



Consulting Services for the Environmental Impact Assessment Studies (EIA) and Abbreviated Resettlement Action Plan (ARAP) of Nacala Corridor Projects – Access Road to the Port of Nacala – Lot A

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Abbreviated Resettlement Action Plan (ARAP)

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ABBREVIATIONS

ARAP Abbreviated Resettlement Action Plan

HHs Households

EIA Environmental Impact Assessment
ANE National Roads Administration
CVA Cerebrovascular Accident

BCI Commercial and Investment Bank

ID IdentificationHHC Household ChiefROW Right of Way

CITES Convention on International Trade in Endangered Species

CTASR Technical Commission of Resettlement Tracking and Supervision

CTASRD Technical Commission of District Resettlement Tracking and Supervision

DPGCAS Provincial Directorate of Gender, Child and Social Action

DUAT Land Use and Benefit Right

FIPAG Water Supply Investment and Patrimony Fund

GAZEDA Office of Economic Zones od Accelerated Development

GdM Government of Mozambique GPS Geographic Positioning System INAS National Action Action Institute

ARAPI Abbreviated Resettlement Action Plan Implementer

JICA Japanese International Cooperation Agency
MASA Ministry of Agriculture and Food Security

MCA Millennium Challenge Account

MITADER Ministry of Land, Environment and Rural Development

CBO Community Based Organization NGO Non-Governmental Organization

OP Operational Policy

PAP People Affected by the Project RAP Resettlement Action Plan

PGA Environmental Management Plan

QGAS Environmental and Social Management Framework

TV Television

UNICEF United Nations Children's Fund

HIV/AIDS Human Immunodeficiency Virus /Acquired Immunodeficiency Syndrome

ZEEN Nacala Special Economic Zone







CHAPTER 1 INTRODUCTION

1.1 Context

The National Roads Administration (ANE) intends to build an access road to the Port of Nacala, linking the Port to EN 12. This road is important given the economic potential in the area. The recent rehabilitation of the Port of Nacala significantly elevated its handling capacity of different types of cargo. As a result, other types of infrastructure are in urgent need. The construction of a road to access the Port of Nacala is not just seen as a key element in facilitating the movement of people and goods, significantly reducing overcrowding in the only access road currently in use, but it also elevates the quality and volume of investment in Nacala Special Economic Zone.

This abbreviated resettlement action plan (ARAP) was drafted based on a set of laws, regulations and decrees in Mozambique that define the procedures for accessing, using and expropriating the land to give space to the subject project that is in public interest. It has also been prepared in accordance with the safeguard policies of the World Bank and the Guidelines for Social and Environmental Considerations of the Japan International Cooperation Agency (JICA), which is expected to provide financial assistance for the project. It takes into account both the positive and negative impacts that are expected to be derived from implementation of the project on the project-affected persons (PAPs) and their will, views and concerns.

1.2 Objectives of the ARAP

The ARAP is part of a set of social and environmental studies that is required to be carried out before implementing any development project by the national environmental legislation. The objective of the study is to identify the main social and economic impacts on people and goods of the construction of the new access road to the Port of Nacala. The study includes a socioeconomic diagnosis, survey of the people affected by the project, monetary valuation of the goods and assets affected, estimation of the amount of compensation necessary and drafting of an ARAP.

1.3 Project Description

The construction project of the new Nacala Port Access Road is promoted by the National Road Administration (*Administração Nacional de Estradas*, *ANE*) of the Government of Mozambique, with technical and financial support expected from the Japanese Government specifically JICA. It is predicted that the road will link the port to EN12, crossing R702, thus facilitating rapid and direct access to the port and Nacala-Porto city, significantly reducing the economic and environmental costs associated with traffic congestion of heavy vehicles. The new road is approximately 15.2 km in length and 20.5 metres in width, including its roadsides. Apart from the traffic lanes, the road has a reserved road area of 100 metres width (50 metres each side) thus the project-affected area or the right of way (ROW) is planned to be 120.5m. The map below (FIGURE A) shows the outline of the new road signalled with a green line.







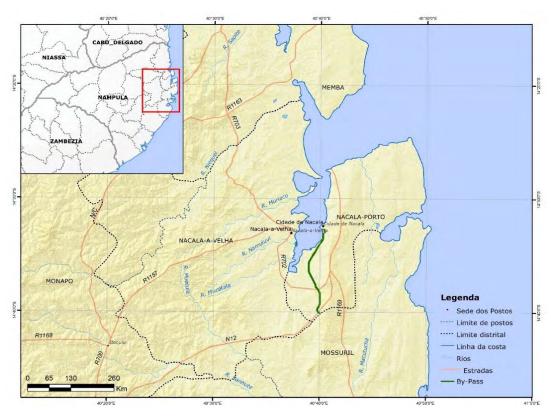


Figure A Location of the New Access Road to the Port of Nacala







CHAPTER 2 RESULTS OF THE INVENTORY AND SOCIOECONOMIC SURVEYS

2.1 Methodology

To identify the people and goods that are to be affected by the project, a census/lost-asset inventory and socioeconomic survey were carried out within the ROW based on a combination of methodologies set forth below:

- Secondary data collection and identification of areas to be investigated;
- Delimitation and inventory of all goods located within the ROW;
- Census or inventory of everything (i.e. people, families, public and private infrastructure, permanent and seasonal crops, trees and so on) within the ROW; and
- Qualitative socioeconomic studies aimed at understanding different aspects of livings of the people living or using, in one way or another, the project area.

Thus, based on engineering drawings and on the ROW defined, a survey of all infrastructure and other goods (farms, trees, etc.) was conducted. For that, a GPS was used to capture the GPS references of each affected good and paint (mark) each good identified in the area of defined intervention. The goods painted served as identification for the socioeconomic team and for the infrastructure and agricultural goods evaluators. This work allowed all goods be clearly geo-referenced located within the ROW to (GPS enumerators/evaluators to focus their work only on goods previously defined. In the beginning, it was assumed that the project would affect:

- (i) The households defined as a group of people who share the basic expenses, mostly food, and who had the potential of having their goods and lifestyles affected. The issue of lifestyles and social cohesion associated was considered as being of particular importance; and
- (ii) Other entities (private, public and other) that were considered to be at risk of losing mostly their goods, but not necessarily their lifestyle.

Based on these assumptions, the socioeconomic census used two main types of data collection methods, namely:

- A questionnaire to the families (Annex 1), which aimed at collecting data on the goods (e.g. infrastructure, farms and crops, trees) that belong to the families and characteristics of the household (e.g. number of members, age, degree and relatedness, spoken languages). This questionnaire was drafted to reflect the main features of the goods affected, in terms of ownership, type, to what extent each good is affected (e.g. partially or totally, the size affected). This questionnaire was used to other entities too.
- The inventory survey aimed at collecting data regarding the goods located in the ROW. These goods had previously been marked by the registration team. Specifically, the collected information included data regarding socio-demographic features of each HH member, including goods, livelihood and life styles, and expectations of the people and families as well as entities involved in the project with an emphasis on the best way to replace what was identified as being affected by the project. It was also







during this exercise that photos of all affected goods were taken including the owner. The same was made in relation to other entities (public and private companies) identified as affected, but for these ones, demographic features were not captured. This measure was taken to gather sufficient data to be used in the definition of quantitative aspects of the resettlement/compensation process.

A team of numerators was recruited and trained to collect the survey data and worked under the management of a supervisor. The research included a questionnaire that was developed with strict consultation with ANE covering all essential data that was collected to clearly identify the affected goods, the owners and their fundamental interests.

In summary, the socioeconomic study used a variety of methods. The main goal was to reflect on the aspects that define the way in which people and communities with interest within the ROW live and be affected by the project. The following methods were used:

- Community identification: identify and give importance to important places for the community (e.g. fields, holy places and cemeteries);
- Identification of families in the neighbourhood: define the relationship with the physical space and identify the important the existing crops and plants;
- Organizations and resources: identify, assign importance to collective organizations, services and resources in relation to others; and
- Income Sources: identify the main sources of survival. Investigate the elements of each value chain of such main sources of income/living

The data resulting from these exercises were used in understanding the quality of life of the affected families. It is also expected to be used in the production and/or improvement of life conditions after compensation has been made for the losses during the monitoring stage.

2.2 Results of the Inventory Survey

2.2.1 Summary of Affected Goods

The construction of access road to Nacala Port's project will directly affect 9,114 people. In total, there are 1,488 HHs affected by the project, which represents an average of six people per household (HH). In addition, two companies, one that run a salt farm and another that runs a transportation company will have their building and fence affected, respectively. The project will affect goods that can be classified into seven: land; crops; valuable trees; structure; graves; places of spiritual value; and fence as shown in the table below. Please refer to Annex 2 for a breakdown of the project-affected assets and Annex 3 for a map that shows the size and location of each affected good.







Table 1 Summary of Affected Goods

Item	Type	Size/Quantity	Location	Remarks
Land	Farmland	1,457,170 m ²	FL1-1358	Only those with DUAT will be
			(*refer to	subject to compensation in
			Annex 3)	general. ANE will provide
			,	support to those without
				DUAT that wish to obtain an
				alternative farmland outside of
				Nacala Municipality.
	Commercial	$17,132 \text{ m}^2$	CL1 (*refer to	Salt farm company
	Land		Annex 3)	
Crops	Cassava	1,210,399 m2		
	Rice	78,510 m2		
	Corn	126,443 m2		
	Sesame	19,103 m2		
	Sweet Potato	14,171 m2		
	Okra	8,544 m2		
Valuable	Banana	12,443 trees		
Trees	Ziziphus	3,369 trees		Chinese Date
	Mauritiana			
	Mango	2,641 trees		
	Cashew	2,695 trees		
	Sugar Cane	1,051 trees		
	Baobab	131 trees		
	Papaya	128 trees		
	Coconut	87 trees		
	Lemon	83 trees		
	Trichilia	50 trees		Natal mahogany.
	Emetica			
	Orange	39 trees		
	Others	254 trees		
Structures	Office	109.7 m ²	Refer to	10.81 m * 10.15 m (length;
			Annex 3	width)
	Fence	160 m	Refer to	
			Annex 3	
Religious	Graves	67	G1-67 (*refer	
Places			to Annex 3)	
	Worship	3	-	
	Places			
Public	Electricity	1	Refer to	It is planned to be removed by
Infrastruct	Tower		Annex 3	March, 2019.
ure	Power Poles	One place (a few)	Refer to	To be relocated through
			Annex 3	dialogue between ANE and
				Electricity of Mozambique
				(EDM)
	Water Pump	1	Refer to	Built and owned by Nacala
			Annex 3	Municipality







2.2.2 Impact on Land

The project-affected area belongs to a special economic zone reserved for industrial expansion. The land title in the area, or DUAT¹, has been issued to the land holders to carry out industrial activities. In reality, however, there has been no industrial activity yet to be seen in the area and a large part has been left unused or used to grow crops. These agricultural activities have been carried out without any official permit.

Most of the farmland affected, or 88.8% (i.e. 1,291 farms) of them, are located in Muanona Administrative Post. Mutiva Administrative Post only shares 11.1% (i.e. 162 farms). Farms share 1,457,170 m² of the land affected. As expected, the largest portion is located in Muanona Administrative Post sharing approximately 88% as opposed to Mutiva whose share is the remaining.

Based on an interview with the PAPs, 49 properties (i.e. land) are those with an official land title (i.e. DUAT). However, this could not be verified during the study as Nacala Municpality, which manages the DUAT, was in a process to update the list of people² with DUAT and hence could not provide the list to the consultants. The interview survey took place in the field which was far away from the residence where the DUATs were said to be kept and hence they could not be checked visually either. In any case, it can be said that most of the people growing crops in the area have no official title over the land they grow crops on and certainly none of them have official rights to grow crops in the area.

2.2.3 Impact on Crops

Six crops have been found to be grown in the project-affected area: cassava; corn; rice; sesame; sweet potato; and okra. Some of the crops are grown in the same plot of land along with others. It is important to note, however, that the survey took place during the dry season, when most of the crops were not readily observable. Measurement of the sizes of each agricultural plot relied on the area claimed by the PAPs, which may lead to an overestimation.

Cassava, being a crop resistant to drought, was the most common crop grown in the area, with 1,140 fields (i.e. 1,210,399 m2 in total). This accounts for approximately 83 % of the area claimed to be growing crops. Corns also share a large part of the agricultural area (i.e. 126,443 m2) followed by rice (i.e. 78,510 m2) and sesame (i.e. 19,103 m2). Most of the HHs (68%) produce these crops for their own consumption, 31.3% produce for both their own consumption and for selling at the market, 0.5 % only sell at the market, 0.1% exchange them with other products and 0.1% did not specify the purpose of their growing. For those that both consume by themselves and sell at the market, most sell approximately half (i.e. 25 to 75%) of their crops at the market.

The sale of these products generates an average annual income of about MZN 7,914.22 per HH. For the transportation of crops, they use different means. 200 HHs transport on foot, 59 HHs by car, 19 HHs by motorbike, 11 HHs by bicycle and 8 HHs using a public transportation. There is a variation with regards to the time needed to transport the crops after

² They were in the process of taking away DUAT from those that have not been carrying out industry activities for a period more than that stated in the DUAT. As of November, 2017, this process has been completed based on an confirmation with Nacala Municipality.







¹ DUAT is a land title that grants the title holder official right to use the land for a specific purpose over a certain period of time.

the harvest. 89 HHs need a time that varies between 1-2 hours on foot, 79 HHs walk between 30 min to 1 hour, 45 HHs between 2-4 hours; 43 HHs between 15-30 min.

2.2.4 Impact on Valuable Trees

A total number of 1,096 HHs are expected to lose their trees. A significant part of them (i.e. 989 HHs) lose their trees that are located in Muanona Administrative Post and 107 HHs have their trees in Mutiva Administrative Post affected. The largest number of trees is banana consisting of approximately 54 % (i.e. 12,443 trees) of the total number of 22,971 trees. Bananas, Ziziphus Mauritianas (i.e. Chinese dates), mangoes and cashews account for over 90 % of the valuable trees affected. Among the native, or naturally grown, trees with an economic value, baobab stands out with 131 trees. The name of 254 trees could not be identified by name. Part of them is medicinal plants with economic value.

2.2.5 Impact on Structures

There is one building and one fence that are located within the ROW and hence expected to be affected. The building is an office built with conventional material of a company involved in salt producing business. The length and width of the building is 10.81 m and 10.15 m, respectively. The fence, on the other hand, belongs to a company that is doing business in the field of transportation and maintenance of vehicles. The length of the fence affected is approximately 160 m.

2.2.6 Impact on Religious Places

Impact on Graves

A number of family cemeteries are located within the area of direct influence of the new road. During the survey, a total number of 67 graves that belong to 67 HHs were found to be located within the ROW.

In addition, there is a non-operational community cemetery known as "Central" located near the Port of Nacala and within the ROW. It dates from the 1960s and was operational until the year 2000. It is estimated that more than 2,000 bodies are buried here. There are rumours that a common grave exists in this cemetery to bury people that died in a railway accident many of whose families cannot be identified.

During the census, in scope of this ARAP, it was not possible to produce a real record of people with graves of their beloved ones in the Central Cemetery located in the surroundings of Nacala. The fact is that many graves are not visible and do not even have a signal. For instance, the field team had to stop the survey for weeks due to the difficulty to locate the graves and a lot of people claiming to have their graves on site. Given the complexity in identifying the rightful persons to be consulted and compensated and the voices raised at the stakeholder meeting held on March 7, 2017, this cemetery has been confirmed by ANE to be left unaffected by the project and hence will not be under scrutiny in the latter part of this ARAP.

Impact on Places of Worship

There are three places located within the ROW where people believe have spiritual value. These places are imminently open areas, mostly under trees, where the communities or small







or extended families go and summon the ancestors to help them cope with difficulties in life and pray for their successes. They are all located in Muanona Administrative Post.

Perception of the PAPs

It is of extreme importance to understand the perception of the people who would have the graves of their loved ones affected by the project. The way in which they are handled should also take into account the local culture and dynamics. As explained above, 67 HHs have been confirmed to have their graves/cemeteries or places of spiritual worship within the project-affected area (i.e. The three PAPs who's worship places are affected also possess graves that are affected by the project).

In the survey questions were asked to find out the need to consult the ancestors for the grave exhumation process. The answer was not conclusive. Only 55 out of 67 HHs provided an answer to this question. Among those that did, 40 HHs consider important to consult with the ancestors and 15 HHs said that there was no need to do so. 45 HHs believe that in case there is a ceremony to exhume the graves, the process should be taken by the family members while 40 HHs believe that such ceremony should be held by the local authorities and the family members should only follow the process instructed by the authorities. The use of the local tradition and the roles of the local leaders in the process were also acknowledged as being of extreme importance.

The answers regarding the destination of the graves to be transferred were also divided. While 28 HHs consider the need to transfer the graves somewhere but close to the ROW, another 28 HHs believe the graves should be transferred somewhere far from the ROW. 34 HHs are in favour of the idea of transferring the graves to a public cemetery while 21 HHs are not. 30 HHs think the destination of the graves should be decided by the families. 47 HHs said that relocation of the graves was easy while seven HHs said they had difficulties in locating the graves of their beloved ones.

2.2.7 Impact on Public Infrastructure

A few infrastructures may be affected by the new road construction project. There is one electric tower located in the ROW that is transmitting electricity inland from Zambia through a ship situated in the bay of Nacala provided by the Turkish government. According to the Nacala District Administrator, it is a three year electricity supply/exchange project made between Mozambique and Zambia that commenced in March 2016 and therefore the ship and tower are expected to be replaced by March, 2019. The electricity tower located within the ROW is shown below.

With regards to the electricity poles, it is considered necessary to be transferred away from the ROW and reinstalled outside of it. ANE would need to talk to the Electricity of Mozambique (EDM) located under the Ministry of Mineral Resources and Energy to make this arrangement. The cost for relocation will be included in the project cost. Since there is enough space, this is considered not to be a problem.









Photograph A Electricity Tower

There is one water pump that has been developed and owned by Nacala Municipality located within the ROW. This water pump is not in use any longer but is considered necessary to be compensated by ANE. ANE would need to compensate for this by providing a new water pump to the municipality.

2.3 Results of the Socioeconomic Study

2.3.1 General Characteristics of the Project and Surrounding Area

The construction and operation of the access road to the Nacala Port project is located within the territory of Nacala-Porto Municipality. Two Administrative Posts belong to Nacala-Porto District, namely Mutiva and Muanona. The table below shows the total number of Nacala-Porto inhabitants by sex per Administrative Post, Locality and Neighbourhood.

Table 2 Administrative Division of Nacala-Porto Municipality

	Total	Men	Women
NACALA-PORTO District	206,449	102,342	104,107
MAIAIA/MUTIVA Administrative Post	172,064	85,751	86,313
MAIAIA/MUTIVA Locality	172,064	85,751	86,313
MUZUANE Neighbourhood	5,497	2,679	2,818
LILI/NAHEREUQUE Neighbourhood	8,937	4,407	4,530
BLOCO 1Neighbourhood	8,499	4,268	4,231
MAIAIA Neighbourhood	14,270	7,288	6,982
MATHAPUÉ Neighbourhood	27,238	13,558	13,680
MOCONE Neighbourhood	26,437	13,241	13,196
NAUAIA Neighbourhood	9,554	4,707	4,847
UTHUPAIA Neighbourhood	25,767	12,677	13,090
RIBAWE Neighbourhood	12,179	5,984	6,195
TRIANGULO Neighbourhood	24,220	12,416	11,804
QUISSIMANJULO Neighbourhood	9,466	4,526	4,940







	Total	Men	Women
NACALA-PORTO District	206,449	102,342	104,107
MUANONA Administrative Post	34,385	16,591	17,794
MUANONA Locality	34,385	16,591	17,794
LOCANE Neighbourhood	3,611	1,756	1,855
NACO Neighbourhood I	969	467	502
MATOLA Neighbourhood	4,859	2,387	2,472
MUPETE Neighbourhood	2,196	1,066	1,130
MUANONA – SEDE Neighbourhood	840	421	419
MAHELENE Neighbourhood	2,367	1,113	1,254
MURRUPULENE Neighbourhood	3,399	1,679	1,720
NAVEVENE Neighbourhood	966	455	511
JOSINA MACHEL Neighbourhood	470	229	241
MUTALANE Neighbourhood	2,945	1,382	1,563
NAMISSICA Neighbourhood	1,986	989	997
MUAMBE Neighbourhood	1,348	654	694
NANARE Neighbourhood	1,536	734	802
NABULUSA Neighbourhood	1,920	854	1,066
25 DE SETEMBRO Neighbourhood	4,139	2,005	2,134
NACURULA Neighbourhood	481	234	247
TETERRANE Neighbourhood	353	166	187

Source: Data from the National Statistics Institute, 2007

Nacala-Porto District has 206,449 inhabitants with a population density of 325 persons/km2. Female population shares a larger part (i.e. 50.4%) of the group. This data is consistent with the national statistics that show a representation of 51% of female population within the total population of Mozambique. Between the two administrative posts in Nacala-Porto, Mutiva is more populated with 172,064 inhabitants, which represents, in relative terms, 83.3% of the inhabitants in Nacala-Porto.

The proposed road project is expected to cross eight neighbourhoods, five of which from Muanona Administrative Post (i.e. Conambia³, Matola, Murrupelene and Lacone) and three from Mutiva Administrative Post (i.e. Triangulo, Maiaia and Uthupaia).

2.3.2 Place of Origin and Length of Living

Most affected HHs (79.8%; 1,187 in number) was born in the neighbourhood of the project. Another 15.9% (i.e. 236 HHs) was found to come from other districts in Nampula province and approximately 1.1% (i.e. 17 HHs) was born in areas outside of the province. Most of those HHs (69.6%; 1,035 in number) have lived in Nacala for more than five years. 23.4% of 348 HHs lived in the area for five years and approximately 5.6% (i.e. 83 HHs) have lived in the area for less than 5 years. 22 HHs or 1.4% of them gave no answer.

2.3.3 Language and Religion

³ Conambia doesn't appear in the national census data because it is not a residential area. People normally come from other neighborhoods, manly Matola, to Conambia to perform farming activities.







Most of the HHs (97.8%; 1,456 in number) has Macua as the main mother tongue. This suggests that Macua should be used to communicate with the PAPs to ensure an effective communication. Islam is their main religion for approximately 89.0% (i.e. 1,324 HHs) of the project-affected households and only 9.5% (i.e. 141 HHs) are Christian.

2.3.4 Gender

The families in the impact area of the access road to the Port of Nacala are mostly (i.e. 86.9%) led by men. Only 13.1% of the HHs has women in the leadership of their families. It is considered important in implementing the ARAP to include women in various meetings and above all in the compensation payment process side by side with their partners (i.e. men).

2.3.5 Education Level

The educational level in the project area is low. Table 4 below shows a detailed disaggregation of the HHs' academic degrees in the project area.

As it can be deduced, 632 HHs (42.4%) of the HHs have at least a family member without academic training. This is a family member who cannot read or write. In specific terms, among the total 9,114 PAPs, approximately half (i.e. 4,513 equivalent to 49.5%), cannot read or write. More than half of this population (i.e. 2,512 equivalent to 55.6%) are children of the HH heads⁴. The second group without education is comprehended by the wives of the HH heads (i.e. 708 people equivalent to 15.6%) followed by the HH heads' grandchildren (i.e. 632 members equivalent to 14%), and the HH heads themselves (i.e. 431 cases equivalent to 9.5%).

Many of those with some sort of academic training have had only primary education up to grade 5 (i.e. 2,737 people). 1,061 PAPs have had education up to the second level (i.e. grade 7). 548 PAPs have had education up to grade 10 and 122 have had education up to pre-university (i.e. grade 12).

The reasons behind the non-school attendance by children at school age are largely economic difficulties. 348 HHs mentioned lack of economic conditions as the reason for not sending their children to school. 75 HHs attributed it to lack of school vacancy. 22 HHs said it is due to the fact that children have chores and hence cannot attend school. Only nine HHs mentioned the distance as being the reason. 58 HHs mentioned other reasons (e.g. refusal to attend school, early marriages and physical disability).

2.3.6 Access to Financial Services

The access to financial services is very low. Most interviewed HHs (92.1%) do not have a bank account. Those with a bank account have it essentially in the following local banks: Mozambican International Bank – BIM (2.6% of the total HHs); Commercial and Investment Bank – BCI (1.7%); Standard Bank (0.7%); Barclays (0.3%), ABC Bank (0.1%) and others (0.2%). The use of financial services is important in implementing the ARAP as payment of compensation is planned to be made by bank transfer as it offers greater safety and credibility to the process. One of the real constraints for the access of financial services is the lack of an ID.

⁴ This includes adults.







