

**Government of Mozambique**

**The World Bank**

**Education Sector Support Pool Fund (FASE)  
(Fundo de Apoio ao Sector de Educação)**

**Resettlement Policy Framework(RPF)**

**Revised Draft Report**

**Proponent: FASE**

**MOZAMBIQUE**

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**National Directorate of Planning and Cooperation**

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## **LIST OF ACRONYMS**

ARAP	Abbreviated Resettlement Action Plan
EP	Primary Education
ESG	General Secondary Education
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
GoM	Government of Mozambique
MINED	Ministry of Education
DPEC	Provincial Directorate of Education and Culture
CPs	Cooperation Partners
LGA	Local Government Authority
MADER	Ministry of Agriculture and Rural Development
MoLG	Ministry of Local Government
SDEJT	District Services of Education, youth and Technology
OP	Operational Policy
PARPA	Action Plan for Reduction of Poverty
PAPs	Project Affected Persons
RPF	Resettlement Policy Framework



## **EXECUTIVE SUMMARY**

This Resettlement Policy Framework (RFP) for land acquisition and compensation has been prepared based on the field visits and public consultations. The Framework establishes parameters for the conduct of land acquisition and compensation including resettlement of Project Affected Persons (PAPs), who may be affected during implementation of the Mozambique Education Sector Support Pool Fund (FASE).

It is anticipated that demand driven activities under the FASE will require additional land, especially customary land to be alienated from local people. The Land Law, revised in 1997, introduced several innovations that need to be regulated to, among other things, recognize the rights acquired by occupancy of local communities and Mozambican individuals who, in good faith, occupy land for at least ten years. With increasing population and the decreasing available land resources, the number of people and magnitude of adverse impacts caused by development project activities, such as future FASE project activities, are likely to be significant especially in resource strained areas.

This framework serves to provide safeguards against adverse impacts of future development projects, through minimizing land acquisition and resettlement, and the number of Project affected persons (PAPs). It provides procedures and means for adequately addressing involuntary resettlement including compensating for the losses the Project affected persons may incur.

The proposed project activities fall under prescribed projects (category B) of the World Bank's Operational Policy (OP 4.12) on involuntary resettlement. This framework therefore, will adopt applicable principles outlined in the World Bank's Operational Policy (OP 4.12) on involuntary resettlement into local experiences and legislation because they are not comprehensive enough to accord fair compensation and resettlement arrangements.

It is expected therefore, that the local legislation will either be reviewed or separate regulations will be promulgated to ensure that land acquisition, compensation and resettlement issues are at par with those contained in the World Bank Policy on involuntary resettlement.

This framework includes guidelines for compensation for land contributed voluntarily for development projects; land contributed voluntarily for development projects without seeking compensation; and land acquired involuntarily for development projects.

The guiding principle for land acquisition shall be that where land is required for implementation of the FASE project activities, the recommended safeguards shall be observed to reduce the suffering of the affected community members.

The framework is intended to assist all proponents implementing World Bank funded (Category B) projects on the FASE programme. The overall responsibility for implementation of this Framework shall reside with MEC. This Ministry will be assisted by the Ministry of Local Government (MoLG), Ministry of Agriculture (National Directorate for Lands), and the Ministry of Public Works and Housing.

MEC will ensure that the Framework is publicly disclosed and disseminated and that project staff has the requisite skills and knowledge and, where necessary, they have received appropriate training to implement the framework.

The District Administration shall take responsibility for implementation of the framework at respective local authorities, with assistance from other line local offices of the above mentioned government ministries. For Municipalities, the Municipal Councils shall be responsible for the implementation, with assistance from local representatives of the relevant government ministries.

Implementation of the framework shall require a number of steps including public consultation and participation, the jurisdiction of the framework; land acquisition procedures; proclamation of the acquired land; guiding principles for the various types of land acquisition; categories of losses; notification and valuation procedures; eligibility criteria; entitlements; procedures for payment of compensation; resettlement plans that include census and inventory surveys; budgetary implications and funding; and monitoring and evaluation.

These steps will ensure that future micro-projects are adequately reviewed and assessed for any adverse social and economic impacts and that PAPs are fairly treated on land acquisition and resettlement.



## **DEFINITION OF TERMS USED IN THE REPORT**

Unless the context dictates otherwise, the following terms shall have the following meanings:

1. **“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 Ministries of Education and Culture (MEC) 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.

2. **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 FASE 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.

3. **“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.

4. **“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.

5. **“Project affected persons” (PAPs)** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. 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.

6. **“Involuntary Displacement”** means the involuntary taking of land 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.

7. **“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.

8. **“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.

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

10. **“Mashamba”** means subsistence farming plot

**11 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.

**12 Resettlement and Compensation Plan”, also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan”** - is a resettlement instrument (document) to be prepared when school locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party (in this case DIPLAC-CEE, Provincial Directorates of Education and Culture and districts) impacting on the people and their livelihoods. RAPS contain specific and legally binding requirements to be abided by schools or relevant local authorities to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

13. **“Replacement cost”** means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. The cost is to be based on **Market rate (commercial rate)** according to the 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 higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:

(b) preparing the land to levels similar to those of the affected land; and

(c) any registration, transfer taxes and other associated fees;

14. **“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.

15. **“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 which ever is feasible and as required, for ease of resettlement.

16. **“The Resettlement Policy Framework (RPF)”** has been prepared as an instrument to be used throughout the FASE 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 FASE will be prepared consistent with the provisions of this RPF.

17. **“Voluntary Land Contribution”** refers to a process by which an individual or communal owner agrees to provide land or property for project related activities. Voluntary contribution is an act of informed consent, made with prior knowledge of other options available and their consequences, including the right not to contribute or transfer the land. It must be obtained without undue coercion or duress.

Voluntary Land Contribution may be of two types:

(a) Voluntary Land Contribution for Compensation, or

(b) Voluntary Land Contribution without Compensation

## **1. INTRODUCTION**

Program summary:

The Strategic Plan for Education (SPE) 2006-2011/11 has recently been approved in the Council of Ministers. The document is a result of intensive dialogue between government and its partners that started as early as 2002. The approved five-year education strategy provides a credible framework that translates Mozambique's political commitment to education into viable options for implementation. It brings together a number of distinct components of policy and service delivery in a coherent way within the context of current capacity and financial constraints.

Over the last four years, during which the strategic plan was being elaborated, a number of key policy decisions have been taken in the areas that face major inefficiencies and inequalities, particularly in the area of primary education:

- i) Introduction of new basic education curriculum;
- ii) Accelerated school construction at lower costs with community involvement;
- iii) Rationalisation of teacher training (in-service and pre-service);
- iv) Reform of technical and vocational education;
- v) Decentralisation of (financial) management, including direct support to schools.

The proposed Fast Track Initiative Catalytic Fund (FTI CF) grant will contribute to the implementation of the Mozambique Strategic Plan for Education and Culture (2006-2010/11) (SPEC), by reducing its projected financing gap in 2008, 2009, and 2010.

Mozambique prioritises education as an important strategy for economic growth and poverty reduction. The Mozambique second Poverty Reduction Strategy Paper (PRSP) (2006 – 2009) highlights good governance, economic growth and human capital development as three key pillars for growth and poverty reduction. The SPEC translates the general principles of the PRSP into a clear strategic framework that prioritises quality primary education for all within the context of an overall balanced education system that would build the necessary capacity required to further national development.

The CF Grant will be channeled through the Mozambique education sector donor funding pool, FASE, and will be implemented by the Ministry of Education (MINED).

### **1.1 Project Description**

#### **EDUCATION SECTOR SUPPORT PROGRAM (2008-2010)**

The Catalytic Fund (CF) grant will be channeled through the pool funding FASE, the description of the program therefore pertains to the entire Education Sector Support Program financed by FASE, rather than the CF grant per se.

## **Program Development Objectives (PDO)**

The Development Objectives of the Program are to support the implementation of the Strategic Plan for Education and Culture 2006-2010/11 (SPEC) approved by the Council of Ministers, in particular focusing on primary and secondary education while ensuring capacity strengthening of the Ministry of Education and Culture and its provincial and district departments in policy development, administration and implementation, monitoring, and evaluation.

## **Description of FASE Annual Program Components**

Though details of FASE program will differ from year to year based on the particular needs and gaps of the year and as a result of consultations within the government and with CPs, FASE annual program can be described in a general fashion below:

Component 1: Primary Education. This component is designed to support improvement of access and quality in primary education by building additional classrooms in rural areas (sites to be determined); purchasing additional copies of primary textbooks, providing school grants, and strengthening the provincial and district level education management capacity.

Component 2: Non-formal Adult Literacy Program. This component is designed to support literacy programs for adult learners by subsidizing trainer fees, developing and distributing teaching and learning materials, and provision of training to provincial and district education officers involved in adult non-formal education.

Component 3: Secondary Education. This component is designed to support development of secondary education strategy and further to finance specific investment in secondary school construction (sites to be determined), procurement of secondary textbooks, and grants to secondary schools.

Component 4: Teacher Training and Support. This component is designed to support in-service teacher training programs. More than half of the primary teachers in Mozambique are considered “unqualified”. The component will also provide financing to strengthen school supervision.

Component 5: Special programs in Distance, Special, ICT, gender and HIV/AIDS Education. This component brings together smaller programs under SPEC. It will support the construction of special education centers (sites to be determined), procurement of hardware and software for ICT application at the central and provincial level, procurement of sensitization materials for gender and HIV/AIDS education and prevention, and development of programs in distance education and HIV/AIDS

Component 6: Institutional Development. This component is designed to strengthen institutional capacity of the Ministry at the central, provincial, and district level. At all levels of education administration, there will be provision of equipment, technical assistance and training in policy development, monitoring and evaluation. Emphasis is placed more at the provincial and district level.

The Environmental and Social Management Framework (ESMF) and the Resettlement Policy Framework (RPF) are designed to address potential adverse environmental and social impacts of future investments. The Resettlement Policy Framework (RPF) will outline the principles, policies and procedures to be followed in the event that future investments involve land acquisition which could lead to a loss of livelihoods among affected persons.

These frameworks will also apply to future investments under the Education Sector Support Program to be financed by FASE as well as future SWAps. Both, the ESMF and the RPF, will be disclosed in Mozambique and at the Bank's Infoshop prior to the signing of the Grant Agreement.

## **1.2. Environmental and Social Considerations for the Project Activities**

Unmitigated involuntary resettlement arising from development projects often leads to severe economic, social and environmental impacts where:

- production systems are dismantled,
- people face impoverishment if their productive assets or income sources are lost;
- people are relocated to environments where their community institutions and social networks are weakened;
- kin groups are dispersed, and cultural identity, traditional authority and the potential for mutual help are diminished or lost.

As part of the support to the educational efforts to improvement on access and quality, the project will improve the physical infrastructure for school buildings and associated water supply and sanitation facilities (Component 1, 3 and 5 described above). More important for this RPF, new projects, whose location and technical specifications are not known at the moment, are planned for future implementation.

To ensure that these infrastructure improvements and the new development projects are carried out in an environmentally and socially sustainable manner, the project will carry out an Environmental and Social Impact Assessment (ESIA) and a Resettlement Policy Framework (RPF). The Environmental and Social Impact Assessment Report will be prepared as a separate document. **This Resettlement Policy Framework (RPF) is confined to those impacts relating to land acquisition and resettlement, arising from implementation of the proposed FASE project activities.** The framework serves to provide safeguards against severe adverse impacts of the proposed **project activities** and proposes mitigation against potential impoverishment risks by:

- a) avoiding displacement of people in the first place or;
- b) minimizing the number of Project affected persons or;
- c) adequately compensating the project affected persons for losses incurred or;
- d) adequately addressing adverse impacts of the intended interventions.

In the FASE, the project activities that may trigger land acquisition and resettlement safeguard policies, are in Components 1, 3 and 5, regarding improvement of access and quality in Primary Education, investment in secondary school construction and in Special programs in Distance (construction of special education centers, in particular). These project activities include rehabilitation and construction of physical infrastructure for school buildings, workshops and related water supply and sanitation facilities. In particular new projects, to be carried out after the pilot phase, may result in resettlement of people and/or denying them of access to land and different types of natural resources.

Most of the existing Primary and Secondary Schools and Teachers Training institutes were constructed in sparsely cultivated areas with low population at the time the projects were implemented. Hence, the magnitude of adverse impacts on land may have been minimal at that time. However, with increasing population and the decreasing available land resources, the number of people and magnitude of adverse impacts associated with land acquisition and resettlement are likely to be significant, especially in resource strained and protected areas. Further, the details like locations of the new facilities to be constructed are not known at the time of preparation of the RPF. Further, at present, the details like locations of the various new facilities to be constructed are not known. It is therefore appropriate that this Resettlement Policy Framework be prepared.

