



# DISASTER RECOVERY IN MOZAMBIQUE

**A Legal and Policy Survey**

**+C IFRC**

*Disaster Law*

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## Methodological note

The lack of official translations of most Portuguese-language legislative sources cited in this report required their translation by the author. Although this was done as faithfully and attentively as possible, discrepancies may exist. IFRC Disaster Law would appreciate feedback on any discrepancies discovered.



# Executive summary

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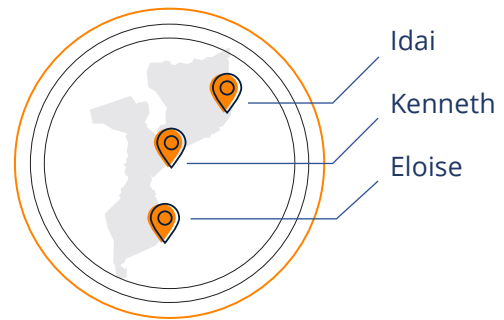
The legal, policy and institutional framework applicable to disaster recovery in Mozambique, and to disaster risk management (DRM) more generally, is relatively advanced and has many strengths. Notwithstanding this relatively advanced framework, achieving sustainable, long-term recovery is, in practice, a significant challenge in Mozambique. This is due, in part, to the fact that the same regions in the country have experienced repeated severe cyclones within a relatively short period of time, resulting in overlapping response and recovery operations. The humanitarian impacts created by new cyclones interrupt and set back recovery operations. Other key challenges identified in this report are insufficient funding for recovery, with resources often being channelled primarily to the response phase; significant coordination and information sharing difficulties, notwithstanding strong leadership from government; and the need to enhance capacities at the national and provincial levels, so that domestic actors are prepared to manage all aspects of the longer-term recovery process once international partners have left the scene.

Notwithstanding the fact that Mozambique's existing legal and policy provisions relating to recovery are already relatively advanced, one way in which the regulation of disaster recovery in Mozambique could be strengthened is through mandating the development of a national disaster recovery plan or resilient recovery strategy. While each disaster requires tailored recovery interventions and large-scale disasters would still require the development of post-event recovery plans (which could also be mandated by law), a national recovery plan or strategy could be particularly valuable to guide the recovery process. In particular, a national recovery plan or strategy could:

- elaborate specific recovery interventions to address the most common disasters experienced in the country;
- set out the specific roles and responsibilities of different actors and stakeholders (including government agencies in various sectors and at all levels, Mozambique Red Cross, non-governmental organizations, civil society organizations, communities, individuals, the private sector, and development partners);
- establish a recovery-specific multi-sectoral and multi-agency coordination mechanism or platform to be activated once a disaster has occurred, to ensure that all relevant actors and stakeholders are able to coordinate and share information with one another;
- establish recovery-specific financing mechanisms to ensure the availability of sufficient funding in disaster recovery (for short-, medium- and long-term interventions);
- set out arrangements for the regular monitoring and assessment of recovery operations, including mandating regular progress reports;
- set out a strategy for ensuring the continuity of essential services to those affected by the disaster (e.g., sanitation, health, education);
- set out a strategy for the expeditious repair and reconstruction of housing and infrastructure to be resilient to future climate and disaster risks;
- set out clear measures to address cross cutting issues in disaster recovery such as the protection of vulnerable groups and environmental protection, building on the existing commendable efforts; and
- promote policy coherence and strengthen linkages between disaster recovery, disaster risk reduction, climate change adaptation and sustainable development.

In addition, one potential way in which funding for disaster recovery could be secured is through establishing a dedicated disaster recovery fund through a legal instrument, to ensure that funding for recovery is earmarked and cannot be spent on other aspects of DRM.

It should be noted that, while this report comprehensively maps the legal, policy and institutional framework for disaster recovery in Mozambique, it generally does not evaluate the extent to which the applicable provisions were implemented during the recovery from Cyclones Idai, Kenneth and Eloise because information about implementation is not readily available. Evaluating the implementation of the existing framework is especially important given that the current legal and policy provisions are already relatively advanced, yet the country experiences significant difficulties in achieving sustainable, long-term recovery. Strengthening implementation of existing provisions through increasing domestic capacities and financial resources may, ultimately, be a higher priority than developing new legal and policy provisions. For this reason, it is recommended that further research should be conducted to assess in detail the implementation of Mozambique's existing legal and policy provisions relating to disaster recovery.



# 1. Introduction

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## 1.1 Background



This report is part of a global research project on ‘Law and Disaster Recovery and Reconstruction’ conducted by IFRC Disaster Law. Following the publication in 2020 of a [Literature Review on Law and Disaster Recovery and Reconstruction](#), IFRC Disaster Law is conducting country-level mappings on law and disaster recovery across the globe, having selected Mozambique for this report, with a focus on Cyclones Idai and Kenneth which hit the country in March and April 2019, and Cyclone Eloise in January 2021. In line with the mission of IFRC Disaster Law of providing technical support to governments on the development and enhancement of laws, policies, strategies and plans for disaster risk management (DRM), as well as ensuring integrated policy coherence, the purpose of this report is to provide a set of recommendations for the improvement of domestic legislation with respect to disaster recovery. In other words, this legal survey aims to inform future legislative efforts that favour sustainable recovery processes which lead to the rapid restoration of livelihoods, infrastructure, housing, services, and the country’s development activities. In addition, this research will support the development of a Checklist on Law and Comprehensive Disaster Risk Management as part of the advocacy efforts of IFRC Disaster Law, thus consolidating the existing guidance documents to address all phases of DRM.

This report is based on desktop research of the legislative framework in Mozambique, mainly focusing on the provisions of relevance to disaster recovery and reconstruction, and a series of interviews with staff from the Mozambique Red Cross, known in Mozambique as the Cruz Vermelha de Moçambique (CVM), that are experienced in DRM and that participated, to a large extent, in the response and recovery to Cyclones Idai, Kenneth and/or Eloise. Although the inclusion of relevant provisions has been done as comprehensively and attentively as possible, gaps or discrepancies may exist. Therefore, the consultations undertaken have been key in providing added value to the study through a perspective of disaster recovery in practice and contributed to the development of a set of recommendations based on previous achievements and obstacles experienced in disaster recovery in Mozambique.

Due to its geographical position, Mozambique is a country with a high disaster risk profile and, although it has a robust DRM framework, it still faces challenges in this field, particularly in terms of data collection, information management, and institutional coordination at the district and local level.<sup>1</sup> In order to capture this, a variety of themes and issues have been selected for the purpose of this report, ranging from the legal and institutional arrangements in the disaster recovery phase, to the mechanisms regulating financial management, assessment and monitoring, reconstruction of infrastructure, ‘soft’ recovery, the protection of vulnerable groups, and fraud or corruption in the management of funds and resources in disaster recovery.

## 1.2 Mozambique disaster risk profile



Due to its geomorphology and geographic conditions, Mozambique is exposed to extreme weather events, especially floods, cyclones, and droughts, and is classified as one of the most vulnerable countries to disaster risks.<sup>2</sup> This vulnerability results from the large latitudinal range of its national territory, extensive coastal areas affected by tropical cyclones, the existence of arid and semi-arid areas as well as active seismic zones.<sup>3</sup>

Mozambique is ranked 181 of 189 countries and territories on the Human Development Index, with 63.7% of the population living below the international poverty line.<sup>4</sup> Cyclones constitute the main risk faced in the country, which affect an estimated 2 million people per year in the coastal areas.<sup>5</sup> Floods and droughts also pose significant risks in lowland, highland, and urban areas, affecting between 200,000 and 600,000 people each year.<sup>6</sup> Due to the effects of climate change, the impacts of floods and droughts are expected to increase in future.<sup>7</sup> Furthermore, Mozambique suffers from chronic food insecurity, partly caused by floods and droughts.<sup>8</sup> Other significant impacts induced by different hazards include loss of agricultural income caused by droughts, education and healthcare facilities exposed to floods, and damage to infrastructure due to landslides.<sup>9</sup>

## 1.3 Cyclones Idai, Kenneth and Eloise



In March and April 2019, Mozambique was struck by two consecutive tropical cyclones, Idai and Kenneth, leaving a total of 2.2 million<sup>10</sup> people in need of urgent humanitarian assistance on top of the 815 000 people already in need as a result of drought.<sup>11</sup> The cyclones caused flooding and landslides due to the torrential rains across different provinces.<sup>12</sup> Cyclone Idai struck on March 14th near the city of Beira, and on April 24th, Cyclone Kenneth struck the Macomia district of Cabo Delgado.<sup>13</sup> Cyclone Idai impacted the central region of Mozambique, damaging more than 240,000 houses and, subsequently, Cyclone Kenneth impacted the northern region, destroying more than 45,300 houses.<sup>14</sup> Other direct and indirect impacts that resulted from the cyclones included aggravated food insecurity, significant displacement and protection issues, compromised access to safe water (particularly for displaced people living in emergency shelters), extensive damage to health facilities (with at least 62 health centres impacted) and damage to key roads and bridges leading to difficulties in access to services and basic supplies, and a detrimental impact on children's well-being and their access to education.<sup>15</sup>

Following Cyclone Idai, a Post-Disaster Needs Assessment (PDNA) was conducted by the Government of Mozambique through the Post-Cyclone Idai Cabinet for Reconstruction in close collaboration with a global partnership including the World Bank, the UN System and the European Union (EU).<sup>16</sup> The scope of the PDNA was subsequently extended to include the provinces affected by Cyclone Kenneth, defining an approach for recovery and reconstruction in the short-, medium- and long-term.<sup>17</sup> This PDNA estimated that Cyclone Idai caused approximately 1.4 billion US dollars in total damage, and 1.39 billion US dollars in losses, with a total cost of recovery and reconstruction estimated at 2.9 billion US dollars for the 4 provinces of Sofala, Manica, Tete and Zambezia.<sup>18</sup> The additional needs in Inhambane, Cabo Delgado and Nampula, which were also affected by Cyclones Idai and Kenneth, raised the total recovery needs to 3.2 billion USD.<sup>19</sup>

In January 2021, Cyclone Eloise struck Mozambique, causing heavy rainfall, severe flooding and landslides in the same areas that were just recovering from Cyclone Idai.<sup>20</sup> In terms of damage, Cyclone Eloise impacted 86,412 families and 441,686 people in total including thousands of displaced people, with



more than 50,000 houses damaged or destroyed, and at least 68 health facilities damaged.<sup>21</sup> Following Cyclone Eloise, the National Institute for Disaster Risk Management and Reduction (*Instituto Nacional de Gestão e Redução do Risco de Desastres* or INGD) conducted a Multi-Sectoral Rapid Needs Assessment (MRNA) in the Sofala and Manica provinces, with support from the UN Office for the Coordination of Humanitarian Affairs (OCHA), seeking to determine priorities for multi-sectoral response and recovery in the affected areas.<sup>22</sup> This assessment mainly identified: crisis levels of food insecurity affecting especially vulnerable households in the long-term; significant impacts on water, sanitation and hygiene (WASH) infrastructure, leading to limited access to water and potential outbreaks of water-borne diseases; and impacts on health infrastructure and access to essential medical supplies.<sup>23</sup>

## 2. The legal, policy and institutional framework for disaster recovery in Mozambique

### 2.1 Legal and policy framework



The legal and policy framework for DRM in Mozambique consists of several laws, policies and plans adopted and promulgated over the last two decades. In 1999, the National Policy on Disaster Management (NPDM) was adopted, followed by the first Master Plan for Prevention and Mitigation of Natural Disasters of 2006 (Plano Director of Prevenção e Mitigação das Calamidades Naturais). In 2017, this was replaced by the National Disaster Risk Reduction Master Plan (Plano Director para a Redução do Risco de Desastres), established for the period 2017 to 2030.

