



**Rovuma**  
**LNG**

**DUAT ENCROACHMENT MANAGEMENT PLAN**

**ROVUMA LNG PROJECT**

**MZLN-EL-RPPLN-00-0013**



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**LIST OF REFERENCES**

Decree 66/98 of 8 December 1998
Dispatch N° 1169/2017 (Moratorium) on 26 Oct 2017
DUAT N° 004/2017
Environmental and Social Management System (ESMS)
Environmental Impact Assessment (EIA)
ExxonMobil's Principles on Security and Human Rights (also referred to as the Framework on Security and Human Rights)
ExxonMobil's Upstream Land Use and Socioeconomic Management Standards
Grievance Management Plan
IFC's Performance Standard (PS) 5
Land Law Regulations (approved by Decree No. 66/98 of 8 December 1998)
Law No 14/2014 of 10 August 2014
Mozambican Civil Code and the Code on Civil Procedure
Project-Induced In-Migration Management Plan (PIIM)
Stakeholder Engagement Plan
The Civil Code (approved by Decree Law No 47344 of 25 November 1996)
The Civil Procedure Code (approved by Rule No. 23090 of 26 December 1967, as amended by Decree Law No 1/2005 of 27 December 2005 and Decree Law No 1/2009 of 24 April 2009)
The Constitution of the Republic of Mozambique (CRM) of November 16, 2004 (and revised in 2007)
The Encroachment Management Plan for the Construction of the Replacement Village
The Laws and Regulations of Mozambique
UN CESCR General Comment No. 7 – The Right to Adequate Housing (Article 11.1 of the Covenant) – Forced Evictions (20 May 1997)
United Nations (UN) Committee on Economic, Social, and Cultural Rights (CESCR) General Comment No. 7 – The Right to Adequate Housing (Article 11.1 of the Covenant) – Forced Evictions (20 May 1997)

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## 1. PURPOSE AND SCOPE

MZLN-EL-RPPLN-00-0013 Rev 0 – DUAT Encroachment Management Plan is an individual, topic specific plan comprising an integral component of MZLN-EL-RPPLN-00-0016 Rev 0 – Rovuma LNG Environmental and Social Management Plan (ESMP).

Information regarding the Project Overview, Objectives (of the ESMP), Scope, Project Components, and Associated Facilities and other information regarding the context of the ESMP can be referenced in MZLN-EL-RPPLN-00-0016 Rev 0 – Rovuma LNG Environmental and Social Management Plan.

The principal objective of the ESMP is to facilitate the avoidance, reduction, and mitigation of environmental, social and community health, safety, and security risks and impacts associated with the construction phase of the Midstream Project.

The ESMP sits within a broader Environmental and Social Management Framework, as illustrated in Figure 1-1 of MZLN-EL-RPPLN-00-0016 Rev 0 – Environmental and Social Management Plan.

This Framework comprises two overarching, system-level documents (MZLN-EL-RPPLN-00-0016 Rev 0 – Environmental and Social Management Plan and MZLN-EL-RBENV-00-0001 Rev 0 – Environmental and Social Requirements for Contractors) and a set of theme and activity-specific documents that collectively describe how the Project will manage its environmental and social (E&S) risks. The listing of the ESMP set of documentation is contained below:

- MZLN-EL-RPPLN-00-0016 Rev 0– Environmental and Social Management Plan (ESMP)
- MZLN-EL-RAZZZ-00-0001 Rev 0 – Requirements for Camps and Accommodation
- MZLN-EL-RBENV-00-0001 Rev 1 – Environmental and Social Requirements for Contractor (with Annexes)
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 1 Air Quality, Greenhouse Gases and Energy Efficiency
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 2 Effluent Discharges
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 3 Waste Management
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 4 Hazardous Materials
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 5 Site Development, Construction and Reinstatement
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 6 Road Traffic and Transport
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 7 Marine Operations
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 8 Water Use and Abstraction
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 9 Raw Materials and Aggregates
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 10 Dredging
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 11 Lighting and Visual Impact
  - MZLN-EL-RBENV-00-0001 Rev 1 Annex 12 Ballast Water and Biofouling

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- MZLN-EL-RBENV-00-0001 Rev 1 Annex 13 Weed and Pest Management
- MZLN-EL-RBENV-00-0001 Rev 1 Annex 14 Wildlife Protection
- MZLN-EL-RPLCP-00-0001 Rev 0 – Local Content Management Plan
- MZLN-EL-RPPLN-00-0005 Rev 0 – Community Development Support Plan
- MZLN-EL-RPPLN-00-0007 Rev 0 – Cultural Heritage Management Plan
- MZLN-EL-RPPLN-00-0008 Rev 0 – Supplemental Land Access Management Plan
- MZLN-EL-RPPLN-00-0009 Rev 0 – Project Induced In-Migration Management Plan
- MZLN-EL-RPPLN-00-0013 Rev 0 – DUAT Encroachment Management Plan
- MZLN-EL-RPPLN-00-0014 Rev 0 – Employment and Worker Relations Plan
- MZLN-EL-RPSEP-00-0001 Rev 0 – Stakeholder Engagement Management Plan
- MZLN-EL-RPPLN-00-0006 Rev 0 – Community Health Safety and Security Management Plan
- MZLN-EL-RPPLN-00-0004 – Biodiversity Strategy
- MZLN-EL-RPPLN-00-0011 – Biodiversity Action Plan

A Right to Use and Benefit from Land (in Portuguese, Direito de Uso e Aproveitamento da Terra [DUAT]) was awarded on 2 May 2017 by the Mozambican National Land Authority for a period of 50 years over a plot located at Cabo Afungi, Cabo Delgado Province, where the Afungi LNG Park will be built.

To date, this land or DUAT has been subject to relatively little in-migration or opportunist settlement. If left un-managed, this situation could change rapidly following the resettlement activities as well as the workforce mobilization for the construction of the Project. Potential jobs, the prospect of compensation, and other economic opportunities (such as the provision of goods and services) may trigger population in-migration and increase the risk of spontaneous settlement within or adjacent to the Project operations and the DUAT.

Opportunist settlement and encroachment on the DUAT have the following potentials:

- Delay Project's access to land while legal processes for lawful removal are pursued (leading to additional costs, delays, as well as potential reputational risks)
- Create situations that could potentially impact the rights of local individuals, increase pressure on local communities and their facilities and services, as well as increase the risks to the Project's personnel.

Experience indicates that encroachment management and eviction of illegal settlers are amongst the highest reputational and project risk activities with which a multinational corporation can be associated. If poorly managed, such activities could leave a company exposed to allegations of complicity in human rights abuses.

This DUAT Encroachment Management Plan ("this Plan") is developed by EMMML as the primary tool and approach to identify, prevent, and, if necessary, respond to the potential encroachment of the DUAT.

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### 1.1. Objectives

The following are objectives of this Plan for the Project:

- Describe the overarching principles to manage encroachment
- Present measures to be executed to prevent new or unauthorized occupation or use of land within the Project's DUAT allocated areas
- Present measures to respond to any encroachment within the Project's DUAT allocated areas
- Define roles and responsibilities in managing encroachment inside the DUAT
- Define monitoring and reporting procedures to evaluate the effectiveness of the mitigation measures implemented by the Project.

### 1.2. Scope

This Plan sequentially follows and encompasses the encroachment management initiatives that are being initiated as part of the Anadarko-led Resettlement Plan execution.