### **1.3 Basis and Format of the Resettlement Policy Framework.**

#### **1.3.1 Basis for Preparation of the Framework**

##### **1.3.1.1 Past Similar Experience**

In Mozambique, there are a number of development projects that have been implemented recently, involving resettlement and compensation programmes. The Sasol Natural Gas Project prepared a resettlement and compensation procedure for the Temane/Pande Field Development Projects and the Mozambique/Secunda Pipeline. The compensation and resettlement procedure was aimed at ensuring that all parties affected by the project were resettled and compensated fairly and equally. The project was implemented in 2001.



The Mozambique Aluminium (MOZAL) project carried out resettlement and compensation work for the affected persons. The resettlement and compensation activities aimed at providing the same or better conditions of living to the affected persons. Compensation in form of land, buildings, cash, seed and other help was provided as appropriate. The project has taken strides to ensure mutual sustainable development, through the involvement of the communities, within 10 kilometres of the aluminium smelter. The Mozal Community Development Trust (MCDT) established in 2000, is supporting community development projects in the areas of Small Business Development, Education and Training, Health and Environment, Sports and Culture and Community Infrastructure. MOZAL is supporting the community to become self sufficient by enabling them to harness indigenous skills and to turn them into income generating businesses. Single mothers and widows in Matola and Djuba areas, for instance, are receiving training to generate income for themselves and their families in chicken raising, carpet making, embroidery and cashew nut cropping. These activities are part of the MOZAL initiatives, aimed at reducing or mitigating the environmental and social impacts of resettlement, associated with the aluminium smelter project.

Consultation during the preparation of this RPF revealed that the Directorate for Lands and the Directorate for Planning have been involved in resettlement and compensation works where evaluations have been done by multi-sector committees comprising representation from Housing, Health, Education, Local Government, Agriculture, Energy and Lands authorities. It was learnt that in their payment for compensation, lists of prices were used for determining the amount to be paid for loss of trees, for instance. An example of such a list used by the Directorate for Urban Planning in Matola is given in Appendix 2.

On the other hand, during consultation, it became apparent that issues of resettlement and compensation had not been of much concern in the past, for the Ministry of Education and Culture projects at central, provincial and distrital levels. Cases of resettlement and compensation could only be traced to payment for a few fruit tress, in very isolated cases. Contrary to the provisions of the World Bank Policy OP 4.12, which advocates some kind of compensation for cases of this nature, the resettlement procedure for this case was perceived to attract no compensation or any form of assistance, since the affected persons should not have settled in the school premises, in the first place. Apart from these isolated and minor cases, there is no previous record of major resettlement and compensation issues for school projects.

### **1.3.1.2 Need for Preparation of the RPF for the FASE Project Activities**

A number of schools and colleges have been regularly visited by technicians at Provincial and central level. The visits confirm the need for rehabilitation of some of the structures in most of these schools and colleges. In general the visits reveal that the buildings, constructed decades ago have not been regularly maintained for long time. The walls and roofs require major rehabilitation works. Glass and widows are

broken and the water systems require renovation and maintenance. In addition, secondary schools and Teachers Training institutes lack basic laboratory equipment and furniture to enable the students learn well and carry out their practical activities effectively.

In the majority of the schools, it is noted that land is generally available for future minor expansion works. Hence there may be no urgent need for acquiring new land and resettling people in the near future. However as a requirement for the project and as a safeguard against impacting on the livelihoods of the people of Mozambique, the preparation of the RPF has been undertaken.

This Resettlement Policy Framework (RPF), to be used for screening of projects in the Mozambique Education Sector Support Pool Fund (FASE), has been prepared following the results of the findings from the above and other field investigations. Interviews with local people and officials from various Ministries, Local Government Offices, Private Sector; and information from some previous studies reports and documents have been used in preparing this framework.

During the new schools construction and rehabilitation of existing ones, there may be cases where land is needed for new classrooms. Such cases will trigger the World Bank's Policy on Resettlement. Hence, this Resettlement Policy Framework is prepared for the FASE project activities whose location of land acquisition is unknown at the time of project preparation. The framework establishes parameters for the conduct of land acquisition and compensation including resettlement of persons who may be affected by the implementation of the FASE project activities.

The screening process developed in this framework is consistent with the Bank's safeguard operational policy OP 4.12, for Involuntary Resettlement. This policy requires that all Bank-financed operations are screened for potential impacts, and that the required compensation work is carried out on the basis of the screening results. The framework therefore, while adopting and adapting some of the local experiences and the provisions of local legislation, is based on the World Bank's Operational Policy (OP 4.12) on involuntary resettlement, which emphasizes on the following principles:

- Avoiding or minimizing involuntary land acquisition and resettlement, where feasible and exploring all viable alternatives before resorting to involuntary resettlement.
- Where involuntary resettlement and land acquisition is unavoidable, assistance and sufficient resources should be provided to the project affected persons with the view to maintaining and/or improving their standards of living, earning capacities and production levels.
- Encouraging community participation in planning and implementing land acquisition, compensation and/or resettlement, and provision of assistance to affected people regardless of the legality of their land rights or their title to land.

### **1.3.2 Format of the Resettlement Policy Framework**

The Resettlement Policy Framework is presented in the in the following manner:

- Chapter 1 provides a brief background to the project and presents the intentions the World Bank and co-operating partners to address the problems. The FASE programme objectives and components are described and the environmental and social considerations (including the RPF and the ESIA) for the project activities are introduced.
- Chapter 2 gives the objectives and justification for preparing the RPF, highlighting among other issues, the objectives to address the hardships that would arise from land acquisition and resettlement of people to accommodate the FASE project activities. The justification for preparing the RPF is provided in the legal provisions of the Mozambican Land Law Legislation and other relevant national legislation; as well as the World Bank's OP4.12
- In Chapter 3 Land Administration including land ownership and land tenure systems in Mozambique are given. The Chapter also gives the likely categories of affected persons that include ordinary households, individuals and disadvantaged persons.
- Chapter 4 introduces the screening process and outlines the steps leading to the preparation of the Resettlement Action Plans (RAPs).
- Chapter 5 deals with land acquisition mechanisms for the project activities. It further proposes mechanisms for acquisition of all types including voluntary and involuntary types of land acquisition. The Chapter gives details of information and records to be kept for land acquisition activities.
- Chapter 6 deals with the eligibility and conditions for compensating project affected persons by first high lighting the World Bank's OP4.12 provisions for eligibility for compensation, resettlement and rehabilitation assistance. The chapter continues with procedures for payment of compensation and makes a comparison between the World Bank and Mozambican law regarding compensation. Finally the Chapter gives conditions to be followed in displacement of people
- Chapter 7 outlines procedures for notifying the public about intentions to acquire land earmarked for projects. The Chapter also gives procedures for the valuation of assets and calculation of compensation payments.
- Chapter 8 provides procedures for delivery of compensation, emphasizing the need for public consultation and public participation, notification of land resources holders and documentation of land holding and assets as important aspects. The Chapter provides a procedure for addressing complaints and grievances. Finally the chapter emphasizes the importance of signing compensation agreements and the need for

transparency and ensuring the presence and participation of all parties concerned when making compensation payments.

- Chapter 9 gives the budgetary implications and the funding mechanisms
- Chapter 10 gives the institutional and implementation arrangements, highlighting the roles of each of the institution in the overall implementation of the compensation and resettlement plan. The chapter further highlights the land acquisition and resettlement process that includes the preparation of resettlement plans, the importance of public consultation and participation in all the activities, the importance of observing key timeframes and the importance of linking resettlement implementation to the civil works.
- Chapter 11 provides for land acquisition and resettlement, implementation and monitoring plans. The Chapter provides formats for resettlement management plan and monitoring plan.

## **2 OBJECTIVES AND JUSTIFICATION OF THE RESETTLEMENT POLICY FRAMEWORK**

### **2.1 Objectives of the Resettlement Policy Framework**

Involuntary resettlement arising from development projects often gives rise to severe economic, social and environmental hardships. The hardships stem from the following reasons among others:

- disruption of production systems,
- affected persons skills being rendered inapplicable in new environments,
- increased competition for resources,
- weakening of community and social networks,
- dispersion of kin groups
- Loss of cultural identity and traditional authority and
- loss of mutual help

In most cases, resettlement of people to pave way for development projects is done because the project activities demand land acquisition. Little attention, if any, is given to the welfare of the people affected. The people may be affected because of loss of agricultural land, loss of buildings, loss of access or proximity to water, health and social amenities. Appendix 3 gives details of categories of losses and their impacts on Project affected persons.

The objective of this Resettlement Policy Framework (RPF) is to provide a screening process, for future FASE project activities, to ensure that where land acquisition for project activities is inevitable, resettlement and compensation activities for lost land

should be conceived and executed in a sustainable manner. This entails providing sufficient investment resources to meet the needs of the persons affected and/or displaced from their habitat and resources. It also requires adequate collaborative consultation and agreement with the project affected persons to ensure that they maintain or improve their livelihoods and standards of living in the new environment.

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

## **2.2 Justification for the Resettlement Policy Framework for the FASE**

In the FASE, the proposed project activities, particularly for new construction are likely to result in resettlement of people, or in some way or another, to affect people's livelihoods and access to land and socio-economic opportunities.

This framework therefore is necessary to provide guidelines for addressing concerns of affected persons where: -

- (a) land is contributed voluntarily for the development project activities in return for compensation;
- (b) land is contributed voluntarily for development project activities without seeking compensation; and
- (c) land is acquired involuntarily for the development project activities.

The guiding principle for land acquisition shall be that where land is required for implementation of the FASE project activities, appropriate safeguards shall be observed to reduce the suffering of the affected community members.

This framework shall be used on all FASE project sites where land disputes need to be resolved and on all FASE future demand-driven project activities. The framework is intended for use by all proponents implementing World Bank funded (Category B) projects under the FASE and will be applicable to private and NGO institutions that will utilize FASE funds; and all project activities that fall under the Education and Culture Sector Strategic Plan programme as may be necessary. The RPF is presented in a much more comprehensive manner so as to guide and ensure that all situations of population disturbance resulting from the implementation of the FASE project activities are catered for.

### **2.2.1 Legal Framework**

The Resettlement Policy Framework draws its strength from local legal instruments that exist in Mozambique, specifically the new Land Law legislation No. 19/97. This collection of legislation covers regulation for the key aspects of land occupation and use in Mozambique.

Also covered in the regulation are the various situations of land acquisition, including among others:

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

Article 3, of the Land Law stipulates that in the Republic of Mozambique, land is the property of the State. This is also captured in Article 46 of the Constitution. Consequently, land may not be sold, alienated, mortgaged or attached (distrained).

The Law states however, that although land is owned by the State, all Mozambicans have the right to use and enjoy the land or the right to land use and benefits thereto. Specifically, Article 9 provides for the acquisition of the right of land use and benefit by occupancy by local communities; while Article 10 provides for the right of land use and benefit by occupancy in good faith by national individuals.

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

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

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

The Right of Eminent Domain (Article 86 of the new constitution of Mozambique) says that individuals and entities have the right to equitable compensation for expropriated assets and the right to a new and equal plot of land.

In addition to the Land Law, there are a number of legislations that pertain to land administration in Mozambique. These include the Land Policy, the Framework

Environmental Law, and the National Heritage Protection Law. However, this study has revealed that the provisions in these Acts are not comprehensive enough to accord fair compensation and resettlement arrangements. The following are some of the relevant legislations:

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

- **The Framework Environmental Law** passed by Parliament in July 1997, provides the legal framework for the use and correct management of the environment and its components; and to ensure sustainable development in Mozambique. Among other things, the law (Article 4) states that any citizen who believes his rights have been violated or are under threat of violation may take legal action against the perpetrator. Violation of rights includes personal loss and injury; and the loss of crops and profits. Environmental Management responsibility rests with the Ministry for Coordination of Environment (MICOA) formed in 1994. In 1995 MICOA drew up the National Environmental Management Plan, which among other things, forbids all activities that may threaten biodiversity. The plan also provides for the establishment of Environmental Protection Zones, which may cover land areas and other distinctive features.

