



Netherlands Commission for
Environmental Assessment

Quick Scan Review of the Inception Report for the National Territorial Development Plan (PNDT)

MOZAMBIQUE



19 June 2018
Ref: 7282



Advice of the Secretariat

To Ministério da Terra, Ambiente e Desenvolvimento Rural (MITADER)/Direcção Nacional de Ordenamento Territorial e Reassentamento (DINOTER)

Attn Mr Adérito Wetela

CC Mr Carlos Raul Tungadza, Mr Lucas Cumbeza

Date 19 June 2018

Subject Quick Scan Review of the Inception Report for the National Territorial Development Plan (PNDT) – Mozambique

By: the Secretariat of the Netherlands Commission for Environmental Assessment – Ms Ineke Steinhauer, with expert input from Mr Reinoud Post

Reference 7282

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1. Introduction

In July 2016, a Memorandum of Understanding was signed between the Mozambican Ministry of Land, Environment and Rural Development (MITADER) and the Netherlands Commission for Environmental Assessment (NCEA). Several activities, as part of this MoU, have already been undertaken. It is in this framework that the NCEA is now being requested to provide support to the UATA (Technical and administrative support unit) in ensuring that the SESA of the National Territorial Development Plan (PNDT) has the required quality in light of international good practice. The request of MITADER of 24 May 2018 is attached in [Annex 1](#) and the NCEA response of 5 June 2018 to this request in [Annex 2](#).

In an email accompanying the MITADER letter with request, a specific request was made concerning the NCEA advice on the Inception Report (end of Phase 0, dated 30 April) 'as soon as possible'. However, since the NCEA only received the report on 25 May 2018 this short term notice makes it difficult to accommodate the request in NCEA's ongoing commitments and tasks. After careful deliberation it was decided that the NCEA could provide such comments in the form of a so-called 'advice of the NCEA secretariat'.

1.1 Approach to this Advice of the NCEA secretariat

This Advice has been prepared by a technical secretary of the NCEA, with the help of an external expert, by means of a desk study. No site visit was undertaken for the purpose of this advice, nor were local stakeholders consulted. However, the NCEA has been involved as an observer, coach and quality advisor in two major SEAs in Mozambique previously: SEA for coastal planning and SEA for the Zambezi Valley Multisector Development plan/PEOT.

Although the NCEA has seen preliminary versions of the ToR for the PNDT/SESA, and has been asked by DINOTER about a year ago to provide some comments on the ToR regarding better integration of SEA requirements, this input has only been of a very limited nature, and has been used by DINOTER to a limited extent, due to time constraints. The ToR for the SESA (Annex 2 to the ToR) do therefore not meet NCEA standards, and have therefore not been used as a reference framework in drafting this Advice. Instead, the NCEA checked against good practice SEA and similar experiences regarding SEA for territorial planning.

2. Key observations

2.1 Content of the 'Resolução' to undertake the PNDT unknown

According to the letter of MITADER, requesting NCEA advice, there has been a 'Resolução' of the Council of Ministers stating that MITADER must prepare the PNDT. The Law on physical planning already obliges MITADER to do so, but the order of the council of ministers details the assignment and specifies responsibilities. In the case of the PEOT for the Zambezi Valley, the 'Resolução' has played an important role in the process and in the endurance of the implementing agencies to bring the assignment to a conclusion.

The Inception Report (IR) for the PNDT does not refer to the 'Resolução'. This leaves the reader ignorant on what the Council of Ministers wants and which limitations it imposes on the planning exercise. E.g.

- The planning horizon for the PNDT;
- If, and if yes, how to address transboundary aspects; how to address planning of the territorial waters etc.);
- Whether 'services' as an economic sector is justifiably left out of the planning exercise.

The 'Resolução' would have been an important review reference for this IR and should have been annexed to the IR.

2.2 Objective of the PNDT agreed by all?

In contradiction to what is stipulated in the LOT, RLOT and the ToR, the consultant proposes to shift the objective of the process from 'guarantee integrated and integral development of the country by the progressive elimination of regional asymmetries' to 'empowerment and organization of communities and social and economic actors in each territory, so that they can decide on their future from the valorization of the territorial capital in its territory'. The consultant has the liberty to propose these changes, but does the client agree thereon?

2.3 Need for 'all sectors supported multisector vision'

In the proposed approach, the PNDT evolves from, essentially, a planning map with a text that specifies the functions of the territories and the conditions imposed on these functions to a national development plan (based on integrated multisector development) with an action plan for its realization, furnished with a physical planning map with a text specifying and conditioning the functions. With exception of the action plan, which can be considered as a bonus gift of the consultant, this change is probably inevitable because a viable planning map cannot be made without consensus on multisector development.