The main DRM legislation currently in force in Mozambique is Law n° 10/2020 (the 2020 DRM Law), adopted on August 24th 2020, which approves the Law on Disaster Risk Reduction and Management and revokes the previous DRM law, Law n° 15/2014 Establishing the Framework for Disaster Management, Including Prevention and Mitigation (the 2014 DRM Law). The 2020 DRM Law is complemented by Decree n° 76/2020,<sup>24</sup> which provides a set of regulations and procedures for the application of the 2020 DRM Law (the 2020 DRM Regulations). When Cyclones Idai and Kenneth hit the country, the 2014 DRM Law was still in force; while in 2021, when Cyclone Eloise struck, the 2020 DRM Law had entered into force. From the desktop research conducted, it has not been possible to locate laws that are exclusively dedicated to disaster recovery in Mozambique. Therefore, this report focuses on the provisions relating to recovery and reconstruction found in the applicable DRM legal instruments (i.e., the 2014 DRM Law, the 2020 DRM Law and Regulations), the applicable annual contingency plans, the post-disaster needs assessments conducted following each cyclone, and the Disaster Recovery Framework (DRF), introduced in 2019 to address the recovery from Cyclones Idai and Kenneth.

In terms of definitions, the 2014 DRM Law did not clearly set out definitions for recovery, reconstruction, or rehabilitation. However, the scope of application of the 2014 Law appeared to include the post-disaster recovery phase as it provided in article 1 that it established the legal regime for managing all phases of disasters, including actions for the reconstruction and recovery of affected areas.<sup>25</sup> The ‘build back better’ principle is a key element widely present in the Mozambican DRM framework. In the 2014 DRM Law, operational readiness includes the preparation of predictive plans for post-disaster recovery and improvement of the previous situation, namely projects to create employment for affected and vulnerable people, greater capacity to face future disasters, strengthening infrastructure for community development and reducing their vulnerability.<sup>26</sup>

The 2020 DRM Law shares the same principles, objectives and scope of application as the 2014 DRM Law. It provides regulation on DRR, planning for early warning systems (EWS), resilience building, preparedness, prevention and mitigation, information sharing, and sustainable recovery.<sup>27</sup> Under the 2020 DRM Law, the term ‘reconstruction or recovery’ is defined as medium- and long-term actions for the sustainable restoration of infrastructure.<sup>28</sup> Furthermore, the 2020 DRM Law espouses the principle of ‘sustainable recovery’ according to which post-disaster recovery, rehabilitation and reconstruction must comply with measures that minimise the occurrence of new risks.<sup>29</sup> Thus, sustainable recovery comprises actions aimed at restoring or improving infrastructure in disaster-affected communities to avoid or reduce future disaster risks,<sup>30</sup> consistent with the ‘build back better’ principle. As per article <sup>31</sup>

of the 2020 DRM Law, contingency planning aims to respond to disasters and ensure rapid, effective and efficient humanitarian assistance and recovery at all levels.<sup>31</sup> The sustainable recovery component of contingency planning comprises actions aimed at restoring or improving the livelihoods of the community affected by disasters, as well as restoring principles and mechanisms of ecosystem functioning to avoid or reduce the risk of future disaster risks.<sup>32</sup> The 2020 DRM Regulations complement the definition of sustainable recovery, with article 18 stating that it is aimed at restoring or improving the livelihoods of the community affected by disasters, restoring principles and mechanisms of ecosystem functioning to avoid or reduce future risks of disasters, as well as the psycho-social condition of those affected by disasters.<sup>33</sup> The entity responsible for disaster risk management and reduction, coordinates the sustainable recovery process at all levels.<sup>34</sup>

In addition, the National Disaster Risk Reduction Master Plan includes a strategic line with focus on corrective interventions to lay down the groundwork for rapid recovery and resilient reconstruction after disasters.<sup>35</sup> Strategic Objective 4 of the Plan aims to strengthen readiness, response, and rapid recovery capabilities.<sup>36</sup> Specific actions within this objective include the following:

- deepening the study of the recovery and reconstruction processes in the country and proposing a resilient recovery strategy for future events, including the immediate recovery of livelihoods of the affected population;
- re-examining the national disaster management system to clarify the competencies, mandate and authority of the different entities in the recovery and reconstruction phase;
- developing plans for the continuity of response operations, including the provision of basic services in the immediate post-disaster response period, and preparing plans for social, economic and infrastructure recovery and reconstruction;
- identifying a coordinating body to monitor recovery activities, composed of technicians from key sectors familiar with loss and damage assessment techniques and government planning and budgeting procedures;
- preparing a consolidated multisectoral report on recovery and reconstruction priorities after a disaster has occurred, based on the preliminary needs assessment (damage and loss assessment) and key partner assessments;
- developing contingency plans that include projected reconstruction needs and costs required to improve post-disaster damage and needs assessment; and
- establishing monitoring mechanisms for post-disaster recovery and reconstruction activities in order to facilitate their distinction from normal development activities.<sup>37</sup>

It should be noted that it has not been possible to determine the extent to which these actions have been implemented. Given that such actions would likely support the efficiency and effectiveness of recovery, as well as strengthen and facilitate future recovery processes, further research is required to evaluate the implementation of these actions.

In terms of contingency planning, a contingency plan is prepared annually and serves as the basis for the process of coordination, response, and management of extreme events.<sup>38</sup> Annual contingency plans in Mozambique generally provide climate forecasts, risk assessments, sectoral actions to be undertaken for readiness, response and post-disaster recovery, available resources, and coordination mechanisms. Three annual contingency plans are relevant to this report: the 2019 Contingency Plan, which was adopted on 20 November 2018 and was in place when Cyclones Idai and Kenneth struck and during the early recovery period; the 2019-2020 Contingency Plan, which was adopted on 29 October 2019 while recovery efforts from Cyclones Idai and Kenneth were still ongoing; and the 2020-2021 Contingency Plan, which was adopted on 27 October 2020 and was therefore in place when Cyclone Eloise struck.

Although these contingency plans identify actions to be implemented by each key institution in every phase of disaster management, including disaster recovery,<sup>39</sup> they do not appear to include specific actions for the recovery from Idai, Kenneth or Eloise. Instead, the actions are specified in general terms. For instance, the contingency plans highlight that the period from April to September is commonly dominated by response and recovery actions, depending on the type of extreme event experienced.<sup>40</sup> Actions specified for this period include, among others, the implementation of a multisectoral strategy for recovery and reconstruction (e.g., resettlement, reconstruction, food assistance and income generating projects).<sup>41</sup> The aim is to strengthen resilience, reducing risk and vulnerability to threats, and guaranteeing the return to normal life of affected families as well as their socioeconomic conditions.<sup>42</sup>

Following Cyclones Idai and Kenneth, the Mozambican Government led the development of the Disaster Recovery Framework (DRF), serving as a common framework for coordination at all levels among government entities, line ministries and international partners engaged in post-disaster recovery and reconstruction.<sup>43</sup> The DRF provides a five year vision for the recovery of the areas affected by Cyclones Idai and Kenneth, presenting the planning, monitoring and evaluation modalities, the recovery needs, and the applicable financial mechanisms.<sup>44</sup> The strategic objectives of the DRF are the following:

1. to repair the infrastructure and restore the services in areas affected by the cyclones;
2. to strengthen the resilience of communities and infrastructure affected (economic, social and physical);
3. to restore basic services in cyclone-affected areas (environmental, sanitation, health, education and markets); and
4. to restore livelihoods and ensure food security in affected communities.<sup>45</sup>

It has not been possible to locate specific post-Cyclone Eloise recovery plans developed by the Mozambican Government. It should be noted that there are numerous plans of action and situation reports drafted by humanitarian partners during and after Cyclones Idai, Kenneth and Eloise, however these are beyond the scope of this report and are therefore not discussed further.<sup>46</sup> Furthermore, there are sectoral strategies for post-disaster recovery in areas such as education and migration, which will be discussed in further detail in the sections below.

## 2.2 Institutional arrangements



At the time of Cyclones Idai and Kenneth, the national institutional arrangements were as follows. The National Council for Disaster Management Coordination (Conselho Coordenador de Gestão das Calamidades), was the highest political body dealing with DRM, comprising representatives from several ministries, with a mandate to ensure multi-sectoral coordination for disaster prevention, assistance to those affected by the disaster and rehabilitation of damaged infrastructures.<sup>47</sup> The National Council was supported by the Technical Council

for Disaster Management (Conselho Técnico de Gestão de Calamidades) composed of technical staff from the various departments of the different ministries represented in the National Council, as well as partners from the UN system.<sup>48</sup> The Technical Council's mandate was to advise the National Council on strategic measures for prevention, mitigation, response and rehabilitation.<sup>49</sup> Finally, the National Institute for Disaster Management (Instituto Nacional de Gestão de Calamidades or INGC), created through Decree n° 38/99, served as the leading government entity responsible for the coordination of DRM operations in Mozambique.<sup>50</sup> In terms of recovery, the INGC was responsible for mobilizing resources for post-disaster rehabilitation actions, in close connection with emergency response and

development activities, as well as keeping the National Council informed of the rehabilitation actions undertaken by the sectors.<sup>51</sup>

In order to facilitate recovery from Cyclone Idai, the Council of Ministers established an ad hoc Cabinet for Reconstruction (the Idai Cabinet) through Decree n° 26/2019.<sup>52</sup> The mandate of the Idai Cabinet was extended shortly after by Decree n° 45/2019 to include the areas affected by Cyclone Kenneth. The Idai Cabinet operated as an independent body under the Ministry of Public Works, Housing and Water Resources. As such, it was an entity of a temporary nature created to ensure the coordination of the damage and loss assessment, the elaboration of a reconstruction program, as well as monitoring of these activities.<sup>53</sup> No mention of any specialized or ad hoc bodies for recovery coordination post-Cyclone Eloise could be found in the documents reviewed for this report.