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

The provisions of the Land Law support fair land acquisition, compensation and resettlement procedures to be developed and implemented. Hence the Land Law provides adequate legal foundation for the preparation of this Resettlement Policy Framework. However, the other legislative provisions fall short of the necessary provisions to adequately support compensation and resettlement problems. It is expected therefore, that the relevant legislations that must deal with land acquisition will either be reviewed or separate regulations will be promulgated to ensure that land acquisition, compensation and resettlement issues are at par with those contained in the Land Law and the World Bank Policy on involuntary resettlement. However, where currently there are discrepancies between the World Bank's and the Government's requirements, the World Bank policies will prevail.

### **2.2.2 World Bank Policies**

The World Bank's Safeguard Policy OP 4.12 applies to all components of the programme and to all economically and /or physically project affected persons,

regardless of the number of people affected, the severity of impact and the legality of land holding. Particular attention should be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons.

The World Bank's Policy requires that a resettlement action plan is prepared and cleared by the Bank prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to Project Affected Persons is carried out prior to the displacement of people. In particular, possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the Resettlement Action Plan.

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

### **3. LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS**

#### **3.1 Jurisdiction of the Framework**

In implementing this framework, the following will apply: -

- a. Where the landowner has willingly or voluntarily contributed land but is seeking compensation, the assessment for compensation shall be treated as for the case of involuntary land acquisition.
- b. Where land whose owner has freely contributed but is not seeking compensation for it, the assessment for compensation shall only include assets thereon and not land.
- c. Compensation shall be limited to valuations made after the cut-off date. Valuations shall be made immediately after the cut-off date and then again at the time of impact. The higher value of the two shall be used for compensation payment
- d. Compensation for existing schools shall be limited to new land for school and school related services extension, rehabilitation of infrastructure and construction of feeder roads.



e. All land conflicts shall be resolved in a transparent manner and in a manner that is not coercive. Attempts shall be made to resolve conflicts at the village, Traditional Authority (TA) or District level. Where this is not possible, courts of law shall be consulted.

## **3.2 Land ownership in Mozambique**

### **3.2.1 General Land Classification**

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

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

*Total Protection Zones* are areas that are intended for nature conservation or preservation activities and also for State security and defence.

*Partial Protection Zones* include:

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

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

No rights of land use and benefit can be acquired in total or partial protection zones, although special licenses may be issued for specific activities. Hence for the FASE project activities, these areas would not be appropriate.

### 3.2.2 General Land Acquisition, Title, Transfer and Term of Ownership

Land *acquisition* in Mozambique may be achieved through:

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

The Land Law Legislation stipulates that a land *title* shall be issued by the general or urban Public Cadastre Services. However, the absence of title shall not prejudice the right of land use and benefit acquired through occupancy in terms of 3.2.2 a. and b. above. The application for land title shall include a statement by the local administrative authorities, preceded by consultation with the respective communities, for the purpose of confirming that the area is free and has no occupants. Title to local community shall be issued in a name decided upon by the community and individual men and women who are members of the local community may request individual titles after partitioning community land.

The right of land use and benefit can be *proved* by presentation of the respective title; testimonial proof presented by members, men and women of local communities and by expert evidence and other means permitted by law.

Among other modes of land *transfer*, the Land Law permits the transfer of land by inheritance, without distinction by gender.

The *term* of land use and benefit, for the purpose of economic activities, is subject to a maximum term of 50 years, renewable for an equal period upon application. The right of land use is not subject to time limit for the following cases:

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

### 3.2.3 Land Tenure for Schools

Village government has administrative control over the village land and acts as a liaison between the government and the inhabitants of the village. Within villages, use of land is controlled by various committees of village government. At present, the existing schools are operating on their own land. However, if School Management Boards (SMB's) require more land, extension of their existing land or new land, they would have to acquire the land through the village government. According to Article

17 of Chapter IV of the Land Law Regulation, the titling of areas occupied by communities shall comprise:

- Information and dissemination
- Participatory appraisal
- The sketch and its descriptive report
- Feedback and;
- Process of demarcation in accordance with the provisions of Articles 20 and 21 of the Land Law Legislation.

### **3.3 Likely Number and Categories of Affected Persons**

The FASE project activities will comprise of the construction works to new schools and rehabilitation of existing schools and structures for water supply, sanitation and other school related facilities. At the time of preparing this resettlement policy framework, details and extent of the construction works that will take place were not known. Hence the likely numbers of persons who may be affected and displaced during implementation of the FASE project activities could not be accurately estimated. However, the Project Affected Persons (PAPs) or the persons, likely to be displaced economically or physically can generally be categorized into the following main groups:

#### **3.3.1 Affected Households**

A household will be affected if one or more of its members are affected by the FASE projects activities. This will be either in form of loss of property, land or access to services or in any other way by the project activities. Affected household members will include:

- a. Any member of the household whether men, women, children, dependent relatives, friends and tenants,
- b. Vulnerable individuals who may be too old or ill to farm or perform any duties with the others,
- c. Members of the household who cannot reside together because of cultural rules, but depend on one another for their livelihood,
- d. Members of the household who may not eat together but provide house keeping or reproductive services, critical to the family's maintenance; and
- e. Other vulnerable people who cannot participate, for physical or cultural reasons; in production, consumption, or co-residence.

f. Disabled people who may be attached to a particular service center.

In general, the local families live in sets that co-reside sharing production, consumption and domestic farming services on a regular and continuous basis. However, compensation should not be limited to people living together to ensure that even those who may not live together with the rest of the family, for reasons such as polygamy, are include. In addition, all categories of affected persons such as the elderly, the chronically ill and orphans need to be close to health and social services for easy access.

### **3.3.2 Unmarried Women or Female Headed Households**

Unmarried women may depend on sons, brothers, any member of the family or property/business that might have been left by the deceased husband. Resettlement and compensation should allow for such dependent persons.

### **3.3.3 The Elderly**

Elderly persons usually depend on subsistence farming, often benefiting from assistance from family members, to cultivate the farm. Economic and social welfare of these people may be compromised, through loss of dependents and loss of farm land, as resettlement takes place, due to the implementation of the FASE project activities. This group of people therefore, should be adequately compensated to ensure that their means of livelihood is promoted and maintained.

### **3.3.4 Aids Affected and Chronically Ill Persons.**

High percentages of mostly poor people are either living with the HIV or are terminally ill with Aids. Some of these people are beneficiaries of assistance from various health programmes. Resettlement may isolate these people from those that are taking care of them and from the health programmes that they are now able to access. In the assessment of affected persons for compensation, under the FASE, this group of people should not be left out.

### **3.3.5 Orphans**

Due to the AIDS pandemic, a large number of children depend on family members or relatives. Some depend on government health programmes and others engage in small business activities as well as begging. Resettlement and compensation should adequately provide for this group of persons in form of paying for their rehabilitation and training to acquire useful vocational skills. Placing them in children's care homes or children's charities could be one way of adequately compensating them.

### **3.3.6 Small-Scale Farmers**

Small-scale farmers, when moved from places where they have been farming for several years, may find it difficult to open up new farms in an area that has thick vegetation, grass and trees. Labour costs for opening up new farms should be given to them through the Resettlement Action Plan. Prior to opening of new farms, the requirements of the environmental and social management framework must be satisfied.

The categories given above may not cover all types of affected persons. In addition, the categories are not mutually exclusive. It is important therefore that the FASE project activities should have well prepared and comprehensive resettlement action plans that would be specific and comprehensive enough to benefit all the categories of affected persons, through the following and other actions as may be appropriate:

- a. Quick decisions and rapid action on the RAPs' to assist the affected persons timely;
- b. Both individual and collective consultation;
- c. The affected persons should be given the opportunity to participate or to work in the project activities;
- d. Alternative subsistence farming plots (mashambas) should be identified and surveyed following procedures and standards set forth in the environmental and social management framework; and developed and made available to those losing land;
- e. Compensation for loss of crops and trees should be determined at the time of relocation or construction and paid as soon as possible thereafter;
- f. Transitional support, where appropriate, should be given to those moved from their land during construction and re-establishment;
- g. Resettlement should be aimed at improving their livelihood;
- h. Monitoring of the RAP's to ensure that resettlement and compensation is benefiting all the affected persons to improve their livelihoods, in comparison with the preresettlement conditions and;
- i. Technical and financial assistance should be made available to them should they wish to use the grievance mechanism.

## **4. STEPS TO BE FOLLOWED IN LAND ACQUISITION AND RESETTLEMENT**

## **FOR THE FASE PROJECT ACTIVITIES**

Implementation of the project activities, (Components 1, 3 and 5), will include construction of new schools and the expansion/rehabilitation of the existing civil structures. These activities may require land acquisition, leading to people's denial or restriction of access to land resources, services and social amenities. In this case, resettlement action plans, consistent with OP 4.12 and the resettlement policy framework, must be prepared.

### **4.1 The Screening Process**

Once the list of schools, to be included in the construction programme, has been approved by the Ministry of Education and Culture, the process for land acquisition and resettlement must start with the screening process (identification and analysis) of possible and alternative sites for project implementation. The screening process should include, among other things, a baseline study/census of impacted persons to determine the level of impact, assets impacted and to establish the cut-off date.

During screening and indeed during all the other planning and preparatory activities, there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the school projects. The affected persons must be made aware of:

- a. their options and rights pertaining to resettlement and compensation,
- b. specific technically and economically feasible options and alternatives for resettlement sites
- c. process of and proposed dates for resettlement and compensation
- d. effective compensation rates at full replacement cost for loss of assets and services
- e. proposed measures and costs to maintain or improve their living standards.

Detailed activities to take place during the screening of project sites are provided in Appendix 4.

### **4.2 Steps Leading to Preparation of the Resettlement Action Plan**

The screening process is a very important component of several activities that contribute to the preparation of the Resettlement Action Plan (RAP). Preparation and

submission of the Resettlement Action Plan to the relevant authorities comprises of the 10 steps listed below. A flow chart for these steps is provided in Appendix 7

#### Step 1

Describe the project activities to be undertaken for the construction /rehabilitation of the schools and related infrastructure. The activities have to be approved by the relevant authorities in MEC.

#### Step 2

For a new school, the School Management Board must be appointed. For existing schools, it is assumed that a School Management Board is already in place. The Board should be composed of at least 40 percent women.

#### Step 3

The School Management Board will request for suitable land from the Village Administration.

#### Step 4

Using participatory methods, the Village Administration will consult the local communities, within the school boundary area, to identify the required piece of land, using the screening criteria given in Appendix 4. At this stage, the cut-off date will be established.

#### Step 5

If the School Board determines that the site is suitable, based on the screening criteria, the allocated land/site would be acceptable. In this case this process may continue at Step 10.

#### Step 6

If the site does not meet the screening criteria in Appendix 4, the village administration will be advised to allocate another piece of land/site that satisfies the screening criteria. The Local Government Authority (LGA) may have to assist the School Management Board and the Village Administration if requested to do so.

#### Step 7

For situations where resettlement cannot be avoided, OP 4.12 and the Land Law Legislation will apply. In this case, for each parcel of land that has potential PAPs, the cut-off date established at Step 4 above will apply.

#### Step 8

The school committee will request its service providers (including the Cadastre Services) to carry out a socio economic survey, a census and to collect other information about the land area. This will be done to identify the potential PAPs; focusing on the individual household and vulnerable groups and; to calculate their incomes, as the first step in the preparation of the RAP's

#### Step 9

On completion of the socio-economic study and the baseline census, the School Management Board will prepare a Resettlement Action Plan (RAP) for each parcel/site of land that is affected by resettlement and compensation. There will be as many RAPs as the sub project sites and their affected parcels of land. The format and contents of the Resettlement Action Plan are presented in Appendix 5.

The World Bank OP 4.12 article 25 and Annex A provides the basic requirements and contents of the RAP. The RAP's cover elements in Appendix 5 as may be relevant. Where any element is not relevant to the School Board's circumstances, it should be noted in the RAP.

Where the impacts on the entire displaced population are minor, (i.e. affected people are not physically displaced and less than 10% of their productive assets are lost); or fewer than 200 people are displaced, the bank may approve the preparation of an Abbreviated Resettlement Action Plan (ARAP). The format and contents of the ARAP are given in Appendix 6.

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

#### Step 10

The School Management Board then should forward the RAP's, together with the modified designs, to the respective LGAs for screening and approval, in compliance with the local planning laws and MEC institutional and administrative requirements.

All school construction activities that trigger OP4.12 and resettlement plans would be subjected to final approval of the World Bank, to ensure compliance with Banks safeguards. Thus ensuring that land is actually acquired or access to resource is lost, denied, or restricted and that the individual resettlement plans are consistent with this RPF.

