

ANNEX XI
SOCIAL RISK MITIGATION STRATEGY

1. The 1997 Land Law and other legislation and regulations that establish the rights of communities and rural households to land, and the regularization procedures for those rights in Mozambique present significant gaps with respect to, among other things, legal community representation and the community governance of rights to land and natural resources. These gaps and the related social risks are exacerbated by weaknesses in community capacity, lack of clarity regarding implementation and enforcement of community rights, and deficiencies in the land administration system.

2. The Project is designed to improve security of land tenure rights and improve the land administration system, including the management capacity of all actors involved in the system down to the level of communities themselves. To this end, the Project includes institutional improvements, capacity building and regularization processes of community delimitation (DELCOM) and issuance of DUAT certificates (not registered) at the individual (household) level. Given GOM priorities and to accelerate the visibility of the Project and the issuance of the DUAT certificates, the Project is adopting an implementation strategy that will continue to implement the regularization process based on current practices, and, in parallel, support the legal and regulatory reforms, capacity building and response to the identified gaps.

3. In order to mitigate the risks posed by these gaps in this context of parallel actions, the safeguards measures described in the Table below are required. The Borrower and the Bank can agree on adjustments to improve processes and efficiency and reflect changes and circumstances (such as regulatory and institutional changes). These measures constitute essential complementary and additional elements that must be integrated in the detailed Regularization Methodology to be used to carry out the Project regularization component (and eventually formalized as part of the Technical Annex that regulates the DELCOM/LTR processes and other legal instruments.

RISKS	MITIGATION MEASURES	Base risk	Mitigated
Inadequate quality of the regularization processes	Hire an NGO or another specialized entity to carry out independent process quality assurance, support application of safeguards in specific cases, implement the GRM, sensitize the community and the service providers regarding the specific issues set forth in this table; and train facilitators, paralegals and other technical and legal assistance providers on legal land rights and the program methodology and procedures.	High	Moderate/ Low
Inadequate treatment and support of community rights	Regulate and monitor the quality of the regularization process through an Independent Process Quality Assurance (IPQA) entity which, among other tasks will verify the readiness of each community to advance from one phase of regularization to the next. Divide the regularization process in three phases separated by community readiness criteria to be independently evaluated before the Service Provider can advance to the next phase (and get paid for the completed phase): 1) Community preparation and consultation concluding with the decision of the community regarding whether to proceed with DELCOM and /or LRT (R-DUAT) (sensitization, PRA, designation of the group that will	High	Substantial/ Moderate

RISKS	MITIGATION MEASURES	Base risk	Mitigated
	<p>represent the community in the regularization process and agreement on its preliminary statutes/rules)</p> <ol style="list-style-type: none"> 2) DELCOM concluding with the validation stage (cartogram, plotting, georeferencing) 3) LRT (R-DUAT) including submission to the SPGC and distribution of certificates; preparation of the community agenda; legal constitution of the entity that will represent the community and its statutes (membership control, land governance rules, member selection, accountability) <p>The readiness criteria can be defined in greater detail, but for phase 1 they will include the documentation of the community consultation and the decision on how to regulate (including the formal request from the community to the district to be delimited), and the designation of the group representing the community and a proposal of its rules of operation and legal identity.</p> <p>Minimum deadlines for each step will be clearly established to comply with the law (e.g., 30 days for revision of the R-DUAT) and can be extended at the request of the communities.</p>		
	<p>Standardize and strengthen the content of the delimitation certificates so that they are clear about the scope and legal framework of the rights; e.g., <i>“certifies the rights described in article XX and certifies the delimitation carried out in accordance with Article XX and establishes the area on which the Community exercises all the rights laid down in the applicable laws.”</i></p>		
	<p>Accompany the delivery of the certificate with the delivery of Tools to facilitate the exercise of rights</p> <ol style="list-style-type: none"> 1) Geo-referenced Map of the Delimited Area showing current use and areas of communal interest (instructions on how to update) 2) List (census) of community members (Co title holders) (instructions on how to update) 3) Summary of the rights and obligations of the communities in relation to their delimited land area and the resources therein, with reference to relevant legal instruments (used with the community in the awareness process). Note: The summary of rights and obligations should also be delivered along with the R-DUAT 		
	<p>Ensure appropriate technical and legal definitions</p> <ul style="list-style-type: none"> • The family or individual R-DUAT must recognize the area of occupation according to customary norms and legitimized by the community, regardless of its state of use • The representative entity must be developed by the Community considering the existing leadership and governance structures in the community • Areas of community use/interest must be identified and not covered by R-DUAT or covered with an access easement 		