This necessary change, however, has a major implication: There is no separate process foreseen to get agreement of the various sectors on the multisector development vision that must underlie the PNDT (while on page 33 the consultant says that such a vision is indispensable). In awareness of the omission in the assignment, the consultant proposes to address and solve frictions between sectors competing for land by proposing solutions and discuss these solutions in interviews/debates with individual sectors (page 11). There are serious doubts that this will work, and will allow the consultant to develop an 'all sectors supported' multisector development vision on which the PNDT will be based. It is strongly recommended to add to the PNDT formulation process a separate step in which the necessary 'all sectors supported multisector vision' is developed.

2.4 Need for sufficient field presence of Technical team

The NCEA observes that quite some experts from the TPF consortium are the same as the ones involved in the Zambezi PEOT, including some Mozambican experts that have been part of the UATA at that time. This gives the process a flying start and provides a good opportunity to take on board the lessons learned from previous SEA experience. The team already has had similar experience in Mozambique and can make use of all contacts and information collected during the Zambezi PEOT. However, the whole consultant set-up (see chapter 11 of

the IR) indicates that there is a risk that the main problem identified and brought to the floor in the Zambezi PEOT process is going to repeat itself in this PNDT process: insufficient field presence of the technical team.

3. Comments per page of the Inception Report

This chapter presents page-wise comments, each to them followed by a recommendation.

Pages 9–10. The methodology for the formulation of the PNDT will be ‘incremental, selective, and interactive’. The options to be included or not in the PNDT are selected in practice, in consultation with the Fundo Nacional de Desenvolvimento Sustentável (the ‘client’). As many sectors are involved and as they certainly will have their own wishes, the entity that should make the most important choices is presumably the Council of Ministers, which is not easily mobilized. In this situation, it is likely that the consultant will ultimately make the choices after it has become apparent that the proposed process is causing delays (due to confusion about who within government is entitled to make these choices).

The NCEA recommends to develop a more robust decision making procedure on the selection/elimination of options.

Page 11: ‘publicação final na forma de Lei’. The PNDT will have the status of a Law. The Zambezi PEOT (approved by Conselho de Ministros, but not yet by the Assembleia) will also have the status of a Law. However, this PEOT has been developed before the PNDT. How will the consultant deal with this situation? This issue is not mentioned anywhere in the IR.

The NCEA recommends to clarify how the PEOT and PNDT will link to each other.

Page 14. The consultant proposes a set of 31 thematic aspects that will be addressed and determined by the planning process. Considering that each thematic area will probably be characterized by several indicators, this planning process will be a huge undertaking, also considering the number of stakeholders affected by these thematic aspects.

The PNDT is a plan on a national, strategic level and should mainly focus on the interrelations of different aspects of national spatial planning. This concerns mainly:

- National vital infrastructure (air, road, rail, water),
- Energy infrastructure (power plants, power lines),
- Main industrial areas,
- Main exploration areas (oil, gas, mining),
- Main residential areas,
- Nature conservation areas,
- Vital areas for food (agriculture, fishing) and drinking water supply,
- Main touristic areas.

The PNDT should therefore limit its scope to these, or at least a selected number, of areas.

Page 18: ‘De acordo com a metodologia exposta no Capítulo 3.1, os resultados desta actividade serão apresentados e validados com a UATA em reunião agendada para o início da

Fase I, para obtenção expedita dos documentos identificados’. Is this meeting with UATA already held/planned? As the UATA is being made responsible for the obtention of the documents, it would be helpful to be selective (as also proposed by the consultant on p. 10.). Implying only ‘documentos de estratégia e dos programas e planos sectoriais, bem como dos grandes projectos estruturantes previstos ou em curso de implementação nos vários sectores da Administração moçambicana’. Otherwise there is the risk that the amount of information will be far too much given the strategic character of the PNDT. Table 3.1. gives the scope of the strategic areas, but as stated in the previous observation, these could be further reduced in number.

As a rule of thumb, the NCEA advises to limit the data requirement to those themes which are of crucial importance to the questions the PNDT will attempt to address, and to the strategic decisions to be taken.

Page 22: Risks and vulnerabilities. These two paragraphs show some overlap and are a bit in disbalance with the other items.

Consider merging items 5) and 6).

