bank Safeguard Policy OP 4.12 and on national laws that exist in Mozambique. Key GoM's relevant laws are described below:

5.1 The Land Law

A summary of the national laws governing land tenure, the taking of land and resettlement and compensation is presented in Annex.

In terms of the Constitution of Mozambique and the Land Law (No. 19/97), all land in Mozambique belongs to the State. Individuals (and associations) may acquire, by default or through application, the right to use and occupy land through a variety of mechanisms such as customary tenure, continuous occupation of a piece of land for a number of years or official authorisation. Official title may also be granted on application but the lack of official title or registration of the land does not affect the land rights of *bona fide* right holders and they are deemed to enjoy the same benefits as holders of official titles. Although land may not be transferred (i.e. sold) and there is no "land market" *per se*, holders of land rights are able to transfer improvements, such as buildings, from one party to another.

It is highly probable that most occupiers and users of land in EDAP subproject areas (i.e. rural centres and peri-urban areas) do not have official title to the land that they occupy and use. Nevertheless, the Land Law treats them as if they do have land rights.

In both rural and urban areas the right to use and benefit from all or part of the land, whether or not official title has been issued and registered, may be revoked and thus extinguished in the public interest. The Land Law clearly states that revocation, in the public interest, of the right to use and benefit from land is, however, subject to the prior payment of a just indemnification and/or compensation.

The Law does not refer to the procedures to be followed when land rights are to be extinguished. It does confer allocation rights on different levels of Government and these apply to the revocation of rights as well. Where small areas of land are involved (> 100 ha) the Provincial Governors can deal with such issues and declare land rights to have been withdrawn from an individual, entity or community. The Law does not refer to the possibility of appeal against revocation of rights.

Other than stating that compensation should be paid when land is expropriated in the public interest, both the Constitution and the Land Law do not expand on issues related to compensation, in terms of the principles, forms, eligibility, valuation, adequacy, procedures, timing and responsibilities.

There are no specific guidelines regarding compensation and fairness and the principles and procedures are often drawn up and agreed to among the main stakeholders on a case by case or individual project basis. In recent cases in Mozambique, it has generally been accepted that where people are displaced from land the principles of fairness and good practice are applied to compensation and resettlement. For instance, it is usually accepted that replacement land is provided which is as far as possible, equal to or superior to the land foregone in terms of size, quality and location advantages. Compensation has also usually been paid on the basis of the full replacement cost of lost or displaced assets and has usually covered associated costs, such as transfers, transport, supervision and others. These actions are generally in line with the requirements of the WB OP 4.12 and will be applied in the case of all sub-projects of EDAP.

Problems may arise when only a very small portion of a DP's landholding is required for a development project and where the loss of this small portion does not effect the overall viability or productivity of the whole land landholding. Since the land cannot be freely transferred among people and there is no implicit value to the land, compensation in cash, for example cannot be offered. At the same time, it might be impractical or impossible to provide alternative small parcels of land in the immediate vicinity.

There may be a few cases where some people are occupying and using land for which they have no legal right of use and benefit. Such land may include, for example, total or partial protection zones or land for which other people and bodies have legal rights of use and benefit (i.e. rented housing and land). In some rural centres, it may also be possible that people have been granted residential land by the authorities but they do not have an authorisation to use and benefit from the land or they have not been occupying land in good faith for at least ten years. However, common practice in Mozambique treats such cases in the same way as people with legal rights to use and benefit from land. This is a similar principle as the one promoted by the WB that all DPs, regardless of their tenure status, should be provided with compensation and resettlement measures. This principle will apply to all EDAP's subprojects.

There is no explicit provision for DPs to appeal against levels of compensation or other resettlement measures although DPs can seek final redress in courts. The World Bank OP 4.12 requires that such a mechanism exists and this will need to be established to cover all subprojects.

In rural areas, the land Law recognises the role of traditional leaders in planning and conflict resolution. In urban areas, there are also well established local mechanisms for conflict resolution amongst communities. Any grievance procedure established should be based on the existing channels and practices.

5.2 World Bank Requirements

The World Bank's Safeguard Policy OP 4.12 applies to all components of EDAP 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. Also, 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.

Relevant OP 4.12 provisions mandates full community information and participation, with particular emphasis on the poor, vulnerable and/or marginalized populations in a community in matters related to land acquisition. The premise here is that people have a right to know what investments and projects are being undertaken and they should be given a (strong) voice in decision-making process impacting them. Also, since disadvantaged segments of a community may not feel concerned or confident enough to participate, special efforts must be made to involve the entire community, so that everyone understands, agrees with and thus supports the initiative.

The World Bank's Policy requires that a resettlement action plan is prepared prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to Project Affected Persons (PAPs) be 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.

In terms of eminent domain and asset acquisition, OP 4.12 stresses the importance of full and timely compensation for all assets lost due to land acquisition for a Bank-financed development projects. The premise here is simple: the people who make way for the project or investment should not also be forced to bear any part of the cost of the project. To do otherwise, not only it would likely further impoverishes the project-affected population, but it also contradicts the very principle of development, which is the economic betterment of all (rather than just the general good).

The other major policy requirement of OP 4.12 is to at least restore and preferably to improve the standards of living of the PAPs. The basic premise here is, again, to ensure that those who give up most for the project (e.g., their land, their homes, their businesses) are assisted to the fullest extent possible to restore their livelihoods so that they can maintain or improve their standards of living.

In order to ensure that compensation and economic rehabilitation take place as planned, OP 4.12 also mandates a monitoring and evaluation program to track project progress. Furthermore, 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. Annex: RAP Required Sections Per World Bank highlights key elements of a RAP.

5.3 Bridging the Gaps between the Land Law & OP 4.12

Whereas the Land Law of 1997 focuses on merging the formal administrative land system with the diverse customary systems that exist in Mozambique, it does not clearly specify the procedures for legal acquisition of land and other assets under customary law because these will differ from area to area. Importantly, close local consultation is legally required regardless of the local customary system.

On the other hand, the World Bank Operational Policy 4.12 is more comprehensive. It considers not only the process of land acquisition, but also the procedures for the physical relocation and the assistance necessary to restore livelihoods that have been affected by the operation. Such issues are not discussed explicitly in the relevant Mozambican legislation. Notwithstanding this formal difference, there should in practice be no disaccord between the national Mozambique legislation and its implementation and international standards as espoused in OP 4.12, for the following reasons:

- ③ The Mozambique Land Law not only recognises customary tenure but also grants to local communities, through their Chiefs, the right to alienate and to acquire land in consultation with the community;
- ③ Under EDAP, land acquisition will be discussed in public meeting(s), with full pre-dissemination of all relevant information, including type of project, need for land, alternatives considered to minimise unavoidable land-take, agreement of all affected parties etc.;
- ③ The EFP/GO and the participating local municipal officials will strive to include any marginal or vulnerable families in all discussions, and ensure that any land-take does not pose an inequitable burden on such families;
- ③ When land is acquired, suitable replacement land will be made available to, and will have to be formally accepted by the people affected;

- ③ When assets (usually buildings, crops and trees, but in rare instances land) must be compensated in cash, valuation will be at non-depreciated market value. It will be a project cost;
- ③ Local and project officials will strive to avoid any contested land take. When, after extensive effort (which will be documented), this is not possible, the aggrieved person or group of persons may appeal to the EFF/GO and/or EFP/MIC for potential redress, and, if the matter is not resolved, Project Implementation Unit (PIU). If an acceptable resolution still cannot be found, the aggrieved always has the right to sue in court for an acceptable settlement.

Should an inconsistency arise between national legislation and regulations and this RPF, the higher of the two standards will prevail. Lastly, this framework is valid for all subprojects executed under the EDAP.



6. Defining Eligibility for Compensation

During draft RAP preparation, eligibility criteria for the DPs to receive compensation and resettlement entitlements will be precisely defined.