This Plan is restricted to individuals or groups of individuals engaged in opportunistic settlement and encroachments of DUAT lands that have been lawfully allocated to Moçambique Rovuma Venture S.p.A. (MRV<sup>1</sup> or Area 4) for the duration of the Construction and Operations phases. This Plan does not address encroachment issues and challenges associated with the lands allocated to Rovuma Basin LNG Land, Lda. (RBLL), which in turn assign lands to Moçambique Rovuma Venture S.p.A. (MRV<sup>2</sup> or Area 4). AMA1, which will also be assigned lands allocated to RBLL, will likely have a similar plan to manage any potential encroachment in their allocated areas. A joint management plan will also need to be developed by RBLL to manage encroachment in the common areas and facilities.

This DUAT Encroachment Management Plan also does not obviate the need for a Project-Induced In-Migration Management Plan (PIIM) that looks at in-migration risks and impacts beyond the DUAT and proposes management measures.

### 1.3. Linkage to Other Documents / Plans

This Plan should be read in conjunction with the following documents:

- EA-MZ-SR0504-APC-U14-00006-00 Encroachment Management Plan for the Construction of the Replacement Village
- MZLN-EL-RPPLN-00-0009 Rev 0 – Project Induced In-Migration Plan
- MZLN-EL-RPSEP-00-0001 Rev 0 – Stakeholder Engagement Management Plan

This Plan follows the overall Scope definition outlined in the Environmental and Social Management Plan (ESMP).

<sup>1</sup> MRV is owned by ExxonMobil Development Africa B.V., Eni S.p.A., and CNODC Dutch Cooperatief U.A., which holds a 70% interest alongside Galp Energia Rovuma B.V., KG Mozambique Mtd., and Empresa Nacional de Hidrocarbonetos E.P., each of which holds a 10% interest.

<sup>2</sup> MRV is owned by ExxonMobil Development Africa B.V., Eni S.p.A., and CNODC Dutch Cooperatief U.A., which holds a 70% interest alongside Galp Energia Rovuma B.V., KG Mozambique Mtd., and Empresa Nacional de Hidrocarbonetos E.P., each of which holds a 10% interest.

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## 1.4. Background Context

### 1.4.1. Presentation of the DUAT

Pursuant to Decree 66/98 of 8 December 1998, the DUAT was awarded to RBLL under the reference 004/2017.

The DUAT was originally awarded for an area of 7,000 ha and is referred to as the Afungi Project Site as shown in Figure 1-1.

Under the terms of exploitation assignment agreements between RBLL, AMA1, and MRV and following approval of the Minister of Agriculture, AMA1 and MRV each hold exclusive exploitation rights over a certain portion of land within the Project's DUAT on equal terms.

The boundaries of the DUAT were established between the Government of Mozambique (GoM) and the projects based on easily discernible physical topography—the limit of the 100 m setback from the high tide line and the edge of the bluffs along the western and southern boundaries of the site.

Through the resettlement planning process, a location adjacent to the LNG industrial area has been identified for the construction of a Resettlement Village (RV) to relocate the RP-eligible households. Area 1 and Area 4 received the required Resettlement Village Environmental License on 8 August 2017 and paid the associated Palma District Construction License authorizing construction of the RV.

A Project Industrial Zone (PIZ) is planned to be developed within the DUAT. This PIZ is an area that non-project related people or vehicles are prohibited to enter as this is the area where the Project will be constructing the LNG Plan and other facilities. The PIZ is split into four areas:

- The areas allocated to Area 4 for which this Plan has been developed
- The areas allocated to AMA1
- Common areas that are being developed for mutual use as well as roads, easements, and fencing



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and nearshore common facilities (i.e., LNG Marine Terminal [LNGMT] and Material Offloading Facility [MOF]), each under joint EMPs and ELs.

### 1.4.3. Potential for Encroachment

In the Project's lifecycle, encroachment is most likely to take place during the resettlement period due in part to the progressive nature of the resettlement work, the continued existence of pre-existing land owners/users, the lack of physical features (e.g., fencing and signage) that indicate the extent of the DUAT area, the lack of large structured Project and Contractor Teams that will be present on the DUAT in the early stages, and prior to erection of physical barriers denoting DUAT property. Early attempts by encroachers might also be observed as they attempt to establish a foothold into the DUAT area to seek eligibility for compensation.

Risks of encroachment should decrease once resettlement is nearing its completion as it is anticipated that fences will be jointly installed by Areas 1 and 4. Fences cannot be closed up until the final completion of the resettlement activities within the DUAT perimeter. Once set up, they will provide physical barriers that shall help with the management and control of encroachers on the DUAT.

The areas located outside of the DUAT's PIZ but still within the DUAT will need to be continually monitored for encroachment.

### 1.5. Potential Impacts Addressed by this Plan

Several risks and impacts associated with encroachment of the DUAT have been identified. These risks and impacts include the following:

- Access to land in surrounding areas is constrained, and households being unable to identify land they can use, choose to squat on the Project's lands.
- Opportunists may coerce legitimate land and property holders to relinquish their land and assets, and position themselves to leverage the Project for compensation.
- Encroachers could be exposed to unacceptable safety risks created by the proximity of hazardous industrial and hydrocarbon processing operations.
- Security service providers and the police may take unilateral action to remove encroachers without due process or regard for the law.
- A disproportionate use of force during physical eviction could result in damage to property, injury, or fatalities.
- The GoM does not support encroachment management for reasons of political expediency or benefit.
- The Project's access to the land could be delayed while legal processes for lawful removal are pursued (leading to additional costs, delays, as well as potential reputational risks).
- Opportunist and spontaneous settlement could potentially impact the rights of local individuals and increase pressure on local communities, their facilities, and services as well as increase the risks to the Project's personnel.

## 2. ACRONYMS AND TERMS

Term	Definition
AMA1	Anadarko Moçambique Área 1, Lda.
Area 4/MRV	Moçambique Rovuma Ventures S.p.A.
CESCR	Committee on Economic, Social, and Cultural Rights
CRM	Constitution of the Republic of Mozambique
Demarcation	Physical marking of the DUAT boundaries.
DUAT	Direito de Uso e Aproveitamento da Terra (Land Use and Benefit Rights): A right to use and benefit from land. The term refers to the right as well as the documentary proof of such right.
EIA	Environmental Impact Assessment
EL	Environmental License
EMML (Midstream Operator)	ExxonMobil Moçambique Limitada (EMML) is the ExxonMobil Affiliate conducting Midstream Operations for MRV.
EMP	Environmental Management Plan
ENHL	Empresa Nacional De Hidrocarbonetos Logistics, E.P.
ESMS	Environmental and Social Management System
Encroachment	Any new or unauthorized occupation or use of land within the Project's DUAT.
GoM	Government of Mozambique
IFC	International Finance Corporation
KPI	Key Performance Indicators
Liquefaction and Related Operations Operator/ Midstream Operator	Liquefaction and Related Operations Operator
LNG	Liquefied Natural Gas
Operations	The Operations (or Production phase) of the Project.
Opportunist Migrants	Unskilled, semi-skilled, or skilled people seeking direct or indirect employment or entrepreneurial opportunities. Very skilled, experienced, and mobile workers often travel from project to project or with major contractors.
Opportunist Settlement	Settlement on the Project's DUAT by outsiders primarily for the purposes of extracting compensation or other economic benefits from the Project.
Project-Induced In-Migration Management Plan (PIIM)	The movement of people into an area in anticipation of, or in response to, economic opportunities associated with the development and/or operation of a new project. <sup>3</sup>

<sup>3</sup> International Finance Corporation (IFC), *Projects and People: A Handbook for Addressing Project-Induced In-Migration*, 2009, Page v.