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Vulnerability and Special cases:	<p>The Methodology should address specifically (especially in terms of awareness and preparation), the following themes:</p> <ul style="list-style-type: none"> • Gender equity • Promotion of Co-titling between spouses and heirs • Guidance for non-Mozambican nationals (on the request of a DUAT) • Agreements between communities to share resources in border areas of common use among their members • Guidance to land users who wish to form a productive association and obtain the corresponding DUAT, or to existing associations that need to perfect their DUATs • Possibility of re-dimensioning of DUAT areas in case of conflicts between occupants (with potential claims) and holders of DUAT • Exclusion of previously resettled groups except when a community has resources and willingness to integrate them • Free and effective legal support to the community and its members 	Substantial	Moderate/Low
People lose land rights /shelter in Exclusion zones" (full and partial protection zones)	<p>The Land Law establishes areas of total protection (in general environmental protection-margins of water bodies, hills, etc.), and partial protection (areas established as a result of the installation of infrastructures of the process of regularization. In these areas it is not possible to obtain a DUAT, so they will be delimited and excluded from the R-DUAT emission process. The rights of communities in these areas are defined in sectoral laws. Impacts on acquired rights and on the livelihood of people occupying said areas should be addressed as follows:</p> <ol style="list-style-type: none"> 1) People in areas of permanent protection (environmental) do not have DUATs: a) will not be resettled by the project b) will be directed to seek options for having parcels assigned within the community; c) In the case of immediate eviction, they will be oriented to the MDR for a vulnerability assessment and if vulnerable will be assisted according to the RPF. 2) People in areas of partial protection (infrastructure) will: a) receive a DUAT to the remaining area of their parcel that is eligible for DUAT, excluding the PPZ; b) receive proof of occupation of the PPZ area not eligible for DUAT; c) be directed to the GRM for legal guidance: Determine whether they potentially had a DUAT before the infrastructure was installed; if so receive guidance on options — expropriation or special license; d) In case of eviction, vulnerability determination and if positive, assistance according to the RPF. <p>Note: The possibility of eviction is remote since the project does not require it, but it could occur if the housing is in the PPZ and the remaining parcel is not viable.</p>	Substantial	Moderate

RISKS	MITIGATION MEASURES	Base risk	Mitigated
Conflicts between DUATs result in Households losing rights or becoming landless	<p>Administrative DUATs will be excluded from the process of regularization. So, their relevance will be limited to cases where there are occupations and claims of rights on their areas. In these cases:</p> <ul style="list-style-type: none"> • Valid DUATs with occupation by informally authorized users do not require any action, but in case of eviction the affected party will have access to the GRM for assistance with facilitation of Voluntary re-dimensioning or application for receiving other Community Lands If possible • In case of loss of residence and vulnerability they will be assisted according to the RPF • In the case of expired or invalid DUATs and the possibility of valid rights on the part of the occupants, they will receive legal support to present their complaints before the proper authorities in order to establish their rights and obtain an R-DUAT 	Moderate	Low
Conflicts between neighbors or others are not resolved or forwarded to suitable instances; Communities or individuals lose rights in the process due to lack of legal guidance	<p>The project must include a suitable mechanism for resolution of complaints. This mechanism will be led by the independent process quality entity and complemented by the existing mechanisms at the local and national levels.</p> <p>The IPQA entity will register all complaints and conflicts and will support communities and service providers in their resolution or channeling to other instances. In the first instance, the IPQA entity will screen the claims and act as the first instance of resolution to resolve basic conflicts (of boundaries between parcels, limits and sharing of benefits between communities, voluntary DUAT re-dimensioning agreements, or reassignment of community land, etc.). More complex cases will be duly registered and referred to the relevant instances. The IPQA entity will follow-up to re-integrate the area under conflict to the regularization program whenever possible, or to document the case for future follow-up by local authorities. The team of Paralegals or similar of the IPQA entity will provide the necessary legal support to the communities and their members throughout the process.</p>	Substantial	Moderate / Low
The community does not value the DUAT and/or the land and, therefore does not updated the cadaster; does not exercise the effective governance of community areas and resources; And/or does	<p>The value of secure tenure and the importance of keeping the cadaster up to date will be addressed during sensitization, community preparation and throughout the process.</p> <p>Phase 3 will include the consolidation of the Community Representation entity (whenever possible with defined legal personality and statutes approved by the community), and post regularization community capacity building that deepens the socialization of the Community Agenda; reinforces the messages and tools from prior phases and connects the community with potential sources of information, service providers, NGOs and other partners who could eventually support the implementation of the Community agenda.</p> <p>It is understood that this is a first step in a long process, which must</p>	Substantial	Moderate

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<p>not negotiate effective agreements for mutual benefits with partners</p>	<p>concentrate efforts on the empowerment of the entity that legally represents the community and any other community level management committees, with an emphasis on natural resource management, community financial management, and accountability processes; and cadastral updates.</p> <p>Where possible, this should include actions to integrate the community with other programs available in its area of Influence, and with sources of information on the value of their land and the terms and conditions of partnerships in productive sectors where the community has some potential.</p>		