6.1 Cut-off Date

It will be important to set a cut-off date at an early stage of the preparation process in order to avoid speculation and illegitimate claims at a later stage. An appropriate cut-off date will possibly be the time when the tentative location of subproject infrastructure is identified on the ground and when the baseline survey, census and preliminary asset inventory is undertaken.

6.2 Nature of Entitlements for Specific Eligibility Categories

Based on the initial categorisation of DPs / PAPs, those categories that will be eligible for compensation and resettlement entitlements will be identified and the type of entitlement that each category will be eligible for will be determined by the draft RAP preparation team. Eligibility of categories of DPs may be based on location, land tenure, ownership or renting of property, land use and the type and extent of loss or displacement to be incurred. For EDAP subprojects land tenure status will not affect eligibility.

Examples of possible DP categories and possible associated entitlements are presented in Appendix. Specific criteria for each sub-project will need to be agreed to with the CRC in consultation with the DPs and other affected parties.

The following section provides some guidelines for defining the nature of entitlements for specific eligibility categories.

Land

Where DPs lose most (i.e. more than 20%) of their agricultural or productive land or in cases when the remaining assets are not economically viable they will be entitled to:

- ③ full compensation through provision of replacement land of equal productive capacity;
- ③ full compensation at full replacement cost of immovable assets associated with the abandoned land (e.g. water supplies and out-buildings) through replacement of the assets or cash compensation;
- ③ appropriate transfer and inconvenience allowances and/or subsistence support allowances to cover the transitional period and other development assistance as may be agreed.

Where DPs lose only small areas (e.g. less than 20%) of their agricultural or productive land or in cases where the remaining land is economically viable they will be entitled to:

- ③ full compensation through provision of replacement land if available and practical; or
- ③ where it is not practical to offer alternative land contiguous or near to the original land holding, full compensation in cash or kind at a rate to be determined and agreed by the parties, but probably based on the medium to long-term production potential of the land in question.

Crops and trees

Replacement of damaged or lost crops will be based on full market value for one year's harvest. For fruit trees, other trees of economic value and perennial crops the compensation will be based on a cash payment for lost production potential of the tree.

Residential houses and other structural improvements to the land

Circumstances will vary from one subproject to another but entitlements will be guided by the following:

- ③ full compensation through provision of alternative residential land of equal characteristics and advantages where the original holding is no longer viable as a residential plot;
- ③ full compensation at replacement cost of the entire asset (e.g. house) through cash compensation or the provision of building materials and building costs;
- ③ for urban houses, which can be transferred to other parties together with the land use and benefit rights, full compensation at replacement cost which reflects the market value of the structure, including the implicit value of the land, through cash compensation, provided that this exceeds the full replacement cost;
- ③ full compensation at replacement cost for minor or temporary damage which can be repaired, either by restoration of the damaged asset, through cash compensation or through provision of materials and building costs; and
- ③ for tenants who have been renting a house, a cash grant for a specified number of month's (e.g. two months) rent at prevailing market rents for the area as well as assistance in finding alternative accommodation.

Business structures

DPs will be entitled to:

- ③ the provision of alternative business sites of equal advantages acceptable for customers and satisfactory to the DPs;
- ③ cash compensation for structures at full replacement cost; and
- ③ cash compensation for the loss of income and opportunity during the transition period.

Other measures

In terms of agreements reached locally, DPs may be eligible for additional measures, extra to normal compensation and resettlement measures. These might, for example, include:

- ③ allowances to cater for general translocation expenses, inconvenience, "nuisance" and disturbance (e.g. noise and dust) and for "intangible" items that are not easily included within other forms of entitlement;
- ③ support after displacement, for a transition period, in order to restore livelihoods and standards of living;
- ③ development assistance (e.g. credit facilities, land preparation, training and job opportunities).

6.3 Valuation of Losses and Determination of Entitlements

The Land Law and other legislation do specify how assets should be valued for compensation purposes. It only states the compensation should be just and fair. On recent projects in Mozambique, the valuation of assets lost due to project implementation has usually been determined through an agreement between Developers and DPs, based on the advice of Experts from the construction industry or the agricultural sector.

As the need for resettlement measures and compensation on EDAP is unlikely to be extensive and because subprojects circumstances may differ, it is proposed that compensation rates and entitlements should be agreed in the first instance between the project Developer (RAP preparation team) and the DPs. This process should be followed and monitored by either the District Administrator or the President of the Municipality concerned. Third party Experts should be called in where this is needed.

For instance, Officials from the District or Provincial Directorates of Agriculture and Rural Development should be brought in to assess the value of crops. Because displacements are likely to be small and varied, it is envisaged that most cases are likely to be settled through direct negotiation between the parties concerned and there will be only a few instances where standard unit rates for costs can be simply applied.

In compliance with the requirements of the WB OP 4.12, compensation will be based on full replacement cost at the time of displacement or pre-project period, whichever is higher. This will be the value considered to be a fair compensation for any property, the actual cost of replacing houses and structures (based on current fair market prices of building materials, labour and transport, without depreciation or deduction for salvaged materials) and the market value of crops, trees and other commodities.

Individual circumstances will differ but the following guidelines should be applied to compensation rates and entitlements:

Land

Where only very small areas of land are involved and it is not practical or warranted to provide replacement land it is suggested that cash compensation be awarded. Since there is no active land market in Mozambique, it is not possible to easily place a value on the land in question. It is suggested that the valuation should be based on the production potential of crops typically grown in the area over an agreed period of, for example ten years. Officials from the Provincial Directorate of Agriculture and Rural Development or other agricultural experts should be consulted to determine standard unit rates (e.g. Meticaís per hectare).

Crops and vegetables

Compensation for the permanent loss of crop fields will be covered through placing a value on the land based on the lost production potential of the land in question.

There is no national or local standard for compensation of crops, vegetables and fruit trees. Compensation for the temporary loss of cropland and vegetable gardens will be determined on the basis of the production potential and the local market value of the crop over the period of temporary displacement, e.g. one season or one year. Local market values vary considerably throughout the country and unit rates will be determined in consultation with local agricultural experts, marketing organisations and local businessmen.

Fruit trees and trees with economic value

For fruit trees, other trees of economic value and perennial crops the compensation will be based on a cash payment for lost production potential. This will be determined from the annual yield of the tree multiplied by the expected life of the tree in years multiplied by the unit market price of the product. These parameters are highly variable throughout Mozambique so that the level of compensation offered will need to be based on local production and market figures. In some cases it may be necessary to consider the age of the tree and the remaining productive lifespan of the tree in determining compensation entitlements.

Residential houses and structures

For houses and other infrastructure the compensation value will be determined from standard unit values (e.g. cost per m²) based on current fair market prices of building materials, labour and transport, without depreciation or deduction for salvaged materials. Information regarding local unit costs will be obtained from the Provincial Directorate of Public Works and Housing, local construction companies and local building material suppliers.

Business structures

Compensation for loss of income will need to be determined on a case by case basis, taking into consideration the degree of displacement and average earnings and expenditure for an agreed preceding period.

Once standard unit rates have been determined and agreed to by the parties involved the draft RAP preparation team will apply these rates to the total number of affected assets associated with each category of DP to determine the total value of compensation measures for the subproject.



7. Organisational procedures for the Delivery of Entitlements

Implementation of a Resettlement Action Plan will primarily involve the physical resettlement or relocation of persons or entities displaced from their land and/or the payment of compensation for loss of assets or access to assets. For most EDAP subprojects, it is not envisaged that there will be significant need for physical resettlement. The implementation process will vary according to the nature of a particular subproject and the type of entitlements or compensatory measures agreed to.

There is no single agency in Mozambique that is responsible for providing resettlement and compensation for cases where people are involuntarily displaced by development projects. However, it is accepted practice that the Developers (i.e. EDM and FUNAE) assume full responsibility for the delivery of entitlements even though a number of other actors may be involved.

A summary of the implementation process is presented in Annex.