Table 3 HHs' Educational Level

	Spouse Children of HHH	en Hather/ Mother of HHH	Grandfa ther/ mother of HHH	Uncle/ Aunt of HHH	Siblings of HHH	Grand Children of HHH	Parent in Law of HHH	Child in Law of HHH	Step Children of HHH	Other Family Member s	Total
375 344 1,605		ω (0	10	36	236	1	e e	19	57	2,737
244 149 524	24	-	0	10	35	62	0	3	22	11	1,061
138 62 279	79	0	0		22	18	0	3	20	5	548
9 64		0	0	0	1	9	0	0	4	∞	122
0 3	3	0	0	0	1	1	0	1	0	0	9
1 1	1	0	0	0	0	0	0	0	0	0	3
0 4	4	0	0	0	0	2	0	0	0	0	6
632 708 2,512	12	14	8	4	58	431	7	2	79	58	4,513
20 14	41	S	0	1	0	14	0	1	3	0	115
1,480 1,293 5,006	90	23	∞	26	153	770	∞	13	195	139	9,114







2.3.7 Possession of Identification Documents

The existence of affected HHs' official identification documents is fundamental to ARAP implementation. Apart from facilitating the identification of HHs, it also allows the facilitation of the bank account opening process which should be used when a large amount of compensation (i.e. over MZN 10,000) is made. Based on the survey, it has been found that a majority (i.e. 98.2%) of the PAPs has some kind of identification document. The dominant document is the voters' card (i.e. 55.5%), followed by the identity card (i.e. 32.5%), personal identification document (i.e. 4.9%), ID receipt (i.e. 4.8%), birth certificate (i.e. 0.1%) and other types of documents (i.e. 0.4%). Only 1.2% do not possess any type of identification document.

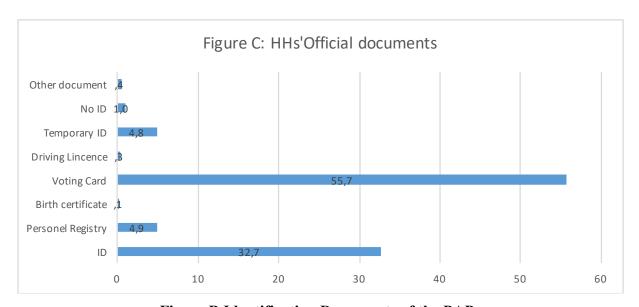


Figure B Identification Documents of the PAPs

2.3.8 Vulnerability

A special attention should be given to certain groups of PAPs that require special support given their condition. According to the survey, approximately 8.3% (i.e. 124) HHs declared that they have a relative with some sort of chronic disease. Diabetes and/or asthma are among the main diseases they have, representing approximately 32% (i.e. 40) of them. Epilepsy is also common with a share of approximately 30% (i.e. 38 HHs). Other diseases, such as Cerebrovascular Accident (CVA), blindness, mental disorders, HIV/AIDS, leprosy, muteness, rheumatism and tuberculosis, have a penetration below 1% (i.e. 1-2 HHs on average).

The physical disability is another element of vulnerability present among the project-affected households. In total, 8.1% of the HHs declared that they have a family member in the HH with some sort of physical disability. About 100 HHs have one member with disability, 15 HHs have two members and two HHs with three members. Widowhood affects 2% of the HHs interviewed, which represents few deaths among couples, and, likewise, with only 1% of HHs who registered the case.

Chronic patients and people with disabilities, just like widows versus orphans and divorced/abandoned women by their respective husbands should deserve a special attention







(i.e. ARAP support and assistance) so there is no perpetuation or worsening of their vulnerable situation.

In addition, 1.2% of the PAPs have been found not to possess any form of identification, an item that is needed for opening a bank account to which compensation that amounts to more than MZN 10,000 is to be channelled. Assistance should be provided to this group of people for creating an identification document and opening a bank account.

2.3.9 State of Livelihood

Income

Dependence on agriculture is one of the main features of the project-affected HHs. More than half (i.e. 55.7%; 825 in number) have agriculture as the main source of living as Figure C below suggests. Surprisingly, the second source of livelihood is *biscato*⁵ (i.e. informal casual work). Indeed, 230 HHs (15.5%) have their income deriving from *biscato*. The prominence of *biscato* work is due, possibly, to the investments that have been made in the Special Economic Zone (SEZ) especially in the areas of industry, tourism and agro-processing⁶. Alternatively, it can be attributed to the seasonality of some railway and port activities in the area. The third biggest source of income is formal employment, which represents approximately 12.7% (i.e. 189) of the HHs interviewed followed by retail trade with 8.3% (i.e. 124 HHs), family batches (2.1%; 32 HHs) and fishing activities (i.e. 1.9%; 29 HHs). The rental, hunting, cattle raising and collection of seafood do not go beyond 10 HHs in each of the cases.

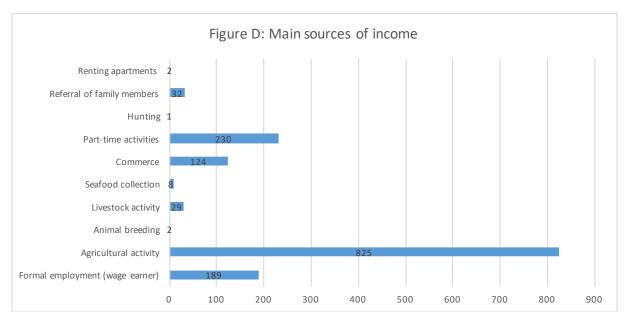


Figure C Main Source of Income

⁶ Salim Taquichande, substitute Delegate at the Office of Economic Zones of Accelerated Development (GAZEDA), declarations to Jornal Notícias, extracted in: http://muliquela.blogspot.com/2011/02/nacala-porto.html



BETA Engenharia, Cestão e Ambiente



⁵ It is work without links recorded at the labour card or equivalent documentation, generally without benefits, such has fixed remuneration or paid salaies

In numeric terms, the HHs enjoy a monthly income up to a maximum of MZN 54,999. Nevertheless, a large part of the group (i.e. 1,008 HHs; 69.3%) have a level of income between MZN 0-4.999. The average income of the project-affected persons was approximately MZN 4,268. This parameter reflects mostly the salary matrix in force in Mozambique, in which most of the workers (in the agriculture sector) receive, as of 2016, a national minimum salary fixed at MZN 3,298. The table below shows the distribution of the number of HHs per income intervals.

Table 4 Distribution of Income Levels of the HHs

Income Level (MZN)	Number of HHs
0 – 4,999	1,008
5,000 – 9,999	333
10,000 – 14,999	66
15,000 – 19,999	21
20,000 – 24,999	8
25,000 – 29,999	4
30,000 – 34,999	8
35,000 – 39,999	2
40,000 – 44,999	1
45,000 – 49,999	1
50,000 – 54,999	2

One of the aspects that became evident through data analysis is that the head of the household (i.e. CFA) was the main bread winner. Thus, when asked whether anyone else, apart from the CFA, had any source of monetary income, the majority (92%; 1.364 HHs) answered that they did not. In other words, only 8% of the HHs has someone else, apart from the CFA, with incomes. The survival of the HHs is largely dependent on the CFA.

Expenditures

The average monthly household expenses of the PAPs are shown in Figure D. It can be seen from this figure that the largest group of the PAPs (i.e. 28%; 398 HHs) spend on average MZN 3,001 to 5,000 in one month. The second largest group (i.e. 19%; 277 HHs) spends MZN 2,001 to 3,000 followed by those that spend between MZN 1,001 to 2,000 that shares approximately 18% (i.e. 252) of the total number of HHs. The expenses are mainly directed to health, education, food and clothing.







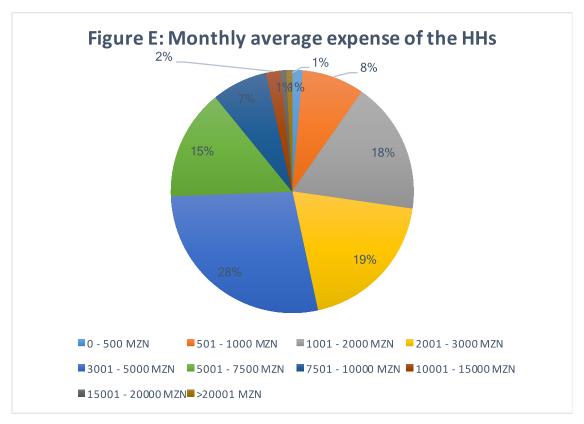


Figure D Monthly Average Expense of the HHs

2.3.10 Possession of Goods and Assets

The wellbeing may be inferred by the type and quality of durable goods the families are in possession of. Based on this perception, the goods and assets in the project-affected households were surveyed with its results shown in Table 5 below. As a result, it was found that 388 HHs have some kind of transportation means (i.e. vehicle, motorbike or bicycle) and 850 HHs have a means of communication (i.e. television or radio) and 761 HHs have a mobile phone.







Table 5 HHs' Assets

Assets	AFs
Small animals	360
Medium animals	52
Big animals	4
Vehicle	20
Motorbike	217
Bicycle	151
Freezer	164
Electric stove	17
Millings	7
Business	166

Assets	AFs
Family place of worship	54
Tractor	5
Cart	18
Mobile phone	761
Radio	500
TV	350
Sewing machine	28
Fridge	19
Air-Conditioner	6
Others	6

2.3.11 Access to Public Services

Drinking Water

Accessing drinkable water remains to be a challenge in Mozambique. According to the United Nations Children's Fund, the coverage of drinkable water is 49% in Mozambique with a large disparity between the urban area (80%) and rural area (35%)⁷. In Nacala-Porto district, drinkable water supply has grown due to the investments made under the scope of the *Millennium Challenge Account* (MCA) Project, which led to the inauguration of Nacala dam in 2015. Nevertheless, it is still an issue to be dealt with in the district. With more than 220 thousand inhabitants, only a third has access to drinkable water rendering many to walk long distances to collect it⁸. In fact, these data match the survey conducted in the project impact area the result of which is presented in Table 6 below.

Table 6 Source of Water Used by the Project-affected Persons

	Sources	Frequency	Percentage (%)
Valid	Running water (FIPAG/ARM) at home	134	9.0
	Neighbour's running water	515	34.6
	Traditional well	513	34.5
	Water borehole	276	18.5
	River	40	2.7
	Other source	1	0.1
	Total	1,479	99.4
Missing	No information	9	0.6
Total		1,488	100

⁸http://www.verdade.co.mz/nacional/49038-agua-potavel-continua-a-ser-uma-miragem-em-nacala-porto







http://www.unicef.org.mz/nosso-trabalho/o-trabalho-do-unicef/water-sanitation-hygiene/

Those people with running water at home comprise less than 10% of the whole population. Many of the people are dependent on running water from the people that live nearby (i.e. 34.6 %; 515 HHs) followed by traditional well with a dependency rate of 34.5% corresponding to 513 HHs. Water borehole, river are also important water sources in the area with a dependency rate of 18.5% (i.e. 276 HHs) and 2.7% (i.e. 40 HHs), respectively.

Running water is not accessible in the project's direct impact area either because people do not live inside the ROW. Nevertheless, many traditional wells and creeks, where the population fetch water for different purposes (e.g. drinking, cooking and washing) can be found.

With regards to the distance from the PAPs' home to the nearest drinking water source, 32.2% (i.e. 479 HHs) have water in a place less than 15 minutes away on foot. 22.2% (i.e. 330 HHs) travel 15 to 30 minutes, 18.5% (i.e. 276 HHs) walk for 45 minutes to one hour, 13.2% (i.e. 196 HHs) walk for 30 to 45 minutes, and 9.7% (i.e. 144 HHs) need more than one hour to reach a drinking water source. 3.6% (i.e. 54 HHs) of the project-affected households has water in their own yard.

Only 18.5% of the total number of HHs interviewed said that they treat the water before consumption, usually, by boiling (7.5%) or by applying a water purifying product known in Mozambique as *Certeza* (7.9%).

When they are on the field (i.e. farm), most of the HHs (76.3%; 1,135 HHs) drink the water brought from their home. About 16.5%, corresponding to 246 HHs, drink the water from traditional wells while 3.1% (i.e. 46 HHs) answered that they drank water from creeks/rivers. In cases where the water is fetched from the plantation areas, the distances are relatively shorter for the majority of HHs, if calculated by the time spent to go and return from the source. For instance, 32% of the HHs, corresponding to 476 HHs, fetch water within 15 minutes of distance; about 13.8% (206 HHs) fetch water from within their own farms; 10.6% (158 HHs) between 15 to 30 minutes away; 7.5% (112 HHs) between 30 to 45 minutes; and finally about 5.8% (87 HHs) between 45 minutes to 1 hour away on foot.

When they are on the field and run out of water, most of the people (i.e. 947 HHs; 63.9%) ask neighbouring people for water. 7.5% (i.e. 111 HHs) said they rely on rain and 5.9% (i.e. 88 HHs) said they use water in the nearby lagoons and creeks.

2.3.12 Information Source and Mechanism for Decision-making and Conflict Resolution

It has been made evident that traditional mechanisms are more common and relied upon for settling conflicts in the area with 1,256 HHs (i.e. 84.4%) of the people choosing the neighbourhood over conventional mechanisms (i.e. courts and tribunals). Police, traditional authorities (*régulos*) and the church have not been considered suitable by a majority of the HHs. Apart from the neighbourhood, the role of the family members was found to be considered suitable for conflict settlement with approximately 8.9% of the HHs (i.e. 133) choosing them.

In terms of PAPs source of information, community leaders play a core role and are considered reliable among many HHs interviewed. Approximately 27.7% (i.e. 412 HHs) trust their followed by their friends (i.e. 20.2%; 300 HHs). The TV has been found to be the third reliable source with approximately 17.6% (i.e. 262 HHs) selecting as the main source of their







information followed by the radio (i.e. 17.2%; 256 HHs) and religious leaders (i.e. 9%; 134 HHs).

The most important means of disseminating information among the HHs, on the other hand, has been found to be mobile phone. Approximately, 96.8% of the HHs chose mobile phones as the main device used for disseminating information. With regards to decision-making, the head of household is the main figure with about 86.6% (i.e. 1,288 HHs) acknowledging their importance.







CHAPTER 3 RELEVANT LEGAL FRAMEWORK

This chapter describes the environmental laws and regulations in Mozambique that are of relevance to the project.

3.1 The Constitution of the Republic of Mozambique

The Constitution of the Republic determines that the land is State property and cannot be sold but the land holders can transfer only the improvements made on the land (e.g. buildings and crops). It also guarantees the population access to, and use of, the land and safeguards women's rights to accessing and use the land.

An important mention is that the Constitution of the Republic does not bring any provision regarding the possible indemnification when the land is expropriated on behalf of public interests. Apart from that, the Constitution of the Republic includes two fundamental environmental pillars, namely: "all citizens have the right to live in a clean environment and the responsibility to protect that right" as well as the acknowledgement of environmental protection as public interest.

3.2 The Land Act

The Land Act (Act No. 19/1997/October 1) presents the basis for the definition of people's land use rights based on customary claims and the procedures for acquisition of land use and benefit titles by the communities and individuals. The Act recommends a process based on consultations that acknowledge the customary rights as means to identify the claims of the community and individual community members with no titles.

3.3 Land Act Regulation

The Regulation recommends compensation in case of loss caused by relocation and resettlement. It stipulates that this compensation be made based on a table produced and updated by the Provincial Directorates of Agriculture. These tables include average amounts, which is said to be based on the market value, given to many seasonal and permanent arboreal crops. In 2016, the National Directorate of Agriculture Services, from the Ministry of Agriculture and Food Security, produced an updated table for the entire country. These tables were used in this ARAP. Two of the gaps/omissions or inconsistencies are regarding (i) the non-inclusion of a certain number of common plants; and (ii) the adoption of extremely low prices when compared to the practice in the Southern Africa region where Mozambique is situated.

In terms of natural resources use rights, Regulation 66/98 provides a basis that allows one to understand the definition of access rights and land use as well as the procedures to be followed in land acquisition and the use by the community and individuals. The same Act and Regulation incorporate crucial aspects defined in the Constitution in relation to land such as land maintenance as a State property and that the land cannot be sold, and the inexistence of a "land market" *per se* across the country. Among other aspects, it defines "areas aimed at satisfying the public interest" as being the public domain. It also protects the customary and community rights to land.

3.4 Regulations on the Resettlement Process resulting from Economic Activities







Mozambique's Regulations on the Resettlement Process resulting from Economic Activities were passed in 2012. The regulations consist of 28 articles which basically formulate the procedures for any resettlement process in Mozambique and especially articulate the assistance required from government during a resettlement process. This legislation was the basis upon which this ARAP and the community engagement procedures were developed and structured. These regulations were also used by the social team to inform the PAPs of their rights with regard to economic displacement, as outlined under Articles 10 and 14. Although all the regulations are highly relevant to the project, the following articles are particular pertinent and were used to structure most of the ARAP procedures at the community level:

- Article 8 identifies the stakeholders that should participate in the resettlement process (for which purposes the Resettlement Committees were established);
- Articles 10 and 14 refer to the rights of the affected population and that of information. It is of pivotal importance for a resettlement project to articulate the constitutional rights of those affected through public meetings. Having knowledge of one's own rights is vital as this enables the PAPs to voice their concerns and/or issues during the process. Article 10 lays down some basic, fundamental human rights as these pertain specifically to resettlement. These rights are elaborated under Article 14. Some of the most important rights include people's rights to: "have re-established their income level, to equal or higher than that before displacement including that of crops; have restored their living standard to equal or higher than before the resettlement; have space to perform their subsistence activities; and give opinion in the whole resettlement process" (2012: p.5).
- Article 12 states responsibilities of central and local levels of government. It delineates
 the responsibilities of the central and local governments. Some of these responsibilities
 include the land use planning sector's responsibility to provide technical assistance in
 implementation fir matters related to land use planning as well as to monitor the
 resettlement process.
- Articles 13 and 22 are concerned with public participation and consultation. Public participation is central to the success of a resettlement project. Both of these articles articulate specific requirements which this ARAP should adhere to.

3.5 Resettlement Committees' Internal Regulation and Technical Guidelines for PAR Design and Implementation

The Regulations on the Resettlement Process resulting from Economic Activities- Decree 31/2012 state in Article 5 and 8 the main stakeholders who guarantee monitoring and supervising of the resettlement process. A Ministerial Diploma No. 155/2014 approves the Internal Regulation for the Committees tasked with monitoring and supervising activities to the resettlement process.

Drawing from Decree No. 31/2012 Article 3c, Ministerial Diploma No. 156/2014 underlines the technical guidelines for the ARAP design and implementation process. This diploma gives detains on:

- The rights of interested parties to have access to information
- Proponent's responsibilities







- Design process and content of the resettlement plan
- Requirement and content of the socio-economic survey
- Public consultation meetings and reporting format
- Implementation of resettlement plan
- Monitoring and Evaluation

3.6 Spatial Planning Act

The Spatial Planning Act (Act No. 19/2007, July 18) confirms that land expropriation driven by reasons of public interest should entail the payment of a compensation that is calculated fairly to indemnify the loss of tangible and intangible goods, productive goods as well as for the social cohesion disturbance.

3.7 The Spatial Planning Act Regulation

Article 68 (No. 2a) of Decree No. 23/2008 (June 1) of the Spatial Planning Act specifies that expropriation for spatial planning reasons is considered for public interest when the end goal is to safeguard the common interest of a community and it involves installing economic or social infrastructure with large positive social impact. Article 70 (No. 1-3) establishes, likewise, that a fair compensation should be made before transfer or expropriation of property and goods and that it should also cover the real value of expropriated goods as well as the damage and loss of profits.

3.8 Laws for the Evaluation of Goods and Losses and Compensation in Case of Loss

Specific aspects of compensation are governed by the Ministerial Order 181/2010. This Order reiterates the provision in Chapter 10 of Decree No. 23/2008, mentioned above, which indicates that the land expropriation for public interest benefit should be made public by the Council of Ministers, under proposal of the entrepreneur. However, the provisions have been developed recently and the Council of Ministers' public announcement is still not a standard practice. There are no clear mechanisms to be followed.

For infrastructure and crops, Ministerial Decree No. 181/2010 establishes the expropriation process related to spatial planning. This Decree takes important measures attempting to fill the existing gap found in calculating the amount of compensation to be made. Nonetheless, this Order has its limitations. Namely, it does not mention "updating the prices".

With regards to infrastructure in particular, a factor that tends to result in lower amount of compensation is the concept of depreciation, which the current legislation and regulations require to be taken into consideration. Nevertheless, current laws and regulations do not give a clear instruction for this and there is ground for different ways of interpretation giving way to different outcome when applied by different resettlement professionals.

With effect, the experience has been proving that the aforementioned tables, either in the agricultural sector or for the public works and housing, are hardly made available, and when they are, they are most of the times outdated. Besides, due to many reasons, the Mozambican market hardly provides trustworthy and consolidated information regarding the prices of acceptable matching or replacing goods. This situation has led professionals of resettlement







actions to seek for alternative ways for calculation and evaluation namely calculating only those of direct and tangible goods affected.

Intangible aspects such as the sentimental bond to affected goods, the proximity to neighbours of relatives, holy places, and aesthetic values should all be sorted out through evaluation and negotiations in consultation with the relevant stakeholders. For the sake of an initial estimation, a factor of 20%, the maximum rate provided in Decree 181/2010, was used in this document as a factor to compensate for the intangible disturbances caused by the project. Adjustments should be made after the levels in which each HH will be disturbed has been made apparent based on more specific evaluation and negotiations.

3.9 Laws on the Environment

Environment Act No.20/97 (October 1) "is intended to define the legal basis of the right use and management of the environment and its components towards the realization of a sustainable development system in the country". The Environmental Act establishes a set of basic legal principles that highlight the principle of rational use and management of the environmental components to better improve the quality of life of the citizens and to maintain biodiversity and ecosystem such as the principle of precaution, according to which the environmental management should prioritize the establishment of systems that aim to prevent the occurrence of negative environmental impacts or irreversible damage, regardless of the existence of scientific certainty of the occurrence of such impacts, and the principle of environmental global and integrated vision as a set of interdependent natural ecosystems that should be managed in a manner to keep its functional balance.

This Act constitutes the basis for the definition of specific laws and regulations regarding the environment, namely:

• The Regulation on the Environmental Impact Assessment Process (Decree no. 53/2015, of 31st December, repealing Decrees no. 45/2004 and 42/2008)

This regulation sets the standards on the environmental assessment process, namely the process of categorizing activities, the level and content of environmental studies required for different categories, public participation process, review process, stages of environmental licensing (provisional, construction and operation licenses), responsibilities, inspections, fees and penalties.

The Environmental Impact Assessment Process is a tool aiming to contribute to the environmental and social sustainability of activities. It begins with Pre-Assessment of activity by the Environmental Impact Assessment Authority (at the national or provincial level). It is based on the information about the proposed activity and about the proposed area for the activity. This information is provided by the proponent in the preparation process to be submitted to the Provincial Directorate of Land, Environment and Rural Development (DPTADER) with jurisdiction in the proposed area for the activity. Following the Pre-Assessment the proposed activity is categorized or rejected. The following Table shows the categories taken into account in the EIA process.







Table 7 List of Categorization based on Decree No. 54/2015

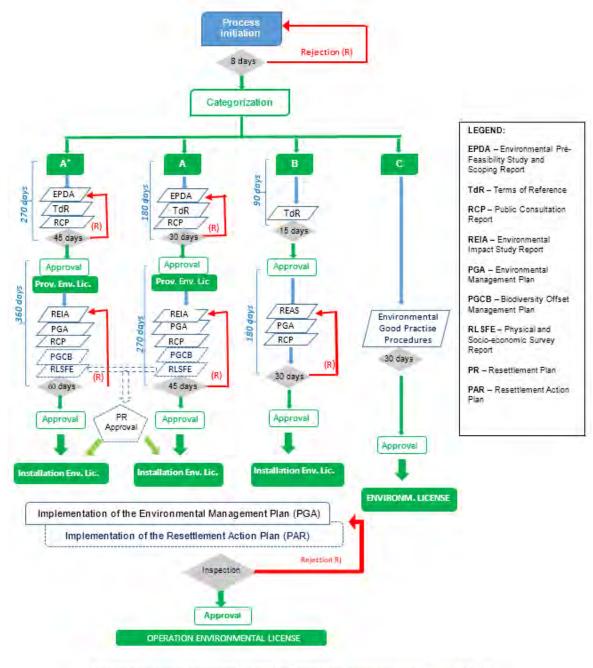
Category A+	Actions which, due to their complexity, location, and/or irreversibility and magnitude of impacts, should not only be subject to high level social and environmental vigilance but also experts should be involved in the EIA process.
Category A	Actions which affect significantly living beings and environmentally sensitive areas, and their impacts are of long term, intensity, magnitude and significance.
Category B	Actions which do not affect significantly living beings or environmentally sensitive areas, compared to activities pertaining to Category A.
Category C	Actions causing negative insignificant and minimum impacts or those likely to be neglected.

The following figure summarizes the process, indicating the studies required by category of activity, the deadlines for submission of documents to the Environmental Assessment Authority and the deadlines for communicating its decision. It should be noted that in cases where there is a need for preparation of resettlement plan, its approval shall precede the approval of the Construction License.









Environmental Impact Assessment Process in Mozambique, according to the Decree 54/2015

Figure E Environmental Impact Assessment Process, in accordance with Decree No. 54/2015

The EIA process is a tool to support the decision on environmental and social feasibility of activities. In any of the process phases prior to issuing a construction license, the Environmental Assessment Authority could question the environmental and social feasibility and request changes to or reject the project.