For school construction activities that do not have any resettlement issues and do not trigger OP4.12, the provisions of this RPF do not apply and therefore the School Management Board is referred to the Environmental and Social Management Framework ESMF.

### **4.3.3. Public Consultation and Participation**

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



The aim of public consultations at this stage would be to:

- Disseminate concepts for proposed projects with a view to provoke project interest amongst communities, and allay fears about what might happen when the project is under way.
- Determine communities' willingness to contribute in kind towards the implementation of the project, and formulate resettlement options that address the affected people's needs.
- Determine community willingness to contribute towards long term maintenance, when and if required.

## **5. GUIDING PRINCIPLES FOR THE VARIOUS TYPES OF LAND ACQUISITION MECHANISMS**

### **5.1 Previous and Current Land Acquisition Practice for MEC Schools**

For the existing schools, which were established in the 1960's, the government of Mozambique relied on patriotism of the beneficiary communities to provide land. These school projects were implemented without impediment. At that time, when the government required land for development projects, chiefs and other land owners pledged their land as part of the villagers' contribution towards the government initiatives aimed at benefiting the community.

While this land acquisition practice may have had its merits, some landowners were disadvantaged and made poorer. Mostly, the vulnerable people were disadvantaged because they did not have a say in the land acquisition process. The situation was aggravated by lack of capacity on the part of landowner(s) to forward their grievances to those responsible, including the courts of law to, address their grievances.

Currently in Mozambique, there is growing awareness of the obligations on the part of project funding agencies, project implementers as well as the public and the government, to ensure fair practices in land acquisition, payment of compensation and resettlement. This awareness is demonstrated by the resettlement and compensation plans developed for the Mozambique/Secunda Pipeline and the MOZAL aluminium smelting projects. It also became apparent during the stakeholder consultations that National Planning, Lands, Housing as well as Local Government and Municipal Authorities are implementing some kind of Abbreviated Resettlement Plans and Resettlement Action Plans, particularly for large projects.

### **5.2 Proposed Land Acquisition Mechanism**

This Resettlement Policy Framework, for the proposed FASE project activities advocates all measures to minimize the impacts of physical and economic

displacement of people. Therefore when involuntary acquisition of land is required, the FASE project shall:

- a. initially endeavour to utilize available freehold or public land;
- b. seek voluntarily donated land, sufficient for the purposes of the project;
- c. negotiate acquisition of land suitable for implementation of the project activities using agreed compensation plans and;
- d. only as a last resort, acquire land through involuntary means, following the provisions outlined below:

5.2.1 Upon identification of the specific land area to be acquired, the District

District Services of Education, youth and Technology Director (SDEJT) will (through the School Management Board), initiate negotiations with the Village Administration/Heads and their Chiefs, or occupier(s) of customary land, registered proprietor or their representatives.

5.2.2 Inter-department cooperation shall be utilized, wherever necessary, to tap on the expertise and experiences of the various stakeholder institutions.

5.2.3 The School Management Board, in consultation with the Developer, shall prepare actions plans that comply with the provisions of the framework, for implementation of land acquisition and resettlement.

5.2.4 PAPs shall be served with notice, clearly explaining the purpose of the acquisition, the area of land required and the owner's right to compensation, in accordance with the existing law.

5.2.5 In the case of customary land, MEC, through DPEC shall ascertain from the village head, the Land Register or whichever is applicable, in order to determine the person or persons who have the right over that land;

5.2.6 In the case of freehold land MEC, through DPEC shall ascertain the registered owner or owners of the land to be acquired, from the land registers.

5.2.7 MINED, through DPEC shall commission a survey on the land to be acquired. Thereafter a plan shall be prepared and certified to accurately show:

- a. land to be acquired;

b. names of the owners and occupiers of that land as far as they can be ascertained; or in the case of customary land the name of the land owner who is the holder of the right over the land as ascertained by the local chief and other bonafide local residents.

c. Identified local community leaders/representatives to assist in the process of land acquisition

d. estimated magnitude of impacts relative to the need for resettlement and/or compensation and valuation of assets to be compensated for.

e. Financial records to be maintained by the School Management Boards, the LGAs and MEC, to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing:

- Individual biological information,
  - Number of people s/he claims as household or as homestead dependents
  - Amount of land available to the individual or household when the dossier is opened.
- Each time land is used or acquired by a School Management Board; the dossier will be updated to determine if the individual or household/homestead is being affected to the point of economic non-viability and eligibility for compensation/resettlement or its alternatives. These dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

f. Additional information will be acquired for individuals eligible for resettlement and/or compensation. This information will include

- Level of income and of production
- Inventory of material assets and improvements on the land, and
- Debts.

g. proposed compensation offers and draft agreements to be signed by the affected persons and the developer

h. details of the alternative land (if applicable), inclusive of ancillary support services such as transport for physical resettlement, provision of housing, provision of crop starter packs and food support or any other kind of assistance as may be relevant.

i. details of resettlement after-care and assistance, where appropriate

j. available employment opportunities for the PAPs to participate in the project activities

k. Mechanisms for monitoring and evaluation

5.2.8 A copy of such a plan shall be deposited in the Office of the Chief Executive (Local Government) and another at the premises of the local chiefs.

5.2.9 Land acquisition and compensation procedures shall ensure that persons, affected either physically or economically by the project, maintain or improve their livelihood.

### **5.3 Voluntary Land Contribution with Compensation**

Voluntary Land Contribution with Compensation refers to a case whereby individual or communal owners agree to provide land for project-related activities, in return for negotiated compensation. The calculation of compensation due to PAPs shall be done according to the entitlement matrix as presented in Appendix 8.

### **5.4 Voluntary Land Contribution without Compensation**

Individuals or groups may choose to voluntarily contribute their land for use in the project without seeking compensation. Where such donations of land for the school project are made, arrangements should be made to ascertain that:-

- a. The land is indeed voluntarily given and that there is documentation to support the voluntary contribution of the land,
- b. The donor is the legitimate owner of such land or pieces of land; and
- c. The donor is fully informed of the nature of the school project and the implications of donating the property.
- d. If there is any person(s) using the land, such person(s) are entitled to compensation.

MEC, however, should ensure that the following requirements are fulfilled:

- an assessment to ascertain that the affected person does not suffer substantial loss, affecting his/her economic viability as a result of the donation.
- In the case of Customary Land, confirmation should be made by the Village Administration and any beneficiary owners in writing, that the land is free of claims or encroachments from any third party or;
- Deeds of donation should be submitted, witnessed by a person authorized under the oaths, affidavits and declarations of the Lands Acquisition Act. Declaration of ownership with waiver of claims for affected assets should be made.

Any voluntary contribution of land without compensation must be accompanied by a consent form, which includes the name of the land donor/s, and details of the contribution (type, size, location, specified period of use etc. as appropriate). This should be signed by the land donor/s, including the male and female heads of the household involved and/or any person(s) who has rights over the land.

## **5.5 Involuntary Acquisition of Land**

5.5.1 Involuntary acquisition of land and assets thereon including resettlement of people, unless absolutely necessary, shall be avoided. In particular, acquisition of sites of spiritual or cultural/historical significance shall be avoided.

5.5.2 If such involuntary land acquisition is unavoidable then it shall be minimized to the greatest extent possible.

5.5.3 Any plans for involuntary acquisition of land and other assets and provision of compensation shall be carried out in consultation with the persons to be displaced and Local Government Authority including local chiefs in such a manner that ensures minimal disturbance.

5.5.4 The Project affected persons shall participate throughout the various stages of the planning and implementation of the land acquisition, compensation and resettlement plans and processes. Prior to the preparation of the Resettlement Action Plans, the persons to be displaced shall be informed of the provisions of this Framework and their entitlements at public meetings.

5.5.5 The Lands Law Legislation and the Public Roads Act set out in detail, the procedures for the acquisition of customary land and freehold land by Government for the school projects or similar projects. Categories of losses and the resultant impacts on the livelihoods of the project affected persons are spelt out in Appendix 3

## **6. ELIGIBILITY CRITERIA AND CONDITIONS FOR DISPLACEMENT OF PROJECT AFFECTED PERSONS**

### **6.1 World Bank Criteria for Determining Eligibility for Compensation**

According to OP 4.12 of the World Bank, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for persons to be displaced, shall be based on the following:

(a) Persons that have formal legal rights to land, including customary and traditional; and religious rights recognized under the laws of Mozambique. This class of people includes those holding leasehold land, freehold land and land held within the family or passed on through generations.

(b) Persons who do not have formal legal rights to land or assets at the time the census begins; but have a recognized claim to such land or assets through the national and traditional laws of Mozambique. This class of people includes those that come from outside the country and have been given land by the local chief to settle, and/or to occupy in matrimonial society.

(c) Persons who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from. This class of people includes those that settle at a place on semi-permanent basis, or those settling at a place without any formal grant or authority.

Affected persons classified under paragraph (a) and (b) shall be provided compensation, resettlement and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the project. The compensation shall be in accordance with the provisions of this framework and if affected persons occupied the project area prior to the cut-off date (date of commencement of the Census).

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

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

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

## **6.2 Procedures for Payment of Compensation**

Compensation payment shall be made in the following ways: -

- (a) By agreement between the government and the landowner(s):

- The government shall offer such sums deemed adequate as compensation, including replacement cost for lost assets, to that person; and the person may accept that amount as compensation payable to him or her.
- Such sums will be disbursed to the District Administrator (DA) for the district in question for payment to the PAPs. The DA shall maintain a record of PAPs, their claims and entitlements. After payment of such sums, the DA shall document the name(s) of the DP, the amount of compensation and the records of how the compensation was arrived at. A copy of such records shall be made available to the government and local chiefs.

(b) By the court if there is no agreement: -

- If the compensation payable is not agreed upon between the government and the land owner, such compensation shall be determined by the Courts of Law.

A claim shall not be entertained after five years from the date of the proclamation; and or 12 months after the execution of the purpose out of which the claim has arisen in respect of any damage done to the land acquired. Payment of compensation shall strictly be based on results of the census and shall be recorded in the register at the District Administration Office. A copy shall be kept by the Village Administrator for record purposes and future reference.

### **6.3 Mozambican Legislation on Compensation**

Section 2.2.1above provides the general basis for determining eligibility for compensation in accordance with the Land Law Legislation of Mozambique and the current practice used by some of the government institutions. In general, cash compensations are paid based upon market value of the crops. The affected persons are, in some cases, entitled to new housing on authorized land under government housing programmes. Under the customary law, land is given in compensation for land.

Shortfalls in the Mozambican Legislation on resettlement and compensation have been the basis for internationally funded projects to refer to internationally acceptable policies, including the World Bank policies, on resettlement and compensation.

### **6.4 Comparison of Mozambique Law and the World Bank OP 4.12 Regarding Compensation**

Appendix 9 provides a comparison between the Mozambican Law and the World Bank OP

4.12 with regard to compensation.

Based on this comparison, Appendix 8 presents the proposed entitlement matrix designed to assist in the compensation process, by bridging the gaps between the requirements under Mozambican Law and the World Bank OP 4.12. Appendix 8 captures the higher of the two provisions to ensure that PAPs are adequately compensated for loss incurred through the process of displacement. It is to be noted, however that more comprehensive details should be provided in the preparation of the RAPs. In view of the foregoing, all land acquisitions by the School Management Boards for this program would be done subject to the Laws of Mozambique and the Bank's OP4.12.

### **6.5 Conditions to be Followed in Displacement of People**

Where displacement of people is unavoidable, the following conditions shall be followed:

- (a) The entitlement cut-off date shall be determined and agreed upon in consultation with the Village Administration, the School Management Boards and all the stakeholders.
- (b) An estimation of the time likely to be needed to restore their living standards, income earning capacity and production levels shall be prepared
- (c) The estimate shall ensure that the condition of the project affected persons shall be maintained to at least the Project Affected Person's pre-project levels condition;
- (d) The project affected persons shall be provided with development assistance, in addition to compensation measures described in above. This shall include assistance for land preparation, credit facilities, training, or job opportunities, residential housing, or housing sites; or, as required, agricultural sites for which a combination of productive potential, location advantages, and other factors shall be at least equivalent to those of the old site. Assistance to displaced persons during relocation shall also be provided
- (e) project affected persons who encroach on the project area after the cut off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

## **7. NOTIFICATION, VALUATION PROCEDURES AND ENTITLEMENTS**



## **7.1 Notification Procedure**

MEC or through DPEC at the Provinces, by public notice to be published in the Daily Newspapers, notify the public of its intention to acquire land earmarked for projects.