7.1 RAP Integration into the overall Project Planning

Once a subproject RAP has been approved the developer will be required to integrate the elements of the RAP into the overall subproject plan, budget and implementation schedule. The implementation schedule will show that no subproject construction work (or activities that will cause displacement) will take place until all entitlements (including physical resettlement, if any) are delivered.

7.2 Final Determination of Entitlements

It is only after final approval for a particular subproject has been given and detailed survey and planning work has commenced that the final location of subproject infrastructure and the alignment of overhead distribution lines are likely to be accurately known. It will therefore be necessary for the RAP preparation team to update the information contained in the RAP and to prepare a final, more detailed, inventory of PAPs/DPs and the displacements to be suffered. On the basis of this detailed inventory final negotiations concerning entitlements and values will be conducted by the developer and costs determined. Final entitlements will be approved by the CRC and should not differ considerably from the estimates contained in the RAP.

7.3 Entitlement Agreement Contracts

For each DP, the entitlements (i.e. compensation and resettlement actions) should be recorded on an entitlement contract form which should be signed by the relevant DP, the Developer and the Chairperson of the CRC. Details of entitlements due to each DP should then be entered in the asset register against the name of the recipient.

Where the Developer and a DP cannot reach agreement on entitlements, each party will be able to bring its grievance to the CRC as a first recourse. Where the CRC is unable to satisfactorily resolve any grievance, the aggrieved party will then be able to appeal to the Ministry of Energy (through the EDAP Project Coordination Unit set up in ME) with final redress to the courts.

7.4 Replacement Land and Resettlement

7.4.1 Selection and Allocation of Replacement Land

Physical resettlement of people due to EDAP's implementation should be minimal. However, should a draft RAP indicate that physical resettlement is necessary the Developer will be responsible, on behalf of the DPs/PAPs or affected entities, to identify and acquire suitable alternative land which should be as similar as possible, in terms of size and quality, to the original land acquired for subproject

purposes. Actual selection of land should be undertaken in consultation with the relevant local authority - the District Administration or Municipal Council - and together with the DPs.

The replacement of land has proved in some cases to be particularly complex during ERAP implementation as Local Authorities were not in a position to offer alternative land. The most practical solution should be defined on a case by case. The team is undertaking further work with EDM to determine the extent of safeguards compliance in ERAP and in determining appropriate actions as needed to ensure full compliance with Bank guidelines.

When replacement land is available and once an alternative site has been selected and agreed upon, the Developer should apply through the relevant local authority for the land to be officially allocated to the beneficiary. If the replacement land is in an area where land issues are governed by customary systems, suitable allocation arrangements must be made with the local administrative and traditional leadership. If the replacement land is in an area where land issues are not governed by customary norms and practices, the Developer will need to follow the proper procedures, on behalf of the beneficiary, for official land allocation, registration and, possibly issue of title in terms of the Land Law and Regulations. The procedure requires an application to be made through the local authority (e.g. district administration or municipal council) to the provincial or municipal Geography and Mapping Service.

The Provincial and District Directorates of Agriculture and Rural Development will have a role to play in registering individual landholdings and crops that will be lost in rural areas. In both rural and urban areas, the Provincial Services of Geography and Cadastre and Municipal Cadastral Services have a key role to play in identifying land boundaries and tenure status of affected properties.

In parallel with the process of replacement land selection, allocation and registration, the Developer will need to initiate the process of having the existing land usage rights of the DPs extinguished in accordance with the Land Law. The Land Law and Regulations do not stipulate exactly what procedure has to be followed but the first step will be for the Developer to apply through the relevant local authority. Depending on the size and location of the land involved, transfer of existing land rights will be undertaken through the offices of the municipal council or Provincial Governor. Transfer of existing land rights to the subproject should only be effective upon the allocation of alternative land.

7.4.2 Land Planning and Preparation

Before physically relocating any person or entity from land acquired by a subproject, the Developer shall ensure that any necessary land survey, land planning and land preparation work is completed on the replacement land. Land preparation may include land clearing, ploughing, demarcation and construction of access roads or tracks. If the developer does not have the required expertise the developer shall hire qualified personnel or public or private sector agencies to undertake the work.

7.4.3 Relocation to Replacement Land

The Developer shall be responsible for assisting persons or entities that are required to relocate to alternative land. This will mean providing them with transport to move people and assets to the new site. No DPs/PAPs or entities will be required to move to a new site unless any necessary infrastructure, as agreed in the RAP, has been constructed satisfactorily. The Developer will also be responsible for ensuring that any additional resettlement measures approved in the RAP are implemented or initiated. People entitled to be physically resettled will have to be relocated to the new site at least one month before subproject construction activities can commence, or in accordance with some other time period defined and agreed to during RAP preparation.

7.5 Compensation

7.5.1 Payment of Compensation

For EDAP subprojects, the most common type of entitlement is likely to be the payment of compensation - in cash or kind - for loss of assets, loss of access to assets, loss of income earning opportunities and damage to assets. In most cases, it is envisaged that it will be more practical and more acceptable to all parties to implement monetary compensation. However, in some cases, it may be agreed that compensation be provided in kind, including the physical replacement of infrastructure and assets adversely affected by the subproject.

Compensation will be paid to the beneficiaries at least one month before subproject construction activities can commence, or in accordance with some other time period defined and agreed to during RAP preparation.

The Developer shall be responsible for paying each beneficiary, compensation in accordance with the agreed entitlements listed in the entitlement contract forms and the main asset and award register. Compensation will be provided as cash or a cheque according to the preference of the beneficiary.

7.5.2 Compensation for Unforeseen Relocation and Damage

The construction activities on individual subprojects may lead to small amounts of additional displacement not foreseen during the preparation of the RAP. Construction activities may also cause some additional temporary or permanent damage to land and assets that cannot be identified or quantified during RAP preparation. An example might be construction workers trampling crops or vegetables while accessing particular construction sites.

In such cases, affected parties will be required to complete a compensation claim form and submit it to the Developer. The Developer will then negotiate the required compensation measures, based initially on the standard unit values determined during RAP preparation, and then obtain agreement from the CRC. Payment of compensation should be effected within one month of submission of the claim form.

7.6 Acknowledged Receipt of Entitlements

Each beneficiary will be required to sign an entitlement receipt form confirming receipt of the entitlement whether as physical resettlement or compensation in cash or kind. The entitlement receipt form will also be signed by the Developer and witnessed by a Representative from the local authority (e.g. district administration or municipal council).

2.4 Progress Monitoring and Reporting

Throughout the implementation process, the Developer will be required to keep records of all progress and to submit regular reports to the CRC and ME, indicating the level of progress achieved and showing that various tasks have been completed. The CRC will verify that the progress report is a true record. The interval of progress report submission will be determined in advance by ME in accordance with the size and nature of the compensation and resettlement exercise.

On completion of the compensation and resettlement implementation activities, the CRC will inform ME who will issue a subproject resettlement and compensation completion certificate to the Developer.

8. Participation and Consultation of Affected Persons

8.2 Consultation Process

Consultation with Project Affected Persons and Displaced Persons will take place all along resettlement planning and implementation. It will start early in the process of draft RAP preparation. Before the baseline survey of impacts is conducted, the draft RAP preparation team will carry out a reconnaissance survey to identify the people and communities potentially affected by a given subproject. During the survey, comments and opinions of affected people, traditional or local leaders, local communities and local administrations will be collected and passed onto the subproject design and planning teams. Project Affected People will be given the opportunity to elect one or more representatives to sit in the CRC. Continued consultation and participation will take place during the detailed baseline survey which will determine precisely the extent of affected areas. During the survey, every potentially affected household or business persons will be visited and survey results will be disclosed and reviewed.

Compensation, relocation and rehabilitation measures will be discussed and agreed to with PAPs. In developing the RAP, PAPs and local administrations will given opportunities to review the resettlement measures, compensation policies and rehabilitation measures and to make site selection for replacement land if necessary.

Such consultations will organise by the Developer throughout implementation. It will then include signing entitlement agreement contracts, delivering entitlements to PAPs, providing replacement land and restoring any affected community structures.