<b>Term</b>	<b>Definition</b>
Project Industrial Zone (PIZ)	Area that non-project related people or vehicles are prohibited to enter as this is the area where the Project will be constructing the LNG Plan and other facilities. This zone also includes all of the areas where community health and safety cannot be guaranteed and where permanent residence is not allowed.
Project	The development of the onshore and nearshore facilities for Area 4 by EMLL, in conjunction with its nominated contractors.
RBLL	Rovuma Basin LNG Land, Lda.
Spontaneous Settlement	Unregulated, spontaneous growth of settlements that are typically associated with high density occupancy and poor living conditions, including inadequate housing, water, and sanitation. <sup>4</sup> The settlements are a result of the in-migration of fortune seekers that occupy land for which they have no legal title for the purpose of establishing residence and/or livelihoods.
UN	United Nations

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<sup>4</sup> IFC, *Projects and People: A Handbook for Addressing Project-Induced In-Migration*, 2009, Page 99.

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### 3. EMMML MANAGEMENT

The approach to manage encroachment shall abide by several overarching management principles and shall be two-fold:

- Prevent new or unauthorized occupations within the Project's DUAT from taking place
- Respond in the event encroachment takes place.

#### 3.1. Overarching Management Principles

The following overarching management principles will be applied by the EMMML in the management of encroachment:

- Measures to manage encroachment shall be structured to ensure that the EMMML meets its legal and social obligations as established in the following:
  - The laws and regulations of Mozambique
  - MZLN-EL-RPSEP-00-0001 – Stakeholder Engagement Management Plan and the embedded Grievance Management Plan
  - ExxonMobil's Upstream Land Use and Socioeconomic Management Standards
  - ExxonMobil's Principles on Security and Human Rights (also referred to as the Framework on Security and Human Rights)
  - ExxonMobil's approach to communities that states that ExxonMobil "commit to be a good corporate citizen in all the places (it) operate(s) worldwide. (It) will maintain high ethical standards, obey all applicable laws, rules, and regulations, and respect local and national cultures. Above all other objectives, (it is) dedicated to running safe and environmentally responsible operations."
- Measures to manage encroachment shall adopt a systematic, transparent, and measured approach to ensure the legal and customary rights of encroachers are respected.
- The EMMML will steward those areas that it controls in such a manner to prevent opportunistic encroachment by others.
- RBLL and the EMMML shall clearly delineate the PIZ as well as the EMMML allocated areas through the installation of boundary markers (concrete beacons), fences, and signage indicating restricted areas.
- RBLL and EMMML recognize that providing designated paths for community use around the perimeter of the DUAT shall reduce trespass and incursions into RBLL and Project areas.
- Effective surveillance and prompt response to opportunist settlement (e.g., within 1–2 days) are critical—the longer opportunist settlers are allowed to remain on land and establish dwellings, the more protracted the process of legal measures becomes.
- Community intelligence and assistance in managing encroachment and illegal settlement are essential—community engagement, education, and awareness raising are key encroachment management tools.
- The support of the Palma District Administration and the authority of this office are essential for encouraging opportunist settlers to move on voluntarily—close coordination between

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EMML and the Palma District Administration shall be an integral part of controlling land access and preventing encroachment.

- The emphasis shall be on encouraging opportunist settlers to move on voluntarily with legal measures used only as a last resort; legal procedures may prove protracted, particularly since they are subject to appeals.
- Legal eviction shall be carried out strictly in accordance with national legislative requirements as well as the expectations prescribed in IFC's Performance Standard (PS) 5, and safeguards against forced eviction described in the United Nations (UN) Committee on Economic, Social, and Cultural Rights (CESCR) General Comment No. 7 – The Right to Adequate Housing (Article 11.1 of the Covenant) – Forced Evictions (20 May 1997).
- Ultimately the Palma District Government shall be responsible for managing encroachment and evictions. EMML shall have the responsibility to advise the local authorities, initiate the notification process, and subsequent legal eviction processes if necessary.
- As per the PIIM, likely in-migration/opportunistic settlement hotspots in and around the Project Afungi Site shall be identified, and EMML shall work with the Palma District Administration and Community Resettlement Committees to proactively implement measures to manage influx and minimize the potential for any encroachment.

### 3.2. Preventive Measures

Measures to prevent any encroachment shall consist of a combination of physical, surveillance, administrative, engagement, and awareness raising as well as behavioral change measures as follows:

- Physical Measures:
  - Enhance demarcation and signage around the PIZ to raise local awareness and facilitate patrols and enforcement
  - Install fences to provide physical barriers that shall help with the management and control of encroachers
  - Provide designated paths for community use around the perimeter of the DUAT to reduce any temptation to trespass and any incursions into the DUAT.
- Surveillance Measures:
  - Conduct regular patrol surveillance of the DUAT by foot and/or by car to control the land and notice any encroachment or spontaneous settlement
  - Regularly use satellite and/or drone imagery to screen any land use change and/or new structures.
- Administrative Measures:
  - Leverage the Palma District Administration so that PIIM and Encroachment Management become agenda items and topics discussed during District meetings
  - Leverage the existing Resettlement Plan protocol with the Palma District Administration and the District Police to manage encroachment and illegal settlement.

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- Engagement and Awareness Raising Measures:
  - Engage the community members and their leaders to raise awareness on the land law, the eviction process as per the Civil Code and the Mozambican Code on Civil Procedure, and the risks and impacts associated with in-migration and opportunist settlements. Engagement methods could include the following:
    - Structured engagements in the communities on the topic
    - The use of community radios
    - The publication and diffusion of newsletters
  - Engage community leaders to moderate any rent-seeking behavior and/or speculative action on the DUAT land
  - Engage the District police and security service providers to inform them of the behavior that is expected of them in case a legal eviction is deemed necessary (i.e., no unilateral action to remove encroachers, respect of due process and of the law, no undue violence or disproportionate use of force etc.).
- Behavioral Change Measures:
  - Encourage community leaders to self-police and to lead on the topic of encroachment and opportunist settlement, including flagging to the Project any encroacher
  - Encourage community members to report any encroachment that they notice.