As mentioned in the introductory chapter, the Project for the Access Road to the Port of Nacala was assigned category B as a result of the ToR approved by DPTADER of Nampula in December, 2016.







During construction and operation phases, through environmental audits (regulated by Decree no. 32/2003) or environmental inspections (regulated by Decree No. 11/2006), the Environmental Authority may supervise the implementation of the Environmental Management Plan and approve or suspend the operation, in case of non-compliance and violations.

• Coastal and Marine Environment Protection and Prevention of Pollution Regulation

The regulation was approved by Decree No. 45/2006 (November 30). The main goal of this instrument is to prevent and limit the pollution resulting from illegal discharges of boats, platforms or land sources throughout the coast of Mozambique and to establish a legal basis for protection and conservation of the sea, lake and rivers, beaches and fragile ecosystems that belong to the public. It also categorizes many activities and determines the levels of its acceptance. It also deals with sources of marine pollution from the land.

3.10 Laws on Social Wellbeing

The National Directorate of Woman and Social Action (DPMAS) and the National Institute of Social Action (INAS) are responsible for the subsidy granted to the poorest and helpless of the population and for ensuring that the rights of the most vulnerable are respected. Although there are no specific legal directives regarding the social aspects of resettlement, the Mozambican ratification of international Conventions on Children's Rights and Human Rights, the Elimination of all Sorts of Discrimination Against Women, the Mozambican Agenda on Human Settlements and the Labour Act define the specific rights based on justice and equality of opportunities, without any discrimination whatsoever, in benefit of companies and private investments.

3.11 Applicable International Conventions

On the other hand, Mozambique adheres to a set of international legal instruments related to protecting and preserving the environment. In line 2 of Article 18 of the Constitution, the rules of international laws have the same value as internal legislations, and as soon as they are ratified by the Parliament and by the Government, they become constitutional normative acts. In light of No. 1 of this article, "the international treaties and agreements, properly approved and ratified, are decreed in the Mozambican laws". Some important international and regional treaties and conventions ratified to date are as follows:

- The United Nations Convention on Biodiversity, ratified through Resolution No. 2/94 (August 24)
 - This Convention aims to preserve the biological diversity, sustainably use its components and distribute with fairness and equity the benefits deriving from the use of genetic resources, namely through adequate access to genetic resources and transfer of relevant technologies, taking into account all the rights to such resources and technologies as well as through adequate funding.
- Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention) ratified through Resolution No. 17/96 (November 26)

This highlights a set of measures aiming to protect and preserve the marine and coastal environment of the Member States, particularly by preventing and combating pollution







and protecting the flora and fauna in the region against growing threats caused by human activities.

• African Convention on the Conservation of Nature and Natural Resources by the Permanent Commission of the Assembly of the Republic through Resolution No. 18/81 (December 30)

This convention aims to ensure conservation, use and development of land, water, forests and wild fauna of the Member States taking into account not only the general principles of nature conservation but also the best interests of the communities themselves.

• SADC Protocol on Wildlife Conservation and its application ratified through Resolution No. 14/2002 (March 5)

This aims to establish common approaches and support to conservation and sustainable use of fauna by effectively applying relevant laws that are in place in the region and in each member state.

• Millennium Development Goals (September 2000)

The Government of Mozambique accepted and reiterated that the development of the country relies on a set of factors that are mutually influenced. Eight objectives were selected that should be achieved until 2015. Health, education, water and sanitation form a core part in its commitments.

Other important international and regional conventions and protocols ratified by Mozambique include:

- The Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer (Resolution No. 8/93/ December 8);
- The United Nations Framework Convention on Climate Change UNFCCC (Resolution No. 1/94/August 24, 1994);
- The Kyoto Protocol (Resolution No. 10/2004/July 28);
- Convention on International Trade of Endangered Species CITES (Resolution No. 20/81/December 30);
- The Cartagena Protocol on Biosafety (Resolution No. 11/2001/December 20);
- The United Nations Convention to Combat Desertification and Drought UNCCD (Resolution No. 20/96/November 26);
- The Stockholm Convention on Persistent Organic Pollutants (POP) (Resolution No. 19/96/November 26, 1996);
- The Basel Convention on the Transboundary Movements of Hazardous Waste and their Disposal (Resolution No. 18/96 November 26, 1996);
- The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Resolution No. 10/2009/September 29. The Convention entered into force in Mozambique in July 2010).







3.12 JICA Policies on Involuntary Resettlement

JICA policy on Involuntary Resettlement establishes the following principles:

- Whenever feasible, involuntary resettlement and the loss of means of livelihood should be avoided or minimized, making use of all the feasible alternatives of the project. If not possible to avoid, measures to minimize the impacts should be taken and the compensation for the lost goods should be made to the affected people.
- People subject to involuntary resettlement and the people whose means of livelihood are affected or lost should be sufficiently supported by the project proponent, in opportune time. An integral compensation of the resettlement costs shall be made before the resettlement. Hosting countries should allow PAPs to improve their living standards, productive opportunities and income generation, or at least ensure the recovering of the living standards prior to pre-project levels. The measures to achieve such objective should include: providing land and monetary compensation for the losses (to cover the loss of land and goods), supporting alternative income generation activities and covering necessary expenses for the movement/resettlement, and reestablishment of local resettlement communities;
- An effective participation of the affected people and their communities should be promoted in the ARAP activities planning, implementation and monitoring processes and measures to prevent losses of their livelihood should be taken. Moreover, an appropriate and accessible conflict resolution mechanism should be established for the affected people and their communities; and
- For projects that result in large-scale resettlement, a RAP should be prepared and made public. By preparing the RAP, consultations with the people and communities shall be undertaken based on the information previously made available. When the consultations take place, explanations should be given in the language and way that are understandable to the affected people.

JICA principles are complemented by the World Bank Policies and Safeguards (OP 4.12) presented below.

3.13 World Bank Policies on Involuntary Resettlement

The World Bank puts in place safeguards to deal with economic and environmental risks associated with involuntary resettlement. The main principles of these policies are as follows:

- Whenever feasible, involuntary resettlement should be avoided or minimized, making use of all the feasible alternatives of the project;
- People resettled shall be provided with an effective and immediate compensation of all costs related to the resettlement for the loss of goods associated with the project;
- The resettlement programs should be executed as sustainable development programs;
- The resettled/affected people should be consulted and should have the opportunity to participate in the planning and execution of resettlement programs;







- The resettled people should be supported in their efforts, in an attempt to improve their means of survival and livelihood and living standards, or at least to recover the living standards to the level that had been enjoyed prior to the project;
- The absence of a title of land possession does not prevent the application of the rights outlined in the World Bank Policy;
- Particular attention should be paid to the needs of the vulnerable groups among the
 ones being moved, especially the ones who are below the poverty line, the ones with
 no lands, the elderly, women and children, indigenous groups, ethnic minorities or
 other people being moved who may not be protected by the national legislation on
 land compensation;
- The total costs to support the resettlement activities are included in the project total costs;
- Affected people are identified and recorded at the earliest possible time to allow an establishment of criteria and eligibility through baseline studies; and
- Preference should be given to resettlement based on land to land compensation for those whose survival relies on land.

3.14 Gaps between the Mozambican Legislation and the Policies of JICA and the World Bank

The main gap that existed in the past between the Mozambican laws and the policies of JICA and the World Bank was primarily the fact that Mozambican Laws did not require preparation of resettlement instruments such as resettlement plans or resettlement political frameworks. This gap was resolved by the recent adoption of Decree 31/2012. Decree 31/2012 and the Order 181/2010 bring the content of the Mozambican instruments closer to the principles adopted by JICA and the World Bank with respect to compensation to the people and entities for involuntary resettlement and for impact on their assets. Nevertheless, some differences persist as can be identified in the following table.







Table 8 Comparative Framework of the Mozambican Legislation and the Policies of JICA and the World Bank

No.	JICA/WB Policies	Laws and Regulations in Mozambique	Policy applied to the Project
-	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives.	According to Art. 5 of Decree 31/2012, involuntary resettlement is seen as an opportunity to foster socio-economic development. It ensures that PAPs are better off than before resettlement. The importance of avoiding/minimizing resettlement or loss of means of living is not stressed.	Resettlement should be avoided or minimized wherever possible, exploring all viable alternatives.
2	When population displacement is unavoidable, effective measures to minimize the impact and to compensate for the losses should be taken.	Art. 70 of Decree 23/2008 stresses the need for providing a fair compensation to the displaced people. Fair compensation is defined under Art. 70 to be a compensation that covers the current value of the affected goods at the payment date plus compensation for any other damages and the lost profits.	Payment of compensation for affected goods should be made in addition to life restoration measures taking into account the present value of the affected goods.
8	People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels.	Art. 10 of Decree 31/2012 defines the rights entitled to the PAPs stressing that PAPs should receive a compensation that is equal or above their previous level of income. In addition, Art. 10 stresses the need for supporting PAPs to restore their previous income and to be transported to the new areas of resettlement which should have social infrastructure.	No resettlement is foreseen under the Access Road to Nacala Port Project. PAPs whose means of livelihood will be hindered or lost will be sufficiently compensated and supported with an aim to restoring their livelihood to at least preproject levels.
4	Compensation must be based on the full replacement cost as much as possible.	Chapter 6.10 of Decree 181/2010 defines the procedures for calculating the compensation amounts and stresses that the compensation amount of affected goods should be based on the market price for both crops/trees and structures. The Ministry of Agriculture and Food Security is tasked with the responsibility to approve and update the table of prices for crops/trees. The Ministry of Public Works, Housing and Water Resources (MOPHRH) is tasked with the responsibility to update the price of structures.	PAPs will be entitled to compensation for their assets except for land in goods and/or money at replacement cost, which includes the costs of labour, transport and so on. Land will be compensated in goods (i.e. land) only in accordance with the laws in Mozambique that states land cannot be sold and bought.
5	Compensation and other kinds of assistance must be provided to the PAPs prior to displacement.	Art. 70 No. 2 of Decree 23/2008 stresses that a fair compensation for the lost assets should be delivered to the PAPs prior to displacement reflecting the current value of the affected goods at the payment date.	Compensations and other kinds of assistance will be provided to the PAPs prior to displacement.





CONSTRUCTION PROJECT OF THE NEW ACCESS ROAD TO THE PORT OF NACALA Resettlement Action Plan Report - Final

No.	JICA/WB Policies	Laws and Regulations in Mozambique	Policy applied to the Project
9	For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. It is desirable that the resettlement action plan includes elements laid out in the World Bank Safeguard Policy, OP 4.12, Annex A.	Art.15 and 22 and Decree 31/2012 stress the need for preparation of the (A)RAP for any economic activities as part of the environmental impact assessment process.	Large-scale involuntary resettlement is not expected to take place under this project. Nevertheless, an ARAP (i.e. this document) will be prepared under this project.
7	In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people.	Arts. 13 and 23 of Decree 31/2012 emphasis the need of public consultation and community participation from (A)RAP design to (A)RAP implementation processes.	ANE will provide relevant information to the PAPs and their communities through public consultation meetings, focus group discussions or one to one meetings in the local (i.e. Macua) language. A stakeholder meeting was held on March 7, 2017 and three focus group discussions were held on November 2 and 3, 2016.
8	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans.	Art. 10 f) of Decree 31/2012 calls the PAPs to have the right to voice out their opinions in the whole resettlement process.	PAPs and the affected communities have been and will be engaged in the ARAP process (e.g. design, implementation and monitoring).
6	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities.	As part of the (A)RAP preparation process, a grievance redress mechanism is to be established and disclosed to the affected communities (see sections 3.1.1 d) and 3.1.2, n) of Ministerial Diploma 156/2014).	A grievance redress mechanism will be established under the project and its details are described in this ARAP.
10	Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advance of such benefits.	Art. 20 of Decree 31/2012 stipulates that in preparing the (A)RAP, project proponents should undertake a compressive socio-economic survey which clearly identifies the areas of project interventions, the number of PAPs and their socio-economic profile, inventory/photos of affected assets, identification of preferences of the PAPs, level of vulnerability and so on.	Population census, asset inventory, and socioeconomic survey have been carried out under this study. A cut-off date was set to be the time of the census survey and was announced by a representative from Nacala Municipality at the stakeholder meeting held on March 7, 2017 and also by the consultant to relevant government agencies through three focus group discussions held on November 2 and 3, 2016.





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No.	JICA/WB Policies	Laws and Regulations in Mozambique	Policy applied to the Project
=	Eligibility of benefits include the PAPs who have formal legal rights to land, including customary and traditional land rights recognized under law, the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal rights to the land they are occupying.	Art. 68 of Decree 23/2008 indicates that expropriation for the purposes of territorial planning shall be deemed to be carried out in the public interest if it has its ultimate objective of safeguarding a common interest of the community and may be declared in the following cases: acquisition of areas for the implementation of economic or social infrastructures with large positive social impact.	Affected people with Land Title (DUAT) are entitled to land to land compensation. PAPs with no land title (despite holding customary and traditional land right recognized under law) and other forms of land occupations will not be compensated by the lost land in principle. However, land will be provided to those that wish to earn a plot of land to grow crops most probably outside of Nacala Municipality.
12	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.	The Land Law and the constitution forbid any kind of cash compensation for lost land. In fact, the land is the state property and no one is allowed to sell or buy it. Art. 10 e) of Decree 31/2012 states that the PAPs have the right to be given a new land/space to proceed with its subsistence activities.	Land-to-land compensation will apply only to the holders of land titles (i.e. DUATs) in principle. However, land will also be provided to those without DUAT that wish to earn a plot of land to grow crops most probably outside of Nacala Municipality. All PAPs will receive compensations for improvement made over the land (e.g. crops and trees) if they are lost by the project.
13	Provide support for the transition period between displacement and livelihood restoration.	There is no law or regulation in Mozambique that stipulates the transition period.	Compensation will be made to the PAPs in consideration of the transition period under this project.
14	Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc.	Art. 20 2 c) and 3 m) of Decree 31/2012 stress the need for identification and support of vulnerable people during (A)RAP design and implementation. This provides that the most vulnerable people are disabled people, elders and household headed by women, widows and children/orphans.	Vulnerable groups will receive additional assistance depending on the difficulties they face.
15	For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared.	The law does not mention about the Abbreviated RAP.	An ARAP (i.e. this document) will be prepared under this project.





CHAPTER 4 INSTITUTIONAL FRAMEWORK FOR ARAP IMPLEMENTATION

4.1 Overview of Institutional Framework in Mozambique

The design and implementation of any (A)RAP requires an involvement of different actors both individuals and entities. In this project, ANE is the project owner and the entity that holds primary responsibility for implementing the whole process of ARAP associated with land acquisition including, among others, provision of compensation and other support to the PAPs, responding to claims and complaints that have arisen from the PAPs and making sure that the whole process is carried out in accordance with the set schedule.

Most of what relates to the institutional framework for the ARAP implementation at the project level is depicted in the Resettlement Process Resulting from the Economic Activity (i.e. Decree-Law No. 31/2012, August 8). This Decree defines the main tasks of public organizations that take part in the process. The Ministerial Order No. 155/2014 (September 19) refers to the Technical Commission of District Resettlement Tracking and Supervision (CTASRD), often referred to as the resettlement committee, which also serves as the Grievance Redress Committee at the district level, as the body that plays a particular important role. The committee is, according to this Ministerial Order, composed of the following members:

- Director of Economic Activities within the district government;
- Director of Infrastructure and Planning within the district government;
- Director of Health, Woman and Social Action within the district government;
- Five PAPs and household representatives;
- A civil society representative;
- Three community leaders of the affected communities;
- Two community leaders of the hosting area (in case there is a need to resettle); and
- Two representatives of the private sector

The objective of the committee is stipulated in Art. 18 of the Ministerial Diploma (155/2014) as presented below. While it is said to be responsible for managing the "resettlement" process, it also covers matters related to land acquisition and compensation that do not involve any involuntary resettlement.

- a) To oversee the resettlement process ensuring the rights of the PAPs are secured;
- b) To inform the legal authorities of any illegal doings in the resettlement process;
- c) To receive and address the complaints made by the PAPs and to make sure that unsolved issues are channeled to competent authorities;
- d) To prepare the (A)RAP progress report according to approved plans;
- e) To notify the (A)RAP proponent to give answers to issues of concern during the resettlement;
- f) To mobilize and raise awareness among the PAPs on the resettlement process;
- g) To intervene in the whole process of resettlement as a supervising entity;
- h) To raise awareness of the population over their rights during the resettlement process;
- i) To assess the reports on public consultation process and give their opinion; and
- j) To submit an analysis to the CTASRD information on the effectiveness of the process







4.2 Institutional Framework

Based on the legal provisions presented in the previous section, an institutional framework for implementing the ARAP is proposed as shown in the table below. The responsibility of CTASRD has already been depicted. Among the other entities, ANE, the project proponent, carries the main responsibility for implementing the process of land acquisition, displacement and compensation. In reality, ANE will delegate to a service provider the task of implementing the ARAP. This ARAP implementer can be called ARAPI here. ARAPI can be a non-governmental organization (NGO) or a company and will carry the responsibility to ensure that the ARAP implementation process takes place in an inclusive, participative and transparent manner. From an institutional point of view, the link between the ARAPI and other institutions is crucial for successfully carrying out the process. The table below presents the roles and responsibilities of each actor considered necessary to be involved in the ARAP implementation process. ANE, in cooperation with ARAPI, is expected to make necessary coordination to materialise this institutional arrangement. It should be noted that the tasks described here are by no means intended to replace the ones outlined in the law (i.e. Ministerial Order No. 155/2014, September 19) but instead it is intended to supplement them.

Table 9 Institutional Framework Proposed for the ARAP

Institutions	Main Tasks
CTASRD/Grievance Redress Committee	 oversee and supervise the whole process related to implementing the ARAP including land acquisition, compensation, public consultation and grievance redress with an aim to ensure that the rights of the PAPs are secured raise awareness of the PAPs on their rights and obligations and on the ARAP process request ANE to provide information on the progress and issues of concern during the ARAP implementation; receive claims and complaints made by the PAPs and provide recommendations to those that could not be solved at the local level before it is handled to the District Administrator inform the authorities of any illegal acts observed during the ARAP process
ANE/ARAPI	 o prepare an (A)RAP progress report according to approved plans As the project promoter and member of CTASRD, o carry primary responsibility in carrying out the ARAP process which includes implementing environmental mitigation measures, holding public consultation meetings with the PAPs and carrying out environmental monitoring in cooperation with the consultants and contactors o prepare the ARAP and submit it to DPTADER for approval o implement the project in accordance with the ARAP approved by DPTADER, relevant laws and regulations, and suggestions and recommendations collected in due course
DPTADER	 approve or disapprove the ARAP submitted by ANE issue the environmental license for the project after approving the simplified environmental report (SER)/EIA report and the PR/ARAP monitor the ARAP implementation process to check if it is in compliance with the laws, regulations and guidelines regulating it Provide technical assistance to CTASRD members from a point of view of environmental management
Nacala-Porto Municipality Nacala-Porto District Government	As a member of CTASRD, o monitor and supervise the ARAP process including land acquisition, compensation and grievance redress o confirm the content of the ARAP raise awareness among the local community of the ARAP process prepare land by themselves or make necessary arrangements to provide it to







Institutions	Main Tasks
	the PAPs eligible to receiving it
District Planning	As a body under DPTADER and a member of CTASRD,
Service and	o oversee environmental issues related to the project
Infrastructure (SDPI)	o manage land registration process including that related to DUAT
	o guide and track implantation and development of infrastructure, such as water
	supply, power supply, sanitation, drainage, and opening and improving roads
	to ensure that construction norms are in force
District Economic	As a body under DPTADER and a member of CTASRD,
Activity Service	o provide technical support to the committee in, among others, developing
(SDAE)	agriculture-related income generation projects
Health District	As a member of CTASRD,
Directorate	 provide support to the committee in identifying and providing special assistance to the people considered vulnerable
	o assist ANE/ARAPI by providing advices on matters related to health and
	environment sanitation (e.g. transferring graves and exhuming bodies)
Education District	As a member of CTASRD,
Directorate	o provide assistance to the committee in matters related to education (e.g. education to the PAPs)
Local Community	As a member of CTASRD,
Leaders	o serve as the interface/ameliorator between the government and the PAPs
	o assist in finalizing the list of PAPs and goods
	o coordinate opinions and decision-making process at the community level in
	matters that require collective decision-makings (e.g. exhuming dead bodies,
	performing rituals and transferring graves)
PAPs and Household	As a member of CTASRD,
Representatives	o exclusively represent the PAPs and participate in the ARAP planning and
Common desertations of	implementation

Source: drafted based on consultations and information outlined on the Ministerial Order 155/2014 (September 19) and the Decree-Law No. 31/2012 (August 8).

Specific activities to be implemented by the ARAPI should include the following:

- Establish a grievance redress mechanism/committee in the affected communities to provide assistance in the compensation process as per recommended in the ARAP;
- Inform the HHs of the compensation payment process through public meetings;
- List/Check the HHs to be compensated including how they will be compensated;
- Ensure that HHs have all documentations needed to perform bank transactions;
- Support HHs in obtaining documents needed to open a bank account;
- Compensate all HHs in accordance with the ARAP;
- Track and find missing HHs;
- After compensation, recover materials that can be reused, demolish the remaining structures, and clean and prepare the place for the project activities;
- Monitor if HHs are leaving the project site after being compensated;
- Monitor the project site (i.e. total area of the ROW) after the HHs have left the area to see if there is any new occupation;
- Maintain communication with the PAPs throughout the entire ARAP implementation process; and
- Monitor and record the progress and ARAP implementation.







ARAPI must support ANE through coordination with the bank preferably one that is close to the HHs in order to open bank accounts that will be used by the ARAP implementing agent to pay the compensation amounts. Banks with branches in Nacala-Porto City and Nacala-à-Velha should be contacted to facilitate the process whenever needed. ARAPI should facilitate the process, directly working with the selected banks, to ensure that the activity is performed as quickly as possible, without taking more than two months. In this end, ARAPI must perform the following tasks:

- Organize meetings in the communities to start with the process of opening bank accounts in each one of the ARAP critical areas, in the Administrative Posts of Muanona e Mutiva and neighbourhoods;
- Carry out more meetings and timely communication with the HHs regarding the implementation process (e.g., inform the HHs 15 days before the meeting date);
- Provide facilitation in meetings; and
- Implement follow-up activities of the actions discussed in the meetings.







CHAPTER 5 COMPENSATION POLICY AND PACKAGE

National laws and the best international practices (e.g. JICA Environmental Guidelines and World Bank's Policies) require project proponents to compensate and/or provide adequate support to the PAPs based on a set of criteria that defines their eligibility to receiving such support. As explained in "Chapter 3 Relevant Legal Framework", JICA Environmental Guidelines and the World Bank's Safeguard Policies are no different in its substance with regards to matters related to land acquisition and compensation. Under this ARAP, the PAPs' eligibility has been formed based on the laws, policies and regulations in Mozambique with reference to JICA and the World Bank's Safeguard Policies.

5.1 Cut-off Date

A cut-off date is the date before which residents' or users' occupation or use of the defined area of the project is considered valid and them eligible to receiving compensation and other assistance due to the involuntary taking of their land, goods and other assets. By establishing the cut-off-date, one can differentiate those that have genuine claim over their land and assets that would be lost by the project from those that enter the area unlawfully in seek for receiving compensation. It is a means to avoid providing compensation and support to unlawful 'rent-seekers' and also to avoid an influx of such people to the project-affected area.

The cut-off date has been set to be <u>October 12, 2016</u> under this project, the effective date of the socioeconomic survey. This date was announced by the consultant to relevant government agencies (e.g. Head of the Administrative Post of Muanona, Neighbourhood Secretary, representatives of Nacala Municipality and health officer of Nacala-Porto District) through three focus group discussions held on November 2 and 3, 2016. In addition, it was announced at the stakeholder meeting held on March 7, 2017 by a representative from Nacala Municipality. The community members in the project direct impact areas and its surrounding areas (i.e. Nacala-Porto City and Ncala-à-Velha Village) can hence be considered to be aware of it. Nonetheless, ANE should issue an official letter to ensure, with support from the municipal authorities and local leaderships, that no new structure should be built within the ROW nor new plants or trees be planted. It is considered just from a humanitarian point of view, however, to allow farming until a reasonable time before commencement of the implementation stage of the project.

5.2 Defining Eligibility of the PAPs

The land and goods affected by the project have been presented in 'Chapter 2 Results of the Inventory and Socioeconomic Surveys' and applicable laws and regulations have been explained in "Chapter 3 Relevant Legal Framework" including JICA Environmental Guidelines and World Bank Safeguard Policies. Based on these understandings, this section will clarify the types of such loss and put forward a policy and concrete package for the compensation. The types of loss of the PAPs can be categorized into the following each of which will be depicted in the sections that follow:

- Loss of Land due to Permanent Acquisition
- Loss of Crops
- Loss of Valuable Trees
- Loss of Structures (i.e. office and fence)
- Loss of Religious Places (i.e. graves and worship places)





• Loss of Water Sources

5.2.1 Loss of Land due to Permanent Acquisition

This project has eminent impacts on a large area of land that is used by the local people some with DUAT and some with not. Most of the area is used as a farmland and the project will not incur any involuntary resettlement. As explained in "Chapter 3 Relevant Legal Framework", the Mozambican law establishes "the power of eminent domain so that the right of land use can be reacquired by the State in case the land is necessary for projects that serve the public interest". As such, the PAPs can only be compensated by law for the existing "improvements" made to the land (i.e. crops grown and structures built) but not for the land *per se*.