During draft RAP preparation, the preparation team will be required to clearly describe the consultation and participation measures to be used. This process will have to comply with the public participation (decree n°130/2006 of October 2006) that guides and standardise the process of community involvement, including the participation of project affected people. The Article 14 of the Decree n°45/2004 on the public participation process is also relevant.

Public documents should be drafted in an accessible language and made available in national and local languages at suitable locations (i.e. offices of local authorities).

8.3 Grievances

PAPs will be provided many opportunities to review baseline survey results and compensation policies during the process of draft RAP preparation and implementation. However, during implementation various issues might be encountered by PAPs. In order to resolve effectively and quickly concerns that may occur at any time during draft RAP preparation and implementation, a grievance redress mechanism will be set up by ME and the CRC. PAPs will be informed verbally and in writing about this mechanism after the decision to prepare a RAP has been taken.

Under the proposed grievance procedure if a PAP is dissatisfied with a resettlement or compensation measure or the delivery of entitlements, s/he could voice a complaint in the first instance to the CRC, through his or her Representative or directly. This may initially be done through local leaders (e.g. tribal leaders or local government leaders). The PAP will require an answer with a stated period, e.g. fourteen days. Appeal could then be made to MEE. PAPs will have the possibility to seek final redress at the courts. No project activity can be initiated until the matter is resolved.

All attempts will be made to settle grievances.

9. Monitoring and Evaluation

Following World Bank's requirements, during compensation and resettlement implementation, and possibly for some time afterwards, both internal and external monitoring and evaluation exercises will be carried out in order to monitor progress and ensure that PAPs/DPs are adequately catered for and are left in a position no worse off than they were prior to sub-project commencement. Draft RAPs will be required to detail the monitoring and evaluation arrangements for individual sub-projects.

For internal monitoring the project developer will be required to submit regular reports to DNE outlining progress in relation to targets and delivery entitlements. The monitoring should address the following:

- ③ delivery and usage of compensation and resettlement entitlements;
- ③ allocation of replacement land and residential plots, where applicable;
- ③ reconstruction of new houses and other infrastructure, where applicable;
- ③ compensation measures applied to cater for damage during construction activities;
- ③ reported grievances and action taken;
- ③ problems encountered and action taken;
- ③ general issues related to the success of compensation and resettlement measures.

External monitoring will be conducted by the World Bank. The main objectives will be to determine whether the objectives of resettlement (compensation, relocation and rehabilitation) have been achieved and to assess, to the extent possible, implementation of resettlement and the restoration of the livelihoods of PAPs/DPs. The external monitoring and evaluation exercise should include, but not be limited to, an evaluation of:

- ③ implementation progress;
- ③ compensation and resettlement policies;
- ③ delivery of entitlements, including replacement land where applicable;
- ③ changes in livelihoods and incomes among PAPs/DPs; and
- ③ consultation with and participation of PAPs/DPs and other Stakeholders.

It is envisaged that a number of subprojects would be evaluated during the same monitoring and evaluation mission. External monitoring should preferably occur at least once a year, depending on the size and complexity of the compensation and resettlement component of a subproject. *Ex post evaluation* should also be undertaken after implementation of EDAP. One of the objectives of such an evaluation will be to check whether PAPs/DPs have adjusted to their new circumstances.

Once the ex-post evaluation is undertaken then information will be used in the preparation of the raps for EDAP to ensure the cascading any relevant and applicable lesson learned".

Once the ex-post evaluation is undertaken, then that information can and will be used in the preparation of the RAPs for EDAP to ensure the cascading of any relevant and applicable lessons learned to guide the preparation of these strategic documents.

10. Funding of RAPs

It is proposed that EDAP via ME should meet the costs of setting up individual CRCs and the initial environmental screening exercises for each subproject. The project Developer will be responsible for funding the preparation of the draft RAP and all compensation and resettlement activities, including internal monitoring. Funding for external monitoring and evaluation should be covered by the overall EDAP budget.

The compensation and resettlement budget for proposed subprojects will be fully included in the total subproject cost. In order to ensure that the compensation and resettlement component will be implemented smoothly, efforts will need to be made to develop realistic cost estimates during the draft RAPs. It is accepted that not all eventualities will be foreseen and a reasonable contingency should be approved. As part of the RAP, the budget will need to be approved by ME, MICOA and the World Bank before a subproject proposal is finally approved.

Detailed cost estimates will be based on a comprehensive inventory drawn up during the baseline survey and the actual replacement costs for various types of compensation, relocation and rehabilitation. The draft RAP will contain detailed costs of compensation, relocation and rehabilitation costs for:

- ③ agricultural land;
- ③ residential land;
- ③ business land;
- ③ house and other infrastructure;
- ③ businesses;
- ③ other assets;
- ③ public services and facilities.

Other related costs, such as surveying, planning, consultations, supervision, miscellaneous entitlements and monitoring will also be estimated.

As part of ongoing progress reporting exercise, the Developer will be required to submit details of expenditure on all aspects of implementing the compensation and resettlement component of a subproject.

11. Annexure

Annex 1: Definition of Terms Used

1. Unless the context dictates otherwise, the following terms shall have the following meanings:
2. "**Census**" means a field survey carried out to identify and determined the number of Project Affected Persons (PAP); in accordance with the procedures, satisfactory to the MIC, Ministry of Labor (MINTRAB), and the World Bank safeguard policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the local chiefs.
3. **Environmental and Social Management Framework (ESMF)** is a safeguard instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the EDAP rehabilitation—road paving, minor construction program. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them or reduce them to acceptable levels. This instrument has been prepared as a separate and stand-alone document to be used in conjunction with this RPF.
4. "**Compensation**" means the payment in kind, cash or other assets given in exchange for the taking of land including fixed assets thereon, in part or whole.
5. "**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.
6. "**Project affected persons**" (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and a her assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people will have their:
 - a. Standard of living adversely affected, whether or not the Project Affected Person must move to another location;
 - b. 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;
 - c. Access to productive assets adversely affected, temporarily or permanently; or
 - d. Business, occupation, work or place of residence or habitat adversely affected.

In this report, we have use PAPs or DPs (Displaced Persons) to qualify the same category of people who will be negatively affected by EDAP subprojects.

7. "**Involuntary Displacement**" means the involuntary taking of lard resulting in direct or indirect economic and social impacts caused by:
 - a. Loss of benefits from use of such land;
 - b. Relocation or loss of shelter;
 - c. Loss of assets or access to assets; or

- d. Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
8. **"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.
9. **"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.
10. **"Land acquisition"** means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
11. **"Mashamba"** means subsistence farming plot
12. **"Rehabilitation Assistance"** means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
13. **"Resettlement and Compensation Plan", also known as a "Resettlement Action Plan (RAP)" or "Resettlement Plan"** - is a resettlement instrument (document) to be prepared when training locations are identified. In such cases, land acquisition may lead to physical displacement of persons and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or a restriction of access to economic resources. RAPs are prepared by the party (in this case MIC, or owners of training institutes such as provincial governments or private entities impacting on the people and their livelihoods.

RAPs contains specific and legally binding requirements to be abided by EDAP to resettle and compensate the affected party or parties before implementation of the project activities causing adverse impacts.
14. **"Replacement cost"** means replacement of assets within amount sufficient to cover full replacement cost of lost assets and related: transaction costs. The cost is to be based on Market rate (commercial rate according to the Mozambique law for sale of land or property. In terms of land, this may be categorized as follows:
 - a. "Replacement cost for agricultural land" means the pre-project or pre-displacement, whichever is
 - b. Higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:
 - c. Preparing the land to levels similar to those of the affected land; and
 - d. Any registration, transfer taxes and other associated fees;
15. **"Replacement cost for houses and other structures"** means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs shall include:
 - a. Transporting building materials to the construction site;
 - b. Any labor and contractors' fees; and

c. Any registration costs.