The Disaster Recovery Framework of 2019 provides a framework for high level inter-institutional coordination for recovery from Cyclones Idai and Kenneth, including the establishment of:

- the High-Level Secretariat, which is a platform for coordination with partners, and is composed of the Minister of Public Works, Housing and Water, the Executive Director of the Idai Cabinet, the UN Resident Coordinator and representatives from the Ministry in charge of finances, the European Union, the World Bank and the African Development Bank;
- the Technical Secretariat, which supports coordination on technical matters, monitors progress and ensures the implementation of recovery objectives; and
- the Consultative Forum established as a consultation and information exchange platform at the national and sub-national level.<sup>54</sup>

The Disaster Recovery Framework promotes the establishment of consultation forums with civil society to contribute to the strengthening of the engagement of civil society in Mozambique's recovery process.<sup>55</sup> However, the specific responsibilities of non-state actors in disaster recovery do not appear to be outlined in the documents reviewed.

As mentioned above, the 2014 Law was replaced by the 2020 DRM Law (including the institutional arrangements established in the previous law), which was in force when Cyclone Eloise struck the country. The 2020 DRM Law sets out the current institutional framework for DRM in Mozambique in article 8, which provides that the DRM system comprises central and local level bodies. At the central level, the main bodies consist of the following:

- a. the government;
- b. the DRM Coordinating Council;
- c. the Technical Council for DRM; and
- d. the DRM Coordinating Entity.<sup>56</sup>

The DRM Coordinating Council and the Technical Council for DRM established by the 2020 DRM Law replaced the National Council for Disaster Management Coordination and the Technical Council for Disaster Management established by the 2014 DRM Law. The DRM Coordinating Entity is the INGD (National Institute for Disaster Risk Management and Reduction), which is placed under the supervision of the Council of Ministers, and which replaced the previously existing INGC (National Institute for Disaster Management).<sup>57</sup> The INGD was established by article 10 of the 2020 DRM Law, which states that it is the responsibility of the government to define the competencies, composition, organization and functioning of the entity.<sup>58</sup> The INGD has a comprehensive mandate encompassing all aspects of DRM, including the coordination of post-disaster reconstruction and the overall strengthening of DRM and resilience programmes.<sup>59</sup>

The INGD consists of five main bodies, which include the Board of Directors, the Advisory Board, the Supervisory Board, the DRM/DRR Technical Board, and the Technical Board.<sup>60</sup> There are also thirteen specialized divisions (units),<sup>61</sup> including the Post-Disaster Reconstruction Coordination Division, which is specifically dedicated to disaster recovery operations.<sup>62</sup> This Division is responsible for a number of recovery-related activities, including:

- a.** guaranteeing the resettlement and rapid replacement of infrastructure and basic social services after disasters;
- b.** ensuring the planning and use of land in disaster risk areas; and
- c.** promoting the construction of infrastructure resistant to disasters.<sup>63</sup>

Other units within the INGD that have specific responsibilities in disaster recovery are: the Prevention and Mitigation Division, responsible for, among other things, ensuring humanitarian assistance and rapid recovery of disaster survivors;<sup>64</sup> and the National Civil Protection Unit, which ensures the rapid restoration of essential socio-economic emergency services.<sup>65</sup>

- The 2020 DRM Regulations outline the roles and responsibilities of the other government bodies at the central and local level. Of relevance to disaster recovery are:
- the DRM Coordinating Council, which mobilises the national and international community to support those affected by disasters and support sustainable recovery;<sup>66</sup>
- the Technical Councils for DRM at national, provincial and district levels, responsible for proposing the launch of appeals for humanitarian assistance, relief actions and post-disaster rehabilitation, in close connection with emergency response and development activities;<sup>67</sup> and the Emergency Operations Centres at the national, provincial and district levels, which coordinate multisectoral actions for rehabilitation of damaged infrastructure, building resilience and adapting to climate change, among other things.<sup>68</sup>

Regarding sub-national authorities, their specific roles and responsibilities in disaster recovery are not clearly outlined in any of the documents reviewed. Nevertheless, the 2020 DRM Law provides that the INGD may request the collaboration of other institutions of the public administration in relief actions, resettlement of affected populations and sharing of data and information relevant to risk assessments.<sup>69</sup> In addition, the 2020 DRM Regulations establish through article 18 that, although the INGD coordinates the recovery process at all levels, local administrative authorities must support adaptation to new ways of life that contribute to reducing the risk of new disasters, guaranteeing reconstruction aimed at development in safe areas.<sup>70</sup> Thus, the implementation of sustainable recovery implies the intervention of different sectors and entities at different levels of government according to their specialization and institutional attributions, taking into account the concrete needs resulting from the damage caused by disasters.<sup>71</sup>

The 2020 DRM Law is governed by several guiding principles including dignity, prevention, participation, unity, solidarity, universality, equality, sustainable recovery, transparency, accountability, efficiency, cooperation, proportionality and sustainability.<sup>72</sup> The principle of participation highlights the universal and multidisciplinary nature of DRM in Mozambique, while the principle of solidarity determines that the support of all persons, natural or legal, public or private, is key to humanitarian assistance before, during and after the occurrence of an emergency.<sup>73</sup> The element that these two principles have in common is the necessary involvement of a large number of stakeholders in DRM activities, representing diversity, intersectorality and intersectionality. Therefore, stakeholders involved in DRM include: public and private organizations; national and foreign organizations; technical and scientific research institutions; the media; government institutions and civil servants; volunteers;<sup>74</sup> and the civil defence services.<sup>75</sup>

The engagement of non-state actors in disaster recovery is not outlined in detail, but does appear to be generally promoted in the Mozambican DRM framework. In line with the principle of solidarity, article 5 of the 2020 DRM Law establishes that, whenever disasters occur, the affected populations and the various public or private entities whose object contributes to the management and reduction of disaster risks, promote initiatives and activities in accordance with the plans and programs established by the government.<sup>76</sup> Civil Society Organizations (CSOs) and NGOs, are seen as critical agents in post-disaster recovery and reconstruction, and therefore their participation and representation in consultative forums and councils and the provincial and district levels is promoted through the Disaster Recovery Framework.<sup>77</sup>

In order to strengthen public and private participation in DRM, the INGD has a Social and Environmental Safeguards Office, responsible for, among other things, developing a community consultation system to promote the participation of those affected by natural disasters in the elaboration of a Community Engagement Plan.<sup>78</sup> This is aligned with Strategic Objective 2 of the National Disaster Risk Reduction Master Plan which aims to strengthen participation in DRR and, more specifically, that of the civil society, the private sector and the volunteering system.<sup>79</sup> Some of the actions proposed to achieve this objective involve the following:

- the development of a comprehensive database on civil society organizations engaged in risk reduction in Mozambique and around the world that can add value to the implementation of the National Disaster Risk Reduction Master Plan;
- the development of guidelines and mechanisms for the engagement of civil society and the private sector, and for their effective participation in decision-making processes and in the implementation of investment programs;
- the review and improvement of the national legal framework to allow and facilitate the performance of foreign and national civil society organizations;
- the creation of a regulatory framework that encourages and regulates the participation of volunteers and civil society organizations in improving the capacity of local authorities and community organizations engaged in DRR; and
- the implementation of mechanisms for the integration of members of the national civic service that can strengthen the capacity of authorities and local communities in the role of DRR.<sup>80</sup>

It should be noted that it has not been possible to determine the extent to which these actions have been implemented. Further research is required to evaluate the implementation of these actions.



# 3. Key issues in disaster recovery in Mozambique

## 3.1 Financing and financial support



Under both the 2014 DRM Law and the 2020 DRM Law, the main financial sources for DRM in Mozambique consist of appropriations from the State Budget and donations.<sup>81</sup> Although the exact origin of the latter is not specified, international aid appears to be one of the financial sources used to provide humanitarian assistance to those affected by disasters in Mozambique.<sup>82</sup> In terms of domestic sources, each administrative district of the national territory carries out a census of the equipment and other assets of the State and of public and private companies that can be used in emergency operations.<sup>83</sup> The INGD's revenues come from annual allocations from the State Budget, funds from its own income, income from financial investments, and co-payments, subsidies or donations awarded by any public or private entities, national or foreign.<sup>84</sup>

While Mozambique does not appear to have a dedicated disaster recovery fund, the Disaster Management Fund was established in October 2017 through Decree n° 53/2017. The Disaster Management Fund is, essentially, a dedicated bank account managed by the INGD.<sup>85</sup> The resources of the Fund are intended solely to finance preparedness, response and post-disaster recovery and reconstruction activities.<sup>86</sup> In terms of recovery, the Fund supports post-disaster reconstruction activities, aiming to provide sustainability to post-disaster recovery actions, subject to financial availability.<sup>87</sup> The management of the Fund is based on guiding principles. Of relevance to disaster recovery is the prioritization of speedy, agile and flexible recovery and safe and resilient post-disaster reconstruction.<sup>88</sup> The main sources of financing of the Fund come from at least 0.1% annually of the State Budget, donations, balances from the previous year and contributions from national or foreign companies or persons operating in the national territory, among others.<sup>89</sup>

The beneficiaries of the Fund are State institutions directly linked to preparedness, response and post-disaster recovery and reconstruction, as well as national non-governmental organizations (NGOs) that operate in areas of imminent risk or affected by disasters.<sup>90</sup> As stated above, the Fund is dedicated to supporting activities in preparedness, response and recovery. These include, among others, the distribution of support goods in post-disaster accommodation, recovery, and reconstruction centres, as well as undertaking programs and projects of social assistance and seasonal temporary employment generation for urban and rural groups affected by emergencies.<sup>91</sup> From the documents reviewed, laws in Mozambique do not appear to establish direct financial support measures (e.g., grants, loans, compensation) for households and businesses affected by disaster. Any direct financial support measures financed from the Fund would need to be provided for in the Fund's rules (which are approved by the Minister who oversees the area of Finance) and would be subject to financial availability.<sup>92</sup>

The National Disaster Risk Reduction Master Plan proposes a more general framework to consolidate the processes of public investment and financial protection against disasters through Strategic Objective 3.<sup>93</sup> Some of the proposed actions under this Objective are:

- the establishment of financial protection mechanisms against disasters, such as instruments for transferring risks to the private sector, sovereign insurance, and instruments for retaining risks by the public sector;
- the definition of sources of funding for plans, programs and projects aimed at reducing disaster risks, and with special attention to the resources needed to carry out coordination, regulation and monitoring actions;



- the establishment and operationalization of a Disaster Management Fund to ensure timely and predictable availability of resources to strengthen national capacity for post-disaster prevention, preparedness, response, recovery and reconstruction;
- the identification of other relevant budgetary incentives and processes for including risk reduction in sectoral and institutional planning, monitoring the execution of public expenditure in disaster management; and
- the establishment of coordination mechanisms between donors and development partners to improve the predictability of the availability of these resources, their performance in terms of allocation and execution.<sup>94</sup>

The Mozambican Government aims to promote actions to consolidate a culture of insurance against disaster losses and damages, as per the 2014 and 2020 DRM Laws.<sup>95</sup> In this regard, clauses included in insurance contracts in order to exclude the liability of insurers as a result of a formally declared calamity situation are considered null and void.<sup>96</sup>

During the recovery processes following Cyclones Idai and Kenneth, the Cabinet for Reconstruction was directly responsible for the management of recovery financing in close coordination with the Ministry of Economy and Finance (MEF).<sup>97</sup> The recovery programme outlined in the Disaster Recovery Framework was designed to use the official instrument for financial management in Mozambique, called the State Financial Management System (SISTAFE)<sup>98</sup>, as well as international aid tracking through the Official Development Assistance to Mozambique Database (ODAMAZ).<sup>99</sup> In addition, the PDNA conducted following Cyclones Idai and Kenneth concluded that financing the recovery and reconstruction programme should be done through: a reorientation of the national budget; the provision of fiscal benefits to support reconstruction; the contribution of local governments; the contribution of the private sector, development cooperation partners, and multilateral agencies; and the portion of the financing gap that donors can support.<sup>100</sup>

### 3.2 Assessment, planning, monitoring and evaluation



Assessment, planning, monitoring and evaluation are critical components of a country's post-disaster recovery, enabling government to identify priority actions and meet the needs of the affected population.<sup>101</sup> The DRM framework in Mozambique establishes an alert system, which is divided into three categories: yellow, orange, and red.<sup>102</sup> It is under the red alert that damage assessments are conducted.<sup>103</sup> The red alert is activated when the phenomenon is irreversible and human and/or material damage is expected to occur, which could turn into a disaster of great magnitude.<sup>104</sup> During a red alert, the INGD is responsible for carrying out preliminary damage assessments.<sup>105</sup> While regular assessments and monitoring of the situation are required once a red alert is issued, the law does not explicitly require government entities to engage in recovery planning, or to monitor and evaluate the recovery process.