On the other hand, JICA Environmental Guidelines as well as the World Bank's Safeguard Policies consider it necessary that the land be also compensated at the total replacement value in kind or money provided that the land user has formal ownership or acknowledged customary use rights over the land on top of any improvements, disturbances or transportation costs. JICA and World Bank Policies place particular importance on impacts of land acquisition on vulnerable groups, particularly in case their livelihood depends on the land. In these cases, state these Policies, efforts should be made towards ensuring that the lost land is replaced by land.

Taking into account the above understanding and requirements, this ARAP adopts the following principles:

- No payment will be made in cash for the loss of land (or use of land) as the national law clearly prohibits any buying or selling of the state-owned land;
- There will be no land-to-land compensation/indemnification either yet with some exception. PAPs with DUATs over the land they use will receive land-to-land compensation within the district of Nacala Port in addition to compensation for the lost/affected goods (*Land title holders in Nacala Port were awarded such title in the SEZ in order to develop industrial/economic projects)⁹.
- PAPs that do not possess formal right (i.e. DUAT) over the land they use could be fit in the customary use rights where their housings and agriculture fields are fit. However, these agriculture fields are located within the Special Economic Zone reserved for industrial expansion and providing a land within the area will not guarantee their possession into the future. If the land-to-land compensation option, recommended by JICA and the World Bank, is to be applied, the land to be provided would be in an area far from the affected land, most probably in Nacala Velha District. While it is not considered the best option for the PAPs, this option will be made available to them taking into consideration the policies of JICA and WB. It should be noted though that Decree No. 23/2008 (Art. 68-2-a) grants the Mozambican State the prerogative to expropriate the land under public interest, in this case, construction of the access road to Nacala Port¹⁰.

providing land to the PAPs.

10 ANE understands that it is difficult to look for a land in the vicinity of the project-affected area due to the reasons stated above and alternative land, if any, needs to be explored outside of Nacala-Porto District such







⁹ No agreement has been made between ANE and Nacala Port District to date with regards to the district providing land to the PAPs.

• A just indemnification will be paid before the transfer or expropriation of land and assets. The payment does not cover only the real value of the expropriated goods but also the damages and losses of profit, if any.

5.2.2 Loss of Crops and Valuable Trees

JICA and the WB Policies both require compensation for project-affected crops and trees to be made at full replacement cost taking into account, among others, the costs that had already been borne by the PAPs for land preparation (in case of economic trees and some perennial crops), the production period and remaining production years. Just like with other subsistence activities, these Policies also recommend support for the transition period until they can start earning an income from those agricultural activities.

The Ministry of Agriculture and Food Security under Nampula provincial government produces and disseminates price tables to be applied for compensation of crops and trees. In accordance with Chapter 6.10 of Decree 181/2010, this table is said to be based on the market value of the crops and trees and hence this table is adopted in this study to determine the unit price of each affected crops and valuable trees. The latest table, used in this ARAP, was reviewed and published in July 2016.

5.2.3 Loss of Structures

In case of loss of houses, the Mozambican legislation allows monetary compensation to be made at the replacement cost, according to the type of construction, cost of materials and other factors such as location, construction quality and age (i.e. depreciation). While there is no house to be affected by the subject project, one office that belongs to a salt farm company will be affected and so will a fence in Muanona Administrative Post made of shark net and metal that belongs to a vehicle transportation and maintenance company. Their value will be measured applying this method.

JICA and the World Bank's policies require buildings to be replaced, taking into account associated attributes such as the location (e.g. proximity to schools, markets, health facilities and so on), or compensated by money at the total cost of replacement including all associated transaction and registration costs. Similarly, compensation for facilities and structures should be made in kind or in cash reflecting the true value of the goods affected. Under this ARAP, compensation for the affected office and fence is proposed to be made in cash taking into account the material and labour costs required to rebuilding/repurchasing them. Some of the materials used for building the office-to-be-affected may also be used to build a new one. Since there is enough space to rebuild the office outside of the project-affected area and closer to the salt farm, rebuilding it is considered not to be a major concern.

The provisions in JICA and the World Bank's Policies indicate that the loss of domestic infrastructures (e.g. fences, houses and restrooms/latrines) will be compensated in cash at the total cost of replacement including material and labour without depreciation deductions or recovery/reuse of materials.

as in Nacala-Velha. ANE is clear that compensation for the land cannot be made in forms of cash compensation as it is in violation of the fundamental understanding in Mozambique that land cannot be sold. Having said so, they also understand that the livelihood of the PAPs that grow crops in the area may be hindered if compensation is provided to them to cover their assets lost (i.e. crops).







5.2.4 Loss of Religious Places

As explained in "Chapter 2 Results of the Inventory and Socioeconomic Surveys", 67 graves and three places of worship will be affected by the project. While the existing law does not provide a clear guidance for the exhumation, transfer and reburying of dead bodies from the graves or for dealing with worship places, past experience and consultations made during the survey point to the importance of involving in the process all relevant stakeholders.

Graves

The primary stakeholder for dealing with the graves is obviously the family members. The exhumation process of the graves should be discussed with the families until an agreement has been reached on their transfer, place of reburying and the financial implications of the exercise. It is also important to involve the municipal authorities to make sure that the location to rebury the dead bodies chosen by the family members will not cause any legal or other issue in the society. It is also important to involve the health authorities to ensure that the process is undertaken in a hygienic and safe manner. The local and traditional authorities should also be involved to ensure the traditional legitimacy.

In this ARAP, it is proposed that a set amount per grave be provided to each family whose family members' graves are affected as a disturbance subsidy and to cover the costs of the ceremony. Details including the procedures and actual amount of compensation are recommended to be discussed and agreed with the PAPs and other stakeholders in the ARAP implementation stage. A contingency of 10% on the ARAP amount is included to cover possible increase in the cost.

Places of Worship

Places of worship are imminently open areas, mostly under trees where the communities or small or extended families go and summon the ancestors so that the ancestors can help them cope with life adversities. Therefore, the local structures, or families, owners of these places shall be approached to facilitate the dismantling process and proceed with deciding the necessary way of compensation.

The three places of worship identified in the study are all located within Muanona Administrative Post. The families affected are proposed to receive a compensation for the disturbance caused and to cover the costs associated with conducting the ceremony to transfer the spirit to a place chosen by the family in coordination with the local leaders.

5.2.5 Loss of Water Sources

Against the water pump developed and owned by Nacala Municipality located within the ROW, it is recommended that ANE provides a new water pump to the municipality in Murrupulene neighbourhood from which people have been found to come to collect water. Since the existing water pumps are not in use at the moment, the number of pumps to be provided may be fewer than the number affected. Rather than the number affected, focus should be more on the number needed to meet the demand of the villagers that use the water pump based on the discussion between ANE and Nacala Municipality.







5.2.6 Additional Assistance to Vulnerable Groups

The following assistance will be provided to vulnerable groups in consideration of their situation.

- Transportation or fee for transportation to those that have physical difficulties in movement
- Oral or visual communication to those that have difficulties in seeing or listening
- Explanations, consensus buildings and so on by paying a visit to those that cannot leave their houses (e.g. single mother with small children)
- Support in acquiring ID cards and setting up a bank account for those that do not have them

5.3 Entitlement Matrix

An entitlement matrix that summarizes the compensation and support recommended to be provided to each entity is presented in the following table. It serves as a guiding framework for providing compensations in the implementation stage of this ARAP.







Table 10 Entitlement Matrix

Type of Loss	Eligible Entity	Compensation Policy	Other Assistance	Additional Assistance to
Loss of Land due to Permanent Acquisition	People with DUAT over the land in the ROW	Provision of land in the vicinity of the project site within Nacala Municipality that is equivalent or more favourable than the land lost measured in market value	N/A	Transportation or fee for transportation will be provided to those that have physical difficulties in movement. Oral or visual communication
	People without DUAT yet with customary rights ¹¹ to grow crops on the land in the ROW	Land will be provided to those that wish to earn a plot of land to grow crops most probably outside of Nacala Municipality (e.g. Nacala-Velha).	Transportation or fee for transportation will be provided to the people that wish to receive a plot of land provided that he or she wishes to move into the area as a result of it.	will be used to those that have difficulties in seeing or listening. • Explanations, consensus buildings etc. will be made by paying a visit to those that cannot leave their houses (e.g. single mother with small children).
Loss of Crops	People that grow crops in the project-affected area	Cash compensation for the lost crops based on the list of crop price set by the provincial government of Nampula (2016) taking into account the transition period (e.g. time and cost for preparing the land to grow crops)	An additional amount of 20% of compensation will be provided to the PAPs in cash as a disturbance fee.	Support will be provided in acquiring ID cards and setting up a bank account for those that do not have them.
Loss of Valuable Trees	People that grow valuable trees in the project-affected area	Cash compensation for the lost trees based on the list of tree price set by the provincial government of Nampula (2016) taking into account the transition period (e.g. time and cost for preparing the land and growing trees until they start bearing fruits)	 PAPs may use the trees cut for firewood. An additional amount of 20% of compensation will be provided to the PAPs in cash as a disturbance fee. 	
Loss of Structures (i.e. office and fence)	People that own the office located in the	Cash compensation at full replacement including labour,	PAPs may use the materials	

11 It is usually considered that cusomary rights exist if the person is growing the crops consinuously for a period of five years based on judicial judgements carried out in the past in Mozambique.





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Type of Loss	Eligible Entity	Compensation Policy	Other Assistance	Additional Assistance to Vulnerable Groups
	project-affected area	material, transportation and registration costs, if any	from the affected infrastructures before	
	People that own the fence located in the project-affected area	Cash compensation at full replacement including labour, material and transportation costs, if any	 An additional amount of 20% of compensation will be provided to the PAPs in cash as a disturbance fee. 	
Loss of Religious Places (i.e. graves and worship places)	People that have been recognized to be the rightful owner of the graves located in the project-affected area	Cash compensation that is sufficient to cover all the costs associated with their relocation including cost for coffins, transportation and healer service	 An additional amount of MZN 6,000 per grave will be provided to the PAPs in cash as a disturbance fee. Local leaders and government authorities including health authorities will be involved in deciding the appropriate way of handling the issue, performing necessary rituals and transferring the bodies. *Details to be decided in further study 	
Loss of Water Sources	Nacala Municipality (indirectly the people that use the river water running in the ROW)	Installation of water well in the village from which people come to collect water (i.e. Murrupulene neighbourhood)	N/A	





CHAPTER 6 COST FOR COMPENSATION AND SOURCE OF FUNDING

For the implementation of the ARAP, Mozambique has a set of laws and regulations as well as a creative use of directives stemmed from major development agencies such as the World Bank, African Development Bank, IFC and so on. The compensation covers the people and assets affected by the project including facilities, land, crops, trees and others. It is noteworthy that the content of such compensation must be adjusted to the specific context on ground.

The budget necessary for compensation will be requested to the Road Fund by ANE upon approval of the ARAP by DPTADER. The budget will be requested by November or December and the budget will reach ANE by April the following year after Road Fund has consulted with the Ministry of Economy and Finance.

6.1 Total Cost for Compensation

The total cost for compensation is estimated to be MZN 88,627,651 including the disturbance fee calculated to be 20% of the affected goods. In addition, a 10% contingency fee has been added to cover any unpredicted incidents rendering the compensation amount to reach MZN 88,627,651. A summary of the total cost is shown below followed by a more detailed breakdown under each affected good.

Disturbance Subsidy Amount **Affected Items** Quantity Unit Total (20%)1,457,170 m^2 51,000,950 10,200,190 61,201,140 Crops Trees 22,971 10,478,280 2,095,656 12,573,936 trees 2 3,794,000 758,800 4,552,800 Structures structures Graves 67 2,010,000 402,000 2,412,000 graves Worship Places 3 60,000 12,000 72,000 places Water Pump pumps 20,000 4,000 24,000 Subtotal 67,142,160 13,428,432 80,570,592 Contingency (10%) 8,057,059 88,627,651 Total

Table 11 Estimated Total Cost of Compensation

6.2 Land

As explained in "5.2.1 Loss of Land due to Permanent Acquisition", no payment will be made in cash against the loss of land (or use of land) as the national law clearly prohibits any buying or selling of the state-owned land. PAPs with DUATs over the land they use will receive land-to-land compensation within the district of Nacala Port. In general, there will be no land-to-land compensation/indemnification for those PAPs without DUAT. However, they will also be allowed to earn a plot of land to grow crops most probably outside of Nacala Municipality (e.g. Nacala-Velha) if they wish to take this option. Hence, there will be no monetary cost involved in making compensation for the land.

6.3 Crops

The latest table updated in 2016 of the unit prices to be paid to the PAPs for project-affected crops and trees, shown in Annex 4, was collected during the fieldwork from the local authorities (i.e. Provincial Directorate of Agriculture and Food Security in Nampula). This table was used







to the project for calculating the amount of compensation to be paid for crops and valuable trees. According to ANE, the list is used for different projects across the country including those funded by the World Bank.

Table 12 Official Price Table of Project-affected Trees and Crops

Trees and Crops	Price of the Crops (MZN/m²)	Price of the trees (MZN/unit)	Trees and Crops	Price of the Crops (MZN/m²)	Price of the trees (MZN/unit)
Acacia tree		110	Jamboeiro		330
Peanuts	36		Orange tree		900
Ateira		720	Lemon tree		900
Banana tree		240	Maçaniqueira		330
Sweet potatoes	18		Mafura tree		480
Cashew nut		1,500	Cassava	24	
Coconut		1,800	Mango tree		480
Beans	24		Corn	30	
Eucalyptus		2,310	Moringa tree		990
Sesame	42		Other trees		330
Guava		900	Pawpaw tree		720
Vegetables	60		Tangerine tree		900
Okra	60				

In calculating the amount of compensation to be provided to the PAPs, an average price of the five main crops in the area (i.e. corn, cassava, sesame, okra and sweet potatoes) was used as the unit price for all affected crops instead of strictly applying the above prices to each crop. This is because it was difficult to apply individual prices as some crops were grown together with other crops. The average price of the five crops was MZN 35.

With regards to the size of the land on which crops were grown, it should be noted that the survey was conducted during the dry season when the boundary of agricultural fields was difficult to be observed. The data regarding crops is based upon the boundary claimed by each PAP to be growing crops. However, the communities themselves often did not have a record of the areas normally used for growing crops.

The total area covered with crops is approximately 1,457,170 m2, which amounts to approximately 84% of the total area occupied by the road of roughly 1,747,250 m2. Applying the average price of the five major crops (i.e. MZN 35/ha), the estimated value of the crops for the whole area and hence the amount of compensation comes to MZN 51,000,950. Adding the 20% disturbance subsidy, the result is a total compensation of MZN 61,201,140 for the loss of crops. This amount is apparently high reflecting, on the one hand, the large area affected by the project, and on the other hand, the difficulties the consultants faced in making estimation during the dry season where there was no crop readily observable. The ARAPI should verify and make any necessary revision during the ARAP implementation phase.







6.4 Valuable Trees

As for the trees, the above table shows prices per type or group of trees. However, some omissions were noticed regarding baobab, Zizyphus mauritania and Trichilia emetica, which were not included on the table. For the effects of calculation, prices obtained from other projects undertaken in Mozambique by the Millennium Challenge Corporation (https://www.mcc.gov) were used as shown below. It is known that baobab and Zizyphus mauritania are plants whose fruits are consumed by the local population. Traditional alcoholic beverages are also produced from these fruits used for own consumption or sale.

- Baobab MZN 1,800
- Trichilia emetica MZN 900
- Zizyphus mauritania MZN 330

A total number of 22,971 trees of different types are found to be affected by the project. Applying the unit price for each tree, the value of them is estimated to be MZN 10,478,280. Adding the disturbance fee, the value becomes MZN 12,573,936 as shown below.

Table 13 Estimated Compensation Cost for Valuable Trees

Tree Type	Number	Unit Price	Amount (MZN)
Banana	12,443	240	2,986,320
Ziziphus Mauritiana	3,369	330	1,111,770
Mango	2,641	480	1,267,680
Cashew	2,695	1,500	4,042,500
Sugar Cane	1,051	330	346,830
Baobab	131	1,800	235, 800
Papaya	128	720	92,160
Coconut	87	1,800	156,600
Lemon	83	900	74,700
Trichilia Emetica	50	900	45,000
Orange	39	900	35,100
Others	254	330	83,820
		Total	10,478,280
	Total (includi	ng disturbance fee)	12,573,936

6.5 Structures

As per mentioned earlier, very few structures will be affected by the project. Only an office that belongs to a salt company and a fence that belongs to a vehicle transportation and maintenance company is expected to be affected. The salt pan itself is located out of the project-affected area. In case the turning of land implies the paralysation of the salt activity, due to the dust, the impact shall be assessed and compensated.

The calculation of the amount of these infrastructures was made based on the type and areas of the structures affected and according to the Ministerial Order 181/2010, from November 3, which establishes the calculation of the compensation amounts. It should be noted, however,







that this is to be applied in Maputo and not necessarily in Nacala. Compensation is estimated to be MZN 4,552,800 for structures including the disturbance subsidy as shown in the table below.

Table 14 Estimated Compensation Cost for Structures

Structure	Area	Unit Price	Estimated Amount	Disturbance Subsidy (20%)	Total (MZN)
Office	109.7 m^2	$20,000^1$	2,194,000	438,800	2,632,800
Fence	160 m	10,000	1,600,000	320,000	1,920,000
Total			3,794,000	758,800	4,552,800

¹ based on the unit price issued by the Ministry of Public Works (2017) for a building that is 1 floor, made of brick and cement with a roof made of zinc sheet in Maputo.

6.6 Religious Places

Graves

The community leaders interviewed during the survey all considered that the owners of the graves deserve a monetary compensation yet without specifying the amount of compensation they consider appropriate. Previous data collected on site indicate that apart from covering the ceremony expenses (e.g. costs for coffin, transportation, food and traditional healer services) the family directly affected by the project should receive MZN 6,000 per affected grave. The estimated cost for this ceremony is approximately MZN 30,000 including procurement of coffin, ceremonial expenses and compensation fee.

A total number of 67 graves were identified to fall within the planned road and therefore are subject to exhumation and transfer to outside of the project-affected area. Applying the estimated price of MZN 30,000 per grave, the result is a total value of MZN 2,010,000. Adding the disturbance subsidy, the value reaches MZN 2,412,000.

Places of Worship

There are also costs associated with the transfer of places of spiritual worship. The cost is proposed to be MZN 20,000 including ceremonial expenses and monetary compensation to the families directly affected. The resettlement of places of worship, in total three, would entail a total cost of MZN 60,000 which comes to MZN 72,000 after adding the disturbance subsidy. The breakdown of the amount to be paid to those whose grave and worship places are affected is presented in the table below.







Table 15 Estimated Compensation Cost for Religious Places

No.	Description	Grave	Worship	
No.	Description	Unit Price	Unit Price	
1	Coffin	7,000	-	
2	Transportation	3,000	3,000	
3	Food	10,000	8,000	
5	Healer services	4,000	3,000	
4	Subsidy	6,000	6,000	
	Total (MZN)	30,000	20,000	

6.7 Public Infrastructure

An un-operational water pump and traditional wells (i.e. naturally dug wells) were found in the ROW. It is considered the responsibility of ANE to provide alternative water sources to the affected population. The water pump has been developed and owned by Nacala Municipality located within the ROW. This water pump is not in use any longer but is considered necessary to be compensated by ANE by providing a new water pump to the municipality. The cost is estimated to be MZN 10,000. However, since there are also a number of streams that will be affected by the road from which people collect water, it is considered preferable that ANE install the same kind of water pump in the villages from which people are believed to have been coming to collect the water (i.e. Murrupulene Neighbourhood). Since the area where people have been found to collect water from the stream is confined to the area between Conambia and Murrupulene with most of the streams concentrated in Murrupulene, two water pumps are considered sufficient. According to Nacala Municipality, the cost for installing a new water pump costs approximately MZN 10,000/pump (i.e. MZN 20,000 for two pumps).

With regards to the electricity poles, it is considered necessary to be moved away from the ROW and reinstalled outside of it. ANE will need to talk to the Electricity of Mozambique (EDM) located under the Ministry of Mineral Resources and Energy to make this arrangement. The cost for relocation will be included in the project cost. Since there is enough space, this is considered not to be a problem.







CHAPTER 7 GREIVANCE REDRESS MECHANISM

Given the complexity and sensitivity of the activities involved in any resettlement project, it is natural that claims and complaints come up during project implementation. Invariably, the PAPs' claims and complaints will include those related to the perception of undervaluation of their affected assets, their concerns over the process or transparency of ARAP implementation or others not expected or foreseeable at the planning stage. There may also be concerns related to the PAPs' perception of not having been consulted enough of the possible options to take.

The legal configurations in Mozambique ¹² do not offer a useful guideline for effectively managing the claims and complaints deriving from the PAPs in this regard. In order to cover this legal deficiency, it has been recommended under this project to establish an internal monitoring mechanism for ARAP implementation. This mechanism should ensure that all project stakeholders, particularly those affected, have access to a simple and opportune process for the treatment of their claims and complaints. It is important to note that this mechanism is not intended to replace the judicial mechanism in Mozambique. Instead, it is expected to compliment it by allowing the PAPs to utilize a channel whereby their voices and complaints can be heard and properly dealt with in a more cost-effective and less time-consuming manner than resorting to the court for settling the conflict.

7.1 Process

The claim and complaint treatment processes for the project has been formulated based on the normal process that it goes through in Mozambique with some adjustments made to better conform to the specific socio-economic conditions in the subject project area. It has also been prepared with reference to the best practices and procedures used in Mozambique and beyond. The main steps to be taken are described below.

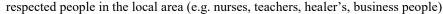
STEP ZERO

Claims are submitted through the neighbourhood secretary or directly to the ARAP implementer, normally a consultant or an NGO in Mozambique hired by ANE (i.e. ARAPI), using a standard form filled by the claimant. The form includes information on: the name of the project; the date when the claim has been issued; location of the claim; name of the claimant; and subject of the claim. The claims can also be submitted directly to ANE through a social and environmental expert in Nampula if he or she wishes to do so. The neighbourhood secretary as well as the ARAP implementer shall keep a logbook of the claims received.

STEP ONE

Since the ARAPI is designated by ANE to manage the claims on behalf of ANE, it will first discuss the issue directly with the claimant and try to solve it by itself based on the ARAP. In doing so, ARAPI is required to keep a record of all the actions it has made in this regard for ANE's review in the future. If the ARAP implementer cannot reach an agreement with the claimant, then it will forward the claim to the Resettlement Committee (i.e. Grievance Redress Committee) formed at the beginning of the project at the local level 13. The committee will review the claim, accept, reject or propose an alternative solution to it. The committee's

¹³ The law doesn't provide for the members but it normally consists of the following members: local community leaders; representatives of civil society working in the affected communities; head of neighborhoods; representative of PAPs; and









¹² mainly, the Regulation on the Resettlement Process resulting from Economic Activity, the Territory Planning Law 19/2007 and its respective regulations as approved by Decree 23/2008

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decision must be delivered to the claimant within seven working days from the date the committee has received the claim. If such decision cannot be made within the said period of time, a notice must be given to the claimant within the period of time notifying the time needed to deliver its decision.

In case the solution proposed by the committee is accepted by the claimant, he or she will sign a claim form stating that there has been an agreement. The claims record will be updated to reflect the conclusion and the case will be filed.

STEP TWO

If the claimant is not satisfied with the decision made by the local level Grievance Redress Committee, the claimant's intention to resort to the next step must be communicated through either the neighbourhood secretary, to the ARAPI or directly to ANE who will keep a record. The ARAPI, by registering the recurrence, will forward it to the Head of the Administrative Post with all the details attached to it. It will also notify the claimant of the date, time and place of the meeting to be held between the claimant and the Head of the Administrative Post. If the claimant is satisfied with the decision made at the meeting, he or she will sign a claim form, the claims record will be updated to reflect the conclusion and the case will be closed.

STEP THREE

In case the claimant is not yet satisfied, the ARAPI will forward the complaint to the Resettlement Committee (Grievance Redress Committee) at the district level, which is a standing committee with all details attached to it. This is done after the claimant submits a notice to the neighbourhood secretary, the ARAPI or to ANE expressing his or her intention to resort to the next level and the claim has been recorded. The ARAPI shall also notify the claimant of the date, time and place when the case will be heard and judged by the committee. Similarly to the other steps that have been explained thus far, if the claimant agrees with the decision made within the committee, he or she signs a claim form, the claims record will be updated and the case will end.

STEP FOUR

In case the claim has not yet been resolved, the claimant must submit a notice to the neighbourhood secretary, the ARAPI or to ANE expressing his or her intention to resort to the next level. The ARAP implementer records this and forwards the case to the District Administrator with the details. It will also notify the claimant of the date, time and place where the case will be heard and judged at the meeting between the claimant and the District Administrator. Again, if the claimant agrees with the decision made at the meeting, the case will close after he or she signs a claim form and the claims record has been updated.