A copy of such notice shall be served to each owner, occupier and person or agent having an interest in the land thereof. The names and addresses of the owners, occupiers and agents shall be readily ascertainable.

The notice shall state:

- (a) Government's proposal to acquire the land;
- (b) The public purpose for which the land is wanted;
- (c) That the proposal or plan may be inspected at the MINED or DPEC offices or in the Office of the District Administration, during working hours;
- (d) That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the MINED with copies to the Provincial Directorate of Education and Culture or to the District Administration, within 30 days of the first publication of the Notice.

## **7.2 Valuation for State Owned Land**

The land asset types identified under Mozambican Law are:

- State Land not within the jurisdiction of a village
- Village Land, including customary rights of villagers.

State owned land may be allocated free or sold on a commercial basis to the School Management Board by the Minister responsible for land administration. For cases where the state-owned land is being used by the public (for instance for grazing, settling or otherwise), the School Management Board would be expected to pay compensation. Privately owned property, would have to be compensated for at the market value. The general guiding principle is that whoever was using the land to be acquired would be provided alternative land of equal size and quality.

## **7.3 Valuation for Customary Land**

The FASE project will often require the use of village land for its project activities. In this case, valuation methods for the affected land and assets should conform to customary laws and land assets would be valued and compensated for according to the following guidelines:

- The School Management Boards would compensate for assets and investments (including labor, crops, buildings, and other improvements) according to the provisions of the resettlement plan.
  - Compensation rates would be replacement cost, as of the date that the replacement is to be provided or at the date of project identification, whichever is higher.
  - The market prices for cash crops would have to be determined.
  - Eligibility for compensation would not be valid for new persons occupying/using the project sites after the cut-off date, in compliance with this policy.
- 
- For community land held under customary law, the permanent loss of any such land will be covered by community compensation, which will only be in-kind. However, since the bank policy on resettlement, OP4.12, makes no distinction between statute and customary rights, a customary land owner, or a user of state owned land will be compensated for land, assets, investments including loss of access, at replacement costs, at the time of the loss or at the time of project identification, whichever is higher.

## **7.4 Calculations for Compensation Payment and Related Considerations**

### **7.4.1 General Considerations**

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

For cash payments, compensation will be calculated in Mozambican currency adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labour.

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

### **7.4.2 Compensation for Land**

Compensation for land is aimed at providing for loss of crop and the labour used to cultivate the crop. The term "Land" refers to an area or homestead in cultivation, being prepared for cultivation, or cultivated during the last agricultural season. This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labor. As a result, compensation relating to land will cover the market price of labour invested, as well as the replacement cost of the crop lost.

#### **7.4.3 Land measurement**

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

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

#### **7.4.4 Determination of Crop Compensation Rates**

Prevailing prices for cash crops would have to be determined. Each type of crop is to be compensated for, using the same rate across the subprojects. This rate should incorporate the value for the crop and the value for the labor invested in preparing new land. Calculating compensation using one rate guarantees uniformity and allows anyone to measure the area of land for which compensation is due and to multiply the area by the one rate known to all. This approach also allows assignment of values to previous year's land (land in which a farmer has already invested labor) and land that has been planted but crops may have not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping.

#### **7.4.5 Compensation Rates for Labour**

The value of labor invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement farm land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

All agricultural labor activities are included for two reasons. The first reason is to ensure uniformity. All land labor will be compensated for at the same rate. Secondly, it

is difficult to forecast when, during the growing season, a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make.

Labor costs will be paid in Mozambican Meticaís at the prevailing market rates. An example of a schedule for calculation of labor costs is given in Appendix 10.

The rate used for land compensation is to be updated to reflect values at the time compensation is paid. An example that derives the total value for a one hectare piece of land, from the value of the crops on the land and the value of labor invested in preparing a replacement land is given in Appendix 11.

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

#### **7.4.6 Compensation for Buildings and Structures**

Compensation for building and structures will be paid by replacing huts, houses, farm outbuildings, latrines and fences. Any homes lost will be rebuilt on the acquired replacement land. However cash compensation would be available as a preferred option for structures such as extra buildings lost, that are not the main house or house in which someone is living. The applicable replacement costs for construction materials will be used to calculate the values. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey and update construction material prices on an ongoing basis.

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

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

An example to demonstrate the calculation of compensation for buildings is give in Appendix 12

#### **7.4.7 Compensation for Sacred Sites**

This policy does not provide for compensation for the use of land defined to be cultural property. This property is also not covered by the Banks Safeguard Policy OP 4.11.

Sacred sites include but are not restricted to: altars, initiation centers, ritual sites, tombs and cemeteries. Sacred sites include such sites or places/features that are accepted by local laws including customary practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, homesteads and village government, the use of sacred sites for any project activities is not permitted under the FASE.

#### **7.4.8 Compensation for vegetable gardens and beehives**

Vegetable are planted for daily use. Until a replacement garden can be harvested, the family displaced (economically or physically) as a result of the project will have to purchase these items on the market. The replacement costs therefore, will be that calculated to be the average amount an average town dweller spends on buying these items for one year, from the local market.

Beehives are placed in various locations by some individuals that specialize in honey gathering. If such beehives are disturbed by the project activities, or access to them is denied, beekeepers may have to move them. The bees will eventually adapt to the new locations. Beekeepers would be compensated for the value of one season's income from honey, for each beehive that is moved and for any reasonable costs associated with moving the hive.

#### **7.4.9 Compensation for Horticultural, Floricultural and Fruit trees**

Trees are primarily important as a source of:

- Subsistence food for families
- Cash that contributes to the local and export economy
- Petty market income in some areas and,
- Shade (in the case of cashew, mango and some coconut trees)
- Traditional medicinal value

Where plants and trees exist on the affected land, the example given in Appendix 13, on Mango trees will serve as a guide on how to value fruit trees and other trees of nutritional, medicinal and other significant economic value. Given their significance to the local subsistence economy, fruit trees will be compensated on a combined

replacement value. Fruit trees such as coconut and cashew trees commonly used for commercial purposes in Mozambique will be compensated at replacement value based on historical production statistics. If households are resettled, they will be compensated for the labor invested in the trees they leave behind. This assumes that they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household/individual chooses to transfer ownership of the trees, transfer costs will be paid in addition to labor costs. The compensation rate will be based on information obtained from the socio-economic surveys. Based on this information, a compensation schedule for cashew, coconut, guava, mango and other trees can be developed, incorporating the following criteria:

- Replace subsistence fruit (e.g. coconut, cashew, guava or mango) production yields as quickly as possible.
- Provide subsistence farmers with trees to extend the number of months of the year during which the fruits (e.g. guavas/mangoes) are produced and can be harvested as a supplemental source of food for their families during their "hunger season".
- Provide farmers with the opportunity to derive alternative income from trees bearing more valuable fruits at off-season periods.
- Provide cash payments to farmers to replace pre-project income derived from the sale of excess guava or mango production until replacement trees produce the equivalent (or more) in projected cash income.

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square metres of surface area removed. The total surface area of the tree will be calculated using the following formula:  $(1/2 \text{ diameter of canopy})^2 \times 3.14$ .

The compensation schedule in Appendix 13 is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income.

#### **7.4.10 Other Domestic Fruit and Shade Trees**

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

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square metres of surface area removed. The total surface area of the tree will be calculated using the following formula as given for fruit trees.

## **7.5 Entitlements for Compensation**

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified in the desk studies and field consultations. The matrix in Appendix 8 will be used in the settlement of claims for compensation for lost assets of PAPs based on the aforementioned principles and legal framework where land is involuntarily taken. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be given to PAP households and not individuals.

In dealing with compensation, preference shall be given to land based resettlement strategies for Project Affected Persons whose livelihoods are land-based. If land is not the preferred option for the project affected persons, the provision of land would adversely affect the sustainability of the project. Where sufficient land is not available at a reasonable price, non-land based options built on opportunities for employment or self re-employment should be provided in addition to cash compensation for land and other assets lost. However the lack of land shall be documented and justified.

In addition to these entitlements, households who are found in difficult situations and are at greater risk of impoverishment (i.e. widowed household heads, households without employment, single parent households etc) as identified by the census will be provided with appropriate assistance by the project through the School Management Boards. The District Administration shall furnish MEC with the necessary information. Assistance may be in form of food, temporally accommodation, medicine subsidy, employment referrals or priority employment in project activities. The assistance is meant to help them cope with the displacement caused by the project.

## **8. PROCEDURE FOR DELIVERY OF COMPENSATION**

Compensation and resettlement activities will be funded like any other project activity eligible under the FASE. Funding would be processed and effected through the School Management Board's financial processing arrangements.

The compensation process, which will involve several steps, would be in accordance with the individual School Management Board's Resettlement and Compensation Plans and would be delivered as follows:

### **8.1 Consultation and Public Participation**

Consultation and public participation with the PAPs will initiate the compensation process. This consultation and public participation will be part of an ongoing process that would have started at the planning stage; and would have continued through the technical design inception and development, land selection and screening stages. This

trend will ensure that all affected individuals and households are well informed and adequately involved in the entire process.

## **8.2 Notification of Land Resource holders**

Those who hold title to the land resources would be informed through the process in 7.1 above. Where there are clearly no identified owners or users, the respective Regional Lands Board, District Administration and the Traditional Leaders will notify the community leaders and representatives to help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives. In addition, representatives of traditional leaders, religious leaders, other elders and individuals who control pastoral routes, fishing areas, indigenous tress, or beehives and hunting areas will ascertain localities of these sensitive areas.

## **8.3 Documentation of Holdings and Assets**

The Provincial Lands Board, the District Administration and Traditional Leaders and officials of the School Management Board will arrange meetings with affected individuals to discuss the compensation process. For each individual or household affected, officials of the School Management Board will complete a compensation dossier containing necessary personal information on:

- a. the affected party including household members,
- b. total land holdings,
- c. inventory of assets affected, and
- d. information for monitoring their future situation.

This information will be confirmed and witnessed by the Provincial Lands Board, District Administration and Traditional Leaders or their representatives. The dossiers will be kept current and will include documentation of pieces of land that are to be surrendered. All claims and assets will be documented in writing. Such baseline information is necessary for monitoring.

## **8.4 Complaints and Grievances Mechanisms**

### **8.4.1 Objections**

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and households would have



been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and will be administered as far as possible, at local levels to facilitate access by PAPs.

The School Management Board being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, all grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the Village Government assisted by the District Administration.

All attempts should be made to settle, grievances amicably. Those seeking redress and wishing to state grievances would do so by notifying their Village Government. The Village Government will inform and consult with the School Management Board and the LGAs to determine validity of claims. If valid, the Village Government will notify the complainant and s/he will be assisted. If the complainant's claim is rejected, the matter shall be brought before the LGA's for settlement. The decision, of the LGAs would be final and all such decisions must be reached within a full growing season after the complaint is lodged.

It has to be noted that in the local communities, people take time to decide to complain when aggrieved. Therefore, the grievance procedures will give people up to the end of the next full agricultural season, after surrendering their assets, to allow for enough time to present their cases.

The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to the Tribunal for resolution.

Compensation and resettlement plans (contracts) will be binding under statute, and will recognize that customary law is the law that governs land administration and tenure in the rural/village areas. This is the law that most Mozambicans living in these areas, are used to and understand.

All objections to land acquisition shall be made in writing, to the MEC or to DPEC within 20 days after the public notice; or through a formal complaint lodged via the Traditional Authority and District Administration.

The local chiefs shall maintain records where grievances and complaints, including minutes of discussions, recommendations and resolutions made, will be recorded.

#### **8.4.2 Consensus, Negotiations and Conflict Resolution**

Consensus and negotiation are central to addressing grievances. In generally, people are aware of their rights, their commitments to the country as citizens and their

allegiance to village and family issues. For this reason, many Government funded community projects have been implemented without obstacles from project affected persons.

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

(a) Negotiation and agreement by consensus will provide the best avenue to resolving any grievances expressed by the individual land owners or households affected by community projects. These grievances shall be channelled through the Local Chiefs.

(b) MEC should ensure that any consensus is achieved freely by the main parties involved. The general public should be advised clearly by the MEC or the relevant government representative as to who is responsible for the activity and the procedure for handling grievances or compensation claims.

(c) Grievances should be addressed during the verification and appraisal process. If a suitable solution is not found, the School Management Board shall defer consent of the project and the concerned project activities shall not be allowed to proceed.

(d) Grievances for which solutions have not been found should be referred back to the community for discussion where the Local Chiefs and District Administration will redress the matter of concern to assist the claimants. The mediation process will be implemented according to traditional methods of mediation/conflict resolution. The resolution will then be documented on the relevant consent forms and verified.