As discussed in section 1.3 above, following Cyclones Idai and Kenneth a PDNA was conducted by the Government of Mozambique through the Post-Cyclone Idai Cabinet for Reconstruction in close collaboration with a global partnership including the World Bank, the UN System and the European Union (EU).<sup>106</sup> Following Cyclone Eloise, the INGD conducted a Multi-Sectoral Rapid Needs Assessment (MRNA) in the Sofala and Manica provinces, with support from the UN Office for the Coordination of Humanitarian Affairs (OCHA), seeking to determine priorities for multi-sectoral response and recovery in the affected areas.<sup>107</sup>

The *ad hoc* Idai Cabinet established after Cyclones Idai and Kenneth was specifically responsible for: preparing the methodology for assessing losses and damages; coordinating post-disaster needs

assessments, as well as loss and damage assessments; preparing a Post-Cyclone Idai Reconstruction Program which would include sectoral and local actions; and designing projects with a view to the implementation of the Post-Cyclone Idai Reconstruction Program.<sup>108</sup> As such, the Idai Cabinet established, in 2019, a five-year framework for recovery planning and monitoring in the form of the Disaster Recovery Framework, which outlines the criteria for prioritizing the recovery actions to be included in plans, and emphasizes that recovery plans are expected to include performance-, results- and impact-based indicators.<sup>109</sup> Thus, the Disaster Recovery Framework aimed to serve as a guiding document for the development of a reconstruction program as a set of sectoral and local actions, providing guidance at the national, provincial and local level, and building on international experiences with recovery processes.<sup>110</sup> More specifically, the criteria listed in the Disaster Recovery Framework (DRF) for prioritizing actions include the following:

- a. to target vulnerable groups;
- b. resettlement, including basic services;
- c. the contribution to food security;
- d. restoring public services;
- e. reducing exposure to risks;
- f. the contribution to employment creation, and to small and medium enterprises;
- g. the timeframe for project implementation; and
- h. the balance between physical infrastructure and social-productive recovery.<sup>111</sup>

As noted in section 2.1 above, it has not been possible to locate any specific post-Cyclone Eloise recovery plans or frameworks developed by the Mozambican Government.

### 3.3 Reconstruction and repair of housing and infrastructure



Reconstruction and repair of housing and infrastructure are among the main post-disaster recovery activities; without the physical recovery of housing and infrastructure, there cannot be human recovery, where basic living conditions, livelihoods and social services are restored. However, there do not appear to be specific measures in either the current or the previous DRM framework in Mozambique relating to the reconstruction and repair of housing and infrastructure following a disaster. As will be discussed in this section, there are nonetheless many relevant provisions in the Disaster Recovery Framework, the general legal instruments relating to construction and territorial planning, the 2014 DRM Law, the 2020 DRM Law and the Disaster Risk Reduction Master Plan 2017-2030.

The vision of the Disaster Recovery Framework (DRF) was to ensure that areas affected by Cyclones Idai and Kenneth had rapid reconstruction and recovery of the social fabric and productive activities, as well as the accelerated and resilient rehabilitation and reconstruction of affected social and economic infrastructure, in a manner that would promote resilience to similar future disasters.<sup>112</sup> Thus, the guiding principles of the DRF relevant to reconstruction include ensuring that new recovery investments are resilient to future risks and disasters, conducted in accordance with territorial planning instruments and ensuring respect for the zoning plans of the territory to avoid high-risk zones, and improving the living conditions of peripheral neighbourhoods.<sup>113</sup> The rehabilitation of public infrastructure and restoration of basic services to affected households are further identified in the DRF as immediate urgent needs to be addressed in the short-term.<sup>114</sup>

The specific legal framework for territorial management was created through Law n° 19/2007. In 2008, the Council of Ministers adopted Decree n° 23/2008, establishing the regulatory framework for Law n° 19/2007. Decree n° 23/2008 provides that the following are instruments for territorial management at the national level: the National Territorial Development Plan (*Plano Nacional de Desenvolvimento Territorial*); and Special Land Use Plans (*Planos Especiais de Ordenamento Territorial*).<sup>115</sup> One of the key objectives of Special Land Use Plans involves the establishment of parameters and conditions for the use of natural systems and areas with specific characteristics, defined by their ecological characteristics or by parameters of an economic nature, social development or as a result of natural disasters that require and justify planning interventions at national level.<sup>116</sup> The alteration of the territorial planning instruments can only be done as a result of specific factors, including exceptional situations, such as public calamity or substantial alteration of the legal-administrative, economic, social, cultural and environmental conditions.<sup>117</sup>

The General Regulation of Urban Buildings, approved through Legislative Diploma n° 1976 in 1960, and amended by Ministerial Diploma n° 9/2000, provides the guidelines for construction in urban areas. There do not appear to be provisions specifically relating to the repair and reconstruction of infrastructure or housing in post-disaster settings. The General Regulation of Urban Buildings do, however, contain provisions relating to DRR more generally. For example, article 41 provides that the roofs of buildings must be constructed with waterproof materials and be weatherproof and resistant to fire.<sup>118</sup> Although the Regulation mainly establishes construction guidelines for buildings resistant to urban fires, this specific provision promotes the construction of buildings resistant to extreme weather events as well, as it explicitly includes ‘atmospheric agents’ as a potential risk to construction.

Also relevant to increasing resilience, article 7 of the 2014 DRM Law required the provincial governments and the representative of the State in the municipalities to define, within a period of 180 days after the entry into force of the Law, the disaster risk zones where the construction of housing, markets and other infrastructure would be prohibited, except through the application of appropriate construction technologies.<sup>119</sup> Furthermore, article 25 established that public and private technical and scientific research entities must cooperate with the bodies of direction, planning and coordination of DRM in the study of appropriate ways to protect facilities, essential services, socio-economic infrastructure and cultural heritage.<sup>120</sup> The 2014 DRM Law further provided that public and private bodies are responsible for taking preventive measures to meet the needs arising from disasters,<sup>121</sup> including reinforcement of infrastructure for the development of the community and the reduction of its vulnerability.<sup>122</sup> Under article 33, citizens in risk areas have a duty to observe the construction regime defined specifically for their area.<sup>123</sup> This is also provided in the 2020 DRM Law under article 46, which states that citizens’ duties in risk zones include, among other things, observing the construction rules established by law.<sup>124</sup> Finally, the 2014 DRM Law provided that the government must progressively provide basic infrastructure in low-risk areas to encourage the settlement of populations in these areas.<sup>125</sup>

Increasing resilience also constitutes a central element in the 2020 DRM Law through the principle of sustainable recovery. This law provides that the legal regime for DRR/DRM comprises, among other things, sustainable recovery for the construction of human, infrastructural and ecosystem resilience,<sup>126</sup> thus avoiding or minimizing the occurrence of future risks.<sup>127</sup> The term ‘reconstruction’ is defined as the set of medium- and long-term actions for the sustainable restoration of infrastructure.<sup>128</sup> Thus, the scope of application of the 2020 DRM Law includes building the resilience of infrastructure to extreme events.<sup>129</sup> Promoting the construction of disaster resilient infrastructure is also one of the main responsibilities of the INGD as the Coordinating Entity.<sup>130</sup> ‘Building codes’ are defined in the 2020 DRM Law as the set of regulations and standards intended to regulate aspects of project design, construction of infrastructure for various purposes, and modifications of infrastructure or land occupation, without endangering human lives and the environment.<sup>131</sup> However, no further provisions are made relating to building codes and standards.

Under article 9 of the 2020 DRM Law, the government is responsible for mapping and determining disaster-prone areas and prohibiting their occupation.<sup>132</sup> More specifically, the government must define the procedures for mapping risk zones as well as prevention and mitigation measures.<sup>133</sup> At the sub-national level, the local administrative authorities are in charge of mapping risk areas and prohibiting the occupation and provision of social and economic services in risk areas, except when appropriate technologies are applied and approved by the competent authorities.<sup>134</sup> This is further reinforced through the 2020 DRM Regulations, which provide in article 22 a more detailed procedure for mapping of risk areas. The mapping of risk zones, it states, aims to identify, locate, and trace the geographic contours of resources, infrastructure and populations in a region exposed to the probability of being affected by hazards.<sup>135</sup> To this end, risk zones are classified into three categories, based on the type of threat or danger to which a zone is exposed and the measures to be taken.<sup>136</sup> The three category groups include high risk, medium risk, and low risk.<sup>137</sup>

Based on this mapping procedure, the right of use and benefit of land cannot be attributed in duly demarcated high-risk areas, and the construction of infrastructure is also prohibited, except through the application of appropriate and approved technology.<sup>138</sup> The INGD, local governance bodies and community authorities must prohibit the construction of infrastructure and settlement of the population in duly demarcated areas.<sup>139</sup>

The Disaster Risk Reduction Master Plan 2017-2030 (DRR Master Plan) also embraces a culture of prevention and readiness to promote disaster resilient infrastructure.<sup>140</sup> The overall objective of the DRR Master Plan is to reduce the risk of disasters, the loss of human lives and vital infrastructure, as well as to prevent the emergence of new risks of disasters by increasing human and infrastructural resilience in the face of extreme or recurrent climatic, natural and anthropic events.<sup>141</sup> The DRR Master Plan seeks to consolidate the processes of public investment, territorial planning and financial protection against disasters through its Strategic Objective III. Under this objective, one of the key actions to be implemented involves the development of mechanisms and investments for the protection of infrastructure.<sup>142</sup> To this end, the specific actions proposed include the following:

- assessing the risk of destruction of infrastructure considered critical or essential in economic, social and environmental terms, based on an inventory carried out by a commission created for this purpose, with the participation of the private sector, partners, representatives of civil society and community organizations;
- establishing a corrective risk management program and identifying funding sources in order to reduce existing risks in priority infrastructure;
- formulating and implementing standards and rules for dimensioning, building, and maintaining infrastructure that comply with aspects of DRR; and
- establishing mechanisms to protect cultural institutions and places of historical, cultural, or religious interest.<sup>143</sup>

More specifically, the DRR Master Plan promotes the implementation of corrective measures to reduce the high levels of consolidated risk.<sup>144</sup> Based on probability risk analysis and on the definition of priorities in terms of physical and social infrastructures considered critical or vital, mitigation and maintenance actions will be carried out, as well as protection and structural reinforcement works.<sup>145</sup>

Thus, while the Mozambican DRM legal framework does not contain provisions specifically relating to post-disaster repair and reconstruction, it does promote the principle of sustainable recovery, which envisages the recovery process as an opportunity to improve infrastructural resilience. Moreover, as is evident from the foregoing discussion, the legal framework contains several general provisions that

promote the resilience of housing and infrastructure which, in theory, should have applied to repair and reconstruction activities during the recovery from Cyclones Idai, Kenneth and Eloise. In particular:

- pursuant to disaster risk zoning under the 2014 and 2020 DRM Laws, during the recovery from Cyclones Idai, Kenneth and Eloise, construction of infrastructure and housing should not have been permitted in high-risk zones, except through the application of appropriate and approved technology;
- pursuant to the General Regulation of Urban Buildings, the buildings constructed in urban areas following Cyclones Idai, Kenneth and Eloise should have been constructed to have waterproof roofs and be resistant to other 'atmospheric agents';
- pursuant to the Disaster Recovery Framework, the rehabilitation of public infrastructure damaged by Cyclones Idai and Kenneth should have been accomplished in the short-term and in a manner that would promote resilience to similar future disasters; and
- pursuant to the 2020 DRM Law, following Cyclone Eloise the recovery process should have been guided by the principle of sustainable recovery and the INGD should have promoted the construction of disaster resilient infrastructure.

Unfortunately, it has not been possible to ascertain how the provisions summarized above were implemented during the recovery from Cyclones Idai, Kenneth and Eloise, or whether these provisions promoted the resilience of the housing and infrastructure that was repaired or reconstructed. This is an area where further research would be beneficial, in particular to identify whether there is a need for more detailed legal provisions to promote resilience through post-disaster repair and reconstruction of housing and infrastructure.

In practice, repair and reconstruction of housing following Cyclone Idai posed a significant challenge. An assessment of the shelter conditions amongst 4,042 families in affected communities (displaced families in host communities and non-displaced families) undertaken by IOM's Displacement Tracking Matrix (DTM) in collaboration with the INGD, found that more than one year after the cyclone, approximately one in four families (27%) reported that the conditions of their housing had not improved.<sup>146</sup> The vast majority of the 27% said that their family did not have enough income to cover the associated costs of repairing/rebuilding their homes, with 45% claiming that no one in the family had a source of income, 41% saying that although at least one member of the family had an income, it was not enough to purchase and transport the materials and 7% claiming to be waiting for support from the government or aid organizations to repair or rebuild.<sup>147</sup> Of those who had repaired or rebuilt their homes, a small percentage had used salvaged materials to repair their walls (17%) and roofs (25%), with even fewer reporting using purchased materials to repair walls (5% of respondents) or donated materials to repair roofs (9% of respondents).<sup>148</sup> Approximately 2% of respondents reported receiving humanitarian support to repair or rebuild.<sup>149</sup>

In post-disaster settings, proof of tenure is commonly used by governments and humanitarian organizations as an eligibility requirement for shelter assistance, including assistance for the repair and reconstruction of housing. This requirement can be inequitable and impracticable, especially in circumstances where a non-documented tenure system is in place or there has been widespread loss of tenure documentation. Following Cyclone Eloise, loss of documentation was a major concern for affected communities including loss of personal identification documents, birth certificates, vaccination and school records, and documentation of household assets.<sup>150</sup> The loss of documentation posed a huge challenge for recovery, limiting access to basic public services for those who had lost documentation.<sup>151</sup> However, it is not clear whether proof of tenure documentation was required in order to repair housing and to receive financial assistance for the repair of housing in Mozambique.

### 3.4 Social protection and psychosocial support



‘Soft’ recovery consists of the set of actions aimed at restoring the economic activity and livelihoods of the affected populations; providing mental health and psychosocial support for disaster survivors; resuming schooling for children; and considering environmental aspects during recovery. Both the PDNA following Cyclones Idai and Kenneth, and the MRNA following Cyclone Eloise identify the needs for soft recovery activities in affected areas.<sup>152</sup> For instance, in the case of Idai and Kenneth, ensuring access to healthcare and education were seen as key for short-term recovery (which addresses immediate needs and prevents a further deterioration of conditions), while income-generating activities and alternative livelihoods to support people’s self-recovery were promoted from the short-term to the long-term recovery.<sup>153</sup> Psychosocial consequences were recorded as one of the main protection issues following Cyclone Eloise.<sup>154</sup>

The 2014 DRM Law, in article 34, provides that disaster assistance programs include: food, medical and drug assistance; education; evacuation of the high-risk zone; resettlement; and promotion of food production and economic, social and cultural development.<sup>155</sup> Furthermore, article 36 establishes that the Council of Ministers promotes forms of financial, technical or material support to those affected by a disaster including public and private entities, in order to enable them to resume their economic and social activities, based on criteria to be defined.<sup>156</sup> In addition, Strategic Objective 4 of the Disaster Recovery Framework aims to restore livelihoods and ensure food security in affected communities.<sup>157</sup> A relevant action proposed for the five-year term following the adoption of the Disaster Recovery Framework is focused on the prioritization of life and the rapid restoration of economic and productive activity.<sup>158</sup> While the 2014 DRM Law and the Disaster Recovery Framework therefore contain provisions relating to social protection, neither instrument appears to contain provisions on mental health and psychosocial support services for disaster-affected communities.

The 2020 DRM Law establishes in article 45 that people affected by disasters have the right to protection and social assistance to prevent or alleviate human suffering resulting from disasters.<sup>159</sup> Under article 32, ‘sustainable recovery’ comprises, among other things, actions aimed at restoring or improving the livelihoods of disaster-affected communities.<sup>160</sup> In fact, one of the guiding principles on which the current framework is based is the principle of human dignity and citizen’s well-being, which consists of the protection and preservation of life, livelihoods, public and private goods, services and infrastructures that ensure the well-being of citizens.<sup>161</sup> The 2020 DRM Regulations outline the measures to be taken by the government in the event of a public calamity, including the reorganization of the exercise of commercial and industrial activity and access to goods and services.<sup>162</sup> Article 18 further provides that ‘sustainable recovery’ comprises (among other things) actions aimed at restoring or improving the livelihoods of the community affected by disasters, as well as restoring the psychosocial condition of those affected in the scope of disasters.<sup>163</sup> However, specific measures for the restoration of economic activity such as bank loans, cash grants or other income-earning opportunities do not appear to be identified in the Mozambican DRM framework.

The provision of mental health and psychosocial support for disaster-affected communities is a key element included in the contingency plans for 2019 to 2021.<sup>164</sup> The framework provided in contingency plans includes actions relating to psychosocial support services for affected children, women and families under each phase of DRM, from readiness to response and recovery.<sup>165</sup>



### 3.5 Education



Both the 2014 and 2020 DRM Laws outline the rights of especially vulnerable people to protection. Among these, continuity of education is established as a fundamental right.<sup>166</sup> In line with this provision, one of the strategic objectives of the Disaster Recovery Framework for post-Idai and Kenneth reconstruction is focused on restoring basic services in cyclone-affected areas, including education.<sup>167</sup> In terms of necessary material to ensure the continuity of schooling in post-disaster settings, the contingency plans for

2019 to 2021 identify a special need for teachers, school tents, material for students, and other school equipment.<sup>168</sup> Following Cyclone Eloise it was also recognized that children's access to education was already compromised due to the COVID-19 pandemic, and therefore aggravated when Cyclone Eloise hit the country.<sup>169</sup>

In addition, the Ministry of Education and Human Development (MINEDH) adopted in 2020 the Strategy for Preparedness, Response and Recovery of the Education Sector in Emergency Situations 2020-2029. This strategic document was produced in the wake of the devastation caused by Cyclones Idai and Kenneth and was therefore only applicable after its adoption and during the recovery period from Cyclone Eloise. The general vision of the Strategy is to facilitate the promotion of access to and quality of education for all school-aged girls and boys (3-18 years of age) and the continuity of quality, inclusive and safe education in emergencies across the country.<sup>170</sup> Thus, the Strategy seeks to contribute to high levels of effectiveness and efficiency in emergency education (EeE) and be a reference in the sub-Saharan region.<sup>171</sup> The Strategy is designed around five strategic objectives, which include the following:

- Strategic Objective 1 (SO1): to maintain and improve access to education, providing access to school-aged, emergency-affected girls and boys to safe and inclusive (rehabilitated and/or temporary) learning spaces, in disaster-affected provinces and districts;
- Strategic Objective 2 (SO2): to maintain and improve the quality of education by providing all school-age girls and boys affected by emergencies with quality and inclusive learning opportunities in a safe environment in the provinces and districts affected by disasters and cyclones;
- Strategic Objective 3 (SO3): to strengthen management, coordination and information systems and internal processes and EeE monitoring and evaluation;
- Strategic Objective 4 (SO4): to strengthen the development of the technical and institutional capacity of MINEDH for EeE and of the national civil society to prepare and respond to the current and future emergency; and
- Strategic Objective 5 (SO5): to maintain and increase financial support through increased budgetary allocations and support from international and national partners (public and private sector).<sup>172</sup>

Under SO1, some of the proposed actions to ensure access to education in disaster-affected areas include: establishing temporary classrooms and learning spaces with gender-sensitive WASH facilities; rehabilitating and rebuilding disaster-damaged classrooms; providing basic furniture for schools affected by cyclones and floods; and providing school lunches for children in affected areas.<sup>173</sup> Although the framework is very comprehensive, it has not been possible to determine the level of implementation of practical measures provided in the Strategy following Cyclone Eloise.