STEP FIVE

If the claimant is not satisfied with the decision made by the District Administrator, he or she may resort to the District Court and then to other courts at a higher level.

¹⁴ According to Art 16 2) of Ministerial Diploma, the committee (i.e. CTASRD) is composed of the following members: Director of the District's Infrastructure and Planning Services; Director of the District's Economic Activities Services; Director of the District's Health, Women and Social Actions; five representatives of the affected population; one representative of the civil society; three community leaders from the affected population; two community leaders from the hosting area (in case there is resettlement); and two representatives from the Private sector.







7.2 Monitoring and Management of Claims and Complaints

As part of the grievance redress mechanism, the ARAPI shall record the dates when the complaint were submitted along with the actions taken. A representative of the ARAPI should monitor and document the progress of the claim and complaint treatment on a weekly or monthly basis as per defined by the ARAP implementer.

Despite the differences in complexity and magnitude of the claim and complaint, it is important that all claims and complaints are handled within a set timeframe. The table below presents the deadlines for claim and conflict resolution recommended for the proposed project. It is important to mention that the ideal and predicted scenario in this ARAP is that all claims and complaints are solved locally (i.e. at the district level). The timeframe suggested below may be adjusted by the ARAPI based upon the specific circumstances.

Table 16 Claim and Complaints Management Process and Deadlines

Steps	Activity	Responsible Entity	Period
1	Registration of the claim/updating the log book	ARAPI, ANE or neighbourhood secretary	1 working day
2	Dialogue between ARAPI and claimant	ARAPI and claimant	3 working days
3	Forward the claim to Grievance Redress Committee (local, district), Head of Administrative Post or District Administrator	ARAPI	1 working day each
4	Consideration within Grievance Redress Committee (local, district)/Meeting between claimant and Head of Administrative Post or District Administrator	Grievance Redress Committee (local, district), Head of Administrative Post, or District Administrator and claimant	5 working days each
5	Resort to court	claimant	-







CHAPTER 8 INFORMATION DISCLOSURE OF THE PROJECT AND ARAP

Stakeholder meeting of the project was held on March 7, 2017 at the Nacala Secondary School located in the Administrative Post of Mutiva – Muanona. Approximately 1,000 people came to participate including the PAPs, local community leaders, government officials including representatives from ANE, DPTADER, Nacala Port District and Nacala Port Municipality, private companies, academics and an NGO. Details of this meeting are shown in Annex 5.

The ARAP will be submitted to DPTADER for its approval. Following this, ANE will coordinate for its disclosure. This process shall follow the procedures stipulated by the Mozambican Law regarding the public participation process defined in the Decree 54/2015 (December 31) and the Ministerial Order 130/2006 (July 16) regarding the environmental impact assessment process and public participation, respectively. According to Decree 54/2015, dissemination must be made through the most popular media, indicating the place, date and objective of the meeting. Additionally, the ARAP should be made available in public locations prior to public revision meeting and before the meeting date.

The main objective of the meeting will be to inform the stakeholders of the process of the new access road construction project, its socioeconomic impacts on the communities and how such impacts will be minimized through implementation of the ARAP. The meetings will emphasise the need to observe the cut-off date announced in a letter disseminated at the level of the communities covered by the project, the eligibility criteria, description of the different PAP categories, explanation of the table or matrix of rights to compensations, description of different categories of people affected, explanation of the rights to compensations, the importance of the creation of resettlement committees at local, district and municipal levels and the claim submission mechanism.

Additionally, the compensation options will be shared with the stakeholders, emphasising the right use of compensations for the benefit of the families. Finally, the compensation agreement to be signed by the PAPs and ANE or ARAPI must be disseminated, stressing the need to have signatures from both the husband and spouse in case they are married to ensure that the payments are directed to support the recovery of goods lost by the family as a whole and that the payments do not only benefit one member of the family. After being explained how the project intends to minimize the negative impacts through design, the PAPs will be requested for their ideas and inputs for increasing the effectiveness of the ARAP process.

The public participation process will provide the stakeholders with an opportunity to actively participate in the ARAP process by expressing their concerns, expectations and comments on the project and its associated impacts on the community. Stakeholders' contributions will be used to inform the ARAP implementation process as well as the subsequent monitoring stage. Women's participation should be encouraged and, if necessary, focal groups organized for women affected by the project in order to allow women to freely express their opinions about the ARAP implementation process.







CHAPTER 9 IMPLEMENTATION SCHEDULE

The schedule below shows the expected time required under each of the main activities to be carried out in implementing the ARAP after the ARAP (PR) and the IEE report (SER) have been approved by DPTADER. The total length of time required until completion of land acquisition is estimated to be approximately 24 months.







Table 17 Summary of main ARAP activities







CHAPTER 10 MONITORING SYSTEM

It is important to make sure that necessary compensation and support are provided to the PAPs in a timely manner and, after they have been delivered, that their livings are restored. It will be a slow and potentially distressing process for the PAPs and hence it is essential to constantly check the state of the progress and that of PAPs' livelihood and adopt any corrective measure as found necessary in order to alleviate the tension of the PAPs throughout the process that is expected to last for approximately 24 months. The monitoring system is also expected to better ensure involvement of the parties, especially the PAPs.

The main subject of monitoring can be considered to be: a) state and progress made in the process for compensation and support to the PAPs; and b) socio-economic and mental conditions of the PAPs. The former will be carried out before compensation and other assistance have been delivered to the PAPs while the latter will take place after they have been made. The items to be covered in the former includes: the number of PAPs that have received the compensation and support; amount of compensation made to the PAPs (to confirm that each of them have received the right amount); level of information disclosed to the PAPs during the process; voices and complaints heard from the PAPs; and the state of the project site (i.e. whether the land has been cleared). The items to be monitored in the latter should include: the level of income; state of access to essential services; and level of satisfaction of the PAPs.

The monitoring system proposed by the consultant is simple and hence easily implementable and cost-effective. Monitoring to be carried out in the pre-construction stage, with an aim to understand the progress made, will be carried out by the ARAPI on behalf of ANE. That during the construction stage, aimed at monitoring the socio-economic and mental conditions of the PAPs after compensation, on the other hand, will mainly be carried out by the contractor and consultant, on behalf of ANE. It should be noted, however, that PAPs' socio-economic conditions should be monitored from the time they have been compensated, which may well fall under the pre-construction stage for some people, and hence ARAPI is expected to also monitor such people's state. The table below presents the methods of monitoring, responsible organizations and expected cost of monitoring. Sample forms to be referred to in the ARAP implementation stage for monitoring are presented in Annex 6.

While the frequency in drafting the monitoring reports should be agreed between ANE and the ARAPI, it is suggested here to be biweekly and quarterly during the pre-construction stage and biannually in the construction stage. While the biweekly report covers the progress made, the quarterly report covers, in addition to the progress, the socio-economic conditions of the PAPs. The biannually report prepared in the construction stage will only cover the socio-economic conditions of the PAPs. A final report should be produced after 24 months. These reports will be drafted by ARAPI during pre-construction and by the contractor during construction and submitted to ANE which in turn shall be shared with the funding agency of the project, which is expected to be JICA.





ANNEXES

Annex 1 Questionnaire Used in the Social Survey

Annex 2 List of Affected People and Goods

Annex 3 Demonstrative Map of the Affected Areas

Annex 4 Price Tables of Crops and Plants

Annex 5 Report on Public Consultation

Annex 6 Monitoring Forms (sample)

Annex 1 – M&E Questionnaire

PROJECT OF CONSTRUCTION OF ACCESS ROAD TO THE PORT OF NACALA EVALUATION AFTER RESULTS, MONITORING

A) Identification							
1. PAP's Name							
2. PAP's adress							
PostoAdministrative	1-Muanona	2-Mutiva	3-Other (specify)				
Mark with X							

3. Sex:

Sex of PAP	1-Male	2-Female
Mark with X		

4. Age_____ (years old)

Age	1) < 25	2) 26-35	3) 36-45	4) 46-55	5) 56-65	6) >66
Mark with X						

5. Marital Status:

Marital Status	1-Officially	2-living with	3-Single	4-Widow	5-
	married	husband or wife			Other(Especify)
Mark with X					

6. How many people in your family and how many children go to school

People in your	1-Men	2-Women	3-Total	4-Children at	5-Children not	6-Totally
familiy				school	going to school	of children
Number						

7. What is the PAP relationship with the householder?

Situation	of	1-PAP is the householder	2-PAP	is	spouse	of	3-Other	relationship
the PAP			househo	lder			(Especify)	
Mark with	X							

B) Evaluation of compensation

1. What assets did you lose due to the project?

Nr.	Affected assets	Write down X	Specify (type and number) of affected assets
1	House/Office		
2	Busness		
3	Cultures/ plantation		
4	Trees		
5	Others (especify)		

2. Where were located the affected assets?

Administrative Post	1-Muanona	2-Mutiva	3-Other (Especify)
Mark with X			

3.	Do	you	think	the	amount	of	compensation	is
fa	ir?							

Compensation	1-Fair	2-Unfair
Mark with X		

(Justify your answer)		

4. Do you think the information regarding the process of compensation and resettlement was clearly available? Mark with $\, X \,$

1-YES	2-NO

5. How do you evaluate all the process of negotiation and payment of and resettlement?	f compensations
	-
	•

C) IMPACT AFTER RESETTLEMENT AND COMPESATION

1. How do you evaluate your life after receiving compensation or resettlement?

		1-Better	2-Worse	3-Not changed	4-Justify your answer
Mark	with				
X					

2. What you did spend the received compensation on?

Nr.	Options (multiple, possible answers)	Mark with an X
1	I built/rebuilt my house	
2	I started new busness	
3	I expanded my old business	
4	I paid my debt	
5	I bought a household appliance	
6	I made deposit in long term	
7	I used for my current expenses	
8	I helped someone from family	
9	Other (especify)	

3. Do you think the payment of compensation in cash money	1-
was a good option?	
Mark with X	

1-YES	2-NO

(Justify your answer)		

4. What are the negative aspects this compensation Money brought to you and your family?

Nr	Option	Mark with an X
1	None	
2	Lack of understanding between my spouse and i	
3	Divorce	
4	I was robbed	
5	Not good management of the amount	
6	Persecutions by the leaders	
7	Others (especify)	

5. What is your opinion in general about this process of ARAP implementati do you recommend for the next process in future?	on? What

Annex 2 - List of Affected People and Goods Power Poles Electricity Tower Fenoe Commerio al Land/Offi Worship places Graves Other type of trees Trichilia emetica tree Coconut Sugar Baobab Banana tree Mango Cashew Lemon Orange tree Papaya Sweet okra S <u>8</u>6 Maize 500 624 624 1.124 4,670 803 7,348 216 3,789 500 3,453 559 439 357 1,541 613 431 1,309 1,587 847 Name of the CAF (Hidden) Residential District Locality Administrative Post

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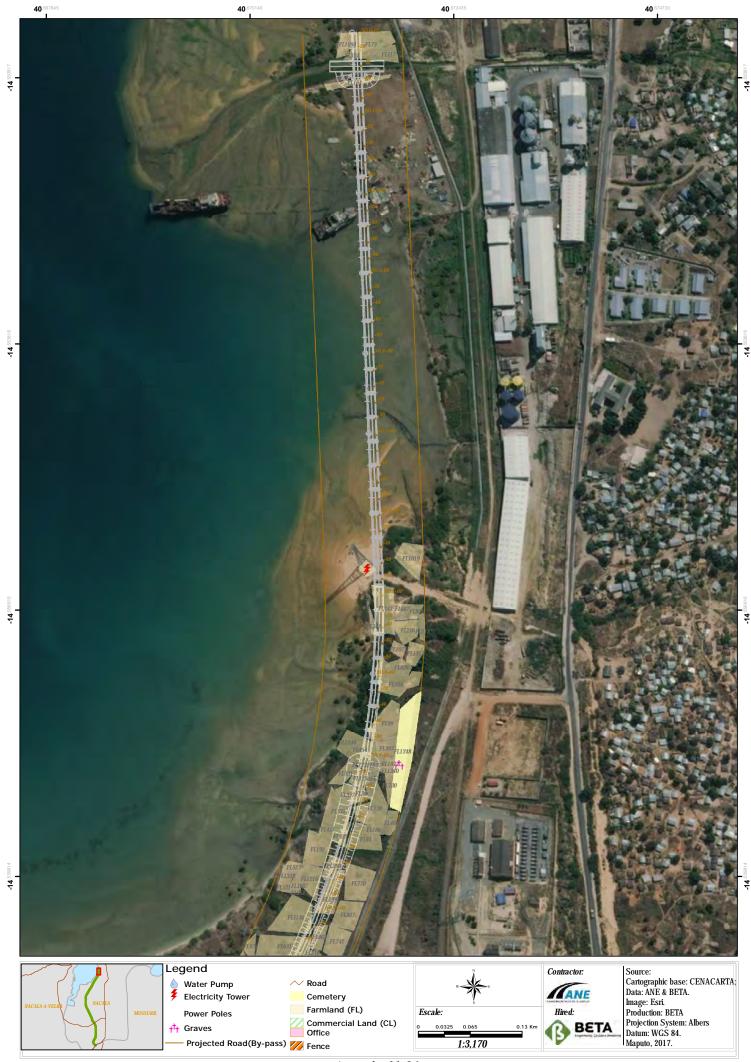
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Other type of C													
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Coconut													
Sugar													
Baobab			1										
Ziziphus mauritiana tree			_				10						
Banana tree	12						18						
Mango tree						1	11		2				23
Cashew			1	3		2	2		9		1	1	
Lemon													
Orange													
Papaya													
Sweet													
Sesame													
Okra													
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Administrative Post	MUTIVA	NACALA PORTO MUANONA	NACALA PORTO MUANONA	NACALA PORTO MUANONA	NACALA PORTO MUANONA	NACALA PORTO MUANONA	NACALA PORTO MUANONA	NACALA PORTO MUANONA	NACALA PORTO MUANONA	NACALA PORTO MUANONA	NACALA PORTO MUANONA	NACALA PORTO	NACALA PORTO MUTIVA

Annex 3 Demonstrative Map of the Affected Areas



Appendix 11-86



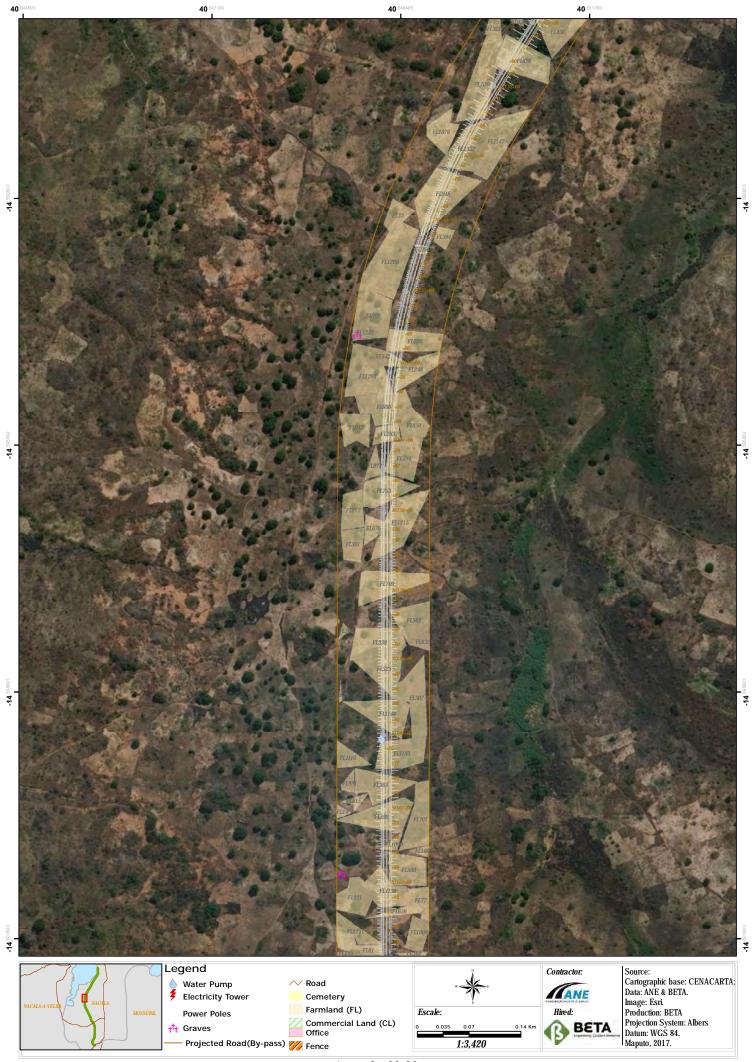
Appendix 11-87



Appendix 11-88



Appendix 11-89



Appendix 11-90



Appendix 11-91



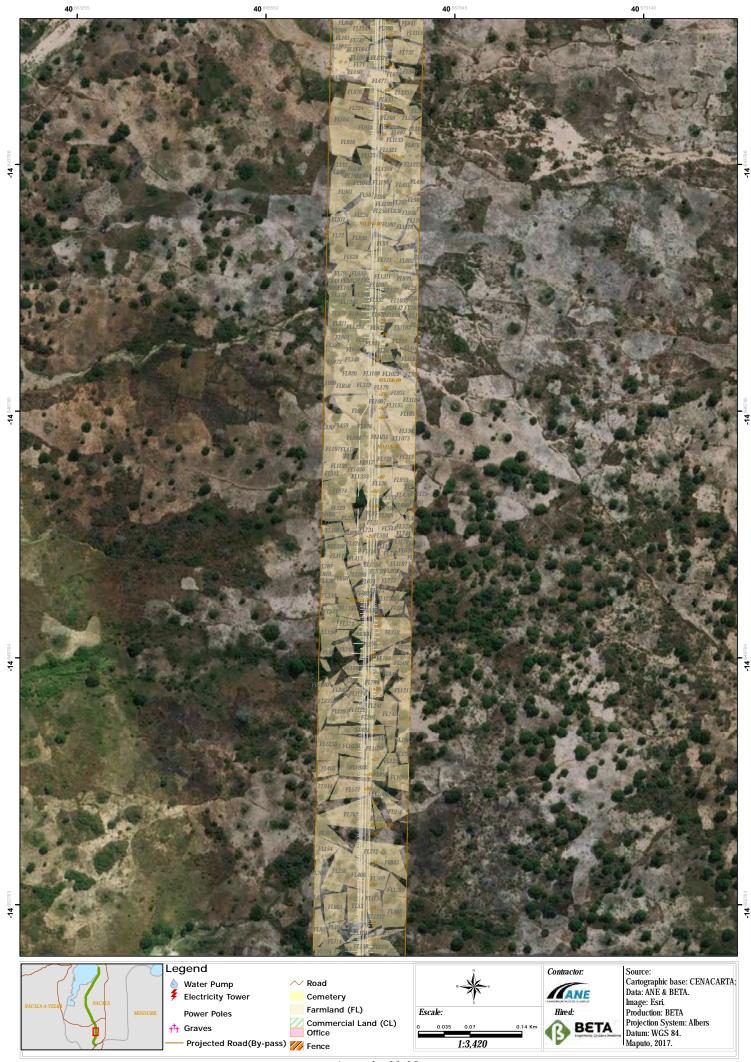
Appendix 11-92



Appendix 11-93



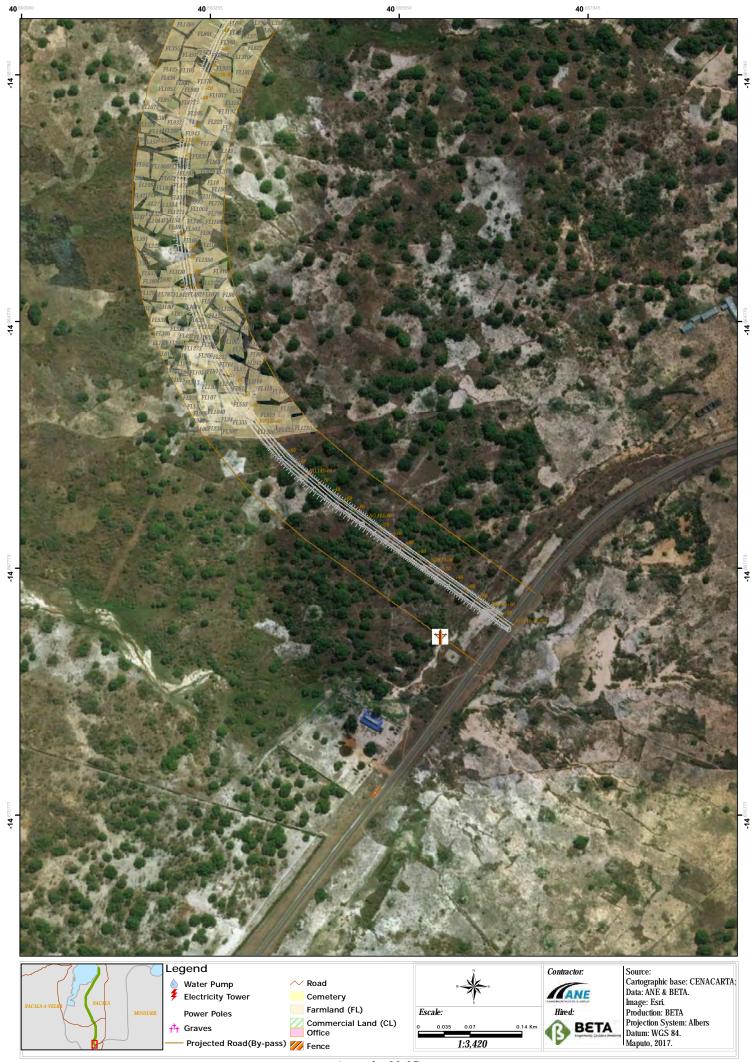
Appendix 11-94



Appendix 11-95



Appendix 11-96



Appendix 11-97

Annex 4 Price Tables of Crops and Plants



REPÚBLICA DE MOÇAMBIQUE GOVERNO DA PROVINCIA DE NAMPULA

DIRECÇÃO PROVINCIAL DE AGRICULTURA E SEGURANÇA ALIMENTAR SERVIÇOS PROVINCIAIS DE AGRICULTURA

Ao			

Nª/REF. NºC.3. /SPA/DPAN/2016

Nampula, aos 29 de Fevereiro de 2016

ASSUNTO: Envio de Tabela actualizada de Compensação de Culturas

Junto se envia a Tabela actualizada de Custo de Culturas Alimentares e de Rendimentos para compensação pela perda de colheitas.

Neste contexto, pede-se a V.Excia para divulgar nas instituições do estado, privado e nas comunidades da vossa jurisdição.

Sem outro assunto de momento, esperamos a Vossa colaboração

(Técnico Superior de Agro Pecuário N1)



REPÚBLICA DE MOÇAMBIQUE

GOVERNO DA PROVÍNCIA DE NAMPULA DIRECÇÃO PROVINCIAL DE AGRICULTURA SEGURANÇA ALIMENTAR

TABELA DE CUSTOS DE CULTURAS ALIMENTARES E DE RENDIMENTO PARA COMPENSAÇÃO PELA PERDA DE COLHEITAS EM METICAIS

1. Fruteiras

Plantas	Cada planta nova	Cada planta em reprodução	Cada Planta velha (não produz e seca)
Cajueiros	1.200,00	1.500.00	600,00
Mangueiras	360,00	480,00	180,00
Bananeiras	180.00	240.00	120,00
Citrinos	600,00	900,00	
Litcheira	1.320,00	1.800,00	360,00
Paqueira	300,00	600,00	840,00
Pereiras / Abacateiros	600,00	900,00	240,00
Papaieiras	360,00		360,00
Coqueiros	1.200,00	720,00	240,00
Goiabeiras	600,00	1.800.00	600.00
Caramboleiras		900,00	360,00
Ateira	600,00	900,00	360,00
Trepadeira	360,00	720,00	240,00
Videira	360.00	720.00	240.00
	420,00	900,00	300,00
Pessegueiro	600.00	1.080.00	480.00
Ananaseiro	30,00	60,00	18.00
Morangueiro *	60,00	120.00	36.00

* Avaliado o custo por metro quadrado (m²)

2. Cereais e Oleaginosas.

Colheitas	Por metro quadrado (m²)	
Arroz	24,00	
Milho	30,00	
Mapira	30,00	
Amendoim		
Gergelim	36,00	
Feijões	42,00	
Feijão manteiga	24,00	
Girassol	30,00	
Ricino	42,00	
	30,00	

3. Vegetais e legumes

Colheitas	Por metro quadrado (m²)
Repolho, Cenoura, Beringela, Tomate, Quiabo, Abohora, Cebola, Alho, Pimenta, Couve, Alface, Pepino, Beterraba, Amarantos, espinafre e outras.	60.00

4. Raízes e Tubérculos

Colheitas	Cada estaca	Cada estaca
Mandioca	6.00	24.00
Batata-doce *	18,00	1044
Batata reno *	48,00	4.4 8 4
Inhames	12,00	18.00

^{*} Avaliado o custo por metro quadrado (m²)

5. Outras culturas

Tabaco Colheitas	Por metro quadrado (m²)
Sisal	18.00
Cana sacarina *	60,00
	18.00
Algodão Eucalipto **	9,00

* Avaliado o custo por estaca: ** Avaliado por planta



Direcção Provincial de Agricultura e Seguranda Lamentar – Nampula – Av. Josina Machel nº 1124. CP nº 36. Tel.: (26)213308. Fax: (26)214177

Annex 5 Report on Public Consultation



CONSULTING SERVICES FOR ENVIRONMENTAL IMPACT ASSESSMENT STUDIES (EIA) AND ACTION PLANS FOR RESSETTLEMENT (PAR) FOR THE NACALA CORRIDOR PROJECTS – ACCESS ROAD TO THE PORT OF NACALA

MEMBA MEMBA MIASA CAPO DELGADO NACALA-PORTO RITSZ MACALA-A-VELHA RAMPULA Legenda Limite districal Limite provincial Limite provinc

Contrato Nº 41/DG/360/2016

Public Participation Report for the Project of Access Road to the Port of Nacala

Prepared by:

Consórcio BETA/NEMUS

Av. 25 de Setembro, No 1509

Telefone: +258 21302080

Fax: +258 21302080









Public Participation Report for the Project of Access Road to the Port of Nacala

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2	Report Structure	1
3	Objectives of the Public Participation Process (PPP)	1
4	Public Participation Methodology	2
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	4.2 Place of Public Consultation	3
	4.3 Consultation Period	3
	4.4 Language Used	3
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1 Introduction

This document is the report on the meeting of the Public Consultation for the presentation of the Simplified Draft of the Environmental Impact Study Report and the Abbreviated Resettlement Action Plan prepared for the Nacala Port Access Road which aims to connect the port of Nacala to the N12 road between Nacala and Chiponde, whose Proponent is the National Road Administration, with financing expected from the Government of Mozambique and the Japan International Cooperation Agency (JICA).