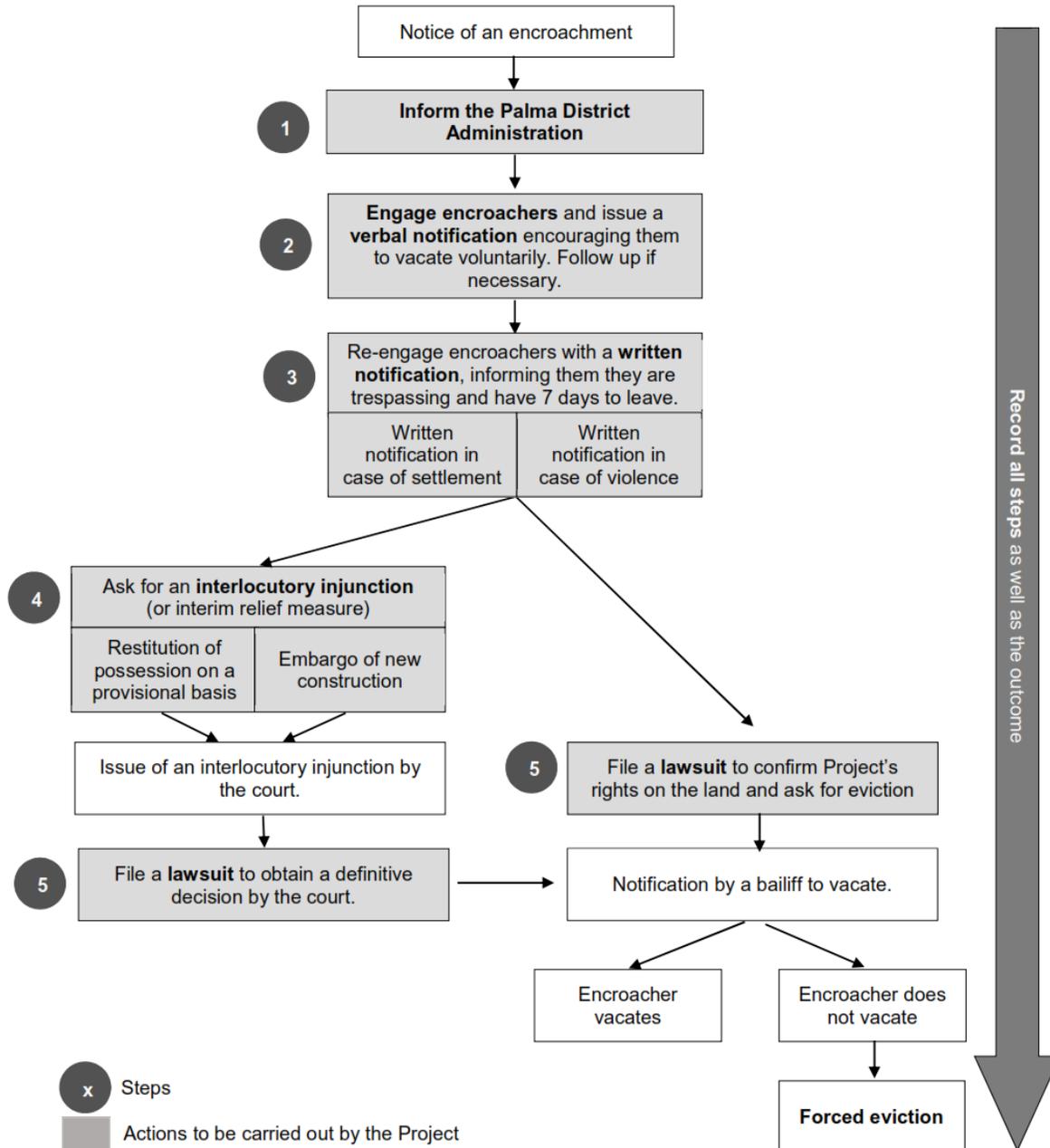
### **3.3. Response Measures**

In case new or unauthorized occupation of land within the Project's DUAT takes place, response measures shall be taken quickly (i.e., within 1 or 2 days after the first notice of an encroachment). The response measures shall consist of five sequential approaches:

- 1) Notify the Palma District Administration of any encroachment.
- 2) Encourage opportunist settlers to move voluntarily through an in-person engagement and a verbal notification.
- 3) Initiate a notification process with a written notification.
- 4) Before considering taking legal action, initiate interlocutory injunctions if necessary.
- 5) If all else fails or to confirm an interlocutory injunction by the courts, file a lawsuit and pursue a legal eviction as a last resort.

The response measures are presented in Figure 3-1 and further presented below.

**Figure 3-1: Response Measures to an Encroachment**



### 3.3.1. Notification of the Palma District Administration

Once an encroachment has been noticed on satellite or drone imagery during patrol surveillance or has been signaled to the Community Relations Team, the Community Relations Manager shall, as soon as possible or within 1 or 2 days of the encroachment notice, notify the Palma District Administration of the presence of encroachers inside the DUAT limits.

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### 3.3.2. Engagement/Encouragement to Move and Verbal Notification

The first step in responding to encroachers is to engage with them. This engagement can come through the Community Relations Team or, as is required, could come through an appropriate representative of the Palma District Administration. Whichever group is approaching the encroachers shall do so with an independent witness and shall as follows:

- Ask the encroachers about their circumstances (i.e., determine if an illegal intrusion has occurred, rule out the possibility that the trespasser has a perceived legitimate de facto or titled possession [posse de boa fé, titulada ou não], and was thus unaware of any prior rights over the relevant land or was misled by the speculative actions of some).
- Provide an explanation of the legal status of the land they are occupying.

If an encroacher can show a legitimate evidence of ownership or use of land inside the DUAT lands attributed to Area 4, the encroacher will then be eligible to the Resettlement Plan process.

On the contrary, if the encroachers are unable to show evidence of legitimate possession, the EMMML and/or a District's Representative shall provide a verbal notification requesting them to vacate the land. Encroachers shall also be provided with guidance on how to engage the Palma District Government on available lands, if any, for settlement.

The Community Relations Team shall also inform encroachers of their right to lodge a grievance through the Grievance Management Plan should encroachers feel that their legal or customary rights have not been observed or other factors that they feel have not been adequately addressed.

Follow-up verbal approach(es) by the District Administration or the Community Relations Team might be warranted to encourage/facilitate the voluntary departure of the encroachers.

Example of the message that can be used in the verbal notification with encroachers is included in **Error! Reference source not found.**

### 3.3.3. Written Notification

If verbal efforts to persuade encroachers to voluntarily leave prove unsuccessful, the Community Relations Manager and/or a Palma District Administration's Representative shall re-engage the encroachers having previously received a verbal notification. Encroachers shall be informed, via a written notification, that the land belongs to EMMML as awarded by the GoM that they are trespassing and that they have to vacate within 7 days.

Two written notifications, each governed by a distinct legal regime, are available to use depending on whether the encroacher has settled on the land (and even if he/she has planted crops or started the construction of structures) or on whether the intruder has resorted to violence in his/her occupation of the land (either violence against EMMML property or against the Project's personnel).

Two pro forma samples for the two types of written notifications are provided in **Error! Reference source not found.**

This written notification shall be copied to the District Administration, documenting steps to convince encroachers to vacate the DUAT lands allocated to Area 4.

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Photographic and video documentation shall be made of all assets the illegal occupants have either brought with them or have constructed on the Project's land (e.g., crops, structures, land preparations etc.). These photographs and video can be used later as proof in court should the process evolve to a lawsuit.

### 3.3.4. Interlocutory Injunctions

Legal proceedings can typically be lengthy and bureaucratic while timing established in the law is not always followed by the courts. Under such circumstances, it is always worth exploring other administrative approaches before considering taking legal action, such as interlocutory injunctions set out by the Mozambican Civil Code and the Code on Civil Procedure.

Interlocutory injunctions, or interim relief measures, are available to the EMMML prior to filing a lawsuit or in the course of judicial proceedings, pending a definitive decision from the court, and shall be filed within 30 days from the date the Project becomes aware of an encroachment.

The following two interlocutory injunctions exist:

- **The restitution of possession on a provisional basis** (Restituição Provisória de Posse) in the event that illegal occupants exercised violence either against the property (e.g., the destruction or removal of fences, trees, etc.) or against any Project's person (e.g., a physical assault or even coercion)
- **The embargo of new construction** (Embargo de Obra Nova) in the event an encroacher has performed works on the land (e.g., the erection of a structure or a building) prior to and/or pending the lawsuit proceedings. An embargo can be carried out directly by EMMML or judicially. The court can then order the suspension of the relevant works.