16. "**Resettlement Assistance**" means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement.
17. "**The Resettlement Policy Framework (RPF)**" has been prepared as an instrument to be used throughout the EDAP implementation. The RPF will be disclosed to set out the resettlement and compensation: policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans ("RAPs") for the EDAP will be prepared consistent with the provisions of this RPF.
18. "**Voluntary Land Contribution**" refers to a process by individual or communal owner agrees to provide land or project-related activities. Voluntary contribution is act consent, made with prior knowledge of other options available consequences, including the right not to contribute or transfer must be obtained without undue coercion or duress. Voluntary Land Contribution may be of two types: Voluntary Land Contribution for Compensation, or Voluntary Land Contribution without Compensation.

Annex 2: WB's Requirements in terms of RAPs

When a Resettlement Policy Framework has been approved, a project specific Resettlement Action Plan may be required. The following provides an outline under World Bank's OP 4.12 - Annex A: Paragraph 25. GoM's regulations are not as detailed in this respect.

The outline can be modified to meet local context needs. However, include key information, without changing the indicted contents order.

A recommended outline for any RAP developed under EDAP would thus contain the following sections in the order given below:

A. Subproject Description

- a. Activity to be undertaken
- b. Impacts Identified (including those identified during the population census and/or socio-economic survey)
- c. Alternatives Considered to Minimize Resettlement

B. Census of Population Affected by Project

- a. Population Census (count of number of families/individuals affected)
- b. Baseline socio-economic survey (brief account of ethnicity, marital status, primary and secondary occupation, estimated annual income and estimated dependence on area to be taken)
- c. Assessment of Vulnerable PAPs (number of PAP families below national poverty line, aged, women-headed households, who may require additional assistance to move or to restore livelihoods)

C. Compensation Arrangements

- a. Type and Extent of loss incurred by each PAP
- b. Compensation arrangements (in-kind or, for those assets whose indemnification is in cash, the unit compensation rates and overall cost for monetary compensation, including transport, administrative and other [e.g. contractor hiring] costs)

D. Resettlement Arrangements (if any)

- a. New resettlement site location, availability and acceptance to PAPs
- b. Physical transfer
- c. Post move arrangements
- d. Additional institutional arrangements (not in RPF)

E. Economic Rehabilitation Measures (if any)

- a. How PAPs will benefit from EDAP investment?
- b. Additional measures to restore and/or Improve livelihoods

F. Timetable for Resettlement and Sub-project Activities

G. Detailed Budget, Identification of Sources of Funds.

- a. Census of Affected Population and Type and Extent of Impact
- b. Record of Meetings (Date, Participants, Topics Covered and Summary of Discussion)
- c. Signed Agreements with PAPs

All RAPs must describe the project and detail the actual impacts, as well as present efforts to minimise land take and resettlement. All RAPs must enumerate the households affected by the acquisition of land and/or other assets, and assess the severity of those losses for each family, taking into consideration the vulnerability or special needs of each family (Section B).

All RAPs will also detail compensation arrangements. By contrast, relocation arrangements are relevant only when families or businesses must move to a new residence or local. Economic rehabilitation measures are relevant only when families lose a significant portion of their livelihoods and must either intensify production on a smaller area or change occupation entirely.

Finally, all RAPs must present a detailed timetable for activities and budget.

The description of the required socio-economic study in OP 4.12, Annex A, paragraph 6, prescribes an extensive undertaking. Such sophisticated studies are necessary when there is major disruption in the lives of a significant number of people, for example in a case of a high dam and the creation of a large reservoir. Other development projects like EDAP will not require such extensive studies.

Annex 3: Suggested Structure for an EDAP Subproject Draft RAP

The following is a suggested structure for a draft resettlement action plan (RAP) which is prepared on the basis of the resettlement policy framework (RPF) Adherence to the a suggested structure and the level of detail included in the draft RAP will depend on a number of factors including:

- ③ whether the RAP is to be a full or abbreviated RAP,
- ③ the size, nature and complexity of the sub-project;
- ③ the type and degree of displacement that will occur;
- ③ conformity of a particular sub-project to the general considerations of the RPF;
- ③ local differences in determining eligibility criteria and evaluation of assets.

The draft RAP preparation team should constantly refer to World Bank (WB) Operational Procedures for Involuntary Resettlement (OP 4.12) to ensure that all of the requirements for a RAP are, together, contained in both the RPF and the sub-project draft RAP, Where certain requirements are not applicable to the particular situation this should be clearly stated.

Introduction

- ③ provide a brief section on the Mozambique Energy and Access Programme and the background to the sub-project, referring where possible to the introduction contained in the RPF;
- ③ Refer to the guiding principles of the RPF;
- ③ summarise the results of the environmental and social screening exercise and the need to prepare an abbreviated or full RAP;
- ③ briefly describe how the sub-project draft RAP has been prepared, who has prepared it and the roles of the compensation and resettlement committee and the RAP preparation team; and
- ③ list the procedures for draft RAP review and approval.

Description of the sub-project

- ③ briefly describe the sub-project,
- ③ list the sub-project components;
- ③ describe the sub-project components that are expected to lead to the need to acquire land and affect assets and livelihoods (i.e. displacement) and the zone(s) of impact;
- ③ describe the efforts during sub-project planning to minimise displacement and provide the results of these efforts, and
- ③ with reference to the RPF, list any additional basic objectives and principles.

Extent and nature of potential displacement

- ③ outline the results of any baseline socio-economic survey or census undertaken;
- ③ give details of the population (or other entities) to be potentially displaced or affected by the sub-project together with details of potential losses (displacement) expected to be incurred,

- ③ identify and list different categories of displaced persons (DPs), in accordance with the guidelines provided in the RPF, Explain the selection of categories;
- ③ list the results of consultation with DPs concerning the results of the surveys and census, and
- ③ describe the procedures for updating survey and census results.

Legal framework for compensation and resettlement

- ③ describe any legal or regulatory issues pertaining to land rights, compulsory land acquisition, compensation, resettlement and grievance mechanisms that may differ to those described in the RPF.

Eligibility criteria for different categories of displaced persons

- ③ define a DP and entity (e.g. groups, businesses and public bodies);
- ③ describe the compensation and/or resettlement entitlements (packages) for each category of DPs, including additional allowances (e.g. for inconvenience, disturbance and intangibles") - include an entitlement matrix showing the entitlements proposed for each category;
- ③ for replacement land allocations, where applicable, provide details of quality and quantity of allocation; and
- ③ list cut-off dates, including measures for applying cut-off dates to late additions to the list of DPs

Evaluation of assets

- ③ with reference to the general method described in the RPF, describe the procedure to be used for inventorying assets immediately prior to or during implementation, specific to the sub-project and its location;
- ③ describe the method for valuing assets (a.g replacement cost market value, standard unit rates) and other forms of displacement, specific to the sub-project and its location, and
- ③ describe the method for determining values and standard unit costs for each type of asset, specific to the circumstances and location of the sub-project Include institutional responsibilities.

Resettlement sites (if applicable)

- ③ discuss the availability of replacement land:
- ③ identify potential (alternative) resettlement sites or replacement land, giving the results of any surveys and investigations undertaken;
- ③ describe any consultations undertaken in relation to selection of alternative resettlement sites or replacement land; and
- ③ record the acceptability or otherwise to DPs and local authorities of alternative potential resettlement sites or replacement land.