The meeting took place on 7 March 2017 at the Nacala Secondary School, at the Administrative Post of Mutiva - Muanona. Beta-Engeharia, Gestão e Ambiente in partnership with Nemus Africa, was the consulting firms contracted by the Proponent to carry out the study in question.

2 Report Structure

This report focuses on the objectives and needs of Public Participation, the issues addressed and discussed as well as the minutes of the meeting, including the questions addressed by the participants, their responses and actions to be followed for the implementation of the Project.

The report presents:

- ≠ Objectives of the Public Participation Process (PPP);
- ≠ Public Participation Methodology;
- ≠ Minutes of the Public Consultation Meeting;
- ≠ Main Issues Discussed;
- ≠ Conclusion; and
- ≠ Attachment

The following documents are annexed to the report:

- a) Agenda of the Meeting;
- b) List of Interested Parties (i.e. individuals formally invited to the meeting);
- c) Announcement published in *Jornal Noticias* (newspaper);
- d) Invitation Letter;
- e) Attendance List, and
- f) Photographs

3 Objectives of the Public Participation Process (PPP)

The Public Participation Process was carried out in accordance with the General Directive for the Public Participation Process (Ministerial Diploma no. 130/2006 of 19 July) and aims to ensure a objective, consistent and coordinated approach as well as enables interested and affected parties to be informed about the Project and they have the opportunity to present concerns and issues related to the project and take them into account in both environmental and social studies as well as in the preparation of the Engineering Project and its implementation.

In general PPP allows:





- ≠ Promote a good perception of the project in question;
- ≠ Understand the expectations of all stakeholders;
- ≠ Manage expectations and clarify doubts and misunderstandings;
- ≠ Capture the perception of stakeholders and collect inputs;
- ≠ Generate a process of mutual learning;
- ≠ Dialog and share ideas; and
- ≠ Assign responsibilities and include those affected as an integral part of the project

Transmitted information is related to:

- ≠ The Project and its components;
- ≠ Environmental and Social Studies and Project Impacts;
- ≠ Environmental and Social Management Plan; and
- ≠ Presentation of the Results of the Abbreviated Resettlement Action Plan

The Public Participation process was organized and facilitated by Beta/Nemus, with the participation of environmental and social experts with the technical support of the project proponent and local representatives, namely, Nacala Porto Municipality and Local Government.

4 Public Participation Methodology

4.1 Notification of the Meeting

According to Decree 54/2015, dated December 31st and Ministerial Diploma 130/2006, Public Consultations must be announced at least 15 days before the event. The announcement of the meeting should be published appropriately.

In order to publicize the Consultation, the following steps were followed:

- ≠ Launching of an advertisement in Jornal Notícias for two days (02/20/2017 and 02/21/2017)
- ≠ The invitation was addressed to the various government institutions at the provincial and district level (see attached list);
- ≠ Supporting documents have been made available in duly indicated locations to allow better information about the proposed project;
- ≠ Dissemination of the meeting at local level through telephone calls and verbal information:
- ≠ In the context of the meetings with the Focal Groups, there was also an opportunity to disseminate the Public Consultation;
- ≠ The reports have been made available on the Internet at the following addresses:
 - 1. http://www.beta.co.mz/publico/EAS Nacala DraftFinal 16Fev.pdf
 - 2. http://www.beta.co.mz/publico/RNT para a Consulta Publica.pdf
 - 3. http://www.beta.co.mz/publico/RAP_RNT%20para_Consulta_Publica.pdf
 - 4. http://www.beta.co.mz/publico/Anexo1 Mapas Ruido.zip





4.2 Place of Public Consultation

The Consultation took place at the Nacala Port Secondary School. The choice of location depended on several factors: location and accessibility to other stakeholders, room availability, weather, room capacity and convenience.

The best alternative would be to hold the meeting in a place equidistant for all affected and interested parties, but due to the weather forecast and flexibility in the organization, it was selected as an alternative, the School Pavilion that accommodated about 1000 people.

Transportation was made available to those affected people after coordination with local leaders. Beta/Nemus supported all transport costs. Refreshments and snacks were served during and after the Consultation.

4.3 Consultation Period

The consultation took place within a period of six (6) hours starting on time at 9:00 am. The forecast for the duration was three (3) hours, but due to the massive adherence and exchange of ideas and opinion between the affected population and the main panel, the meeting was extended for a longer time, but did not cause any embarrassment to the participants. Registration of the participants started at 8:00 am.

4.4 Language Used

For a better perception by all participants in the meeting, the presentations took place in two languages, Portuguese and Macua. Translation from Portuguese to Macua and vice versa was done with the help of a translator nominated by the District Government and with adequate translation experience at community meetings.

4.5 Collection of Opinions and Suggestions

The method for collecting inputs from the people primarily consisted of making all Beta/Nemus contacts available through letters of invitation to the indicated institutions and persons (Annex 2 and 3). On the website where the electronic version of the documents for the consultation was made available, the contacts for sending comments were also indicated.

As described in the minutes of the meeting, following the presentation of the Project, there was a period in which participants were given the opportunity to ask questions, make comments as well as provide suggestions. The questions and comments presented by the participants have been integrated into a table that contains the corresponding answers and/or observations.

5 Minutes of the Public Consultation Meeting

Location: Nacala Secondary School Pavilion, Date: 03/07/2017 Time: 9:00 AM

No of participants: approximately 1,000

Participants	Institution
Director Economic Activities	Nacala Port District
	Nacala Port District
	Government Directorates:
	1. Directorate of Health, Women and Social Action,
	2. Directorate for Education and Culture, Youth and Technology,
Administrator Representative	3. Directorate of Agriculture,





	4. Planning and Infrastructure Directorate
	Local Leaders: 1. Muanona Distrital Post Leader,
	Mutiva Distrital Post Leader
Representative	North Logistic Corridor (private company)
Representative	TDM (telecommunication public company)
Representative	EDM
Representative	FIPAG (water public company)
Representative	Régulo Muxilipo (local leader)
Representative	Régulo Suluhu (local leader)
Representative	Queen Suluhu (local leader)
Representative	Locone Secretary
Representative	Matola Secretary
Representative	Conambia Secretary
Representative	Maiaia Secretary
Representative	ASTRA (transport private association)
Representative	Business person
Representative	Representatives of Cristian Religion
Representative	Representatives of Muslim Religion
Representative	UP (University of Pedegogica)
Representative	Politécnica (University of Pedegogica)
Representative	INSCIG (Institution of Commerce, Transport and Management)
Representative	UCM (University of Mozambique)
Representative	NGO
Representative	National Council of HIV/AIDS
Representative	Associations (transporters, contractors and others)
Representative	Traffic Police
Rachide Aliasse	Nacala Port Municipality- Studies and Projects
Tacinae Masse	Nacala Port Municipality Nacala Port Municipality
	Councilmans: 1. Urbanism, infrastructure, housing and environmental sanitation, 2. Education and Culture, Youth and Technology, Sport and Recreation, 3. Health, Women and Social Action, 4. Transport and communications, 5. Industry, trade, tourism, markets and fairs, 6. Agriculture, Fisheries and Community Development Cabinetes: 1. Studies and Projects 2. Communication and image 3. Internal inspection and control Council Directorates: 1. Department of Inspection and Municipal Police 2. Department of Health, Women and Social Action 3. Department of Land Registration, Construction and Infrastructure Services, 4. Department of Industry, Trade and Tourism Services,
Representative	5. Department of Urban Services and Equipment,6. Department of Transport, Public Roads and Transit.
Eng.º Baúque	ANE Representative (Project Coordinator-Projects Directorate)
Representative	Provincial Directorate of Women and Social Action
Representative	DPTADER
110probolium 10	DI TIMBER





Representative	Provincial Directorate of Public Works, Housing and Water Resources
	Department of Inspection and Municipal Police
Nampula Delegation	ANE Representative at Provincial Level
Eng.º Leonel	ANE (Monitoring Department)
Eng ^a Deolinda Nunes	BETA- Engineering, Management and Environment
Dr. Eduardo Macuacua	BETA- Engineering, Management and Environment
Nelma Mapanga	BETA- Engineering, Management and Environment
Auditorium	approximatley 1,000 affected population and stakeholders

5.1 General Aspects

On March 7th of the year two thousand and seventeen, by 9:00 am the representatives of the consortium Beta/Nemus, the Government representatives, representatives from ANE, the affected and interested parties, in a number of approximately 1,000 people, attended the pavilion of the Secondary School of Nacala Port, to participate in the Public Consultation for the Nacala Port Access Road Project.

With all the necessary elements in mind to begin the meeting, the master of ceremonies presented the agenda and invited the Director of Economic Activities on behalf of the District Government to formally open the ceremony. The Director began by welcoming all the representatives of the Government and then delivered the speech beginning with praise for the initiative of the Project and the work carried out by the Consulting Company. He also mentioned that projects of this nature bring positive results to society in general and particularly to Nacala, which in turn contribute to social integration and enable the promotion of job creation.

Also in his speech, the Director of Economic Activities emphasized the accelerated development that is emerging in Nacala, including that induced by the Nacala Corridor and its financing, emphasizing the importance of Public Consultation in project processes and the need for participation of all. The Director requested the affected parties to adhere the "Cut-Off Date" notice of 12 October 2016 which is established for this RAP and coincides with the date of the start of the socio-economic survey. This date was announced by the consultant and is known from all members of the communities, in the direct impact areas of the project and surroundings (Nacala-Porto city and Nacala-a-Velha). He referred to the Public Consultation meetings that were currently underway in Nacala, in parallel, among which one referring to the installation of a Food Oil Factory and its importance to the communities regarding the generation of employment and economic development. He welcomed the process carried out for the definition of the Access Road to the Port of Nacala and ended his speech desiring the collaboration of all for the rapid realization of the project that will be very useful for the development of the Port of Nacala, adjacent regions and the country In one whole.

Next, was the turn for Mr. Baúque to introduce all ANE representatives, who presented the technical component of the project, highlighting the start of the activity by JICA Consultants, where the work started with the Feasibility Study that analyzed and defined the different alternatives of the project and the most viable alternative was proposed after direct consultations with the local institutions, among them the Nacala Municipal Council and the Administration. Mr. Baúque stated that the first phase of the feasibility study ended in 2015, when the conditions of the route were defined and subsequently given the need to deepen the environmental and social assessment of the planned route. Beta/Nemus was selected through a Public Tender, to carry out the Simplified Environmental Study and the preparation of the Abbreviated Resettlement Plan for the Project.





Continuing his intervention, the representative from ANE stated that the need for the new road arises with the development that is foreseen along the Nacala Corridor (CDN) that implies in an increase in the volume of traffic, to access the Port of Nacala on the current road and the new alignment is essentially aimed at diverting heavy traffic to and from Porto. He concluded by stating that the Simplified Environmental Impact Study and the Abbreviated Resettlement Action Plan represent the culmination of the first phase, as they will help on the estimation of costs required for the implementation of the Project and consequently the demand for financing. He also mentioned that the Beta/Nemus conducted the Environmental and Social Studies and the results would be presented in the meeting. Mr Baúque also stated about the importance of the cut-off-date already explained by the government representative.

Then the company Beta/Nemus was invited to present the technicians and make their intervention. Deolinda, as an introductory presentation made the presentation of the Beta/Nemus and the staff, followed by the overall presentation of the Simplified Environmental Impact Study. The presentation included the background of the study, the process of preparation of the Terms of Reference for approval by MITADER, the need for the study, the draft report and the importance of Public participation in the process with a view of the feasibility and sustainability of the Project. At the end of her speech, Deolinda summarized the conclusions and recommendations of the study and therefore asked the participants to present their doubts, questions and opinions on the study for the implementation of the project in question.

Following, Dr. Eduardo Macuacua, also representing Beta/Nemus, presented the socio-economic aspects of the project, the abbreviated Resettlement Action Plan and its results.

Eduardo Macuácua began his presentation explaining the objectives of the Resettlement Plan, which essentially aims, to Identify and mitigate the main economic and social impacts on people and their assets, that will result from the construction of the new road. Explained about the roadmap for compensation of people affected by the project and ensured that they will not be in disadvantage position comparing with previous situation, especially with regard to their means of survival.

Also in his explanation, Eduardo Macuacua explained about the process of data collection and identification of the areas to be investigated, the demarcation and inventory of all assets located in the Corridor of Impact, the registration of people, public and private infrastructures, cultivated fields, temporary and permanent crops, trees, etc. He also explained about the socio-economic study of the project area to understand the social dynamics of affected people. Eduardo Macuacua explained in a clear and summarized way the entire resettlement process, its different phases and finally presented the results related to the identification of the main impacts and the compensatory measures designed to be analyzed together to strengthen the discussions and future help in decision-making process of the project.

Following the presentations, the question and answer session was guided and moderated by the Director of Economic Activities.





5.2 Questions and Answers Session

Question	Answer/observation
Verónica António	Beta-Nemus
Despite the poor state of conservation of the graves, since they are very old and some, already without signaling, we went there to clean and register our names. I want to know if we are eligible for compensation or not.	In relation to the Central Cemetery, our survey team had difficulties in taking the process to the end because we realized that we were registering many people, without being able to confirm whether or not they had relatives on that location. The survey was stopped when we had registered more than 200 people and there were still a lot of people waiting to be registered. Under these conditions we felt that this registration process should be well done, with clear identification criteria involving not only the affected but local leaders, elders and municipal/governmental structures.
Julieta Omar	Beta-Nemus
During the survey, we went to the field twice, having managed to register only my mother once the family has graves in the area where the road will pass. At this moment my mother is not here, because she finds herself sick and is in my responsibility. How will be the payments of compensation under this situation?	The ARAP has a provision for vulnerable people including sick, elderly people, orphans, the disabled, widows and other people who have difficulty in following this process properly. These individuals have the right for special treatment and support by the ARAP interveners to ensure that no affected person/family leaves the process impaired.
Florêncio José Portugal	Beta-Nemus
The project to build the new access road to the port of Nacala will affect a part of the tombs of our relatives, leaving out other graves. He says that only a part of the tombs were collected and recorded. So my question is: how are the tombs not registered? Is it possible to move machines while building the road without interfering with the graves of my relatives?	It has been clarified that the road corridor of impact is calculated to be about 120 m wide, and if the tombs are outside this corridor we do not see how the road works will interfere with the remaining tombs, the 120m the road will be in the central part occupying only 20.5 m being the 100 m reserve of the road, enough space for the movement of the machines. However, during the implementation of the PAR additional
	impacts will be monitored to prevent any PAPs from being impaired.
<u>Luís Muassembe</u>	Beta-Nemus
There are two plots of arable land one distant from the other where they are also impacted by the Project. My concern is: what will be the method of payment for compensation? Am I entitled to one or two payments separately, with both parcels being registered on my behalf?	It was clarified that the PAR ensures direct compensation for all assets found within the Corridor of Impact. If you have two plots, the two plots will be compensated and the corresponding amounts will be sent to your bank account.
Ângela Mário Cossa, do bairro Murupelane	ANE
When the compensation process will begin? The population is expecting soon.	It was clarified that this was a multi-stage process. The project started with the feasibility study to define the most appropriate route. This was followed by the Environmental and Social Studies phase and the preparation of the Resettlement Action Plan. After this phase in which we have identified the impacts and the value of the compensation, the report will bet analyzed and appreciated by Government/ANE for approval process and then the mobilization phase of funds both for the payment





Question	Answer/observation		
	of compensation and for the construction of the road itself.		
	It is not possible to proceed with the payment of compensation without having secured the funds for the construction of the road. The two components have to be Synchronized.		
	To alleviate hunger it is recommended that populations continue to do their agricultural activities. However, without plant trees or build infrastructures on the corridor of impact.		
I am old enough and have never had an identity	The ARAP has a provision to support PAPs without identity card and without bank accounts, to regularize their situation. For that, people can approach the local civil registry and the banks to inform themselves and treat as soon as possible the Ids and the opening of bank canteens.		
card or personal ID. How can I do to treat them?			
Sonade Alexandre do Bairro Murupelane	Nacala Municipality		
Solidade Alexandre do Danto Murupelane	It was clarified that the Nacala Porto region, although the		
According to this intervener, the Municipal Council of the City of Nacala does not have spaces available for farming for those affected by the Project. I wonder to where our plots will be transferred?	basis of its economy was agricultural a few years ago, the reality today has changed. It is a special economic zone with great attraction for industrial projects. The construction of the new road will attract many industrial enterprises and there will		
To what extent can compensation payments have	not be enough space for farming activity.		
negative repercussions?	People will be compensated for the loss of the assets (as mandated by the Law) and may want to scale the neighboring districts that still own land to those who want to practice agriculture.		
	It has also been clarified that the payment of compensations can become nightmares for some families with the possibility of destruction of homes, so it is recommended that both spouses sign the compensation agreements and are in the process.		
Fátima Sulemane	Beta-Nemus		
He praised the work of the consultancy and praised the initiative of the Project. He recommended that "older" people and residents of the area covered by the Project should be part of the following surveys because they claim to have more knowledge of the area, as well as the affected	It was clarified that in the implementation of the ARAP, local committees will be created to monitor and supervise resettlement, local leaders, representatives of the various sectors of society and the PAPs themselves. This is an opportunity for the involvement of older, knowledgeable people in the area. In case of an anomaly, these committees have the prerogative to correct it.		
people and assets, minimizing in this way the irregularity in some information.	It was clarified that the ideal would be to transfer all the graves inside the impact corridor to a municipal cemetery in		
In the area of Locone I have a family cemetery where the remains of my mother and uncle are deposited. I wonder to where they will be transferred?	order to avoid that every time a project is carried out, it will resettle the same fields that had already been affected by other road projects.		
Jorge José do Bairro Triangulo	Beta-Nemus		
The inquirers arrived at my farm and I told them that I had 2 plots of banana and cane fields and said they would register if considering as a single farm adding the areas I would agreed. Later I found	It was clarified that the negotiation of contract for the payment of compensation is only between two entities ANE and PAP. No one else will know how much each PAP received unless PAP goes around spreading it.		





Question	Answer/observation
someone who told me that they would not have done it because the value would be high and I fear being persecuted. How can I articulate this situation?	On the other hand the value goes directly to the bank account and in this way is safer and no risk of persecution.
Amido António João, Bairro triangulo	Beta-Nemus
When the tombs were registered of in the Central Cemetery, I was at the work. I do not know what to do because I have family graves.	It has been clarified that absence in such proceedings is normal and this cannot constitute a reason for non-compensation. There are mechanisms for correcting omissions provided for in the RAP itself. However, the case of Central Cemetery no graves were considered given the reasons explained above.
José Macupir, do Bairro Triangulo	Not answered (by mistake)
His concern is that he was raised from a field near the saline and was labeled one of his cashew trees "B38 register", but he was not interviewed. Want to know: How can I apply for an interview?	
Abacar Chande	Beta-Nemus
It appeals to the population in general so that there is no ignorance in this Project because it is sure that it will bring a development to the city of Nacala. He says he has been working the land since 1972 and has a tomb of a minor son in the affected area but has not been identified. So, wants to know: Am I entitled to any compensation?	It has been clarified that all assets affected by the road project, i.e. within the impact corridor, are entitled to compensation. However, these assets must be identifiable and in the case of the fields indicating the area where the remains lie to be removed.
Melonencia Rosário	Beta-Nemus
She reports that she had a plot inherited from her father in the zone of influence of the Project, but due to her lack of time and availability, the farm was given on loan to a neighbor. At the moment of registration of the affected field, the group of inquirers had contact with the neighbor because she was in the field at the moment, and affirms that the neighbor did not tell the truth that it was in that area for loan thus giving the data of her as being the owner. I want to know: how can I go beyond this and pass the registration in my favor?	In this case it was clarified that one of the eligibility criteria is compensation for crops and plants. The land itself, as we have said, will not be compensated under the Law when it comes to public utility projects. Here it depends if the trees and crops on the farm falls short. The owner of trees and crops is entitled to compensation. The resettlement committee should review this case during the implementation of the ARAP.
Second Part	

Guanania Abudo	Beta-Nemus
	During the RAP implementation this situation of lack of photo
The neighbor registered the farm because he wa	will be corrected. In fact, the RAP implementation process
not available. My concern is if I could find the	e itself will confirm the affected persons and assets before
brigade to get my registration photo. I wonder ho	w payment and if necessary photos will be taken.
I should proceed?	





Question	Answer/observation
Salambi Mussagy	Beta-Nemus
My field was demarcated almost at the elbow. In the area where they will do maneuver will affect a larger area of the farm.	Areas outside the corridor of impact could not be considered. If impacts are affected more areas than expected, these impacts will be taken into account and the affected persons compensated.
Armando Mateus	Beta-Nemus
The brigade appeared in the cemetery and I took the opportunity to register the graves of my relatives When I returned home, I informed the family. They were upset and questioned the fact that I only registered the names alone and how would the value of the compensation be divided? I even received threats from family members and I want to know how to calm these moods?	It was clarified that in the cemetery surveys we were faced with a situation of legitimacy. Among the members of the same family there are those who have more right to receive compensation for graves than the others. Eventually the father and mother of the deceased. This will be a matter for decision in the resettlement committees. However it was clarified that the herds are registered through a single member of the family to avoid duplication of registration.
Alberto Adelino do bairro Mutupoaia	Beta-Nemus
Every neighbors was registered and I was not. Three days later I found the people who were registering and they said they could not go back. I have not been registered yet. How is my situation?	PAPs absent in the survey process will be considered in the implementation phase. But your eligibility will have to go through the scrutiny of the local committee.
Luísa Américo	<u>Beta-Nemus</u>
It has been said that the graves of the Central Cemetery were not visible. That is pure truth. We did cleaning, but at one point we were told by the authorities to stop cleaning because of erosion. On the other hand, there was a machine that knocked down the baobab in the Tapão zone and the mounds disappeared. When the lifting phase arrives it is recommended the involvement of the leaders.	It has been said that a good note has been made and all stakeholders will be involved.
António Rodrigues	Beta-Nemus
When the survey team was registering, I was not in my place. I came after the survey team work. I was following them and they advised me to leave my name with the local leader. I left my name without ID and the photo.	It was clarified that all those who were absent during the survey, in the implementation phase of the RAP, could approach to clarify and correct any omissions on the ground.
I have doubts that I have actually been registered. So, what my situation will be?	
<u>Lúcia Augusto</u>	
When the brigade was registering the assets affected, I was on live of disgust and did not register. I know, however, that the road crosses my farm. I am requesting support for my registration.	