If EMMML decides to directly carry out an embargo of new construction, it shall, in the presence of two witnesses, verbally notify the intruder (or in his absence, the person in charge of the works) to discontinue the works. An application to the court shall follow to confirm the embargo within a 3 day period.

Should EMMML decide that an interlocutory injunction is the best manner to proceed to either retain the possession of the land or to stop new constructions, it shall make the appropriate application to the court along with evidence that an illegal intrusion has been committed.

Where the court issues an interlocutory injunction, the EMMML shall, within 30 days from the issue date of the interim measure, file the appropriate ordinary lawsuit to obtain a definitive decision by the court. In the case of an embargo on new construction, EMMML shall take pictures or videos of the works and add them to the case file to ensure that the encroacher does not continue additional works in violation of the embargo and the court decision.

### 3.3.5. Filing of a Lawsuit Requesting a Legal Eviction

In the event that an encroacher refuses to leave and as last resort, the Community Relations Manager shall involve the EMMML's Legal Team and ask them to prepare a case-specific eviction execution plan for the EMMML's Senior Management to review and approve before proceeding with legal action.

If legal action is approved by the EMMML's Senior Management, EMMML's Legal Team shall then file the relevant lawsuit making application for the court to issue an order confirming EMMML's right

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to retain (in case of partial disruption, Acção de Manutenção da Posse) or recover (in case of total dispossession, Acção de Restituição da Posse) possession of the relevant land, as applicable.

While EMMML's Legal Team files a lawsuit, the Community Relations Manager shall engage a third-party legal advisor to inform the encroaching party of their rights and obligations.

If the court upholds the application and orders the maintenance or restitution of possession, a bailiff shall notify the trespasser, in a comprehensible language, to voluntarily vacate the land within a specified and reasonable period of time subject to forced eviction.

If the trespasser still refuses to leave, EMMML shall request the court to issue an enforcement order. A bailiff, assisted by police agents, shall then enforce the court order. Forced evictions shall as follows:

- Be carried out in a manner that do not violate the dignity, human rights, and security of those affected
- Be carried out after a notice of eviction has been served in a reasonable time and in a comprehensible language
- Be carried out during daylight hours and in a reasonable weather
- Pay a special attention to the needs of women and children
- Provide encroachers with the option to demolish their dwellings and other structures to allow them the salvaging of possessions and building material, if any
- Be carried out by people having visible identification
- Be witnessed by the local government authorities or their representatives as well as neutral observers.

During an eviction process, the Community Relations Team shall photograph, videotape, and record all steps in the process as well as the outcome.

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## 4. ORGANIZATION – ROLES AND RESPONSIBILITIES

### 4.1. Resettlement Team

The Resettlement Team shall be tasked with stewarding all DUAT lands that have been acquired and vacated through the completion of the Resettlement Plan's obligations and shall monitor these areas to ensure that opportunistic encroachers do not attempt to resettle post acquisition.

### 4.2. Community Relations Team

Overall responsibility for the implementation of this Plan on all DUAT land allocated to Area 4 shall rest with the Project Manager. Day-to-day responsibility for the implementation of this Plan shall be by the Community Relations Manager.

The Community Relations Manager shall be responsible for the following:

- Engaging early with the community members and their leaders to raise awareness on the land laws, the eviction process, as well as the risks and impacts associated with in-migration and opportunist settlements
- Encouraging self-policing from nearby local communities
- Monitoring any encroachment into the DUAT
- Informing the Palma District Administration of any encroachment into the DUAT area and asking them for their support and involvement in the eviction process
- Engaging with anyone believed to have encroached into the DUAT areas allocated to Area 4 to encourage them to move voluntarily
- Initiating the notification process and subsequent legal eviction processes, if necessary
- If a legal eviction process is necessary, engaging a third-party legal advisor to inform the encroaching party of their rights and obligations
- Recording all eviction steps and their outcome.

### 4.3. Security Team

The Security Team shall provide a support to the Community Relations Team, limited to the following responsibilities:

- Alert the Community Relations Team of any encroachment that could have been observed during patrol surveillance of the DUAT.
- Provide security personnel to accompany the Community Relations Team in potentially contentious encounters. Such support shall adopt the established low-profile posture, providing protection and support to any eventual extraction; and
- Provide security incident and/or crisis response, and implement relevant contingency measures in case of a contentious encounter with an encroacher.

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#### **4.4. Legal Team**

The Legal Team shall provide support to the Community Relations Team if the encroachers do not vacate the DUAT within the period of time after reception of a verbal and a written notification. The Legal Team's roles and responsibilities shall be limited to the following responsibilities:

- Prepare a case-specific eviction execution plan for the EMML Senior Management's review and approval to proceed with legal action
- Initiate and follow up on the judicial process.

#### **4.5. Contractors**

The identification and management of encroachment is the responsibility of EMML. If a Contractor identifies potential encroachment issues, the Contractor shall be instructed to bring them to the EMML's attention for further attention.

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## 5. TRAINING – AWARENESS AND COMPETENCY

All Project personnel that have responsibility for the execution of tasks and requirements contained within this Plan shall have the necessary competencies, skills, and experience to perform their work. These competencies and skills shall include the following:

- Knowledge and clear understanding of the Mozambican land laws
- Knowledge and clear understanding of the eviction process as per the Civil Code and the Mozambican Code on Civil Procedure
- Understanding of the risks and impacts associated with in-migration and opportunist settlements
- Proven capacities to engage different stakeholders, namely the potential encroachers, local communities, the Palma District Administration etc.
- Clear understanding of the key messages as well as verbal and written notifications issued to encroachers and of how and when to issue them.

The Project shall ensure that sufficient management support and technical resources are allocated to enable effective implementation of assessment responsibilities.

The Project shall provide DUAT Encroachment Awareness raising briefings to Contractors on an as needs basis.

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## 6. PERFORMANCE MONITORING

Performance monitoring of DUAT Encroachment is important to effectively manage the physical and social footprint of encroachment inside the DUAT lands allocated to Area 4 and to provide feedback to EMLL on the effectiveness of the encroachment management program. The feedback shall also provide a mechanism for reporting to the GoM, EMLL leadership and other stakeholders on EMLL's performance in mitigating encroachment.

### 6.1. Monitoring Systems

To monitor the management measures related to encroachment, EMLL shall require several monitoring systems as part of its overall ESMS. These shall include the following:

- A DUAT Encroachment Database that shall track any encroachment inside the DUAT areas allocated to Area 4 including regular satellite and/or drone imagery, wide-angle photographs of the DUAT, patrol surveillance, dates of encroachment, names of encroachers, process followed to request encroachers to voluntarily vacate the land, and eventual lawsuits initiated to request a legal eviction.
- A Stakeholder Engagement Database that shall be used to track and record the dates, minutes, and attendance at engagement activities when the encroachment was discussed. The database shall also be used to log relevant stakeholders and contact details.
- A Community Feedback and Grievance Mechanism that shall log all grievances, issues, and concerns raised during engagement sessions. The system shall also include areas to record information on measures to address issues, timeframes, personnel responsible, and any subsequent feedback that is required.