### 3.6 Environmental protection



Neither the 2014 nor the 2020 DRM Law explicitly set out measures to prevent environmental damage during disaster recovery operations. However, both laws do contain provisions acknowledging the connection between DRM and environmental protection. Article 25 of the 2014 DRM Law promotes collaboration between DRM actors and technical and scientific research entities in the form of geoclimatic studies and studies of adequate ways of preserving the environment and natural resources.<sup>174</sup> The 2020 DRM Law, in article 21, defines ‘adaptation’ as the set of measures taken to adapt to a given situation and find solutions for sustainable coexistence between society, the environment and possible risks and disasters.<sup>175</sup> Furthermore, the concept of ‘sustainable recovery’ includes actions aimed at restoring principles and mechanisms of ecosystem functioning to avoid or reduce future disaster risks.<sup>176</sup> As per article 48 of the 2020 DRM Law, the government is responsible for zoning sensitive ecosystems that play a key role in building resilience to disasters.<sup>177</sup> It is incumbent upon the local administrative authorities to map and define measures for the preservation of sensitive ecosystems.<sup>178</sup>

The Environmental Law, adopted by Law n° 20/97, states that the development of infrastructure for housing or for any other purpose that, due to its size, nature or location, causes a significant negative impact on the environment is prohibited.<sup>179</sup> The same applies to the disposal of waste or used materials.<sup>180</sup> This is especially applicable to coastal areas, areas threatened by erosion or desertification, wetlands, areas of environmental protection and other ecologically sensitive areas.<sup>181</sup> Environmental Impact Assessments (EIAs) have been applied in Mozambique since 1993, but the legal framework was only set up in 1997 through the Environmental Law. The Environmental Law sets out in article 16 that the EIAs are based on an environmental impact study to be carried out by entities accredited by the government.<sup>182</sup> Article 17 outlines that the EIA comprises, at least, the following information:

- a. a non-technical summary of the project;
- b. a description of the activity to be carried out;
- c. the environmental situation of the place where the activity is implemented;
- d. the modifications that the activity causes in the different environmental components existing in the place;
- e. the measures planned to eliminate or reduce the negative effects of the activity on the quality of the environment; and
- f. the systems provided for the control and monitoring of the activity.<sup>183</sup>

More recently in 2015, Decree n° 54/2015 was approved by the Council of Ministers, establishing the regulations and procedures for EIAs. The provisions set out by Decree n° 54/2015 apply to all public or private activities that may directly or indirectly influence the environment.<sup>184</sup> Nevertheless, immediate actions aimed at dealing with emergency situations arising from disasters or natural calamities, as well as emergency situations resulting from development activities, are exempt from carrying out EIAs.<sup>185</sup> This likely relates more to response activities rather than recovery, as the Disaster Recovery Framework identifies EIAs as a potential challenge to the implementation of recovery and reconstruction projects.<sup>186</sup>

The environmental protections and processes established by the Environmental Law and Decree n° 54/2015 were applicable to reconstruction activities implemented during the recovery from Cyclones Idai, Kenneth and Eloise. However, it has not been possible to clarify how these provisions operated in practice. This is an area where further research would be beneficial, especially to identify whether the existing provisions achieve an appropriate balance between permitting the rapid reconstruction of housing and infrastructure and protecting the environment.



### 3.7 Waste management



Neither the previous nor the current DRM framework appear to make provision for disaster waste management. The legal framework for waste/debris management in Mozambique is provided by Decree n° 13/2006. The purpose of this decree is to establish rules concerning the production, the deposit in soil and subsoil, the release into the water or the atmosphere, of any toxic and polluting substances, as well as the practice of polluting activities that accelerate the degradation of the environment, with a view to preventing or minimizing their negative impacts on health and the environment.<sup>187</sup> The decree provides a comprehensive list for identification of potentially dangerous waste,<sup>188</sup> establishing the guidelines for classification and separation of hazardous waste from non-hazardous waste,<sup>189</sup> the methods of deposition and disposal of hazardous waste,<sup>190</sup> as well as the basic rules and procedures for transportation of hazardous waste.<sup>191</sup> While the decree does not refer explicitly to waste/debris management following a disaster, as a law of general application it would appear to apply to this situation

### 3.8 Protection and inclusion of vulnerable groups



Protection rights are established in both the 2014 and 2020 DRM Laws, which state that particularly vulnerable persons — such as the elderly, women, children, the sick and the disabled — have a right to special protection, namely a right to priority in evacuation and resettlement and a right to special protection against abuse during the period of emergency.<sup>192</sup> In general terms, all people affected by disasters have a right to protection and social assistance to prevent or alleviate human suffering resulting from disasters.<sup>193</sup>

Gender-based violence (GBV) is identified as a cross-cutting issue in the annual contingency plans for 2019 to 2021.<sup>194</sup> As provided by these plans, GBV is to be addressed in all phases of DRM. Specific actions proposed to be implemented in the recovery phase include: raising awareness of the GBV component in accommodation centres and/or resettlement neighbourhoods; disseminating information about services and places for children and women suffering from violence and abuse; and providing psychosocial support to survivors of GBV.<sup>195</sup> In addition, the INGC developed the Gender Strategic Plan 2016-2020, which serves as an example of how gender considerations can be integrated into the work of a national DRM coordinating entity. The objective of the Gender Strategic Plan was to reduce gendered impacts of disasters by guaranteeing support and social protection services, conducting awareness campaigns, and establishing dedicated units for gender issues.<sup>196</sup> This document does not appear to have been updated after the transformation of the INGC into the INGD.

In the context of Cyclones Idai and Kenneth, the PDNA identified women and girls among the most vulnerable groups within affected populations, together with children, older people, people with disabilities, people living with HIV, and internally displaced persons (IDPs).<sup>197</sup> The PDNA recognized that Cyclones Idai and Kenneth: increased the risk of GBV and other protection issues; limited the access of pregnant women to safe deliveries; compromised children and older people who were already dependent or food insecure; and hindered the resettlement and relocation of IDPs.<sup>198</sup> Although it has not been possible to find information about specific protection initiatives implemented by government entities, the Humanitarian Response Plan 2018-2019 produced by OCHA identified a few key actions within this area. For instance, it highlighted the importance of establishing protection monitoring systems to identify protection risks; supporting the government in managing resettlement programs for affected persons; providing capacity building for community and government actors in areas such as GBV; ensuring rapid identification and protection mechanisms for unaccompanied children; and prioritising emergency shelter and psychosocial support services for victims of GBV.<sup>199</sup>

During the response and recovery from Cyclone Eloise, a protection assessment showed huge protection challenges due, in part, to the fact that Eloise hit the same provinces that had already been heavily impacted by Cyclone Idai.<sup>200</sup> These challenges arose in the context of the COVID-19 pandemic, which already exacerbated the risk of GBV. The protection challenges included, for instance, the need for greater access to basic services for people with specific needs, child protection activities and psychosocial support.<sup>201</sup> Thus, the MRNA highlighted the importance of ensuring the following considerations during the response and recovery from Cyclone Eloise:

- a. protection considerations;
- b. community engagement;
- c. safe protection spaces and tents;
- d. GBV rapid assessments;
- e. comprehensive GBV prevention and responses;
- f. access to education;
- g. sex and age disaggregated data (SADD) to understand the population groups in need;
- h. emergency shelter kits; and
- i. shelter recovery assessments.<sup>202</sup>

With respect to internal displacement during disasters, as stated above, Cyclones Idai, Kenneth and Eloise resulted in significant displacements of affected populations.<sup>203</sup> The Disaster Recovery Framework highlighted that the recovery of vulnerable groups should be given priority and identified IDPs as one of the vulnerable groups.<sup>204</sup> To this end, it recognized that a combination of early and short-term recovery interventions was needed, especially improved shelter conditions for the following rainy seasons.<sup>205</sup>

The contingency plans for 2019 to 2021 only appear to provide measures to support displaced persons in the immediate disaster aftermath and in the short-term, such as setting up shelter and accommodation centres,<sup>206</sup> rather than implementing durable solutions such as integration programmes into local/host communities, or relocation to another location within the country. The Policy and Strategy for the Management of Internal Displacement of 2021 (*Política e Estratégia de Gestão de Deslocados Internos* or PEGDI) was developed under the legal framework for DRM in Mozambique and was approved by Resolution n° 42/2021. The PEGDI applies to persons or groups of persons who have been forced to leave their places of habitual residence due to, amongst other things, natural or man-made disasters and who have not crossed the borders of the Republic of Mozambique.<sup>207</sup>

The overall objective of the PEGDI is to reduce and solve problems related to displacement through appropriate prevention, assistance and socio-economic reintegration actions.<sup>208</sup> Specific objectives include:

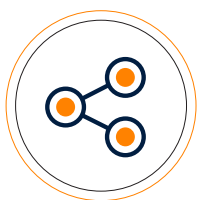
- a. ensuring the coordination, monitoring and adequate supervision of interventions by key actors for the prevention and management of IDPs;
- b. ensuring protection and assistance to IDPs and affected communities;
- c. ensuring dignified treatment for IDPs; and
- d. creating conditions for sustainable reintegration in the place of origin or in another part of the country.<sup>209</sup>

The PEGDI defines the institutional arrangements, roles and responsibilities to respond to the challenges faced by IDPs and appoints the INGD as the Coordinating Entity. Other key actors include the government, the private sector, humanitarian agencies, donors and international organizations, civil

society organizations and NGOs.<sup>210</sup> One of the pillars of the PEGDI is reconstruction and recovery.<sup>211</sup> This pillar comprises the adoption of actions aimed at restoring or improving the means of subsistence of IDPs and the surrounding environment for the normalization of their lives.<sup>212</sup> As such, in this pillar, actions must be implemented that will guarantee the safe return to the areas of origin or insertion in the reception areas.<sup>213</sup> For this purpose, some of the proposed actions involve: the implementation of resilience programs; ensuring sources of income and subsistence generation that prevent the displaced person from returning to their condition of vulnerability; adoption of measures and durable solutions; guaranteeing protection, health and well-being, right to documentation, respect for human rights and access to justice and public services for the internally displaced.<sup>214</sup> While the PEGDI represents a progressive framework for the management of internal displacement, consultations with key informants revealed that, in practice, the execution of durable solutions to internal displacement remains a challenge in Mozambique. This is, in part, due to the overlap in the response and recovery from successive cyclones, with new cyclones occurring while recovery from previous cyclones is ongoing, giving rise to new displacement.