Page 22: Será efectuado o levantamento do estado de concretização dos instrumentos de ordenamento do território de carácter geral previstos no RLOT. The IR does not mention which purpose this inventory serves, and what will be done with the results.

The NCEA advises to clarify the purpose of this inventory and how it relates to the PNDT.

Page 24: ‘o Consultor sugeriu à UATA a realização de uma sessão de apresentação dos principais documentos de estratégia, programas e projectos da responsabilidade do MITADER que sejam de interesse para a elaboração do PNDT. Reforça-se aqui essa sugestão’. Why should specifically MITADER do this?

Explain the rationale for this suggestion and whether or not it has been agreed by MITADER

Pages 24–25: ‘identificadas eventuais lacunas de informação de base territorial e, consequentemente, as necessidades de elaboração de estudos temáticos complementares’. Try to avoid as much as possible this step, because this may not be necessary at the level of the strategic orientations that the PNDT aims to provide. This may lead to the risk that too much time is spent on this Phase I.

As it is not clear whether such studies are part and parcel of the consultant’s contract, the need for possible additional studies should be clearly justified and, if considered needed, approved by the UATA beforehand.

Page 28: ‘Elaboração e análise comparativa de diferentes cenários de desenvolvimento’. As part of the SEA, different scenarios will be assessed for the PNDT.

1. The IR however gives no indication regarding the time-horizon for the PNDT. Will it be developed for the next coming 10, 25 or 50 years for instance? P. 28 speaks of

medio/longo prazo, but is not specific. This information is required when developing the scenarios.

2. The figures 3.1 and 4.1 seem to suggest that the scenarios will be developed in phase I in the SEA, but the text on p. 28 states 'Os cenários prospectivos, que deverão descrever processos de transformação socio-territorial suficientemente contrastados para se configurarem como alternativas, serão seguidamente avaliados, em estreita articulação com o processo de AASE (ver também Capítulo 4.2.2).' So it is not clear whether the SEA will only assess the scenarios, that will be developed as part of the PNDT, or that the SEA will both develop and assess them.

It is of particular importance that the subsequent 'cenário adoptado' is selected with broad stakeholder engagement at the end of phase I. It should be clear which criteria will be developed for comparison and how these are weighed (see also 4.2.2.9 on p. 36, e.g. what does 'mais favorável para o território' mean in practice?). The selection should not only be done by the consultants!

Scenario development is a crucial element of planning and the method used to develop these scenarios should be well elaborated and described (currently lacking in the IR). In addition, it would be helpful to determine a set of distinct development visions that can underlie the scenarios, so that they become discrete.

The major decision of the whole planning process is taken at the end of phase I, the selection of the adopted scenario. It is this scenario that, if validated by the support structure and the public participation process, determines the PNDT.

The NCEA recommends to better explain the process of how this decision will be taken, and by whom.

Page 33: Factores Críticos, Impactos e Avaliação de Cenários. Items 4. mentions Identificação e mapeamento de áreas relevantes: here use can be made of Annex I, II and V of the EIA decree 54/2015, where vulnerable and critical areas are already defined.

4.2.2.2 Estabelecimento do quadro de referência estratégico. Serão identificados e analisados os instrumentos legais, as políticas, os planos, os programas e as estratégias que regem as principais políticas sectoriais do país.....'

Here it is especially important to also make an overview of policies, plans, programs which contain sustainability, environmental, climate change goals etc. which have been agreed upon or ratified by the Mozambican government. These can be both public and private, at international, transboundary, national, regional and local level with a specific focus on environmental/social objectives to be achieved by the PNDT and which can be derived from environmental action plans or other plans that have stated environmental or social objectives.

Page 34: 'Identificação e mapeamento de áreas relevantes'

In addition to the areas mentioned in this paragraph, the NCEA suggests to add areas with key ecosystem services, e.g.:

- o agricultural production;
- o cattle ranching;
- o forestry (timber and non-timber);
- o water retention areas and groundwater aquifers important for water supply to other areas
- o wetlands for fish reproduction;
- o important water bodies for fisheries;
- o non-protected but unique, undisturbed or characteristic habitat with high biodiversity value, possibly combined with...;
- o ...non-protected area with high potential for development of 'contemplative' (eco)tourism, local leisure activities, or areas of scientific importance;
- o multiple other services which may turn out to be important during the SEA study. (e.g. sediment trap, water purification, soil formation processes, groundwater storage and release).