### 6.2. Key Performance Indicators

Performance will be measured against the following key performance Indicators (KPIs):

- Number of encroachers identified
- Number of encroachers who could not show evidence of legitimate possession
- Number of new structures built by encroachers, if any
- Number of encroachers provided with a verbal notification
- Number of encroachers who vacated the land after reception of a verbal notification
- Number of encroachers provided with a written notification
- Number of encroachers who vacated the land after reception of a written notification
- Number of interlocutory injunctions initiated (and the type)
- Number of encroachers taken to court
- Number of encroachers who vacated after a lawsuit
- Number of forced evictions

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## 7. REPORTING AND NOTIFICATION

EMML shall develop an internal reporting program relating to the management of any encroachment inside the DUAT lands allocated to Area 4.

The Community Manager shall report on a monthly basis to the Project Manager on the following:

- Any occurrence of encroachment in the reporting month
- Any verbal and/or written notifications addressed to encroachers
- Any updates on the lawsuits filed to request an eviction.

Some of the parameters that will be incorporated into the reporting program include the following:

- Number of new encroachers identified within the reporting month
- Number of new verbal and/or written notifications addressed
- Number of encroachers who vacated the land after reception of a notification in the last month
- An assessment of the progress of pending lawsuits
- An explanation of any specific situations or events.

Encroachment Management Summary Reports will be published quarterly and disclosed to government and local authorities as well as lenders. These reports shall include the following:

- A summary of any encroachment trends in the DUAT
- A summary of activities undertaken during the reporting period
- Any material deviations or non-compliances to this Plan
- Planned activities during the next reporting period
- Any other issues or concerns.

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## **Attachment A      Project Standards and Requirements**

### **A1.      Introduction**

With regard to encroachment and eviction (if applicable), the Project will comply with applicable Mozambican laws, International Finance Institution requirements, ExxonMobil global practices, and Environmental Impact Assessment (EIA) commitments. The requirements described in this section form the basis of this Plan; however, they should not be assumed to be an exhaustive list of all regulatory requirements and Project commitments.

### **A2.      Mozambican Laws and Regulation**

#### **A2.1.      Constitution of the Republic of Mozambique**

The Constitution of the Republic of Mozambique (CRM) of November 16, 2004 (and revised in 2007) put forth a set of fundamental rights that must be taken into consideration when developing any procedure for managing and/or initiating proceedings against illegal settlement.

The right of property ownership, the right to have a suitable home, the inviolability of the home, and the right to protect one's privacy are among the rights enshrined in the CRM. Access to legal remedy for enforcing rights, access to compensation for any violation of rights, and any damages caused is guaranteed to every person under the CRM. Legal aid and representation in judicial proceedings is to be provided by the State when the offended cannot afford it.

#### **A2.2.      Land Law Regulations**

Under the Land Law Regulations (approved by Decree No. 66/98 of 8 December 1998), lawful land users are granted the right to defend against encroachment by any third parties. Land Law Regulations direct land users to resort to legal means available under the law for protection of private ownership and rights related thereto and abide by the limits of the law concerning the respect of fundamental rights set forth in the CRM and other relevant legislation.

General administrative law, notably Law N° 14/2014 of 10 August 2014, which establishes rules for the protection of rights and legitimate interests of individuals, sets out important principles that the Mozambican State shall abide when executing acts with potential to affect individuals' rights and legitimate interests. Those include the following:

- Principle of Legality—The Mozambican State shall act in compliance with the law and within the limits and purposes of the powers attributed to it by law.
- Principle of Proportionality—The individuals' rights and legitimate interests shall be affected only to the extent necessary to achieve the required results. Among the measures deemed adequate to pursue any legitimate purpose, the State shall give preference to those that entail less severe consequences.
- Principle of Justice—The State shall treat individuals in a fair and impartial way and refrain from discriminating against anyone for whatsoever reason, including economic or social condition.
- Principle of Citizen's Participation—The State shall promote participation and defense of citizens' interests in decision-making concerning matters of their interest.

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- Principle of Transparency—Administrative decisions are requirements to be publicly available.
- Principle of Access to Justice and Impartiality—The State has a duty to guarantee access to courts for any individual to enforce his/her rights or legitimate interests in terms of the law.

### **A2.3. Civil Code and Code on Civil Procedure**

The Civil Code (approved by Decree Law N° 47344 of 25 November 1996) along with the Civil Procedure Code (approved by Rule No. 23090 of 26 December 1967, as amended by Decree Law N° 1/2005 of 27 December 2005 and Decree Law N° 1/2009 of 24 April 2009) provides for the rules and procedural steps for enforcement of rights and protection against encroachment, including immediate relief measures.

In so far as the procedural law is concerned, it bears mention that the adversarial principle is a cornerstone of the Mozambican procedural law. In terms of this principle, the right of reply and to a fair hearing is a fundamental right, which means that no dispute can be resolved, and no proceedings may be awarded by a court of law against any person without the defendant being heard unless as expressly authorized under the law.

### **A2.4. Legal Eviction Procedure – Interlocutory Injunctions**

Interlocutory injunctions, or interim relief measures, are available to the Project prior to filing a lawsuit or in the course of judicial proceedings, pending a definitive decision from the court, and shall be filed within 30 days from the date the Project becomes aware of an encroachment.

The following two interlocutory injunctions exist:

- **The restitution of possession on a provisional basis** (Restituição Provisória de Posse) in the event that illegal occupants exercised violence either against the property (e.g., the destruction or removal of fences, trees, etc.) or against any Project's person (e.g., a physical assault or even coercion).
- **The embargo of new construction** (Embargo de Obra Nova) in the event an encroacher has performed works on the land (e.g., the erection of a structure or a building) prior to and/or pending the lawsuit proceedings. The court can then order the suspension of the relevant works.

An interim relief measure works as follows:

- The offended party makes an application to the court along with evidence that an illegal intrusion has been committed.
- The offender is summoned by the court for hearings. However, in the case the dispossession was committed with violence, the court may at its discretion order the injunction without requiring the presence of the trespasser, especially if there is a risk that the hearing could jeopardize the intended aim of the interim measure.
- The court orders the maintenance or restitution of the possession.
- A bailiff enforces the court order by notifying the intruder. Police agents may be requested to assist with the enforcement.

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Embargos may be carried out judicially or directly by the titleholder. The following process shall be followed for declaring or applying for the embargo of a new construction, as applicable:

- If carried out extra judicially (i.e., directly by the titleholder or offended party) the intruder (or in his absence the person in charge of the works), in the presence of two witnesses, shall be verbally notified to discontinue the works. An application to the court shall follow to confirm the embargo within a 3-day period;
- If carried out judicially, the following may be performed:
  - The offended party files an application to the court for the embargo to be declared.
  - The court may at its discretion summon the intruder for a hearing.
  - The court issues the embargo.
  - A bailiff enforces the embargo by notifying the intruder to discontinue the works. A notice is drawn up by the bailiff and signed by the intruder or, in his absence, his representative in charge of the works. Where the intruder refuses to sign (or cannot sign for whatever reason), two witnesses shall sign it.

Where the court issues an interlocutory injunction, the titleholder shall, within 30 days from the issue date of the interim measure, file the appropriate ordinary lawsuit to obtain a definitive decision by the court.