(e) If an agreement cannot be reached at community level the aggrieved party or parties shall raise their concerns with the MEC team who shall refer them to the respective District Administration, within 20 days of the verification meeting. Grievances that cannot be resolved at the district level shall be officially referred to DIPLAC-CEE or DPEC with copies to District Administration. Should grievances remain unresolved at this level, they can be referred to a court of law.

### **8.5 Agreement on Compensation and Preparation of Contracts**

All types of compensation are to be clearly explained to the individual and households involved. The respective School Management Board will draw up a contract listing all property and land being surrendered; and the types of compensation (cash and/or in-kind) selected and agreed upon. Those selecting in-kind compensation will sign an agreement form, which will be witnessed by the Village Management Committees' Representative. The compensation contract and the grievance redress mechanisms shall be read aloud in the presence of the affected party and the representative of the

Provincial Lands Board, District Administration and the Traditional Leaders, prior to signing.

## **8.6 Community Compensation Payments**

Community compensation will be paid in-kind only for a community as a whole. This will be in the form of reconstruction of the facility to at least the same or better standard and as required by local planning regulation. Examples of community compensation include:

- a. School Building (public or religious)
- b. Public Toilets
- c. Well or Pump
- d. Market Place
- e. Road
- f. Storage warehouse.

Community compensation may in itself require land-take and people may be affected thereby requiring compensation.

All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, the traditional leaders and their officials; and representatives of the local government administration.

## **9. BUDGETARY IMPLICATIONS AND FUNDING**

Funds for implementing inventory assessments as well as land acquisition and resettlement action plans will be provided by MEC. In general, the cost burden of compensation will be borne by the executing agencies such as government ministries, NGO's and the private service providers as may be appropriate.

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. MEC would have to finance the resettlement compensation because they are the parties who would be impacting on the livelihoods. Disbursements based on budgetary requirements, established by the RAPs in consultation with PAPs and local chiefs, will made through the relevant District Administration.

At this stage, it is not possible to estimate the likely number of people who may be affected. This is because the technical designs and details have not yet been developed and the land needs have not yet been identified. When this information is available and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data would be available. Such information will

facilitate the preparation of a detailed and accurate budget for resettlement and compensation.

The School Management Board will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the FASE. This budget will be subject to the approval by MINED.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative comprehensive budget, highlighting key elements that the budget must contain. Such an indicative comprehensive compensation budget is provided in Appendix 14.

## **10. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS**

### **10.1 Institutional Arrangements**

The Ministry of Education (MINED) through DIPLAC-CEE, shall make every effort to ensure that no land is acquired against the will of the person(s), exercising rights over their land. In the event that land acquisition is unavoidable, it shall be done according to the process outlined in this framework.

The overall responsibility for the implementation of this Framework is under the DIPLAC-CEE. The DIPLAC-CEE, will ensure that the framework is publicly disseminated and that project staff has the requisite skills and knowledge and, where necessary, appropriate training to implement the framework should be provided.

The District Administration (including District Services of Education, youth and Technology) shall take responsibility for implementation of the Framework at District Level, with assistance from other line district directors in the affected ministries, which will include the Ministry of Lands and Valuation, the Ministry of Water Development, the Ministry of Housing, the Ministry of Local Government, and the Ministry of Agriculture and Rural Development. The District Administration will be responsible for monitoring the resettlement and compensation plans drawn up for the PAPs.

The District Administration, with assistance from the District Services of Education Youth and Technology will assume the role of implementation of the plans, resettlement and compensation. They will work closely with the Village Government to ensure that the resettlement and compensation contracts signed by PAPs are timely executed and that the interests of the PAPs are protected. The District Administration will also be responsible for collection of data for updating the database.

The District Administration must take into account other World Bank related safeguard policies such as OP/BP 4.01 (Environmental Assessment) OPN 11.03 (Cultural Property), OP/BP 4.10 (Indigenous Peoples), OP 4.36 (Forestry) and OP 4.04 (Natural Habitats), in implementing the provisions of this framework.

NGOs may, where appropriate and necessary, be periodically engaged for the independent monitoring of the resettlement and compensation plans and shall report any deviations from the planned activities to DIPLAC-CEE. The NGO's shall be responsible for funding their activities except for cases where a special contract agreement has been entered into with the client.

All the agencies above will need to be oriented to the elements of the RPF and the resulting RAPs, and their implementation and monitoring. The Government of Mozambique will make available resources for this purpose. A detailed budget of the implementation of the RAP will include this training activity.

## **10.2 Land Acquisition and Resettlement Process Implementation**

### **10.2.1 Resettlement Action Plans**

DIPLAC-CEE shall make sure that following the census, a comprehensive Resettlement Action Plan is prepared for each project activity that triggers resettlement.

In this undertaking, the DIPLAC-CEE may employ the ministry responsible for lands or a private consultant to provide valuation services required for the RAPs. This assignment shall be financed by the MINED.

In case of involuntary resettlement, approval of the new pieces of land to be used for resettlement shall be sought from the Government in consultation with local communities.

The process of preparing the resettlement action plans, in line with the requirements of Section 5.2.7 above, will involve the following: -

- Establishment of the cut of date and carrying out of a census to identify project affected persons
- The census will generate information about the Project affected persons, their entitlements regarding compensation, resettlement and rehabilitation assistance as required;
- Disturbances, especially those affecting income-earning activities, should be properly recorded for the sake of compensation or replacement in case of resettlement.

- Based on the census and inventory of losses, and in consultation with the Project affected persons, a time phased action plan with a budget for provision of compensation, resettlement, and other assistance as required, shall be prepared.

To ensure transparency of procedures, Project affected persons shall be informed of the method of valuation employed to assess their assets. All payments of Compensation, Resettlement Assistance and Rehabilitation Assistance, as the case may be, shall be made in the presence of the Project Affected Person in question and the local chiefs.

### **10.2.2 Public Consultation and Participation**

Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the program activities. This reduces the likelihood for conflicts between and among PAPs and with the management committees.

In recognition of this, particular attention should be paid to public consultation with potentially affected individuals, households and homesteads (including host communities) when resettlement and compensation concerns are involved.

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

- project inception and planning
- screening process
- socioeconomic study,
- preparation of the School Development Plans
- resettlement and compensation planning
- drafting and reading/signing of the compensation contracts.
- payment of compensations
- resettlement activities and
- implementation of after-project community support activities

Public participation and consultation should take place through meetings, radio programs, request for written proposals/comments, completion of questionnaires/application forms, public readings and explanations of the project ideas and requirements. Public documents should be made available in appropriate languages at the National, local and homestead levels and at suitable locations including the official residences/offices of Village Governments and village elders. Public consultation measures should take into account the low literacy levels prevalent in the rural communities, by allowing enough time for discussions, consultations, questions, and feedback.

### **10.2.3 Time Frames**

The following key timeframes shall apply unless otherwise agreed between the MEC and the recipient; provided however, that no agreement to waive the timeframes shall adversely affect the rights or interests of Project affected persons under this Framework:

- The inventory shall be completed at most four months prior to the commencement of work.
- The Resettlement Plan shall be submitted to DIPLAC-CEE for approval immediately after completion of inventory
- Compensation, resettlement and rehabilitation activities shall only commence after the MINED and the persons to be displaced have accepted the Resettlement Plan.

Comprehensive time frames shall be drawn up and agreed upon by all parties including the PAPs.

Compensation payments for acquired land and affected assets, resettlement of households and documentation/validation of voluntary land donations, as described above, must be completed as a condition for taking away of land and before commencement of the civil works under the project.

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

### **10.3 Linking Resettlement Implementation to Civil Works**

PAPs will need to be compensated, in accordance with this Resettlement Policy Framework, before any project activity is implemented.

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

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

In the Implementation Schedule of each RAP (Section 17 of appendix 5) precise details on resettlement and compensation must be provided. Similarly, the ARAP section on Arrangements for Monitoring and Implementation (Section 5 of Appendix 6) must provide a schedule for details on resettlement and compensation. In both of these sections, the schedule for the implementation of activities, as agreed between the School Management Board and the PAPs must include:

- target dates for start and completion of civil works,
- timetables for transfers of completed civil works to PAPs,
- dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and for payments of all compensation) and,
- how these activities are linked to the implementation of the overall sub project.

When approving recommendations for resettlement during screening, LGAs must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this policy. Proper timing and coordination of the civil works should ensure that no PAP or household would be displaced (economically or physically) due to civil works activity, before compensation is paid and before resettlement sites with adequate facilities are prepared and made available to the affected individual or homestead. Once the resettlement plan is approved by the local and national authorities, it should be sent to the LGA, Provincial and National MEC offices for final review and verification.

## **11. RESETTLEMENT AND COMPENSATION IMPLEMENTATION AND MONITORING PLANS**

### **11.1 Implementation Plan**

In order to effectively implement the resettlement and compensation activities, there will be need to prepare an implementation plan. The School Management Board, in consultation with the PAPs, the Village Government and the District Administration, should prepare the implementation plan.

The plan should provide a detailed list of activities to be implemented during all the stages of planning, compensation, resettlement and after resettlement. In addition, the activities listed in the plan should have agreed time frames and persons/institutions responsible for implementing the activities. An example of a Resettlement and Compensation implementation Plan is given in Appendix 15.

The land acquisition and resettlement implementation plan shall be supervised by the School Management Board (SMB), based at the district. The SMB shall follow the implementation plan and record their observations for reporting regularly to DIPLAC-CEE. Copies of their report will be sent to the District Administration in the respective districts and to the parent ministry. The report shall include:



- (a) Confirmation and verification that all the baseline information has been captured and that the valuation of assets and provision of compensation and other entitlements have been carried out in accordance with this framework;
- (b) Verification and follow-up meetings to ensure that resources for implementation of the resettlement and compensation plan are timely provided by the MEC in accordance with respective agreed plans;
- (c) Records of all grievances and resolutions made, for reference as well as for ensuring that they are dealt with on time; and
- (d) Records of people compensated or resettled, with confirmation that the resettlement plans have been fully implemented to the satisfaction of the PAPs.

Reporting on the implementation of the Land Acquisition and Compensation Plan will form part of the quarterly reporting by the school management team to DIPLAC-CEE.

Some compensation procedures and rates may require review and revision during the program cycle. The School Management Boards, the District Administration and DIPLAC-CEE, will implement the changes by referring to the Monitoring and Evaluation manuals of the program. Completing these manuals will require feed back from:

- Indicators monitored by the local and regional governments to determine whether goals are being met, and
- grievances statistics of the local community expressing dissatisfaction about the implementation of compensation and resettlement activities.

## **11.2 Monitoring Plan**

In order to assess whether the goals of the resettlement and compensation plan are met, a monitoring plan will be required. This monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions, necessary to carry out the monitoring activities.

The arrangements for monitoring the resettlement and compensation activities would fit the overall monitoring programme of the entire FASE, which would fall under the overall responsibility of DIPLAC-CEE. DIPLAC-CEE will institute an administrative reporting system that:

- (a) alerts project authorities to the necessity for land acquisition in the project activities design and technical specifications;
- (b) provides timely information about the asset valuation and negotiation process,

(c) reports any grievances that require resolution,

(d) documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses, as well as unanticipated, additional construction damage.

(e) updates the database with respect to changes that occur on the ground as resettlement and compensation activities are being implemented.

Annual evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the sub project activities; and whether the PAPs enjoy the same or higher standard of living than before.

A number of objectively verifiable indicators (O V I's) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for different RAPs or ARAPs will have to be developed to respond to specific site conditions. As a general guide, Appendix 16 provides a sample of monitoring indicators.

This framework is suggesting that where appropriate and where it is determined to be cost effective, the office of the District Administration is structured to host the M&E component of the project/program. This would take the form of giving the districts the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the program life. Their report would then be sent to the LGAs and DIPLAC-CEE, and the School Management Boards and become part of the official documents of the program.