RAP implementation and delivery of entitlements (procedures and institutional responsibilities)

- ③ where applicable reference need only be made to the RPE,

- ③ explain how implementation of the RAP will be integrated into implementation of the overall sub-project,
- ③ with reference to the general procedure described in the RPF, describe the sub- project specific procedure to be used for obtaining a detailed and final inventory of affected land and assets belonging to eligible DPS (and which will form the basis for deterring and negotiating final entitlements);
- ③ describe the method to be used to obtain a final valuation of each eligible DPs affected assets and for determining and negotiating each individual entitlement package;
- ③ explain how agreement will be reached with each eligible DP concerning the total profile of eligible losses and on the entitlement offer (compensation and/or resettlement) and how acceptance of this will be recorded:
- ③ list the sub-project specific procedures and responsibilities for selecting, surveying, planning and allocating replacement (resettlement) land, where applicable,
- ③ describe the procedures and responsibilities for constructing replacement infrastructure (e.g. houses) on replacement (resettlement) land;
- ③ explain any land tenure arrangements to be made with respect to replacement land
- ③ describe the process and responsibilities for physically transporting individuals and their assets to replacement land (e.g. resettlement areas);
- ③ describe the procedures and responsibilities for providing any resettlement and development assistance to relocated DPs,
- ③ describe the method and responsibilities for actual delivery of compensation, including replacement of assets (including replacement houses on replacement land where applicable) and payments in cash or kind;
- ③ describe the method and responsibilities for handling additional, unforeseen losses of and damage to land and assets during construction and compensation claims in respect of such losses and damage,
- ③ describe the method for obtaining confirmation of receipt of entitlements by OPs;
- ③ outline the steps and responsibilities for monitoring and reporting implementation progress: and
- ③ include a timetable for implementation (together with those responsible for each activity) and relate this to overall sub-project implementation.

Consultation and participation

- ③ with reference to the RPF provide any specific details of measures to be taken to ensure consultation with, and participation of, DPs and other affected parties in the draft RAP planning and implementation processes; and
- ③ in addition to that contained in the RPF describe any specific methods available to DPs for bringing forward complaints and grievances and the procedures for resolving them.

Monitoring and evaluation

- ③ describe the procedures and responsibilities for internal monitoring of the sub-project. If there are no major changes to those described in the RPF, then reference need only be made to the RPF; and
- ③ for external evaluation, reference to the arrangements agreed in the RPF need only be made.

Budget and cost estimates

- ③ provide a detailed breakdown of all costs associated with implementation of the RAP and delivery of entitlements, showing who is responsible for providing funds and when.

Annex 4: Comparison of Mozambican Law and WB OP.4.12 on Compensations

| Category of PAPs / Type of Lost Assets | Mozambican Law | World Bank OP4.12 |
|--|--|--|
| Land Owners | Cash compensation based upon market value under statute. Land for Land under Customary Law | Recommends land-for-land compensation. Other compensation is at replacement cost. |
| Land Tenants | Entitled to compensation based on the amount of rights they hold upon land under relevant laws. Illegal tenants not entitled to compensation | Are entitled to some form of compensation whatever the legal/illegal recognition of their occupancy. |
| Land Users | -In some cases land users have some form of secured tenure extended to them under new laws. In other cases land users are not entitled to compensation for land; -Entitled to compensation for crops and any other economic assets; and -Land for Land under customary | Entitled to compensation for crops, may be entitled to replacement land and income must be restored to at least pre-project levels. |
| Owners of Temporary Buildings | Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs. | Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement. |
| Owners of Permanent buildings | Cash Compensation is based on market value. | Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement. |
| Perennial Crops | Cash compensation based upon rates calculated as an average net agricultural income. | As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop, |

Annex 5: Summary of National Laws governing Land, Resettlement and Compensation

1. POWER OF EMINENT DOMAIN

According to the Constitution of the Republic of Mozambique: "The land and the natural resources located in the soil and sub-soil, in territorial waters and on Mozambique's continental shelf, are owned by the State. The State shall decide the conditions of their exploitation and use".

Land matters in Mozambique are governed by the Land Law (No. 19/97) approved by the Assembly of the Republic in 1997. The Land Law establishes the terms applicable to the establishment, exercise, modification, transfer and termination of the right to land use and its benefits. In accordance with the Constitution, the Land Law determines that the land is State property and cannot be sold or, in any other form alienated, mortgaged or encumbered. Subsequently, Land Law Regulations, to guide the implementation of the Land Law in rural areas, were passed by Council of Ministers Decree No 66/98 in late 1998. Regulations covering land in areas for which there are municipal cadastral services are yet to be published and there is some ambiguity concerning land issues in such areas.

It should also be noted that implementation of the Land Law and regularisation of issues is an on-going process which will take a considerable amount of time.

2. LAND RIGHTS

2.1 Rights to use and benefit from land

The Land Law provides all Mozambican nationals (male and female) corporate persons (e.g. associations and companies) and local communities the right to use and benefit from land. The right to use and benefit from a particular piece of land may be held individually or jointly.

Certain land belongs to the public domain in which no rights of land use and benefit can be acquired except where special licences have been issued for specific activities, such as national parks, coastal zones and the banks of navigable rivers. Land occupied by, among other infrastructure, aerial, surface, subterranean and underwater installations and conductors of electricity, including a strip of land of 50 m on each side, are considered to be zones of partial protection.

According to this provision in the law once a high voltage transmission line, for instance, has been erected a strip of land 100 m wide underneath the line automatically becomes a partial protection zone and no person or entity may occupy or use this land without a special licence being granted. In Article 5 of the Land Law no distinction is made between different sizes of installations and conductors (i.e. lines) of electricity but it is clear that it would be impractical to apply the provisions of the law to low voltage distribution lines, for instance. In practice this aspect of the legislation is often not fully complied with and people continue to occupy and use such areas.

The right to use and benefit from land is obtained either through "Occupation" or through "Authorisation" of an application. Those who hold a right by virtue of "Occupation" may either be:

- ③ individual persons and local communities who occupy and use land in accordance with customary norms and practices, provided that such norms and practices do not contradict the Constitution; or
- ③ Mozambican nationals who have been using land in good faith for at least ten years.

In all cases official title may be applied for and granted, and the rights registered in the national cadastre but the absence of an official title to use and benefit from land and absence of registration

does not affect the rights of individuals and local communities over the land. All that a community needs to do is offer verbal proof that it has been occupying and using the land. The rights of a community to use and benefit from the land are considered to be the same as if a title has been granted under a form of joint co-title.

Individual families are decision makers with regards to allocation and usage of land within the family. At the local level land allocation and arbitration of any disputes is the responsibility of the *bairro* (ward or quarter) secretaries or traditional leaders. Local people may also gain access to land through borrowing agreements which are made within the family. Those who lend land are usually the old, who are no longer able to work on their full allocation and who want to help landless friends or relatives the borrower only has security as long as the agreement lasts.

For purposes other than settlement and cultivation the land and natural resources are usually considered to be common property. Such areas include livestock grazing areas, the surrounding bush and woodland areas where people collect or exploit natural resources such as fuel wood, poles, thatching grass, medicinal plants, honey, wildlife, etc., and open water bodies which are used for fishing.

The Land Law recognises the legitimacy of customary law, or the rights attributed by such law (e.g. traditional usage rights) and this means that the vast majority of family sector farmers, living in rural farming areas as members of communities based on traditional norms and practices have full rights to the land on which they have developed their economic activities, whether or not they hold a title to the land.

Many Mozambicans have settled on former colonial farms, on abandoned State farms and on the fringes of cities, towns and smaller rural centres, often with the tacit approval of the authorities. These people do not necessarily follow customary norms and practices but as long as they have been using and occupying the land for at least ten years, and this has not been contested during that period, they are deemed to have full rights to use and benefit from the land in question. The fact that an individual, who has, in good faith, been occupying and using the rural land for at least ten years, has not applied for official title or registration does not affect that person's rights to use and benefit from the land. If no title has been issued the right to use and benefit from the land may be proved by testimonial proof given by members of surrounding local communities or by others. Many people living in rural centres and pen-urban areas of Mozambique hold land rights under this condition of Occupancy".

Individuals and associations may acquire rights to use and occupy land in both rural and urban areas by "Authorisation". Official authorisation for the right to use and benefit from land may be either in the form of:

- ③ provisional authorisation, which has a maximum duration of five years for nationals or two years for foreign persons; or
- ③ final authorisation and respective title for land use and benefit, issued after an exploitation plan submitted with the original application has been fulfilled, and subsequent registration in the National Land Cadastre.