The assessment conducted by the IOM's DTM in collaboration with the INGD discussed in section 3.3 above also assessed the shelter conditions amongst 1,281 families in 68 resettlement sites, and found that more than one year after the cyclone, almost 70% were still living in emergency shelters or a tent with only 27% being able to transition from emergency shelters to an upgraded house.<sup>215</sup> Barriers to self-recovery were identified by the respondents as follows: many were waiting for support from aid organizations or the government, lacked access to collect natural materials that could be used for construction, and also lacked financial means.<sup>216</sup> Over three-quarters of the respondents reported that they would not consider returning to their places of origin, underlining the need for resettlement assistance.<sup>217</sup>

### 3.9 Links with sustainable development, disaster risk reduction and climate change adaptation



During recovery and reconstruction processes, one of the main challenges is to harmonize immediate disaster recovery actions with long-term sustainable development, climate change adaptation (CCA) and disaster risk reduction (DRR). While DRR and CCA are included in the 2014 DRM Law, links between disaster recovery and sustainable development, DRR and CCA are not clearly established. In contrast, the Disaster Recovery Framework promotes sustainable recovery, seeking to build resilience to future similar disasters through the recovery efforts following Cyclones Idai and Kenneth.<sup>218</sup> As discussed above, the Disaster Recovery Framework is guided by principles that promote resilient reconstruction of infrastructure, in accordance with territorial planning instruments, avoiding high-risk zones and improving the living conditions of peripheral areas.<sup>219</sup> Lastly, the Disaster Recovery Framework identifies the recovery needs by sector in districts and provinces affected by the cyclones, including the DRR sector.<sup>220</sup>

Clear links between sustainable development, DRR, CCA and recovery are established by the 2020 DRM Law. Indeed, one of the guiding principles of the 2020 DRM Law is sustainable recovery for building human, infrastructural and ecosystem resilience, as well as adaptation to climate change,<sup>221</sup> aiming to integrate DRR, sustainable development and CCA into governance processes at all levels.<sup>222</sup> Hence, DRR and CCA are inherent to sustainable recovery, which aims to achieve durable resilience to climate and disaster risks. This is set out under the principle of sustainability in the 2020 DRM Law, which entails establishing basic foundations so that the execution of DRR/DRM activities take into account the preservation of durability in the short-, medium-, and long-term.<sup>223</sup> More specifically, in terms of recovery, the principle of sustainable recovery determines that post-disaster recovery, rehabilitation

and reconstruction must comply with measures that minimize the occurrence of new risks.<sup>224</sup> To this end, the Government of Mozambique is responsible for, among other things: approving policies, strategies and plans for managing and reducing disaster risk, building resilience and adapting to climate change; and ensuring the integration of sustainable development, CCA and DRR/DRM approaches.<sup>225</sup> Furthermore, article 28 establishes a link between preparedness and sustainable recovery, stating that readiness processes aim to build capacity to respond to public calamities with a view to an orderly transition from response to sustainable and resilient recovery.<sup>226</sup>

In addition, there are other policy documents currently in place dedicated to DRR, CCA and development which refer to disaster recovery. Currently, the main DRR instrument in Mozambique is the Disaster Risk Reduction Master Plan (DRR Master Plan), the main vision of which is that the population, their livelihoods and health, and public and private infrastructure are resilient to extreme events and the effects of climate change, with a consolidated culture of prevention, preparedness, response and recovery.<sup>227</sup> Although the main objective of the DRR Master Plan is to reduce disaster risks by consolidating the DRM system in the country, this objective also incorporates strengthening disaster response and resilient recovery.<sup>228</sup> Thus, disaster recovery is a central element in the DRR Master Plan. In addition, the DRR Master Plan highlights that reducing the impact of disasters will require a mix of interventions that ensure the integration of DRR and climate resilience into development policies and plans.<sup>229</sup> Moreover, the DRR Master Plan refers to sustainability as it was developed under the framework of the 2030 Agenda for Sustainable Development, and the Sendai Framework for Disaster Risk Reduction 2015-2030.

The National Strategy for Climate Change Adaptation and Mitigation 2013-2025 is the guiding document for CCA in Mozambique. The Strategy aims to reduce vulnerability to climate change and improve the living conditions of Mozambicans, through the implementation of concrete measures of adaptation and reduction of climate risks and also of mitigation and low carbon development, aiming at sustainable development, with the active participation of all actors and social, environmental and economic sectors.<sup>230</sup> The term 'resilience' is defined as the ability of a system, community or society exposed to extreme events to resist, absorb, accommodate and recover from the effects of a hazard or disaster in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions.<sup>231</sup> Hence, one of the Strategy's objectives is to make Mozambique resilient to the impacts of climate change, reducing climate risks to people and goods as much as possible, restoring and ensuring the rational use and protection of natural and built capital.<sup>232</sup> To this end, one of the priority actions outlined in the Strategy to reinforce national capacities to face climate risks is the strengthening of the INGD's role in coordinating operations, evacuation, relief, reconstruction and support for disaster survivors.<sup>233</sup>

The National Development Strategy 2015-2035 is the main national instrument relating to development. This Strategy seeks to ensure economic and social development through integrated policies oriented towards the generation of wealth, in order to guarantee the improvement of the population's living conditions and a fair distribution of national income.<sup>234</sup> More specifically, it aims to raise the living standards of the population through the structural transformation of the economy, and expansion and diversification of the productive base.<sup>235</sup> The Strategy identifies natural hazards as one of the main risks to the country's development.<sup>236</sup> Natural disasters, it states, have contributed to the reallocation of resources from the development area to investment in emergency response actions and post-disaster reconstruction, leaving the development sector with a significant lack in funding.<sup>237</sup> One of the main sectors affected by the impact of natural hazards is the agricultural sector. To ensure the rapid recovery of the sector, it is necessary to adopt rainfed agriculture with alternative irrigation techniques, as well as insurance mechanisms.<sup>238</sup> The Strategy points out that comprehensive disaster insurance mechanisms are also necessary in other affected sectors, such as tourism, fishing and transport, in order to guarantee their sustainable and durable recovery from natural disasters.<sup>239</sup>

### 3.10 Fraud and corruption



Transparency and accountability are key elements for effective post-disaster recovery. These terms include measures to prevent fraud, corruption, or the misappropriation of recovery funds. In terms of the 2014 DRM Law, article 28 provides that the State encourages all actions aimed at collecting goods with a view to providing relief and assistance to those affected by disasters. In order to make the process of raising, channelling and distributing donations transparent, the Council of Ministers establishes the appropriate control procedures.<sup>240</sup>

The Disaster Recovery Framework highlights that sound financial management, transparency and accountability will be developed through capacity-building technical assistance from partners to support the Cabinet for Post-Idai Reconstruction (Idai Cabinet), the Ministry of Economy and Finance (MEF) and sub-national government authorities to ensure robust budgetary planning, accounting, internal controls, financial reporting and auditing processes.<sup>241</sup> Technical assistance is recognized as key to ensure transparency and accountability in financial management in the following areas:

- enhancing the existing system for public accounts in the MEF;
- developing an information management system for the Idai Cabinet to facilitate monitoring and financial reporting which form part of the Idai Cabinet's mandate;
- strengthening capacity for financial management, particularly in the areas of accounting, financial tracking, procurement, financial reporting, and internal controls;
- developing and disseminating guidelines and templates for expenditure reporting; and
- strengthening expertise in accounting and financial management within the Idai Cabinet and the MEF as well as at District and Municipal levels as required, including capacity-building training.<sup>242</sup>

The activities of the Idai Cabinet for Reconstruction were also subject to external audits.<sup>243</sup>

Laws and policies in Mozambique do not specifically address transparency and accountability in the administration of funds and resources for disaster recovery. However, there are more general provisions in the 2020 DRM Law that promote transparency and accountability and are broad enough to encompass recovery, in addition to other aspects of DRM. Under the 2020 DRM Law, DRM activities in Mozambique are guided by a set of fundamental principles. This includes the principle of transparency, which determines that resources for DRM/DRR must be managed in a clear way and on the basis of evidence and explicit criteria and with evaluation models.<sup>244</sup> Regarding the financial management of the INGD, Decree n° 41/2020 establishes that it is the responsibility of the Minister of Economy and Finance: to carry out the control of the financial performance of the INGD, in particular with regard to the fulfilment of the purposes and objectives established and regarding the use of the resources made available to the institution; to order the performance of financial inspections; and to practice other acts of financial control.<sup>245</sup> The INGD and the Disaster Management Fund, which can be spent on recovery activities, are also subject to external audits.<sup>246</sup> Transparency, integrity, efficiency, creativity, innovation and coordination are key principles guiding the mobilization and management of the Fund.<sup>247</sup>

In addition to these DRM-specific provisions, there are also general criminal law provisions relating to fraud and corruption. The Criminal Code of Mozambique, approved by Law n° 35/2014 and revised by Law n° 24/2019, establishes the legal procedures for the fight and prevention of fraud and corruption. For instance, article 425 provides that it is a crime for a public servant who, by himself, or through an intermediary, with his consent or ratification, requests or accepts, for themselves or for a third party,

without being due, a patrimonial or non-patrimonial advantage for any act or omission contrary to the duties of the position.<sup>248</sup> It is also a crime for a public servant to abuse his position or function, performing acts or omitting or delaying acts in the exercise of his functions, in violation of the law, orders or superior instructions in order to obtain patrimonial or non-patrimonial advantage for himself or herself or for a third party.<sup>249</sup> These and other criminal law provisions would be applicable to public servants involved in recovery-related activities, thus being an additional legal mechanism for preventing fraud and corruption. Other forms of corruption addressed in the Criminal Code include, for example, active and passive corruption, illicit enrichment and abuse of power.<sup>250</sup>

## 4. A practitioner's view: the role of the Mozambique Red Cross in post-cyclone recovery and reconstruction

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To obtain a practitioner's view of the recovery from Cyclones Idai, Kenneth and Eloise, interviews were conducted with staff (henceforth, Key Informants) from CVM. The interviews with Key Informants revealed that CVM was at the forefront of the response and recovery from Cyclones Idai, Kenneth and Eloise. During post-cyclone recovery and reconstruction, CVM operates as one of the leading agencies in terms of territorial coverage, in close coordination with the INGD and the multi-sectoral teams present in communities, to better assess the needs and issues in post-disaster settings.

The Key Informants highlighted that CVM has promoted the training of teams in prevention and awareness through simulation exercises, has provided hygiene kits and other humanitarian supplies to a large number of disaster survivors, as well as temporary shelter. In terms of shelter, affected populations were relocated to public buildings, such as schools and churches, before being subsequently relocated to alternative medium- and long-term resettlement neighbourhoods or centres following a government registration process. CVM also supported the construction of emergency shelters and the reconstruction of housing infrastructure, by providing construction materials and helping to standardize construction protocols for housing reconstruction. To this end, CVM promoted community engagement to facilitate self-recovery of affected populations by engaging and training communities on effective reconstruction methods.

The following sections summarize, from the perspective of CVM, key challenges and good practices during the recovery operations from Cyclones Idai, Kenneth and Eloise in the areas of: coordination and information sharing; capacity of domestic actors; financing; psychosocial support and protection of vulnerable groups; environmental protection; and prevention of fraud and corruption. One overarching difficulty reported by the Key Informants was disaster response operations overlapping with recovery operations during cyclone seasons, especially in communities repeatedly affected by severe cyclones. This impeded the transition from response to recovery in affected communities.

### Coordination and information sharing

Key Informants highlighted that coordination and information sharing difficulties in recovery operations can occur at different levels given the very large number of actors involved in disaster response and recovery in Mozambique, including government and non-government actors, as well as international organizations and development partners.

Although Key Informants reported strong government leadership in disaster response and recovery operations, with government deploying coordination focal points to the affected areas and promoting frequent coordination meetings with all actors involved, coordination and information sharing difficulties were nevertheless encountered by CVM. These included: duplicated assessments and overlapping activities by national and international actors, which became frustrating for beneficiaries; data collection coordination issues between national and international actors; and an inability to access information on the situation and operational actors due to the absence of a centralized information sharing system, as well as long legal processes to receive access to the information collected by the government. The Key Informants specifically identified that following Cyclone Idai there was a lack of communication during the first 10-15 days, making it difficult to assess and reach the affected populations to provide the necessary humanitarian aid.