Independent monitoring can be arranged from time to time to validate the programme implementation. During the consultations held for the study, it was established that an Advocacy NGO, by the name of Livaningo has been involved in independent monitoring of the compensation and resettlement activities of Sasol and MOZAL. Involving such type of an NGO to carry out independent monitoring will enhance the openness and transparency of the compensation and resettlement programme. MEC would have to approve participation of NGO's in independent monitoring activities, depending on their requirements. Participation of NGO's, as was the case in the example given above, would be funded by the NGO's themselves, using their own resources; unless under special funding and participation arrangements to be approved by MINED

## APPENDIX 1 - Institutions of MEC/DIPLAC Proposed for Construction and Rehabilitation under FASE

Nº	Region	Province	Project Activity	Name of School	Sub System	Education Level	Courses Administrated
1	North	Cabo Delgado	New Construction	Mueda Secondary School	Secondary Education	ESGII	Construction, Carpentry, , locksmithing, Agriculture Construction, Carpentry, , locksmithing, Agriculture
	North	Niassa	New Construction	Macalodje Secondary School	Secondary Education	ESGI	
	North	Niassa	New Construction	Lichinga Secondary School	Secondary Education	ESGI	
	North	Nampula	Rehabilitation	Marere Teachers Training Institute (IFP)	Teachers Training	Medium	
2	Center	Tete	New Construction	Tsangano Secondary School	Secondary Education	ESGI	Construction, Carpentry, Locksmithing and Agriculture
	Center	Manica	New Construction	Machaze Technical and Professional School	Technical and Professional Education	Basic	
	Center	Sofala	Rehabilitation	Inhamizua Teachers Training Institute (IFP)	Teachers Training	Medium	
3	South	Maputo	Construction and Requalification	Salamanga Secondary School	Secondary Education	ESGI	

**Note:** Activities presented in this appendix refers to the projects for the period 2008. Future projects not known at the time of preparation of the RPF.



**APPENDIX 2 - Table for Prices Used to Compensate for Loss of Trees**

<b>Type of plant or tree</b>	<b>New/Small</b>	<b>Medium</b>	<b>Large</b>
Cashew Tree			
Mango Tree			
Papaya Tree			
Orange Tree			
Lemon Tree			
Banana Tree			
Avocado Tree			
Coconut Palm			
Eucalyptus			
Sugar Cane			
Guava Tree			
Peach Tree			
Passion Fruit Tree			
Forest Tree (indigenous)			
Cassava			
Peas			

All prices are in dollars at the exchange rate of 24, 500 Meticaís to the Dollar

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

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

Large refers to trees that are above 5 years old.

**APPENDIX 3 - Categories of losses and their impacts on project affected persons**

<b>Loss Category</b>	<b>Social Impacts</b>
Relocation	Impoverishment, disturbance of production systems, loss of sources of income, loss or weakening of community system and social networks, loss of access to social amenities such as hospitals and schools, water; dispersion of kin groups, loss of cultural identity and traditional authority, loss or reduction of potential for mutual help, emotional stress.
Loss of land but no relocation	Impoverishment, loss of sources of income and means of livelihood, Loss of assets or access to assets, increased time to access resources
Alienation due to neighbors being relocated	Impoverishment, weakening of community systems and social networks, loss of mutual help and community support , loss of traditional authority, Loss of identity and cultural survival, emotional stress
Hosting PAPs	Impoverishment, loss of sources of income, reduced time and access to resources such as hospitals and schools, water, increased time to access resources, Disruption of social fabric, increased crime, increase in diseases such as STDs and HIV/AIDS, Clash of cultural and religious beliefs and cultural norms

#### **APPENDIX 4 - Screening Criteria for Sites for the FASE Project Activities**

During the screening for possible sites for new schools and institutions, the School Management Board will request from the Village Administration, suitable and appropriate land, in the area proposed for location of the new school. Using participatory methods, the Village Administration will consult with local communities within the school boundary area, to select the required land to allocate to the School Board, using the following criteria:

- 1) The site should not be within an environmentally sensitive area
- 2) There should be a sustainable source of potable water within 1 km. of the site
- 3) The site should be at least 20, 000 m<sup>2</sup> in size or large enough to accommodate the building plan for a new school.
- 4) The site owners and/or users, if any should be consulted and invited to participate in the meetings and activities of the local community regarding the school
- 5) The School Board must be able to secure legal title to the land
- 6) The outer boundaries of the site should be clearly marked and the sides should be measured and recorded.
- 7) There should not be any natural or man-made features on the site (e.g. swamps water pipes, gullies, bedrock, flood plains and rock falls) to obstruct construction or to pose danger to people or building structures.
- 8) The site should be clear of natural or man-made features (e.g. Steep cliffs, electricity pylons etc), within 100 meters, that could pose danger to students once the school is established.
- 9) The site must conform to the local development plan for the area or district.
- 10) The site should not lead to either the physical displacement of people, loss of their shelter, loss of assets, loss of income sources or means of livelihood, or the loss, denial or restriction of people's access to economic resources. If it does impact on any one of these, another site should be chosen. If it is not possible to locate another suitable site, OP 4.12 is triggered and those affected must be compensated, consistent with this RPF.

## **APPENDIX 5 - Main Contents of the Resettlement Action Plan**

- 1) Description of the project
- 2) Potential impacts
- 3) Objectives
- 4) Socio-economic studies
- 5) Legal framework
- 6) Institutional framework
- 7) Eligibility
- 8) Valuation and compensation for losses
- 9) Resettlement measures
- 10) Site selection, site preparation and relocation
- 11) Housing infrastructure and social services
- 12) Environmental protection and management
- 13) Community participation
- 14) Integration with host population
- 15) Grievance procedures
- 16) Organizational responsibilities
- 17) Implementation schedule
- 18) Cost and budget
- 19) Monitoring and evaluation

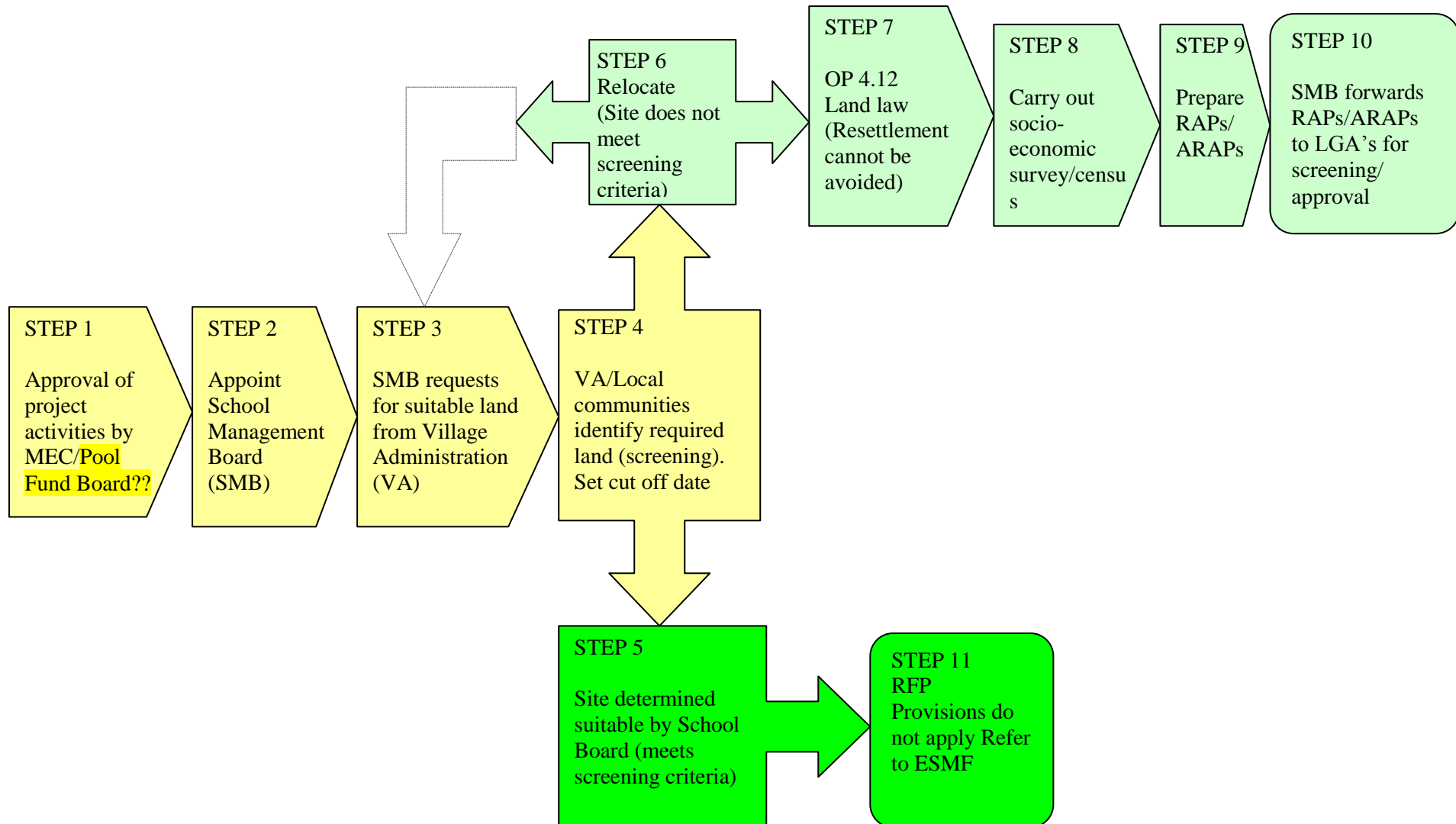


## **APPENDIX 6 - Contents for Abbreviated Resettlement Action Plan**

- 1) Census of project affected persons and valuation of assets.
- 2) Description of compensation and other resettlement assistance to be provided.
- 3) Consultations with displaced people about acceptable alternatives
- 4) Institutional responsibility for implementation and procedures for grievance redress.
- 5) Arrangements for monitoring and implementation and,
- 6) A timetable and budget



## APPENDIX 7 - Steps Leading to Preparation of the Resettlement Action Plan



## APPENDIX 8 - Entitlement Matrix for Various Categories of PAPs

Category of PAP	Type of Loss	ENTITLEMENTS		
		Compensation for Loss of Structures	Compensation for Loss of land and other Assets	Compensation for Loss of Income/Livelihood
Property Owners (including those covered by customary law)	Loss of Land	Costs at full replacement value	Land replacement at new site, plus land clearing by the project	-Cash compensation for crops/trees at replacement cost in scarce season -Allow sufficient time to harvest crops
	Loss of Structures Residential or Business	Compensation at full replacement value (not depreciated).	(Fences block work, wire, and wood) Wells Stores Waste, water facilities Connection to utilities Access roads	<b>For lost income from rented property:</b> Lump sum cash payment of agreed number of months of rental per tenant.
	Socio-economic and cultural identity			-Disturbance assistance, shifting and relocation costs -Rehabilitation assistance, skills training and other development activities to be provided in coordination with other government agencies; if the present means of livelihood is no longer viable and if the PAP/DP will have to engage in a new unfamiliar income generating activity -Arrange for assistance from host communities
Residential Tenant: Business Tenant	Loss of rental accommodation	No loss of structure, no entitlement to housing at new site.	Replacement costs for non-movables.	-Disturbance assistance. -Transportation assistance, if relocating -Rental for a few months
	-Loss of Premises	None	Replacement costs for non-movables if installation was agreed with owner.	None

Category of PAP	Type of Loss	ENTITLEMENTS		
		Compensation for Loss of Structures	Compensation for Loss of land and other Assets	Compensation for Loss of Income/Livelihood
	-Loss of business	None	None	For loss of business, payment of lost income at an agreed rate (say payment of six months of past year average turnover)
Encroachers (using Land)	Loss of shelter, assets and land for cultivation where applicable	Cash compensation for assets/improvements as identified by the census on the affected land.	Where possible assistance in securing other access to land for growing crops, subject to approval of local Authorities/communities	-Cash compensation for trees/crops at replacement cost in scarce season. -Allow for sufficient time to harvest crops -Allow for sufficient time to relocate -For street vendors on right of ways allow possible access to other sites/locations
Squatters (living on Site)	Loss of Shelter	-Compensation at full replacement value for structure, -relocation to resettlement site, with payment of site rent.	None	-Payments in lieu of wages while rebuilding -Disturbance assistance -Transport assistance if relocating
Community	Public facilities	-Compensation at full replacement value for structure, -relocation to resettlement site, with payment of site rent.	-Land replacement at new site, plus land clearing by the project -Waste facilities, connection to utilities and provision of access roads	-For loss of business, payment of lost income -Provision of alternative temporary facilities during construction, where appropriate.

*Note: All payments to be made in Mozambique Meticaís.*

### APPENDIX 9 - Comparison of Mozambican Law and World Bank OP 4.12 regarding Compensation

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. -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,

## APPENDIX 10 - An example of a Schedule for Labor Costs for activities on Replacement Land

The following table presents an example of a compensation schedule for a one-hectare piece of land. The Mozambican labor rates in Meticaís, will need to be validated at the time payments, are made.