	-
Question	Answer/observation
Mauricio Abudo	
I found some cashew trees on the road alignment, and when I asked the population, they told me that the brigade had returned to Maputo and had to wait for the second route. Then I was not registered.	
Chale Alberto do bairro Conambia	Beta-Nemus
Asked why to exhume bodies. Why not compensate the families and then let the road go over the road. Exhume bodies creates problems for the family, says the Lord. On the other hand, during the survey, some received a code and some did not receive it. I would	It was clarified that the process of road construction includes earthworks and could, in some cases, bring the stones out. It is advisable to exhume and transfer to a safe place. It has also been clarified that all of the PAP has a identification number that is in the survey and facilitates the quick and unique identification of the affected person.
like to clarify the relevance of these codes.	
Maria Mário	Beta-Nemus
I have been registered by the brigade, without identification document. I want to know what I will do when I receive the compensation check.	You should seek for your ID. The ARAP service provider, as we have already mentioned, will support people to obtain the necessary documentation.
Muageira Patrício do Bairro Triângulo	Nacala Municipality
Our fields were registered on the beach last week. It was registered where the machine went to discharge water on the beach. They said they registered where the machine went, and another part does not matter. Our farms was taken by the roads that passes in the middle.	This case has nothing to do with the construction of a new access road to the port of Nacala.
Gilberto Faira	Beta-Nemus
I am worried because I have an arable land with 470 banana trees and all of them are inside the area of direct influence of the Project. The field was registered, but I disagree with the total number of banana trees that the inquirer put in my registration form, since he saw that the Banana trees were so many and estimated a number that does not meet the reality of the 470, which seems to be sad situation. I want to know how I should act to complain and have in my registration form the real number of banana trees?	It was said that this is a failure of the inquirer because the orientation is to register all affected assets without increasing and without decreasing. This should be verified and corrected by the RAP implementation team, ensuring that all assets affected at the time of the investigation are cleared. For this there are photos and from the photographs can also confirm the number of banana trees affected.
Momad Muarica	Beta-Nemus
I have two affected farms in Locone and Murupelane all registered and I want to know how they will be compensated?	It was clarified that all the improvements affected in the two farms are eligible for compensation.
Muanisse Paieira	Beta-Nemus
I am admired to hear that we can still cultivating the	At no time was the project's orientation to stop people from cultivating land within the corridor of impact. What has been





Question	Answer/observation		
farms. It had been said that we could not be there. So, what should we do if the rains are coming to the end. We ask that compensation to be paid immediately because families are suffering from hunger.	said and we are emphasizing again is that trees should not be planted, infrastructures or fields should not be implanted, since everything placed there after "Cut-Off-Date", other than crops, would not be considered for compensation.		
Ofélia Lindo	ANE		
We are anxious to see the access road to the Port of	We are in a phase of public consultation to inform the affected population about the Project in general.		
Nacala built, as it will monetize working time a lot, and in this way, I want to know when will it be?	The project began in 2014, where in 2015 the alignment was defined. In 2016, the crops were registered and the value of		
Omar Marenjane	compensation calculated. The stage of mobilization of funds is followed to give shape to the project.		
Reinforces the need to indicate the timetable for the implementation of the RAP. Because we have children and family responsibilities. We ask for government support.	Therefore, it is a process. In this case it is always advisable for people to continue their agricultural practice so as not to go hungry until the compensation payment phase arrives.		
Vitorino Francisco Lauwia	Beta-Nemus		
I would like to have a clear answer on the graves from Central Cemitery - What will happen from now? If they have found many graves or few, the important thing is how the process will close.	It has been clarified that the situation of the Central Cemetery is quite delicate. In conversation with municipal authorities we understood that the cemetery is from 1950s and was closed in the 2000s. Therefore, there are more than 2,000 graves in the central cemetery. There are reports of the existence of common trenches at the site resulting from the burial of people from the railway accident.		
	Therefore, we leave this subject to a deep reflection involving the proponents of the project, the affected ones and the government/municipal authority.		

There being nothing else to mention among the participants in the Public Consultation, the master of ceremony invited the Government representative to make the last considerations and close the meeting.

The Director of Economic Activities made the last considerations, emphasizing the need of collaboration of all, with a view to the implementation of the project. He thanked the participants, closed the meeting, and left the room.

5.3 Main Issues Discussed

In order to summarize the main aspects addressed at the Public Consultation meeting, the major concerns are:

- **≠** Sacred Places to be properly considered;
- ≠ Graves at Central Cemetery: some situations of totally destroyed and unidentified graves inside the project area;
- ≠ Compensation methodology: concerns about the mode of compensation to be received, dates and method of payment;
- ≠ Persons affected but not registered: the concern of not being registered and requesting information on how to proceed;
- ≠ Alignment alternative proposal for the Central Cemetery: most of the concerns presented are related with exhumations in the Central Cemetery and other places. One possibility is the revision of the alignment in this area of the project.





As a final recommendation, the affected population was informed that the issues raised will be addressed in depth at the completion of the EIS and the RAP, with particular emphasis on the analysis of alternatives for obtaining livelihoods and income from PAPs.

5.4 Synthesis and Conclusions

This report summarizes the process of Public Consultation related to the Simplified Environmental Impact Study (EIS) and the Abbreviated Resettlement Action Plan (ARAP) conducted for the Nacala Port Access Road Project.

The process followed all the legal provisions, and made it possible to collect comments and suggestions for the referred studies.

The population has shown to be participative and receptive to the implementation of the Project, since the implementation of this project will add value to the local and regional transport system thus developing the opportunities of the residents in the corridor and in the surroundings, as well as in the regulation of the traffic In and out of Porto.





6 Attachment



Environmental Impact Assessment (EIA), Resettlement Action Plan (RAP) of Access Road Project to Nacala Port.

Contract No. 41/DG/360/2016

PUBLIC CONSULTATION MEETING AGENDA

MARCH 7, C2017

08:00-09:00	Registration of Participants	Beta
09:00 – 09:10	Welcome	Facilitator Administrator of the District of Nacala / Representative of the Municipality of Nacala Porto
09:10 – 09:20	Presentation of the Agenda Presentation of Participants	Facilitator
09:20 – 09:45	Presentation of the Project ≠ Location ≠ General description	ANE
09:45 – 10:00	The EIA Process and Public Participation: Problems and Proposals	Beta
10:20 – 10:45	TdR and Draft EIA ≠ Biophysical and Socio-economic aspects ≠ Environmental Management Plan ≠ Description of expected impacts and mitigation measures.	Beta
10:35 – 11:00	TdR and Draft PAR ≠ Social aspects ≠ Description of expected impacts and mitigation measures;	Beta
11:00 – 11:30	Questions and Concerns Session ≠ Potential project impacts that need to be deepened for final EIA and PAR.	Everyone
11:30 –11:45	Final Considerations and Closing	Facilitator Administrator of the District of Nacala / Representative of the Municipality of Nacala Porto





INVITATION ADVERTISED IN THE NOTÍCIAS NEWSPAPER

Invitation

PUBLIC PARTICIPATION PROCESS FOR THE PROJECT OF ACCESS ROAD TO THE PORT OF NACALA- 14.5 KM

The National Roads Administration (ANE) has contracted the Beta / Nemus Consortium for the elaboration of the Simplified Environmental Impact Study (EIA) and the Preparation of an Abbreviated Resettlement Action Plan of the Nacala Port Access Road Project. Within this context of Work, Beta-Engenharia, Gestão e Ambiente Ltda in association with Nemus África in the name of ANE hereby announces the holding of the public consultation in Nacala-Porto, Nampula province.

The purpose of the public consultation is to present the Draft Report of the Simplified Environmental Impact Study and the Abbreviated Resettlement Action Plan with a view of collecting all the concerns, comments and opinions related to the abovementioned project.

Thus, ANE is pleased to invite interested and affected parties to participate in the Public Consultation Meeting to be held in Nacala, at the Nacala Secondary School, on March 7, 2017, beginning at 9:00 am.

The draft report of the study will be available for consultation at the following locations:

Maputo

<u>Nampula</u>

- ≠ National Roads Administration (ANE)
- ≠ Beta-Engeneering, Management and Environment.
- ≠ Provincial Directorate for Land, Environment and Rural Development Direcção (DPTADER)
- ≠ Nacala Municipal Council
- ≠ Nacala PortoAdministration
- ≠ ANE Delegation-Nampula

In case of questions contact Beta-Engenharia, Gestão e Ambiente through the following contacts:

Beta-Engenharia, Gestão e Ambiente

Tels: +258 21083631; +258 843140763

Email: geral@beta.co.mz







Exmos Senhores: Governo do Distrito de Nacala Att: Sr. Administrador Nacala

DEPARTAMENTO DE

MONITORIA

Sua Referência

Sua comunicação de Nossa referência

Nossa referência

ANE/ 9 4 /DIPRO/DEM /2017

Nossa comunicação de 27/02/2017

ASSUNTO: Convite para a Reunião de Consulta Pública para a Apresentação do Rascunho do Relatório do Estudo Ambiental e Social Simplificado e Plano de Acção de Reassentamento Abreviado do Projecto de Estrada de Acesso ao Porto de Nacala.

Exmos Senhores,

A Administração Nacional de Estradas (ANE), contratou o Consórcio Beta/Nemus para a elaboração do Estudo do Impacto Ambiental Simplificado (EIAS) e do Plano de Acção de Reassentamento Abreviado do Projecto de Construção da Estrada de Acesso ao Porto de Nacala.

Assim, a ANE tem o prazer de convidar as partes interessadas e afectadas a participarem na Reunião de Consulta para a apresentação do "Rascunho" do Relatório do Estudo de Impacto Ambiental Simplificado e do Plano de Acção de Reassentamento Abreviado com vista a recolha de todas as preocupações.

A reunião terá lugar na Escola Secundária de Nacala, no dia 7 de Março de 2017, com início as 9:00 horas, conforme a agenda anexada.

O rascunho do relatório do referido estudo estará disponível para consulta nos seguintes locais:

Maputo

- Administração Nacional de Estradas (ANE)
- Beta-Engenharia, Gestão e Ambiente

Nampula

- Direcção Provincial da Terra, Ambiente e Desenvolvimento Rural (DPTADER)
- Conselho Municipal de Nacala
- Administração de Nacala Porto
- Delegação da ANE em Nampula





nemus •

Os documentos estão também disponíveis no endereços electrónicos abaixo:

1. www.beta.co.mz/publico/EAS_Nacala_DraftFinal_16Fev.pdf

2. www.beta.co.mz/publico/Anexo1 Mapas Ruido.zip

Para mais informações contacte:

Beta-Engenharia, Gestão e Ambiente Tels: +258 21083631; +258 843140763

Emails: vehichungo@beta.co.mz; nmapanga@beta.co.mz

Os nossos maiores e respeitosos cumprimentos,

/ Marco Vaz dos Anjos / (Técnico Superior de Obras Públicas N1)



4.2. Modelo de carta para participação nas reuniões de Participação Pública

List of Interested Parties

At Nacala Level

1. Nacala City Council

Councilmans:

- 1. Urbanism, infrastructure, housing and environmental sanitation,
- 2. Education and Culture, Youth and Technology, Sport and Recreation,
- 3. Health, Women and Social Action,
- 4. Transport and communications,
- 5. Industry, trade, tourism, markets and fairs,
- 6. Agriculture, Fisheries and Community Development

Cabinetes:

- 1. Studies and Projects
- 2. Communication and image
- 3. Internal inspection and control

Council Directorates:

- 1. Department of Inspection and Municipal Police
- 2. Department of Health, Women and Social Action
- 3. Department of Cadastre, Construction and Infrastructure Services,
- 4. Department of Industry, Trade and Tourism Services,
- 5. Department of Urban Services and Equipment,
- 6. Department of Transport, Public Roads and Transit,

Government Directorates:

- 1. Directorate of Health, Women and Social Action,
- 2. Directorate for Education and Culture, Youth and Technology,
- 3. Directorate of Agriculture,
- 4. Planning and Infrastructure Directorate

Local Leaders:

- 1. Muanona Distrital Post Leader,
- 2. Mutiva Distrital Post Leader





Others:

- 1. North Logistic Corridor
- 2. CFM,
- 3. TDM,
- 4. EDM,
- 5. FIPAG,
- 6. Régulo Muxilipo,
- 7. Régulo Suluhu,
- 8. Queen Suluhu,
- 9. Locone Secretary,
- 10. Matola Secretary,
- 11. Conambia Secretary,
- 12. Maiaia Secretary
- 13. ASTRA
- 14. Economic Agents
- 15. Representatives of Cristian Religion
- 16. Representatives of Muslim Religion
- 17. UP
- 18. Politécnica,
- 19. INSCIG
- 20. UCM
- 21. ONGs
- 22. National Council of HIV/SIDA
- 23. Associations (transporters, contractors and others)
- 24. Traffic Police





4.3.Lista de registo de participantes na Reunião Pública



Avaliação do Impacto Ambiental (AIA), Plano de Acção de Reassentamento (PAR) do Projecto de Estrada de Acesso ao Porto de Nacala Loté A.

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Kasalina Antohis	11			
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Mariamo Amiese	11			
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ACALM AZIAN	LOCONE	8653162	
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Avaliação do Impacto Ambiental (AIA), Plano de Acção de Reassentamento (PAR) do Projecto de Estrada de Acesso ao Porto de Nacala Lote A.

Contrato No. 41/DG/360/2016

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Avaliação do Impacto Ambiental (AIA), Plano de Acção de Reassentamento (PAR) do Projecto de Estrada de Acesso ao Porto de Nacala Lote A.

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4.4.Registo Fotográfico dos participantes da Reunião Pública













Annex 6 - Monitoring Forms (sample)

*CD: completion date; RD: recorded date; HH: household

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Appendix-12 TOR (draft) of the Environmental Survey submitted from JICA Study Team to ANE

TERMS OF REFERENCE

FOR

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT SURVEY FOR

THE PREPARATORY SURVEY

ON

THE NACALA-CORRIDOR ROAD NETWORK DEVELOPMENT PROJECT

IN

REPUBLIC OF MOZAMBIQUE

TS.1 GENERAL

The JICA Survey Team, comprising a consortium of Oriental Consultants Global Co., Ltd., has been conducting the preparatory study for the project, namely, The preparatory survey on the Nacala-corridor road network development project in Republic of Mozambique (hereinafter referred to as "the Project") from March 2015. This Terms of Reference shall be applied to the works for preparation of Environmental and Social Impact Assessment Plan (hereinafter referred to as "the Work") to be done by the contractor in charge of the Work (hereinafter referred to as "the Contractor") for this preparatory survey.

TS.2 BACKGROUND

Will be filled out in bidding stage

TS. 3 OBJECTIVES OF THE SURVEY

The Project is to carry out all the requirements necessary to execute the Project in Japanese ODA Loan, such as defining the project objectives, and preparing project summary, project cost, implementation schedule, implementation method (procurement, construction), implementation plan, operation and maintenance management system, environment and social considerations, etc.

JICA requests Project proponents (Government of Mozambique) to pay appropriate environmental and social considerations when implementing an ODA projects, based on the "JICA Guidelines for Environmental and Social Considerations (April 2010) (hereinafter referred to as "JICA Guidelines").

The objective of the Work to be entrusted to the Contractor is to implement environmental and social impact assessment study (hereinafter called "ESIA") and obtain Environmental clearance from relevant organization for the Project while meeting the requirements of the "JICA Guideline for Environmental and Social Considerations (2010 April)".

TS.4 PROJECT AREA AND COMPONENT

The target project is composed of 3 sub-projects. The tentative subject areas are as shown in the Figure-1, Figure-2 and Figure-3.

The prioritized alignment and project component including crossing point of new bridges, length and location of the approach road, numbers of lane and so on will be provided based on the results of alternative analysis to be done by the JICA Survey Team. The followings are the prioritized project at this moment.

(1) Nacala: Port Access Road

1) Activities: Construction of new bypass road

2) Total length: 13.5km

3) Number of lane: 2 lanes for each direction (Total: 4 lanes)



Figure-1 Study Area

(2) Nampula: Southern-Bypass Road

1) Activities: Construction of new bypass road

2) Total length: 32.5km

3) Number of lane: 2 lanes for each direction (Total: 4 lanes)

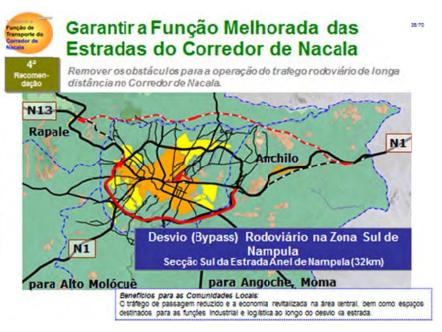


Figure-2 Study Area

(3) Cuamba: Bypass Road

1) Activities: Construction of new bypass road

2) Total length: 11km

3) Number of lane: 1 lanes for each direction (Total: 2 lanes)



Figure-3 Study Area

TS.5 SCOPE OF THE WORKS

The Contractor shall implement the study for EPDA (Estudo de Pré-Viabilidade Ambiental e Definição do Âmb). Subsequently, environmental and social impact assessment or simplified environmental study for 3 components shall be implemented

as shown below, and required environmental permit from environmental authorized agency of Government of Mozambique shall be obtained. The detail of the scope for ESIA shall be decided based on the result of EPDA.

Draft Table of Contents for ESIA Report (based on JICA Guidelines)

- 1. Executive Summary
- 2. Project background and objectives
- 3. Description of the project
- 4. Baseline of natural and social aspect (based on literature data)
- 5. Policy, Legal, and Administrative Framework
- 6. Alternative analysis (including Zero option (without project case))
- 7. Scoping (insert scoping Matrix and reasons)
- 8. Result of site survey based on Scoping
- Anticipated Environmental and Social Impacts and Evaluation
 (anticipate impacts with mitigation measures when the result of anticipated impact without mitigation measures exceeds evaluation criteria such as environmental standards)
- 10. Environmental Management and Monitoring Plan (EMMP)
- 10-1 Mitigation measures, budgeting and responsible agency
- 10-2 Monitoring Plan (Item, frequency, budgeting and responsible agency)
- 11. Consultation (at least twice for a component: Scoping stage and draft ESIA stage)
- 12. Conclusions and Recommendations

TS.6 STUDY PERIODS

A tentative study period is shown below.

Each ESIA or IEE study shall be started when the Consultant notify it on written instruction.

The study period is starting from March of 2015 to March of 2016 as shown in TS.14.

TS.7 BASELINE DATA FOR EXISTING ENVIRONMENT

The Contractor shall carry out the tasks as listed below through interpreting secondary data, site reconnaissance and interviewing to related administrative office.

- (1) Social Environment
 - Concise socio-economic profile of the project area
 - Numbers of affected households by the project
 - Local economy such as employment and livelihood, etc.
 - Land use and utilization of local resources
 - Social institutions and local decision-making institutions
 - Existing social infrastructures and services

- Demographic characteristics
- Culture heritage
- Present uses of surface water including water supply
- Sanitation
- Any flood problems, if any
- Hazards (Risk) and Infectious disease such as HIV/AIDs
- Poor/Indigenous people/Gender
- Others

(2) Natural Environment

- Climate inventory and analysis, especially, observed record of WDR (World Development Report) for the year
- General topography and geology and the project area
- Hydrological situation
- Flora, Fauna and Biodiversity
- Rare, endangered and endemic species in the project area and its vicinity
- Landscape
- Others

(3) Living Environment (Pollution)

- Impact on Air pollution
- Impact on Water pollution
- Waste
- Impact on Noise and Vibration
- Impact on Ground subsidence
- Offensive odor
- Bottom sediment
- Accidents
- Others

TS.8 MEASUREMENT SURVEY ON ANTICIPATED IMPACTS

The measurement survey will be conducted as follows. The Contractor shall clarify the measurement methodology including measuring equipment, methods of analysis and analytical instruments information in the implementation plan (referred to <u>TS.11</u>).

Note that the specification of the measurement survey including measurement parameters, measurement locations and so on, might be modified based on the results of meeting with MICOA (Ministry of Coordination of Environmental Affairs) (referred to TS.11).

Table-1 Site Measurement Item

Category	No	Impacted Item on JICA Guidelines	Sampling/Site Measurement Survey							
	1	Air pollution	(1) Site measurement 17 points (Component-1:5points, Component-2:7points, Component-3:5points) (2) Item CO, NO2, SO2 and TPM (3) Frequency One time Note) Collection of Secondary data, if any							
	2	Water pollution	ints, Component-3:5points)							
	3	Waste	Sampling site survey is not required							
ttion	4	Soil contamination	Sampling site survey is not required							
Pollution	5	Noise and Vibration	Noise (1) Site measurement 17points (Component-1:5points, Component-2:7points, Component-3:5points) Note) In the selection of the measurement location have to give priority to the sensitive facilities of noise impact, such as schools, hospitals, residential area, so on. (2) Item LAea, 10min 24hr/weekday, traffic volume and speed (3) Frequency One time Note)Secondary data collection, if any	Vibration (1) Site measurement 17points (Component-1:5points, Component-2:7points, Component-3:5points) Note) In the selection of the measurement location have to give priority to the sensitive facilities of noise impact, such as schools, hospitals, residential area, so on. (2) Item $L_{v10} \end{tabular} \begin{minipage}{0.5\textwidth} L_{v10} (3) Frequency One time Note) Secondary data collection, if any$						
	6	Ground subsidence	Sampling site survey is not required							
	7	Odor	Sampling site survey is not required							
	8	Sediment quality	Sampling site survey is not required							
	9	Protected area	Sampling site survey is not required							
fatural environment	10	Ecosystem	(1) Site survey (2) Item Fauna and flora, ecosystem, considerable species such as listed species on IUCN list (3) Frequency One time Note) Secondary data collection, if any							
Natı	11	Hydrology	Sampling site survey is not required							
, .	12	Topography and geology	Sampling site survey is not required							
	13	Involuntary resettlement	Refer to RAP survey							
	14	The poor	Refer to RAP survey							
	15	Indigenous and ethnic people	Refer to RAP survey							
onment	16	Local economy such as employment and livelihood	Refer to RAP survey							
Social environment	17	Land use and utilization of local resources	•							
9 1	18	Water usage	Sampling site survey is not required							
	19	Existing social infrastructures and services	Refer to RAP survey							
	20	Social institutions	Sampling site survey is not required							
		such as social infrastructure and								

Category	No	Impacted Item on JICA Guidelines	Sampling/Site Measurement Survey
		local decision making	
		institutions	
	21	Misdistribution of benefit and damage	Sampling site survey is not required
	22	Local conflict of interests	Sampling site survey is not required
	23	Cultural heritage	Refer to RAP survey
	24	Landscape	Refer to RAP survey
	25	Gender	Refer to RAP survey
	26	Right of children	Refer to RAP survey
	27	Infectious diseases such as HIV/AIDS	Sampling site survey is not required
	28	Labor environment	Sampling site survey is not required
	29	Accidents	Collection of traffic accident data from police station
Others	30	Cross boundary impacts and climate change	Refer to RAP survey (land use and tree species shall be confirmed)

TS.9 CONSULTATIONS

JICA Guidelines encourages project proponents etc. to consult with local stakeholders about their understanding of development needs, the likely adverse impacts on the environment and society, and the analysis of alternatives at an early stage of the project planning.

In order to meet the above requirement of JICA Guidelines, the stakeholders meeting (SHM) will be held under initiative of ANE in the course of this study. The assistance for the SHM by the Contractor shall conduct for following items.

(1) Notification of SHMs

The notification for SHM is done in accordance with the regulation of Mozambique.

(2) Draft Agenda for SHM

- 1) 1st SHM (June, 2015) for Scoping Stage
 Project outline, predicted positive and negative impacts, survey items and
 methodology, project schedule and exchange opinions
- 2) 2nd SHM (November, 2015) for Draft ESIA stage Project outline, analyzed positive and negative impacts, mitigation measures and monitoring plan and exchange opinion.

(3) Record of SHM

The Contractor shall prepare the Minutes of Meeting (MM) for SHM with attendant list with signature and photo.

Note that all documents shall be prepared in Portuguese and English

(4) Supporting of JICA Environmental and Social Consideration Advisory Committee

The Contractor shall support and prepare material for JICA's environmental committee upon request if required.

TS.10 ORGANIZATION OF THE STUDY TEAM

In order to complete the tasks successfully within the period mentioned above and conduct the study effectively, the Contractor shall organize the survey team for comprising sufficient number of experts not limited to but including as follows:

- 1) Project Manager (who has enough knowledge of natural and social environment and has similar survey experience more than 15 years or more than 7 projects)
- 2) Environmentalist (who has enough knowledge of natural environment especially protected species and has similar study experience more than 10 years or more than 5 projects)
- 3) Sociologist (who has enough knowledge of social environment and interview method and has similar study experience more than 10 years or more than 5 projects)
- 4) Pollution Analyst (who has enough knowledge of pollution control on water, air and and has similar study experience more than 10 years or more than 5 projects)
- 5) Socio-economist
- 6) CAD/GIS Expert (who has enough knowledge and experiences of CAD/GIS)
- 7) Field Surveyors

Note that adequate number of staff and assignment period of the team members of the Contractor should be proposed as a part of the implementation plan (refereed to TS.11).

Especially, regarding the pollution measurement survey, the Contractor shall propose optimum team structure to complete all tasks within the prescribed study period with consideration for the analysis period.

TS.11 IMPLEMENTATION PLAN

The Contractor shall submit the implementation plan for the study based on the scope of work mentioned above to JICA Survey team within one (1) week after conclusion of the contract. The plan should include the explanation on the methodologies adopted in the study, work schedule and so on.

The "Preliminary Meeting with relevant parties" will be held as at Environmental Agency for discussing the proposed methodologies and applied TOR. The Contractor shall finalize the implementation plan based on the results of the meeting.

TS.12 WEEKLY MEETING

The Contractor shall make a report to the JICA Survey Team on the following items at the regular weekly meeting:

- · Information on the type and amount of work completed in the previous week.
- Details of any delays and other special circumstances affecting the progress of work.
- · The work schedule for the following week.
- · Others

TS.13 REPORTING

(1) Submission of Report

The Contractor shall submit the following reports to the JICA Study Team, in proper forms approved by the JICA Survey Team. The report shall be written in English. The reports submitted by the Contractor shall be the property of the JICA Study Team. The expenses for the data arrangement will be included in the Contract Amount.