#### **A2.5. Legal Eviction Procedure – Ordinary Lawsuits**

In case of encroachment, the following two ordinary lawsuits are available:

- To retain tenure in case of a partial disruption (Acção de Manutenção da Posse)
- To restore tenure in the event of a total dispossession (Acção de Restituição da Posse)

In the event that a lawsuit is required, the following five steps shall be observed:

- The offended party engages the illegal occupant to determine if an illegal intrusion has occurred. The possibility that the trespasser has a perceived legitimate de facto or titled possession (posse de boa fé, titulada ou não) shall be ruled out. It may be the case that the intruder was unaware of any prior rights over the relevant land or was misled.
- In case the illegal occupant is unable to show evidence of legitimate possession, a verbal notification to leave the land shall be provided, followed by a written eviction notice, if required, providing a reasonable period to abandon the land, depending on improvements illegal occupants may have made on the land, if any.
- If the illegal occupant does not leave after reception of a verbal notification, a written notification will be issued.
- In the event the illegal occupant refuses to leave, the offended party will file the relevant lawsuit making application for the court to issue an order confirming the right to retain (in case of partial disruption) or recover (in case of total dispossession) possession of the relevant land, as applicable.

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- In the event the court upholds the application and orders the maintenance or restitution of the possession:
  - A bailiff notifies the trespasser to voluntarily vacate the land within a specified period of time subject to forced eviction.
  - In the event the trespasser refuses to leave, the offended party requests the court to issue an enforcement order.
  - A bailiff assisted by police agents enforces the court order.

### **A3. UN Committee on Economic, Social, and Cultural Rights**

The UN CESCR General Comment No. 7 – The Right to Adequate Housing (Article 11.1 of the Covenant) – Forced Evictions (20 May 1997) identifies certain procedural protections that should be applied in relation to forced evictions. These procedural protections serve as international best practice for the design and implementation for this Plan and include the following:

- An opportunity for genuine consultation with those affected
- Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction
- Information on the proposed evictions to be made available in reasonable time to all those affected
- Government officials or their representatives to be present during an eviction, especially where groups of people are involved
- All persons carrying out the eviction to be properly identified
- Evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise
- Provision of legal remedies
- Provision, where applicable, of legal aid to persons who need it to seek redress from the courts

The General Comment No. 7 also notes that evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights.

### **A4. IFC Guidelines and Performance Standards**

Under IFC PS 5, the Project's proponent is not required to compensate or assist those who encroach on the Project area after the cut-off date, provided the cut-off date has been clearly defined and publicized.

Forced eviction in this scenario is allowed, subject to the requirements applicable under the applicable laws and in accordance with international standards and covenants on Human Rights.

### **A5. ExxonMobil Environmental and Social Standards**

There are no specific standards related to encroachment. However, ExxonMobil is committed to following all appropriate Mozambican legislation and IFC PSs.

## A6. EIA Commitments

Table A-1 shows how commitments made in the Resettlement Plan and related to encroachment and illegal settlements have been captured in this document.

**Table A-1: Commitments Made in the Resettlement Plan**

<b>EIA Reference</b>	<b>Item</b>	<b>Section Reference Where Addressed</b>
RP, Part B - 4.9.5	The Government has undertaken to announce a cut-off date to define eligible for compensation and to exclude opportunist settlers.	3.2
RP, Part B - 4.9.5	The Project will undertake regular surveillance of the DUAT, and work with the GoM to minimize the risk of opportunist settlement.	3.2

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## Attachment B Verbal Notification – Key Messages

### B1. Message in English

- Rovuma LNG occupies an area covered by DUAT N° 004/2017, located in the District of Palma, Cabo Delgado Province.
- The Governor of Cabo Delgado issued a Dispatch N° 1169/2017 (Moratorium) on 26 Oct 2017, which restricted the activities that can take place within the boundaries of this DUAT:
  - No planting new trees or seasonal crops (those that survive more than 2 years upon being planted), in particular, bananas and pineapple
  - No erecting new buildings or constructions
  - No burials/funerals
- You invaded the Project Concession Area (Area 1 and Area 4 of Rovuma Basin) and [planted new crops and/or trees] or [placed construction material and commenced with construction works], which constitutes a violent seizure and serious offence to Project's ability to use the Project's Area, located at the District of Palma, Cabo Delgado Province.
- The Project LNG is restricted in its right to access and use the occupied land as a consequence of the illegal occupant's works that are being conducted therein with the potential to result in loss and damages to Rovuma LNG.
- The Project LNG has the right to perform non-voluntary eviction of the land by coercive means with the purpose of obtaining the effective reinstatement of ownership.
- The cost of the non-voluntary eviction will be the responsibility of the illegal occupant.
- Pursuant to the final provision of Paragraph N° 2 of Article 412 of the Civil Procedure Code, the Project may request for the judicial ratification of this extrajudicial embargo.

### B2. Message in Portuguese

- Projecto LNG ocupa uma área coberta pelo DUAT N° 004/2017, localizado no Distrito de Palma, Província de Cabo Delgado.
- Governador de Cabo Delgado emitiu o Despacho N° 1169/2017 (a "Moratória") a 26 de Outubro de 2017, que proíbe o exercício de determinadas actividades dentro dos limites da área do DUAT, tais como:
  - Não plantar novas árvores ou culturas perenes (aquelas que sobrevivem mais de 2 anos após serem plantadas), em particular bananas e ananás;
  - Não construir novos edifícios ou construções;
  - Não efectuar sepultamentos;
- Sr. invadiu a Área de Concessão do Projecto (Área 1 e Área 4 da Bacia do Rovuma) e [plantou novas culturas e / ou árvores], ou [colocou material de construção e iniciou com a execução de obras], o que constitui uma ofensa grave e usurpação e restrição violenta à capacidade do Projecto LNG de usar a Área do Projecto, localizada no Distrito de Palma, Província de Cabo Delgado.

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- Projecto LNG está com o seu direito de acesso e utilização das terras ocupadas limitado como consequência das obras do ocupante ilegal que estão a ser realizadas com o potencial de resultar em perdas e danos ao Projecto LNG.
- Projecto LNG reserva-se ao direito de recorrer à força e outros meios coercivos com vista a obter a reintegração efectiva da posse.
- Corre por conta invasor todos os encargos decorrentes do processo de desocupação.
- Ao abrigo do previsto na última parte do nº 2 do artigo 412º do Código de Processo Civil, o projecto LNG poderá requerer a ratificação judicial deste embargo extrajudicial.

### **B3. Message in Kiswahili**

- Rovuma LNG ni eneo lililopo kisheria chini ya DUAT namba 004/2017 katika wilaya ya Palma, jimbo la Cabo Delgado.
- Gavana wa Cabo Delgado alitoa hati ya usajili namba 1169/2017 ya 26/10/2017 iliyoelekeza shughuli zinazoweza kufanyika katika eneo hilo kwa kadri ya DUAT.
  - Hati hiyo ilizuia upandaji wa miti na mazao ya msimu (mazao yale yanayoweza kuvunwa kwa zaidi ya miaka miwili) hasa ndizi na nanasi.
  - Hati hiyo pia inapiga marufuku ujenzi wa majengo mapya.
  - Hati pia ilizuia ujenzi na shughuli za maziko.
- Umeingilia eneo teule la mradi wa 1 na wa 4 katika bonde la Rovuma na ukapanda miti na mazao ya msimu ikiwa ni pamoja na kusimika mitambo ya ujenzi jambo ambalo limeshirishia uvamizi wako na kujitwalia eneo kwa nguvu. Tendo hili ni kosa la jinai kadiri ya makubaliano ya matumizi ya eneo na taratibu za Rovuma LNG wilayani Palma katika jimbo la Cabo Delgado.
- Rovuma LNG imeshindwa kuendelea na shughuli zake kutokana na kuwepo kwa mitambo yako na miti na mazao uliyoyapanda, jambo hili limeisababishia Rovuma hasara na uharibifu kwenye mipango yake.
- Rovuma LNG ina haki ya kukuondosha kwa nguvu katika eneo lake kwa lengo la kuendelea kumiliki eneo letu halali.
- Gharama za kukuondosha kwa nguvu katika eneo letuutazilipa wewe pamoja na gharama nyingine za ziada zitakazojitokeza wakati wa utekelezaji wa hilo.
- Kadiri ya aya ya mwisho ya kipengere cha 2 cha kifungu cha 412 cha sheria za mwenendo wa kesi zisizo za jinai, Mradi unaweza kuomba ufafanuzi wa kimahakama dhidi ya mgogoro huu.