Activity	Month Paid (may be different depending on climate zones)	Labor in Mozambican Meticaís/ha (Daily Rate) x (Number of days)
Land Clearing	March	
Ploughing	May	
Sowing	May	
Weeding	May	
Harvesting	November	
Total		

### APPENDIX 11 - An Example of a Schedule to be Used to Determine Monetary Compensation For Land Use

Item Compensated	Basis of Calculating Value	Mozambican Meticaís/ha
Value of Crops	Average of the highest current official and market survey of prices per ha of staple food crops (maize, rice etc.), plus value of cash crops (e.g. sugar cane, corn).	
Labor Invested	Labor costs of preparing the land and tending the crop.	
Total	Replacement value of crops plus labor	

\* Note: Mozambican currency payments will be revised to reflect crop values and labor rates applicable at the time of compensation

Crop values will be determined based on a combination of staple foods and cash crops.

The value of staple crops to be taken as the highest market price (over 3 years) reached during the year, in recognition of these factors:

- Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of-the market price.
- Farmers most often purchase cereals when they have run out, during the "hungry season" when prices are high. Compensating at a lower value might put the individual or household at risk.
- Averaging the highest price of staple foods yields a high per ha value that reimburses for the vegetables and other foods that are commonly intercropped with staples, but are almost impossible to measure for compensation.



## APPENDIX 12 - Example of a schedule for Calculation of Compensation for Buildings

Structure	Material/Description	Unit	Quantity	Unit Cost (MT)	Total Cost(MT)
House	Raw or baked bricks	1000			
	Straw	Bundle			
	Tin roofing sheets	No.			
Kitchen	Open, closed	No.			
Stables/ sheds/pens	Cattle, goat, sheep, donkey, other	No.			
Coops	Chicken, duck, other	No.			
Fence	Straw	Bundle			
	Poles	No			
	raw /baked bricks	1000			
	cement blocks	No			
Private bathing	raw /baked bricks	1000			
	Straw	Bundle			
Latrine	Lump Sum	No.			
Open well	Internally lined with concrete rings and provided with a hand driven pump.	Sum			
Storage buildings	Cement/sand block walls with thatched roof on z-profiled metal sheets.	Sum			
Sun screen open huts/shades	Similar to those replaced, on thatched roof on wood poles.	Sum			

- Note : Buildings and structures will be replaced by an equivalent structure or, on an exceptional basis cash and/or credit will be paid based on replacement costs
- : Replacement latrines will be similar to those currently operational and financed by the bank or other donor agencies at health centers, schools.
- : Detailed schedules will be different, based on the specific Census surveys

### APPENDIX 13 - Example for Calculating Compensation for Fruit Trees

<b>Local Fruit Trees, e.g. Cashew, Coconut, Guava and Mangoes</b>	
Estimated Avg. Fruit Yield (kg) of mature tree	800 to 1,300 kg/year
Estimated Yield used	Ten sacks (1, 000kg)/tree/year
Market Price: • Peak of harvest season (March/April) • End of season (late May)	Meticais/kg Meticais/kg
Price used as basis of this estimate	80% height of season; 20% end of season
Years to Production	Six to seven
Years to Maximum Production	Twenty
Costs of Sapling	Meticais, locally available
<b>Grafted Fruit Trees, e.g. Mangoes</b>	
Estimated Avg. Fruit Yield (kg) of Mature tree	800 to 1,300 kg/year
Estimated Yield used	Almost entire yield due to market value
Market Price, (varies according to variety) . • Height of harvest season (June/September)	Meticais/kg
Price used as basis of this estimate	Price per fruit or sac (100kg) as quoted by grower
Years to Production	Four to five
Years to Maximum Production	Eight
Costs of Sapling	Meticais, not locally available.

Proposed schedule for fruit (e.g. Coconut, Cashew, Guava or Mango) trees cut down			
Average age of tree	Estimate age (yrs)	In kind replacement for local guava and mangoes	Credits/Financial support
Sampling Trees planted after project cut-off date in area will not be eligible for compensation	0-1	<b>Deliver to farmer:</b> -Choice of two guava or mango trees - (local and/or improved grafted) <b>-Supplies:</b> fencing to protect, tree, a bucket for watering and a spade	Meticais
Sampling/young tree	1-6	Deliver to farmer	Equivalent of x no.
First minor production 12-50 fruits occurs about age 4-5		-Choice of two guava or mango trees. -(local and/or improved grafted) <b>-Supplies:</b> fencing to protect Tree, a bucket for watering, and a Spade	Meticais in credits or other financial support for labor invested in planting, fencing, and watering, made in one payment.
Guava/Mango Trees Fruit Producing	6-30	Deliver to farmer: -Choice of two guava or mango trees -(local and/or improved grafted) - Supplies: fencing to protect Tree, a bucket for watering, and a Spade	Equivalent of X no. Meticais in credits or other financial support for labor invested in planting, fencing, and watering, made in one payment. Equivalent of X no. Meticais in credits or other financial support, representing eight years, (8 years x 10 sacks x X Meticais/sack) lost income/subsistence until replacement trees begin production. This rate to be agreed by farmers. Total: Equivalent of X no. Meticais in cash or equivalent financial support to be paid in one installment.
Mature Trees -Low or Non-Fruit Producing	30+	Same as for mature trees above	Same as above

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square meters of surface area removed. The total surface area of the tree will be calculated using the following formula:  $(\frac{1}{2} \text{ diameter of canopy})^2 \times 3.14$ .

#### APPENDIX 14 - Contents of a Comprehensive Compensation Budget

#	Item	Costs (in Meticaís)*	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on cost realized in projects involving similar issues in Mozambique.
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labor invested and cost of crop based on average of highest price of staple food crops as per methods described in Appendix 7.2 above
3	Compensation for loss of access to pastoralists	<i>N/a</i>	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	Say, /fishmonger	Data provided from revised socio-economic study will determine market values of catch for fish.
5	Compensation for Buildings and Structures		This compensation would be in-kind. The new buildings would be built and then given to those affected. Cost based on basic housing needs for a family of ten, including house with four bedrooms, ventilated pit latrines, outside kitchen and storage.
6	Compensation for Trees	/year/tree	Based on methods described in Appendix 7.4 above.
7	Cost of Relocation Assistance Expenses	/household	This cost is to facilitate transportation, etc.
8	Cost of Restoration of Individual Income	Say	Assumed to be higher than the GDP/capita.
9	Cost of Restoration of Household Income	Say	Through employment in Program Activities.
10	Cost of Training Farmers, pastoralists and other PAPs		This is a mitigation measure, which seeks to involve those affected by the project activities.

\* These costs are to be confirmed during the socio-economic study and revised at the time the payments are made

## APPENDIX 15 - An Example of Land Acquisition and Resettlement Implementation Plan

Item No	STAGE OF WORK	KEY ACTIVITY	Time	Responsible Person/Institution	Monitoring Institution
1.0	Project Planning	Setting up an effective administrative reporting system		MEC/DIPLAC	MEC/DPEC/LGA
		FASE Project concept/objectives studied and understood by key stakeholders		School Mgt Board	MEC/DIPLAC
		Resettlement Policy Framework discussed with stakeholders		MEC/DIPLAC	MEC/DIPLAC/DPEC
		Project authorities and stakeholders alerted on the necessity for land acquisition and resettlement.		School Mgt Board	MEC/DIPLAC
		Formation of National District and Village implementation Committees		School Mgt Board	MEC/DIPLAC
		Community involvement, sensitization and participation initiated		School Mgt Board	District Admin
2.0	Land acquisition	Community involvement, sensitization and participation		District/Village Govt.	MEC/DIPLAC
		Screening of project sites indicating areas of possible resettlement		LGA's/Village Govt.	MEC/DIPLAC
		Prepare maps for the affected areas		District admin/Cadastre	MEC/DIPLAC
		Obtain land authorization		School Mgt. Board	MEC/DIPLAC
		Demarcate authorized area to be affected		Village Govt./Cadastre	District Admin
		Set cut-off date		District Admin	MEC/DIPLAC
3.0	Socio-economic Survey	Community involvement, sensitization and participation		District/Village Govt.	
		Identify affected persons, party or homestead and register their names in detail		District admin/Village Govt.	School Mgt. Board
		Estimate the magnitude of the impacts relative to the need for resettlement and/or compensation		District admin/Village Govt.	School Mgt. Board
		Compile land the register		District admin/Village Govt.	School Mgt. Board
		Carry out valuation of assets to be compensated		District admin/Village Govt.	School Mgt. Board
		Create a database for comparative analysis at all levels of Government		School Mgt. Board	MEC/DIPLAC
		Report any grievances that require resolution		District Admin	School Mgt. Board

Item No	STAGE OF WORK	KEY ACTIVITY	Time	Responsible Person/Institution	Monitoring Institution
4	Resettlement /compensation	Community involvement, sensitization and participation		District/Village Govt.	MEC/DIPLAC
		Create fora for identifying social investment opportunities		Proponent, District Administration	School Mgt. Board
		Identify social investment opportunities as part of the projects activities		Proponent, District admin/Village Govt.	School Mgt. Board
		Provide information about the valuation and negotiation process		LGA	School Mgt. Board
		Prepare RAPs		School Mgt. Board	MEC/DIPLAC
		Authorization of project and RAPs by GoM		MEC/DIPLAC	MEC/DIPLAC/DPEC
		Up-date database for comparative analysis at all levels of Government		School Mgt. Board	MEC/DIPLAC
		Formulate compensation offers and obtain signed agreements with those affected		District Admin	MEC/DIPLAC
		Provide alternative land (if applicable) inclusive of ancillary support services such as transport, housing, crop starter packs and food support		MEC/DIPLAC	MEC/DIPLAC/DPEC
		Up-date database for comparative analysis at all levels of Government		MEC/DIPLAC	MEC/DIPLAC/DPEC
5	After Resettlement Activities	Draw up a programme for after resettlement activities		PAPs, Village Government, SMB, District Administration	MEC/DIPLAC
		Provide Resettlement After-care Assistance		School Management Board	MEC/DIPLAC
		Up-date database for comparative analysis at all levels of Government		School Mgt. Board	MEC/DIPLAC
		Carry out monitoring activities		District Administration, MEC/DIPLAC, DPEC, PAPs	

## APPENDIX 16 - Example of Land Acquisition and Resettlement Process Monitoring Plan

Item No	ISSUES / ACTIVITIES TO BE MONITORED	INDICATORS
1	General success/acceptability of the compensation/resettlement process	Outstanding (unsigned) individual compensations/resettlement contracts as a percentage of total compensation/resettlement contracts
		Ratio of PAPs remaining supportive of the project against those not supportive
		Level of public consultation measured as ratio of those that acknowledge to have been
		consulted vs. those that were not consulted. This ratio can be determined by random sampling. The ratio should be greater than 1.5
		Actual time of completing resettlement compared to planned time
2	Project acceptance (or not) by the community	Number of complaints as a percentage of total PAPs
		Number of grievances successfully resolved as a percentage of total number of grievances
3	Acceptance (or not), of PAPs by host community	Number of conflicts between PAPs and host community
4	Restoration of Mashambas temporarily disrupted by construction	Area of land restored to cultivation as a percentage of total area of land disrupted
5	Replacement of Mashamba /grazing land permanently displaced by access roads and building construction	Area of new land opened up for cultivation/grazing as a percentage of total original land area cultivated/grazed
6	Quality of life compared with that before compensation/resettlement	Number of larger houses of better quality provided as a percentage of total number of houses in the original settlement

Item No	ISSUES / ACTIVITIES TO BE MONITORED	INDICATORS
		Number of individuals and families able to re-establish their pre-displacement activities, land and crops or other alternative incomes, as a percentage of total PAPs
		Number of impacted locals employed by the School Management Board's civil works' contractors
		Pre-project income of vulnerable affected individuals/groups versus their present income
		Number of people participating in project activities compared to total PAPs
		Number of students in school as a percentage of total persons eligible for school
		Trends in environmental diseases such as malaria, diarrhea, coughs etc
		Trends in respiratory diseases
		Trend in HIV/AIDS statistics in comparison with pre-settlement statistics
		Mortality rates after resettlement compared with pre-settlement rates
		Number of PAPs with access to potable water compared with total PAPs
7	Productivity	Pre-project production versus present production (crop for crop, land for land).
		Post project production per affected household/homestead compared with pre-project income.
		Wildlife conservation and eco-tourism activity on acquired land as per plan,

Note: These are only some of the indicators that could be used. Specific indicators will need to be developed taking into account site specific conditions