One coordination challenge that was specific to CVM was managing a large number of delegates from the International Red Cross and Red Crescent Movement, a task made more complicated by language barriers, necessitating the use of interpreters.

### Capacity of domestic actors

The Key Informants identified the importance of developing the capacities of domestic actors in certain areas. In particular, they highlighted the challenge of enhancing capacities at the national and provincial levels, so that domestic actors are prepared, internally, to manage all aspects of the recovery process once international partners have left the scene. From the CVM's perspective, there is a need to strengthen the financial and technical capacities of the National Society to ensure that it can provide disaster-affected communities with food security and access to WASH and health infrastructure and promote the forecast-based funding approach and its relationship with disaster recovery.

### Financing

Recovery funding was reported by key informants as an important issue. The main challenge remains to ensure the appropriate distribution of funding between the disaster response and recovery phases, to promote fundraising for recovery from the beginning of the emergency, and to raise adequate funds for long-term recovery. Generally, funding for recovery has been short-term and not sufficient to meet the affected population's longer-term recovery needs and fully alleviate suffering. The emergency response lasts, usually, an average of 90 days, and then the recovery phase begins, often lasting indefinitely. Considering the long timeframe involved, recovery and reconstruction require a large amount of funding.

The CVM does not have a fund of its own for potential emergencies and depends on its donors. Therefore, before an extreme event takes place, the National Society appeals to donor partners to make available emergency funding for disaster assistance to affected communities. However, once funding is available, it is often allocated for immediate relief (rescue operations, food, clothes, hygiene kits, latrines, etc.). Moreover, although during past cyclones, such as Idai, Kenneth and Eloise, the CVM received support from the ICRC, the IFRC, the German Red Cross and the Belgian Red Cross (among others), funding remained insufficient to meet the affected communities' needs.

### Psychosocial support and protection of vulnerable groups

Cyclones Idai, Kenneth and Eloise had major psychosocial impacts and created serious protection challenges relating, for example, to gender-based violence and child protection. The interviews with Key Informants revealed that CVM is active in addressing these challenges. Psychosocial support is among the first activities carried out by CVM following a disaster, lasting for an average of three months. CVM recovery operations take into account the specific needs of vulnerable groups. A multisectoral team is usually deployed to the affected areas to conduct impact and needs assessments. Other key activities carried out by the CVM in post-disaster settings include the establishment of medical bases in the community to better identify vulnerable groups. As the CVM staff capacity is often limited, training for volunteers is provided to ensure continuity in CVM activities including psychosocial support.

### Environmental protection issues

As discussed in section 3.6 above, neither the 2014 nor the 2020 DRM Law explicitly set out measures to prevent environmental damage during disaster recovery operations, however both laws do contain provisions acknowledging the connection between DRM and environmental protection. The Key Informants identified several environmental protection issues that arose during the recovery from Cyclones Idai, Kenneth and Eloise. These included the need to raise awareness to reduce tree cutting for housing reconstruction purposes, and the high use of plastic and environmental damage caused by recovery activities.



## Prevention of fraud and corruption

It has not been possible to clarify whether there are well-established practical measures to avoid misappropriation or diversion of funds intended for recovery in Mozambique. However, the Key Informants indicated that some practical measures in this regard are in place. This consists of disbursing funds to credible organizations to ensure transparency and good handling of funds, starting with the government down to community leaders. To this end, the entire process is to be duly documented and accompanied with images that illustrate the events implemented in the community and the activities carried out.

## 5. Key findings and recommendations

The legal, policy and institutional framework applicable to disaster recovery in Mozambique, and to DRM more generally, is relatively advanced and has many strengths. The recovery phase is explicitly addressed in the 2014 and 2020 DRM Laws and included in the mandate of the INGD, which has a dedicated Post-Disaster Reconstruction Coordination Division. Other bodies mandated to conduct recovery activities include the DRM Coordinating Council, the Technical Councils for DRM and the Emergency Operations Centres, the latter two of which exist at national, provincial and district levels. The 2020 DRM Law adopts the principle of ‘sustainable recovery’, which promotes using the recovery phase as an opportunity to restore or improve infrastructure in disaster-affected communities to avoid or reduce future disaster risks. This is consistent with the internationally recognized ‘build back better’ principle. Moreover, the Disaster Recovery Framework adopted following Cyclones Idai and Kenneth is a comprehensive document that aims to strengthen the resilience of communities and infrastructure (economic, social and physical), and to restore basic services, livelihoods and food security. It promotes a multisectoral approach to recovery and establishes a framework for high level inter-institutional coordination in the form of the Idai Cabinet. Equally, it promotes the establishment of consultation forums with civil society and highlights that the recovery of vulnerable groups should be given priority.

In addition to these recovery-specific provisions, Mozambican DRM instruments contain several notable provisions that apply to DRM generally, including the recovery phase.

- Under the 2020 DRM Law, DRM in Mozambique is guided by the principle of transparency. The Minister of Economy and Finance monitors the financial performance of the INGD, and both the INGD and the Disaster Management Fund (which can be spent on recovery activities) are subject to external audits.
- Also under the 2020 DRM Law, DRM is guided by the principle of human dignity and citizen’s well-being. All people affected by disasters have a right to protection and social assistance to prevent or alleviate human suffering resulting from disasters.
- Under both the 2014 and 2020 DRM Laws, especially vulnerable persons — such as older people, women, children, the sick and the disabled — have a right to special protection, including a right to priority in resettlement. Contingency plans for 2019 to 2021 specify that gender-based violence is to be addressed in all phases of DRM and identify specific actions to be implemented.

Notwithstanding this relatively advanced legal, policy and institutional framework, the interviews with Key Informants from CVM and the assessments cited in this report reveal that, in practice, achieving sustainable, long-term recovery is a significant challenge in Mozambique. The interviews with Key Informants revealed the following challenges which impede effective recovery.

**Overlap between response and recovery:** The same regions in the country have experienced repeated severe cyclones within a relatively short period of time, resulting in overlapping response and recovery operations. The humanitarian impacts created by new cyclones interrupt and set back recovery operations.

**Resources:** Achieving long-term recovery requires large-scale investment over many years, however obtaining adequate resources for recovery is a challenge, with resources often being channelled primarily to the response phase. A large increase in resources for recovery is needed.

**Coordination and information sharing:** While Key Informants reported strong government leadership in disaster response and recovery operations, with government deploying coordination focal points to the affected areas and promoting frequent coordination meetings with all actors involved, significant coordination and information sharing difficulties nevertheless occurred. This was, in part, due to the very large number of actors involved in recovery operations.

**Capacity of domestic actors:** There is a need to enhance capacities at the national and provincial levels, so that domestic actors are prepared, internally, to manage all aspects of the longer-term recovery process once international partners have left the scene.

While this report comprehensively maps the legal, policy and institutional framework for disaster recovery in Mozambique, it generally does not evaluate the extent to which the applicable provisions were implemented during the recovery from Cyclones Idai, Kenneth and Eloise because information about implementation is not readily available. Evaluating the implementation of the existing framework is especially important given that the current legal and policy provisions are already relatively advanced, yet the country experiences significant difficulties in achieving sustainable, long-term recovery. Strengthening implementation of existing provisions through increasing domestic capacities and financial resources may, ultimately, be a higher priority than developing new legal and policy provisions. To determine whether this is the case, it is recommended that future research should focus on evaluating the practical implementation of existing provisions, through extensive interviews and consultations with government DRM officials and affected communities.

Notwithstanding the foregoing, one way in which the regulation of disaster recovery could be strengthened is through mandating the development of a national disaster recovery plan and/or a resilient recovery strategy. Although recovery plans have been developed in response to specific disasters, such as the Disaster Recovery Framework developed to address recovery from Cyclones Idai and Kenneth, recovery planning is not currently mandated by law. While the development of a resilient recovery strategy is an action identified in the National Disaster Risk Reduction Master Plan, it does not appear that such a strategy has been developed. Legally mandating the development of a national recovery plan and/or strategy may promote more effective recovery operations. While each disaster requires tailored recovery interventions and large-scale disasters would likely still require the development of specific recovery plans (which could also be mandated by law), a national recovery plan/strategy could be particularly valuable to guide early recovery efforts required in the short-term and could also guide medium- and long- term recovery. Such a plan or strategy would need to be aligned with and build on the 2020 DRM Law and other existing DRM instruments, to ensure a cohesive DRM framework. Such a plan or strategy could, for example:

- elaborate specific recovery interventions to address the most common types of disaster experienced in the country;
- set out the specific roles and responsibilities of all different actors and stakeholders (including government agencies in various sectors and at all levels, CVM, NGOs, CSOs, communities, individuals, the private sector and development partners);
- establish a recovery-specific multi-sectoral and multi-agency coordination mechanism or platform to be activated once a disaster has occurred, to ensure that all relevant actors and stakeholders are able to coordinate and share information with one another;
- establish recovery-specific financing mechanisms to ensure the availability of sufficient funding in disaster recovery (for short-, medium- and long-term interventions);
- set out arrangements for the regular monitoring and assessment of recovery operations, including mandating regular progress reports;

- set out a strategy for ensuring the continuity of essential services to those affected by the disaster (e.g., sanitation, health, education);
- set out a strategy for the expeditious repair and reconstruction of housing and infrastructure to be resilient to future climate and disaster risks, addressing common issues encountered in disaster recovery operations, such as delays in reconstruction due to building and EIA requirements;
- set out clear measures to address cross cutting issues in disaster recovery such as the protection of vulnerable groups and environmental protection, building on the existing commendable efforts (e.g. the INGC's Gender Strategic Plan, the Strategy for Preparedness, Response and Recovery of the Education Sector in Emergency Situations and the Strategy for the Management of Internal Displacement of 2021); and
- promote policy coherence and strengthen linkages between disaster recovery, DRR, CCA and sustainable development.

If a national recovery plan or strategy is developed, this should be done with the participation of all DRM stakeholders and be accompanied by a communication/dissemination strategy to ensure that stakeholders are aware of their roles and responsibilities in recovery. Stakeholders should also be provided with training to ensure they are adequately prepared to support recovery operations when needed. This, in particular, should include being prepared to perform their roles and responsibilities in large-scale, complex recovery operations where a large number of people have been affected.

Although there is a dedicated DRM fund which promotes agile and flexible recovery and resilient post-disaster reconstruction, funding is a significant challenge during disaster recovery operations. One potential way in which funding for disaster recovery could be secured is through establishing a dedicated disaster recovery fund through a legal instrument, to ensure that funding for recovery is earmarked and cannot be spent on other aspects of DRM. This should, of course, be accompanied by clear measures for the adequate and transparent administration of funds intended for recovery, to avoid misappropriation and diversion of funds as well as capacity building in financial management in the context of recovery operations, particularly in the areas of accounting, financial tracking, procurement, financial reporting, and internal controls.

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- 31 2020 DRM Law, article 31.
- 32 2020 DRM Law, article 32(1).
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- 34 2020 DRM Law, article 32(2).
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- 37 PDRRD, page 40-41.
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