"Authorisation" is the means whereby people and associations are able to acquire the right to use and benefit from land for economic activities. In the rural areas such activities generally include farming (on a commercial rather than subsistence basis) retail trading and religious purposes. In urban areas they may include a variety of commercial and industrial activities as well as residential purposes. Authorisation to use and benefit from land for the purpose of undertaking economic activities is granted for a maximum of 50 years renewable for an equal period of time.

2.2 Transfer of land and improvements

The right to use and benefit from land (whether or not official title is held) does not give the holder the right to transfer (e.g. sell) the right to other people or bodies, but the Land Law does give title holders the right to transfer (e.g. sell or rent) infrastructure, buildings and improvements to other people, subject to authorisation from the competent authorities.

Where a piece of land is almost entirely occupied by a building, such as a house, as would be very common in urban areas and many rural centres, when the infrastructure and improvements are transferred (e.g. sold) to another person or entity then the right to use and benefit from the respective land is also automatically transferred, without the need for submission of a new application for title. There is thus a form of “land marker” in cities, towns and some smaller rural centres because the market price of buildings reflects attributes, such as location and quality, of the land that the buildings are situated on.

The situation in many urban centres and, possibly, some smaller rural centres is that people own their own houses, either because they have “Occupancy” or “Authorisation” rights. However, many people also rent houses from individuals and entities that own their own houses or from State institutions, such as the State Immovable Property Administration (APIE)

2.3 Extinction of rights

In both rural and urban areas the right to use and benefit from all or part of the land, whether or not official title has been issued and registered, may be revoked and thus extinguished in the public interest. This may happen if, for example, a public road is to be constructed, a dam is to be built which will create a reservoir or some other type of development is planned for the land in question.

The Land Law clearly states that revocation, in the public interest, of the right to use and benefit from land is, however, subject to the prior payment of a just indemnification and/or compensation, particularly as the non-removable improvements on the land are supposed to revert to the favour of the State.

The Law does not refer to the procedures to be followed when land rights are to be extinguished. It does confer allocation rights on different levels of Government and, presumably, these would apply to the revocation of rights as well. Where small areas of land are involved it would appear most appropriate for Provincial Governors to deal with such issues and declare land rights to have been withdrawn from an individual, entity or community. The Law does not refer to the possibility of appeal against revocation of rights.

Law No. 21/97 (Regulation of Activities for the Production, Transport, Distribution and Commercialisation of Electrical Energy and its Import and Export) refers to the rights of people granted concessions in electricity production and distribution to obtain land for installations and activities within the context of the Land Law. A concessionaire may also order the destruction of plantations and buildings that would interfere with the electrical installations.

3. COMPENSATION AND INVOLUNTARY RESETTLEMENT

Other than stating that compensation should be paid when land is expropriated in the public interest, both the Constitution and the Land Law do not expand on issues related to compensation, in terms of the principles, forms, eligibility, valuation, adequacy, procedures, timing and responsibilities. In rural areas the fact that all land belongs to the State and that there is no land market precludes monetary compensation from being offered for the loss of land per se, and yet there is no implicit legal obligation to provide compensation by means of alternative land. In urban areas and some rural centres where land may sometimes be permitted to be transferred together with a house or buildings, the “market value” also often reflects the value of the land so that compensation covering the implicit value of the land and buildings might be possible.

There are no specific guidelines regarding compensation and fairness and principles and procedures are often drawn LIP and agreed to among the main stakeholders on a case by case or individual project basis. In recent cases in Mozambique such as for the establishment of the Mozambique Aluminium Smelter (MOZAL) near Maputo, it has generally been accepted that where people are displaced from land the principles of fairness and good practice are applied to Compensation and resettlement. For instance, it is usually accepted that replacement land is provided which is, as far as possible, equal to or Superior to the land foregone in terms of size, quality and location advantages This is in line with the requirements of the World bank (WB) Operational Procedures for Involuntary resettlement (OP 4.12) and will be applied in the case of all sub-projects of the Mozambique Energy Reform and Access Programme (EDAP)

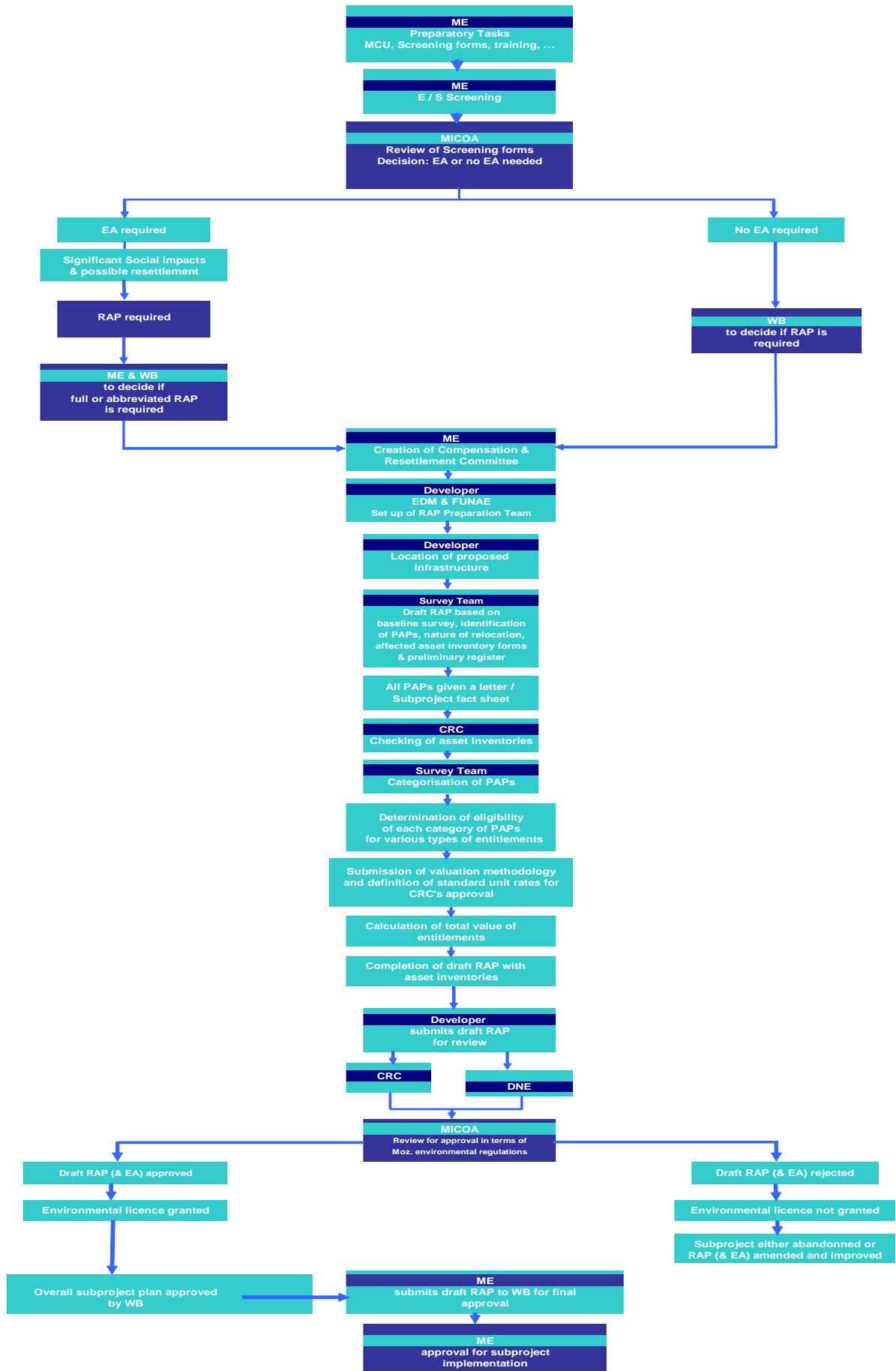
Law No. 21197 (Regulation of Activities for the Production, Transport, Distribution and Commercialisation of Electrical Energy and its Import and Export) and the country's environmental regulations also require that project developers fully compensate displaced persons (DPs) when property is expropriated. This requires that:

- ③ a concessionaire has started the legal processes by way of agreement with the holder of the rights;
- ③ the need to expropriate must be shown to be in the public interest and to be necessary;
- ③ the expropriated land or buildings cannot be used for other purposes; and
- ③ a declaration of notice referring to the concession or utility and details of any expropriation has been issued by the Council of Ministers.