- Inception report (ICR): schedule of survey in 1 set of hard copy and 1 set of soft copy
- Interim Report (ITR) in 3 sets of hard copy and 1set of soft copy
- Draft final report (DFR) in 5 sets of hard copy and 1 set of soft copy
- Final report (FR) in 5 sets of hard copy and 1 set of soft copy

(2) Schedule of Submission Report

1) Inception ESIA Report

The Local Consultant shall submit Inception report to JICA Study Team by the beginning of April 2015. The report shall contain schedule of survey.

2) Interim ESIA Report

The Local Consultant shall submit Interim report to JICA Study Team by the middle of May 2015. The report shall contain EPDA.

3) Draft Final ESIA Report

The Local Consultant shall submit draft final report by the middle of October 2015. The report shall contain all of results of ESIA.

4) Final ESIA Report

The Local Consultant shall submit the final ESIA report by the end of November 2015.

TS.14 TENTATIVE WORK SCHEDULE

The tentative work schedule for the ESIA study is shown in the below table.

Year/ Month	2015										2016		
Work Item	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
[EIA]													
Kick-Off Meeting with Relevant Parties (Inception Report Explanation)													
Survey and preparation of EPDA, prparation of TOR for ESIA and authorization													
3. The 1st SHM (Scoping stage)													
Survey and preparation of ESIA report													
5. The 2nd SHM (Draft EIA Stage)													
6. Reporting		ICR	П	R				DFR	F	R			

TS.15 OTHERS

Even if the period of the contract will be finished, the Consultant shall respond sincerely to the request for further explanation or investigation on the results of the ESIA Study.

TS.16 GENERAL REQUIREMENTS

The Contractor shall exercise great care during the progress of the investigation to avoid any accident on the site, and will be responsible for any faults during the investigation. Accordingly, no claims will be accepted by the JICA Survey Team.

The Contractor shall acquire all permits or licenses required for the ESIA Study from appropriate government or private agencies at his own expense.

TS.17 MEASUREMENT AND PAYMENT

Payment will be based on quantities measured as mentioned in TS.17 "Bill of Quantities". The payment shall include full compensation for all machinery for the study, including equipment, tools, labor, materials, and other incidentals required to complete record and present the results. The time spent on re-surveying because of the Contractor's deficiency or failure shall not be subject to measurement and payment.

TS.17 BILL OF QUANTITIES (BOQ)

	NT-	D	T.L. * 4	0	Unit Rate	Amount
	No	Description	Unit	Quantity	(USD)	(USD)
1		Remuneration				
	1.1	Professional				
		Project Manager	M/M	5		
		Environmentalist	M/M	6		
		Sociologist	M/M	3		
		Pollution Analyst	M/M	3		
	1.2	Supporting Staff				
		Socio-economist	M/M	1		
		CAD/GIS Operator	M/M	3		
		Field Surveyor	M/M	6		
2		Other Costs				
	2 1	Field Survey				
	2.1	Water quality	point	15		
		Air Quality	· •	17		
		Noise	point point	17		
		Vibration	point	17		
		Fauna & Flora	unit	1		
	2.2	Stakeholder Meeting	um	1		
	2.2	Venue Venue	Venue	6		
		Notification of SHM	times	6		
	2.3	Transportation Transportation	tilles	0		
	2.3	Vehicle Transportation	veh/month	6		
		Airplane Transportation	set	1		
	2.4	Accomodation	set	1		
		Reporting	301	1		
	2.5	Inception Report	set	1		
		Interim Report	set	3		
		Draft Final Report	set	5		
		Final Report	set	5		
		Stakeholder Meeting Report	set	2		
	2.6	Meeting Meeting Report	550	2		
		Meeting with ANE, MICOA				
		etc.	times	10		
		Meeting with Local	times	6		
	2.7	Government Data Collection	L.S.	1		
	2.1		L.S.	1		
2		Sub Total Overhead (V9/)	aat			
3		Overhead (X%)	set			
4		Total before TAX	aat			
4		TAX (X%) TOTAL AM	set			

TERMS OF REFERENCE

FOR

PREPARATION OF RESETTLEMENT ACTION PLAN

FOR

THE PREPARATORY SURVEY

ON

THE NACALA-CORRIDOR ROAD NETWORK DEVELPMENT PROJECT

IN

REPUBLIC OF MOZAMBIQUE

TS.1 GENERAL

The JICA Survey Team, comprising a consortium of Oriental Consultants Global Co., Ltd., has been conducting the preparatory study for the project, namely, The preparatory survey on the Nacala-corridor road network development project in Republic of Mozambique (hereinafter referred to as "the Project") from March 2015. This Terms of Reference shall be applied to the works for preparation of Resettlement Action Plan (hereinafter referred to as "the Work") to be done by the contractor in charge of the Work (hereinafter referred to as "the Contractor") for this preparatory survey.

TS. 2 BACKGROUND

Will be filled out in bidding stage.

TS. 3 OBJECTIVES OF THE WORK

The Project is to carry out all the requirements necessary to execute the Project in Japanese ODA Loan, such as defining the project objectives, and preparing project summary, project cost, implementation schedule, implementation method (procurement, construction), implementation plan, operation and maintenance management system, environment and social considerations, etc.

JICA requests Project proponents (Government of Mozambique) to pay appropriate environmental and social considerations when implementing an ODA project, based on the "JICA Guidelines for Environmental and Social Considerations (April 2010) (hereinafter referred to as "JICA Guidelines" see <u>Appendix.1</u>).

The objective of the Work to be entrusted to the Contractor is to prepare Resettlement Action Plan (hereinafter called "RAP") for the Project while meeting the requirements of the "JICA Guideline for Environmental and Social Considerations (2010 April)" and WB OP.4.12.

TS. 4 PROJECT AREA AND PROJECT COMPONENT

The tentative subject areas are shown in the Figure-1.

The prioritized alignment and project component including crossing point of new bridges, length and location of the approach road, numbers of lane and so on will be provided based on the results of alternative analysis to be done by the JICA Survey Team. The followings are the prioritized project at this moment.

(1) Nacala: Port Access Road

1) Activities: Construction of new bypass road

2) Total length: 13.5km

3) Number of lane: 2 lanes for each direction (Total: 4 lanes)



Figure-1 Study Area

(2) Nampula: Southern-Bypass Road

1) Activities: Construction of new bypass road

2) Total length: 32.5km

3) Number of lane: 2 lanes for each direction (Total: 4 lanes)



Figure-2 Study Area

(3) Cuamba: Bypass Road

1) Activities: Construction of new bypass road

2) Total length: 11km

3) Number of lane: 1 lanes for each direction (Total: 2 lanes)



Figure-3 Study Area

TS. 5 SCOPE OF THE WORKS

The RAP shall cover the elements as shown below.

- (1) Description of the project (General description of the project and identification of the project area)
- (2) Potential impacts
 - (a) the project component or activities that give rise to resettlement;
 - (c) the alternatives considered to avoid or minimize resettlement; and
 - (d) the mechanisms established to minimize resettlement, to the extent possible, during project
- (3) Objectives (Main objectives of the resettlement program)
- (4) Socioeconomic studies (Findings of census survey and other studies)
 Note) including fishing ground survey, if the project area is located in fishing ground. Survey sheet will be provided
- (5) Legal framework (Findings of an analysis of the legal framework)
- (6) Institutional Framework (Findings of an analysis of the institutional framework)
- (7) Eligibility (Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance)
- (8) Valuation of and compensation for losses

- (9) Resettlement measures (Description of the packages of compensation and other resettlement measures)
- (10) Site selection, site preparation, and relocation (Alternative relocation sites considered and explanation of those selected)
- (11) Housing, infrastructure, and social services (Plans to provide housing, infrastructure and social services)
- (12) Environmental protection and management for establishment of resettlement sites
- (13) Community participation (Involvement of resettlers and host communities)
- (14) Integration with host populations (Measures to mitigate the impact of resettlement on any host communities)
- (15) Grievance procedures
- (16) Organizational responsibilities (The organizational framework for implementing resettlement)
- (17) Implementation schedule
- (18) Costs and budget
- (19) Monitoring and evaluation

Note that the detailed requirements of WB OP.4.12 shall be referred to "Involuntary Resettlement Sourcebook" (World Bank).

TS. 6 WORK PERIODS

The Work shall be started when the JICA Survey Team notifies it on written instruction. The Work will start from March of 2015 to March of 2016 as shown in <u>TS. 14</u>.

TS. 7 RAP PREPARATION

The Contractor shall prepare RAP based on the approved "Framework of RAP (FRAP)" using the following procedures:

- (1) The Contractor shall support Executing Agencies (herein after referred to as "EA") to conduct "Socialization" for conducting field survey which is necessary for the RAP preparation. The Contractor shall support that EA declare the Cut-Off Date and explain the compensation policy prior to a series of filed survey at the meeting.
- (2) The Contractor shall conduct <u>Gap Analysis</u> to identify the gaps of resettlement policy between the government of Mozambique and JICA guideline, and propose appropriate mechanism or framework to fill the gaps.
- (3) The Contractor shall undertake <u>Socio-Economic Survey</u> including census survey and <u>Inventory of Loss (IOL) survey</u> for all Affected Persons (herein after referred to as "APs") living inside of the affected areas.
- (4) The Contractor shall undertake a <u>Replacement Cost Survey</u> for various types of affected assets including lands and structures as a basis for determining compensation rates at replacement cost.
- (5) The Contractor shall prepare the draft RAP with time-bound implementation

- schedule, procedures for grievance mechanism and monitoring and evaluation, and a budget.
- (6) The Contractor shall finalize the project RAP and translate the summary in local language.
- (7) The Contractor shall disclose the draft and final RAP in accordance with JICA's policy on public communications to the affected communities. The draft RAP will be disclosed to APs prior to submission to JICA.

TS. 8 GAP ANALYSIS ON RESETTLEMENT POLICY

The Contractor shall identify the gaps of resettlement policy between the government of Myanmar and JICA guideline, and propose appropriate mechanism or framework to fill the gaps. The result of gap analysis shall be summarized in the form shown below.

No.	JICA Guidelines (A)	Laws and Guidelines of the Mozambique (B)	Gaps between (A) and (B)	Project Policy
1	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA GL)			
2	When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken. (JICA GL)			
3	People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels. (JICA GL)			
4	Compensation must be based on the full replacement cost as much as possible. (JICA GL)			
5	Compensation and other kinds of assistance must be provided prior to displacement. (JICA GL)			
6	For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. (JICA GL)			
7	In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. (JICA GL)			
8	When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. (JICA GL)			
9	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans. (JICA GL)			
10	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL)			
11	Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advance of such benefits. (WB OP 4.12 Para. 6) Eligibility of benefits includes, the PAPs who have formal legal			

No.	JICA Guidelines (A)	Laws and Guidelines of the Mozambique (B)	Gaps between (A) and (B)	Project Policy
	rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying. (WB OP 4.12 Para. 15)			
13	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP 4.12 Para. 11)			
14	Provide support for the transition period (between displacement and livelihood restoration). (WB OP 4. 12, para.6)			
15	Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc. (WB OP 4.12 Para. 8)			
16	For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared. (WB OP4.12 Para.25)			

TS. 9 SOCIO-ECONOMIC SURVEY AND IOL SURVEY

The Contractor shall conduct the Socio-Economic Survey to collect information from APs.

The purpose of the Socio-Economic Survey is to provide baseline data on APs to assess resettlement impacts, and to confirm if proposed entitlements are appropriate, and to utilize for resettlement monitoring. The scope of data to be collected includes;

- (1) Household head: name, gender, age, livelihood or occupation, income, education and ethnicity;
- (2) Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;
- (3) Summary data on Affected Houses (AHs), by ethnicity, gender of head of household, household size, primary and secondary source of household income, income level, whether household is headed by women, elderly, disabled, poor or indigenous peoples;
- (4) Living conditions: access to water, sanitation and energy for cooking and lighting, ownership of durable goods;
- (5) Legal status of affected land and structure assets, and duration of tenure and ownership;
- (6) AP's knowledge of the project and preferences for compensation and, as required, relocation sites and rehabilitation measures;
- (7) Identify whether affected land or source of income is primary source of income;

The Contractor shall also conduct IOL survey to collect the data on the affected assets of APs based on the preliminary design to be provided by JICA Survey Team.

The data collected during the IOL will constitute the formal basis for determining AP entitlements and levels of compensation.

For each AP, the scope of the data will include:

- (1) Total and affected areas of land, by type of land assets;
- (2) Total and affected areas of structures, by type of structure (main or secondary) including wells and cemeteries;
- (3) Quantity and types of affected crops and trees;
- (4) Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;
- (5) Quantity/area of affected common property, community or public assets, by type

The tentative format for the Socio-Economic Survey and IOL Survey is referred to **Appendix.2.** (to be provided later)

Note that the Contractor shall propose the final format with discussion with related agencies including JICA Survey Team in the implementation plan.

TS. 10 REPLACEMENT COST SURVEY

The Contractor shall conduct the replacement cost survey in parallel with Socio-Economic Survey and IOL surveys.

Replacement cost is the method of valuation of assets which helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers and suppliers; or to fishing, grazing or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.

(1) Replacement cost for houses and structures

Replacement cost is the market cost of the materials to build a replacement structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and the Contractor's 'fees, plus the cost of any registration and transfer taxes. (The cost of the land upon which the house or structure sits is considered in Replacement cost of land).

Replacement cost can be calculated based on the following:

- 1) The schedule of rates should be obtained from the related government office.
 - Department of Valuation will have a schedule of rates for preparing estimates for construction projects, which agencies themselves use to assess costs for construction materials and labor. When applied to calculation of replacement cost, rates current for the period of actual replacement must be used; and
- 2) The rates quoted by the Contractor for similar structures in other construction projects /programs:

Where rate schedules do not exist or re out of date, recent quotations by the Contractor for similar types of construction in the vicinity of the project can be used for calculating replacement cost. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

(2) Replacement cost for land

For agriculture land, replacement cost is the pre-project or pre-displacement, whichever is higher, market value of land or equal potential or use located in the vicinity of the affected land, plus the cost of land preparation to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

For land in urban areas, replacement cost is the pre-displacement market value of land equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes

Note that if land acquisition/resettlement has already done by Government of Mozambique, the Contractor shall conduct surveys to clarify the detailed process including compensation procedure, compensation standard, explanation process to community people, and confirm whether the process fills the requirement of JICA Guidelines.

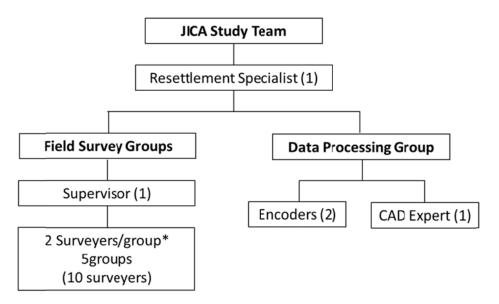
TS. 11 ORGANIZATION OF THE WORK TEAM

In order to complete the tasks successfully within the period mentioned above and conduct the Work effectively, the Contractor shall organize the survey team for comprising sufficient number of experts not limited to but including as follows:

- 1) Resettlement Specialist: Resettlement Specialist should have enough knowledge of involuntarily resettlement and has similar study experience more than 15 years or more than 7 projects)
- 2) Supervisors: Supervisors should be mainly responsible for field survey, training and supervising surveyors. They will prepare survey plans and work assignment schedule for surveyors, and give appropriate instructions to them;
- 3) Surveyors: Surveyors should visit household in the assigned areas and conduct interviews with the household member as indicated in the survey forms;
- 4) Encoder: Encoder should assist Resettlement Specialist in the course of the data processing. He/she should know how to check the data logically by using PC well:
- 5) CAD Expert (who has enough knowledge and experiences of CAD/ GIS)

Note that adequate number of staff and assignment period of the team members of the Contractor should be proposed as a part of the implementation plan (referred to TS. 12).

The expected team structure for the RAP preparation is as shown below (tentative).



4HHs survey/day/group *5groups *15days =300HH

TS. 12 IMPLEMENTATION PLAN

The Contractor shall submit the implementation plan for the Work based on the scope of work mentioned above to JICA Survey team within one (1) week after conclusion of the contract. The plan should include the explanation on the methodologies adopted in the study, work schedule and so on.

TS. 13 WEEKLY MEETING

The Contractor shall make a report to the JICA Survey Team on the following items at the regular weekly meeting:

- · Information on the type and amount of work completed in the previous week.
- Details of any delays and other special circumstances affecting the progress of work.
- · The work schedule for the following week.
- Others

TS. 14 REPORTING

(1) Submission of Report

The Contractor shall submit the following reports to the JICA Study Team, in proper forms approved by the JICA Survey Team. The report shall be written in English. The reports submitted by the Contractor shall be the property of the JICA Survey Team. The expenses for the data arrangement will be included in the Contract Amount.

- Inception report (ICR): schedule of survey in 1 set of hard copy and 1 set of soft copy
- Interim report (ITR): Framework of RAP (FRAP) in 3 set of hard copy and 1 set of soft copy
- Draft final report (DfR) in 5 sets of hard copy and 1 set of soft copy

• Final report (FR) in 5 sets of hard copy and 1 set of soft copy

(2) Schedule of Submission Report

1) Inception Report

The Contractor shall submit inception report to JICA Study Team by the beginning of April 2015. The report shall contain schedule of survey.

2) Interim Report

The Contractor shall submit the interim report by the end of May 2015. The report shall contain Framework of RAP (FRAP).

3) Draft Final Report

The Contractor shall submit draft final report to JICA Survey Team by the middle of October 2015. The report shall contain all of results of the RAP.

4) Final Report

The Contractor shall submit the final RAP report by the end of November 2015.

Note that the Contractor shall translate into "Portuguese" for information disclosure after finalization of the RAP report.

TS. 15 TENTATIVE WORK SCHEDULE

The tentative work schedules for the RAP preparation are shown in the below table.

Year/ Month	2015									2016			
Work Item	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
[RAP]													
Kick-Off Meeting with Relevant Parties (Inception Report Explanation)													
Preperation Framework of RAP and authorization													
Socialization for RAP survey, Census, Inventory of Loss Assets, Scoio-ecomic survey amd replacement cost study													
5. Preparation of RAP report and authorization by implementation agency													
6. Socialization and Consensus of RAP													
7. Reporting		ICR	П	R				DFR	F	R			

TS. 16 OTHERS

Even if the period of the contract will be finished, the Contractor shall respond sincerely to the request for further explanation or investigation on the results of the Work.

TS. 17 GENERAL REQUIREMENTS

The Contractor shall exercise great care during the progress of the investigation to avoid any accident on the site, and will be responsible for any faults during the investigation. Accordingly, no claims will be accepted by the JICA Survey Team.

The Contractor shall acquire all permits or licenses required for the Work from appropriate government or private agencies at his own expense.

TS. 18 MEASUREMENT AND PAYMENT

Payment will be based on quantities measured as mentioned in TS.17 "Bill of Quantities". The payment shall include full compensation for all machinery for the Work, including equipment, tools, labor, materials, and other incidentals required to complete record and present the results. The time spent on re-surveying because of The Contractor's deficiency or failure shall not be subject to measurement and payment.

TS. 19 BILL OF QUANTITIES

No	Description	Unit	Quantity	Unit Rate	Amount
110	Description	Omt	Quantity	(USD)	(USD)
1	Remuneration				
	Resettlement Specialist	M/M	5		
	Supervisor	M/M	3		
	Surveyors	M/M	30		
	Encoders	M/M	4		
	CAD/GIS Operator	M/M	3		
2	Other Costs				
2.1	Socialization Meeting		6		
	Venue	venue	6		
2.2	Notification of SHM	times	6		
2.3	Transportation				
	Vehicle Transportation	veh/month	6		
	Airplane Transportation	set	1		
2.5	Accomodation	set	1		
2.5	Reporting				
	Incepion Report	set	1		
	Interim Report	set	3		
	Draft Final Report	set	5		
	Final Report	set	5		
	Meeting Report	set	2		
2.6	Meeting				
	Meeting with Counter Part, etc.	times	10		
	Meeting with Local Government	times	6		
2.7	Data Collection	L.S.	1		
	Sub Total				
3	Overhead (X%)	set			
	Total before Tax				
4	TAX (X%)	set			
	TOT	AL AMOUNT	Γ		

Appendix-13 Actions Taken for Nacala Port Access Road Project in Response to Comments made by the Advisory Committee for Environmental and Social Considerations

Comments made by the Advisory Committee	Actions Taken
Scoping Matrix	
It is recommended to consider carrying out the census survey during the RAP study with ethnic groups or tribes living at the planned route and along/around the area to confirm how many people are expected to be affected by this project.	No ethnic groups or tribes that require special attention (e.g. minority groups) have been identified in or around the planned route of Nacala Port Access Road. Vulnerable groups have been identified and additional assistance designed and incorporated in the entitlement matrix of the PR (refer to 'Appendix-9 Resettlement Plan (PR)').
Natural Environment	
It is necessary to sufficiently consider mitigation measures against floods and coastal erosion because the risk of the natural disaster is high at the target area of this project.	Measures to avoid and mitigate flooding and erosion have been considered and adopted in the study such as: installing culverts to allow water flow and thereby preventing overflow and flooding; avoiding small rivers and valleys in selecting the route; and placing protective mat on slopes. While the road passes near the sea, coastal erosion is not expected to be a major issue as it is within a bay. The road project is not expected to lead to coastal erosion. Coastal erosion is not expected to affect the road project either.
Considering deforestation and overcutting the forests along the main road in this country, it is recommended to set countermeasures regarding the prevention for deforestation along the planning route of this project as needed.	There is no forest to be protected in and around the project area.
It is recommended to consider adopting countermeasures for the following items at the basic design stage. Because the risk of natural disaster is high and the road may collapse. • Plan a route away from the river as much as possible • Carry out river bank protection along the river • Set the road height higher than flooding level • Plan a stability gradient for the road slope gradient • Construct road slope protection works	 There is no major river in the project area. For the same reason, river bank protection is not considered necessary under the project. Route was selected taking into consideration the risk of erosion (cf. Alt-2 (red) and Alt-4 (green) in Section-1 were not selected as the planned route partly due to the risk of erosion (refer to 'Chapter 7 Route Selection (Alternative Analysis)'). Road has been set to be higher than the flooding level. Slope of the road has been designed so that the gradient is stable. Slope protection such as installation of a slope protection mat has been included in the design.
Natural Disasters occur frequently in the target area. Considering the role of road as a flood control channel at this time of disaster, it is recommended to consider the set of drainage canal and ditch. It is recommended to confirm measures to minimise	Drainage channels and ditches have been considered based on preparation of a drainage system diagram, calculation of discharge volume and confirmation of soil type and included in the design of the planned road. The following measures are to be applied as explained in the SER
the impact for the natural environment by the generation of waste and sewage from base camp.	 (refer to 'Appendix-8 Simplified Environment Report (SER)'). Rules and procedures for waste management should be prepared. The construction sites should not be installed in less than 250m to the coastline. The construction sites should have appropriate sanitary facilities in accordance with the number of employees.

Social Environment It is recommended that the survey confirms loss of means of livelihood, occupation of the affected people and family structure etc. through the socio economic survey during the RAP study.	 The wastewater from the sanitary facilities or any other wastewater from other areas of the construction site should be drained and, if necessary adequately treated based on the type of contamination, before being discharged. The construction sites should have appropriate technical conditions to store all kind of wastes awaiting transportation to recycling, treatment or elimination. Different kinds of wastes, duly signalized, should not be mixed or exposed to meteorological conditions that may cause its degradation or result in soil, water or air contamination. The wastes originated in front of the working area should be stored, separately, in appropriate containers, in order to be removed to the construction site in good conditions. The water that cleans concrete mixers and waste that may be produced by the works should not be thrown to the soils, but collected for controlled deposition in places where they will not cause environmental damage. Loss of means of livelihood, occupation of the affected people and family structure etc. has been confirmed through the socio economic survey during the RAP study.
It is recommended to consider avoiding important social infrastructure and cultural facilities such as oil pipelines, cemeteries and wells when selecting the detail route of this project.	Important social infrastructure and cultural facilities such as oil pipelines, cemeteries and wells have been avoided to the extent technically feasible in selecting the route of this planned road (cf. impact on the oil pipeline and main cemetery have been avoided as a result of this).
Stakeholders Meeting and Information Disclosure	
It is recommended to consider the times of meeting, amount of meeting places, the way for well-known and language to consider the distribution and character of ethnic people when stakeholder meetings are held.	The frequency, place, language etc. of the stakeholder meeting have been decided in consideration of the language used and other social and economic characteristics of the people living near the project area, JICA Environmental Guidelines, the opinions of ANE and other stakeholders, and in accordance with relevant laws and regulations in Mozambique.
It is recommended that Study Team asks to the implementation agency (ANE) about the compensation for livelihood due to the loss of their farmlands and add this to the content of public consultations.	The Study Team requested ANE to include in the public consultation compensation for affected livelihood including that that may occur as a result of farmland loss. This was explained in the stakeholder meeting held on March 7, 2017.