Page 34: 'Identificação dos principais conflitos ao uso sustentável dos recursos naturais e dos potenciais riscos actuais e futuros'

Current, intended and potential use must all be included here. In addition, the NCEA advises to make use of maps making these potential conflicts and risks more visible (e.g. making use of the so-called layered approach, often applied in territorial planning and development). The Portal WebSIG PNDT, mentioned on p. 64 can be instrumental in this.

Page 37: 'Identificação das oportunidades, dos riscos, dos impactos cumulativos e das sinergias do cenário adoptado' In the bullets, the words 'para o ambiente e para o território' are used several times. This seems to suggest that social impacts are not considered? In addition, it is unclear how 'significance' is determined.

There is also a bullet on: 'impactos cumulativos para o ambiente e para o território (consideradas as mudanças incrementais, p.e. resultantes de cada projecto quando somadas às de outros projectos, passados, presentes ou previstos'. However at the level of the PNDT, it is unlikely that already concrete projects will be assessed, other than perhaps the 'grandes projectos estruturantes previstos ou em curso de implementação nos vários sectores'?

The NCEA recommends to further elaborate on how the assessment of the adopted scenario will be done, with particular attention to the questions above.

Page 39: 'Balanço do processo de participação pública (also chapter 7 of IR)'. This paragraph explains that it is the responsibility of the SEA to organize and document this process. This however should be further elaborated in terms of the goals and expected results of each of the stakeholder consultation rounds at the end of phase I,II and III, in terms of:

- Is there a clear idea of what the stakeholders being asked to do? This can be different for each of the phases and for each of the stakeholders. So, be clear on what stakeholders are being asked to do or contribute, and ensure that they are aware of this.

- Is there is a commitment to take comments into account in the next steps and what mechanisms and time frames are thought of? How to deal with conflicts and how to consider outcomes of the stakeholder consultation events?
- Who is affected by the PNDD (who are the potential winners and losers amongst government, civil society, private sector)? Who has a role in deciding on PNDD priorities or preferred scenario? Who is crucial to successful PNDD implementation? Who are the enforcers and watchdogs?
- At the end of each phase: Is there sufficient time to read and discuss information? And to develop ideas, opinions, positions?
- Page 60, last paragraphs: In many countries media work for money. Is budget foreseen to get the required media-coverage?

The NCEA recommends to further develop a stakeholder engagement plan for each of the 'rounds' at the end of each phase, building on the first ideas provided in Chapter 7 of the IR. Particular attention should be given to the capacity and capability of the UATA, carrying responsibility (p. 48) for the organization, logistics and communication regarding the public participation process. Will it be able to meet the requirements of the RLOT: 'atendendo ao disposto no Artigo 9 do RLOT, durante a elaboração da proposta técnica de PNDD deverá ser garantida a participação de todas as partes afectadas ou interessadas, em reuniões de consulta e audiência pública'. As this seems to be an unrealistic target, the consultant should therefore assist the UATA in develop a realistic and feasible stakeholder engagement plan.

Page 48–49: Reuniões dos Órgãos da Estrutura de Acompanhamento com a Equipa Técnica. It is to be applauded that the IR develops modes of interaction with the accompanying structure to the technical team. There is a proposal on the RPF, that had to be in place early May.

Although a minor detail, the NCEA advises to clarify who will chair the meetings. Also clarification should be given on the RPF: Has this been agreed and have proposed solutions been mutually adopted?

Minor other observations:

- a list of abbreviations used in the IR would have been useful;
- a glossary of planning terms used in the IR and how they should be defined/understood would have been useful and clarifying.

4. Further NCEA involvement

The NCEA would appreciate to be informed on how use was made of this Advice by the UATA in its deliberations with the CDA and the consultants. In the next round of NCEA advise it would be very helpful to receive a timely announcement/sharing of information for NCEA to provide effective support to the UATA. The UATA may facilitate the process by highlighting to NCEA those areas of the documents where it is particularly interested in receiving views/opinions. It is also recommended that the Consortium be informed on the fact that the UATA has invited the NCEA to support the UATA (The ToR in chapter 10 offer this possibility to engage external experts).

Annex 1: MITADER letter with request



REPÚBLICA DE MOÇAMBIQUE

—
MINISTÉRIO DA TERRA, AMBIENTE E DESENVOLVIMENTO RURAL
DIRECÇÃO NACIONAL DE ORDENAMENTO TERRITORIAL E
REASSENTAMENTO

Exmo Senhor:

Rob Verheem
Director Internacional da NCEA
Maputo

Nota: /MITADER/ /DINOTER/GDN/ /18 Maputo, 24 de Maio de 2018

Assunto: Convite para participar na Avaliação Ambiental e Social Estratégica do PNDT

Como é do vosso conhecimento, o Conselho de Ministros aprovou a Resolução que orienta ao Ministério da Terra, Ambiente e Desenvolvimento Rural, para elaborar o Plano Nacional de Desenvolvimento Territorial.