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**Attachment C      Pro Forma Written Notifications**

*[Letterhead]*

*[insert date]*

**Handed to:** *[insert name of recipient]*

CC: Your Excellency Administrator of the District of Palma, Cabo Delgado Province

**Subject:** Extrajudicial Notification for Eviction of the Land

We hereby, notify Mr./Mrs. \_\_\_\_\_ to, in a period of 7 days, vacate the land and/or the infrastructure or suspend the construction illegally built or occupied within the Project Concession Area ("Area 1 and Area 4") without the consent or required authorization from the Midstream Operator. The occupied area is covered by DUAT N° 004/2017, located in the District of Palma, Cabo Delgado Province.

In case of non-voluntary eviction of the land until [insert date], the Midstream Operator reserves the right to resort to the coercive means, in force in the Republic of Mozambique, with the purpose of obtaining the effective reinstatement of ownership where all the expenses arising therefrom shall be of Mr./Mrs. \_\_\_\_\_ responsibility.

Yours faithfully,

\_\_\_\_\_  
*[insert name of signatory/recipient]*

 <b>Rovuma LNG</b>	<b>DUAT ENCROACHMENT MANAGEMENT PLAN</b>	<b>MZLN-EL-RPPLN-00-0013</b> Revision: 0 Date: 9/05/2019
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*[Inserir logo dos Operadores]*

*[inserir a data]*

**Entregue à:** *[inserir nome do destinatário]*

CC: Exmo. Administrador do Distrito de Palma, Província de Cabo Delgado.

**Assunto:** Notificação extrajudicial para desocupação de terreno

Através da presente, notifica-se ao Sr. / Sra. \_\_\_\_\_, para, no prazo de 7 (sete) dias, desocupar o terreno e/ou a infra-estrutura ou suspender a construção ilegalmente erguida ou ocupada dentro da área de concessão do Projecto ("Área 1 e Área 4"), sem o conhecimento e nem a necessária autorização do Operador do Projecto. A área ilegalmente ocupada é coberta pelo DUAT n.º 004/2017, localizada no Distrito de Palma, Província de Cabo Delgado.

Não ocorrendo a desocupação voluntária do terreno até ao dia *[inserir a data]*, o Operador do Projecto, reserva-se ao direito de recorrer à força e outros meios coercivos em vigor na República de Moçambique, com vista à obter a reintegração efectiva da posse, correndo às expensas do invasor todos os encargos daí decorrentes.

Atentamente,

\_\_\_\_\_  
*[inserir nome do signatário/destinatário]*

 <b>Rovuma LNG</b>	<b>DUAT ENCROACHMENT MANAGEMENT PLAN</b>	<b>MZLN-EL-RPPLN-00-0013</b> Revision: 0 Date: 9/05/2019
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[Operators letterhead]

[insert date]

**Handed to:** [insert name of recipient]

CC: Your Excellency Administrator of the District of Palma, Cabo Delgado Province.

**Subject: Extrajudicial Notification for Suspension of a New Construction**

The Operator became aware on \_\_\_\_ [insert date] that you invaded the Project Concession Area (Area 1 and Area 4 of Rovuma Basin) resorting to violence and placed construction material and commenced with construction works, which constitutes a violent seizure and serious offence to the Operator's ability to use the Project Area, located at the District of Palma, Cabo Delgado Province. As a result, the Operator is restricted in its right to access and use the occupied land as a consequence of the construction works that are being conducted therein with the potential to result in loss and damages to the Operator.

Considering the above, the Operator, hereby, notifies Mr./Mrs. \_\_\_\_\_ to immediately suspend the construction works and restore the land to the Operator and shall vacate the land until \_\_\_\_ [insert date, which shall be 7 days from the notification date].

In case of non-voluntary suspension of construction and eviction from the land until [insert date], the Operator reserves the right to resort to the coercive means, in force in the Republic of Mozambique, with the purpose of obtaining the effective reinstatement of ownership, where all the expenses arising therefrom shall be of Mr./Mrs. \_\_\_\_\_ responsibility.

We take this opportunity to inform you, that pursuant to the final provision of Paragraph N° 2 of Article 412 of the Civil Procedure Code, we shall request for the judicial ratification of this extrajudicial embargo.

Yours Faithfully,

\_\_\_\_\_  
[insert name of signatory]

**Witnesses:**

1. [insert name and insert nationality]; and
2. [insert name and insert nationality].

 <b>Rovuma LNG</b>	<b>DUAT ENCROACHMENT MANAGEMENT PLAN</b>	<b>MZLN-EL-RPPLN-00-0013</b> Revision: 0 Date: 9/05/2019
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[Inserir logo dos Operadores]

[inserir a data]

**Entregue à:** [inserir nome do destinatário]

CC: Exmo. Administrador do Distrito de Palma, Província de Cabo Delgado.

**Assunto: Notificação extrajudicial – Embargo de obra nova**

No dia \_\_\_\_ [inserir a data], chegou ao conhecimento do Operador que V. Exas. invadiram, com recurso à violência, a área de concessão do projecto (Área 1 e Área 4 da Bacia do Rovuma), tendo lá colocado material de construção e procedido ao início da execução de obras dentro da área do projecto, o que constitui usurpação e ofensa grave à habilitação do Operador de aceder e usar a área do projecto, localizada no Distrito de Palma, Província de Cabo Delgado. Como consequência, a Operadora tem o seu direito de acesso e uso da terra restrito em resultado das obras de construção que estão a ser realizadas e que ameaçam causar-lhe prejuízos de difícil reparação.

Face ao acima exposto, através da presente, notifica-se ao Sr./Sra. \_\_\_\_\_, para devem suspender imediatamente as obras e restituam a posse das parcelas de que violentamente se apossaram e desocupar a área ilegalmente ocupada até ao dia \_\_\_\_ [inserir a data que deverá ser 7 dias após a notificação].

Caso não procedam nos termos solicitados no ponto anterior, reservamo-nos no direito de proceder pelas vias competentes para o efeito em vigor na República de Moçambique, com vista a obter a reintegração efectiva da posse, correndo às expensas do invasor todos os encargos daí decorrentes.

Informamos desde já que ao abrigo do previsto na última parte do nº 2 do artigo 412º do Código de Processo Civil, iremos requerer a ratificação judicial deste embargo extrajudicial.

Atentamente,

\_\_\_\_\_  
[inserir nome do signatário]

**Testemunhas:**

1. [inserir nome], maior, de nacionalidade [inserir nacionalidade]; e
2. [inserir nome], maior, de nacionalidade [inserir nacionalidade].