It is sometimes problematic when only a very small portion of a OP's land holding is required for a development project and where the loss of this small portion does not effect the overall viability or productivity of the whole land holding Since the land cannot be freely transferred among people and there is no implicit value to the land, compensation in cash. for example, cannot be offered. At the same time it might be impractical or impossible to provide alternative small parcels of land in the immediate vicinity.

There may be a few cases where some people are occupying and using land for which they have no legal right of use and benefit Such land may include, for example, total or partial protection zones or land for which other people and bodies have legal rights of use and benefit (i.e. rented housing and land). In some rural centres it may also be possible that people have been granted residential land by the authorities but they do not have "Authorisation" to use and benefit from the land or they have not been occupying the land in good faith for at least ten years. It has, however, been common practice in Mozambique to treat such cases in the same way as people with legal rights to use and benefit from land and this is not at variance with the WB requirement that all DPs, regardless of their tenure status, should be provided with compensation and resettlement measures This principle will apply to all sub-projects or EDAP.

Annex 6: Simplified Possible Process for Draft Resettlement Action Plan



Annex 7: Possible Categories of PAPs and Entitlements

| LOCATION | TITLE | LAND USE | POSSIBLES LOSSES | | LIKELIHOOD | POSSIBLE ENTITLEMENT (EXAMPLES ONLY) |
|--------------|--|---|---|--------------------------|---|--|
| | | | TYPE | DURATION | | |
| Rural centre | Registered title OR Unregistered title but eligible for the OR Officially but not yet eligible for title | Small residential plot with house. Some improvements, fixed assets, fruit & other trees, crops and vegetables | Pilot and house | Permanent | Low | New plot, replacement cost of house;+ allowances, support & development assistance |
| | | | Large area of land (affects viability of entire holding) | Permanent | Low | New plot, replacement cost of house;+ allowances, support & development assistance |
| | | | | Temporary or damage only | Low | Cash compensation based on productive potential of land for short period + allowances |
| | | | Small area of land (loss does not affect viability of entire holding) | Permanent | Low | Additional land or cash compensation based on productive potential of land for long period +allowances |
| | | | | Temporary or damage only | Medium | Cash compensation based on productive potential of land for short period + allowances |
| | | | Improvements & fixed assets | Permanent | Low | Cash compensation based on full replacement cost + allowances |
| | | | | Temporary or damage only | Medium | Repair or cash compensation based on full restriction cost + allowances |
| | | | Fruit tress | Permanent | Medium | Cash compensation based on full production potential or value + allowances |
| | | | | Temporary or damage only | High | Cash compensation based on production potential pr partial value over disturbance period + allowances. |
| | | | Crops/vegetables | Permanent | Medium | Cash compensation based on full production potential over long period + allowances |
| | | | | Temporary or damage only | High | Cash compensation based on production potential over disturbances period + allowances |
| | | | Business premises | Business opportunity | Permanent | Low |
| Temporary | Low | Cash compensation for disturbance period + allowances | | | | |
| Renting | Small residential plot with house, some improvement, fixed assets ,fruit and other trees, crops and vegetables | Plot and House | Permanent | Low | Assistance to find new rented accommodation, cash value of rental amount for short period | |
| | | | Temporary or damage only | Low | None(compensation paid to owner as for above) | |
| | | Large area of land (affects viability of entire holding) | Permanent | Low | None(compensation paid to owner as for above) | |
| | | | Temporary or damage only | Low | None (Compensation paid to owner as for above & owne r to negotiate with renter) | |

| LOCATION | TITLE | LAND USE | POSSIBLES LOSSES | | LIKELIHOOD | POSSIBLE ENTITLEMENT (EXAMPLES ONLY) | | |
|---|--------------------------|----------|--|--|--|--|---|--|
| | | | TYPE | DURATION | | | | |
| | | | Small area of land(loss does not affect viability of the entire holding) | Permanent | Low | None (compensation paid to owner as for above) | | |
| | | | | Temporary or damage only | Medium | None(compensation paid to owner as for above and owner to negotiate with renter) | | |
| | | | Improvements & fixed assets | Permanent | Low | None(compensation paid to owner as for above and owner to negotiate with renter) | | |
| | | | | Temporary or damage only | Medium | None(compensation paid to owner as for above and owner to negotiate with renter) | | |
| | | | Fruit trees | Permanent | Medium | None(compensation paid to owner as for above and owner to negotiate with renter) | | |
| | | | | Temporary or damage only | High | Cash compensation based on productive potential of land for short period + allowances | | |
| | | | Crops/vegetables | Permanent | Medium | Cash compensation based on full production potential over long period + allowances | | |
| | | | | Temporary or damage only | High | If owned by renter-cash compensation based on production potential over disturbance period+ allowances | | |
| | | | Business premises | Business opportunity | Permanent | Low | Alternative business site; + allowances, support & development assistance | |
| | | | | | Temporary | Low | Cash compensation for disturbance period; + allowances | |
| | | | Illegal settlement or settled in full or partial protection zone | Small residential plot with house, some improvement, fixed assets ,fruit and other trees, crops and vegetables | Plot and House | Permanent | Low | Alternative plot; replacement cost of house; + allowances, support &development assistance |
| | | | | | | Temporary or damage only | Low | None |
| Large area of land (affects viability of entire holding) | Permanent | Low | | | Alternative plot; replacement cost of house; + allowances, support &development assistance | | | |
| | Temporary or damage only | Low | | | None | | | |
| Small area of land (loss does not affect viability of entire holding) | Permanent | Low | | | Alternative plot; replacement cost of house; + allowances, support &development assistance | | | |
| | Temporary or damage only | Medium | | | None | | | |
| Improvement & fixed assets | Permanent | Low | Cash component based on full replacement cost + allowances | | | | | |
| | Temporary or damage only | Medium | None | | | | | |

| LOCATION | TITLE | LAND USE | POSSIBLE LOSSES | | LIKELIHOOD | POSSIBLE ENTITLEMENT (EXAMPLES ONLY) |
|--------------------|--|---|---|--------------------------|------------|---|
| | | | TYPE | DURATION | | |
| | | | Fruit trees | Permanent | Medium | Cash compensation based on full production potential or value + allowances |
| | | | | Temporary or damage only | High | Cash compensation based on productive potential or partial value over disturbance period + allowances |
| | | | Crops/vegetables | Permanent | Medium | Cash compensation based on full production potential over long period + allowances |
| | | | | Temporary or damage only | High | Cash compensation based on full production potential over long period , allowance |
| | | Business premises | Business opportunity | Permanent | Low | Alternative business site; + allowances , support & development assistance |
| | | | | Temporary | Low | Cash compensation for disturbance period; + allowances |
| Peri-urban area | As for rural centres | Small to medium residential plot with house. Some improvements, fixed assets, fruit & other trees, crops and vegetables, livestock grazing natural resources | Similar to rural center but with minor differences | | | |
| Rural farming area | Normally recognized under customary norms. community title is implied although generally not officially registered | Traditional settlement pattern. Small to medium residential sites with few improvements & fixed assets. Small to medium crops fields. Some planted fruit trees. Small vegetable gardens. Large communal grazing areas. Extensive areas of natural resource (including wild fruit trees) | Similar to rural center and peri-urban area but with differences. Few rented houses or land | | | |

Annex 8: Simplified Possible Process for Implementation & Delivery of Entitlements