O PNDT é o instrumento de cúpula do nosso sistema de gestão territorial, abrangendo a totalidade do território nacional cujo processo da sua elaboração teve início em 30 de Janeiro de 2018.

Dentre os vários entregáveis, o PNDT inclui a componente da Avaliação Ambiental e Social Estratégica- AASE, instrumento de política ambiental, que tem como objectivo a promoção do desenvolvimento sustentável através da incorporação da variável ambiental no processo de planeamento estratégico das políticas públicas sectoriais.

Rua da Kassuende nº 167-CP. 2020 – Cidade de Maputo – Telef:21492403/823063020 Fax:21496108

Para assegurar a operacionalização e o estabelecimento de uma plataforma de diálogo entre a equipa de consultores, as instituições públicas, privadas e Governos Locais, foi criada a Unidade de Apoio Técnico Administrativo (UATA), que tem as seguintes tarefas:

- Revisão dos relatórios técnicos;
- Assegurar a comunicação com os intervenientes no processo de elaboração do plano;
- Emitir pareceres técnicos relativos às fases de elaboração do plano;
- Estabelecer o vínculo entre os consultores, Governo e Autoridades Locais no processo de participação pública;
- Assegurar a qualidade e consistência técnica do processo e dos relatórios produzidos;

O Artigo nº 3 do memorando de entendimento assinado entre o MITADER e a NCEA em Maio de 2016 prevê a possibilidade de revisão por parte da NCEA de vários planos específicos dentre eles a Avaliação Ambiental e Social Estratégica (AASE).

É nesse quadro que a DINOTER gostaria de contar com os conhecimentos da NCEA para assegurar que a AASE do Plano Nacional de Desenvolvimento Territorial tenha a qualidade e requisitos exigidos internacionalmente.

Neste contexto, venho por este meio solicitar a Instituição que Vossa Excelência dirige para apoiar a UATA na materialização das suas tarefas nos seguintes pontos:

- Orientação à UATA na garantia de que o processo de AASE esteja em conformidade com os padrões de boas práticas internacionais da AASE e;
- Assistir a UATA na revisão dos principais relatórios produzidos durante a AASE para o PNDT.

Na esperança de que o pedido merecerá a devida atenção, dispenso-me com votos de elevada estima.

O Director Nacional

Adérito Wetela
(Arqtº e Planificador Físico)

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Annex 2: NCEA response to MITADER



Netherlands Commission for
Environmental Assessment

Ministério da Terra, Ambiente e Desenvolvimento Rural
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Ineke Steinhauer
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+31 30 234 76 54

Date: 5 June 2018

Subject: NCEA's support to UATA during SESA review process
of PNDT

Dear Mr Adérito Wetela,

Thank you for your letter of 24 May 2018, requesting the advice of the Netherlands Commission for Environmental Assessment (NCEA) to support the UATA in ensuring that the SESA of the PNDT has the required quality in light of international good practice.

It is with great pleasure that I conclude that this support is possible under the MoU between the NCEA and MITADER in the form of independent quality reviews by the NCEA of the main reports produced during the PNDT/SESA during the four stages of the process. According to the Inception Report, the first set of reports can be expected in October 2018 at the end of Phase I. We are happy to reserve time and resources for an independent advice on this set and subsequent sets.

Please note that independent quality review implies that the findings will be published, however, timing of this publication can be discussed with the UATA. In order to provide effective support to the UATA in the remainder of the process, it would be helpful to receive a request from UATA timely, specifying when NCEA advice would be requested.

In the e-mail accompanying your request, you also requested NCEA advice on the Inception Report (end of Phase 0, dated 30 April) 'as soon as possible'. However, since the NCEA only received the report on 25 May 2018 this short term notice makes it difficult to accommodate the request in NCEA's ongoing commitments and tasks. After careful deliberation we decided that we can provide such comments in the form of a so-called 'advice of the NCEA secretariat'. Such advice, that has the character of a Quick Scan, could be published before the end of June.



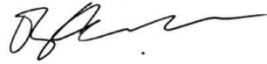
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I hope this will be in time for your purposes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Verheem', with a stylized flourish at the end.

Mr R.A.A. (Rob) Verheem
Director International

