Policy, Legal and Institutional Analysis for WASH sector in
Mozambique

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Abbreviations

AIAS Water and Sanitation Infrastructure Administration

ANC Access to antenatal care

APHRC African Population and Health Research Centre

ASPG Africa Sanitation Policy Guidelines

ASPAT African Sanitation Policy Tool

AURA Water Regulatory Authority
CCM Maputo Municipal Council

COSACA Consortium CARE International, Oxfam and Save the Children

CRA Water and Sanitation Regulatory Council

CTB Belgian Development Cooperation

DALY Disability-Adjusted Life Years

DFID

DNAAS National Directorate for Water Supply and Sanitation

EMAS Municipal Company for Water and Sanitation of Matola

FIPAG Fund for Water Supply Investment and Assets

GAS Water and Sanitation Group

GIPSA Environmental Sanitation Program Implementation Office

GoMz Government of Mozambique

MCSP Maternal and Child Survival Program

MOPHRH Ministry of Public Works, Housing and Water Resources

ODA Official development assistance

PEA Political Economy Analysis

PRAVIDA Water for Life Program

PRONASAR National Program for Water Supply and Sanitation

PSU Urban Sanitation Project

QGD Delegated Management Framework

SDG Sustainable Development Goals

USAID United States' Agency for International Development

WASH Water, Sanitation and Hygiene

WB World Bank Group

WSUP Water & Sanitation for the Urban Poor

Executive summary

The report presents a review of the Water, Sanitation, and Hygiene (WASH) sector in Mozambique, commissioned by the African Population and Health Research Centre (APHRC), as part of a two-country (Mozambique and Malawi) study. The analysis will contribute to making the countries compliant with the Africa Sanitation Policy Guidelines (ASPG), which were developed to harmonize the process of policymaking and the best practices with regards to the content of a good policy.

Key Findings

- At the national level, roles and responsibilities seem to be unclear, particularly between the National Directorate for Water Supply and Sanitation (DNAAS) and Water and Sanitation Infrastructure Administration (AIAS). This in turn weakens transparency regarding expenditure and predictability of market signals from government to private investors.
- Technical and human resource capacity of key institutions have proven to be inadequate. The diversity of skills and competencies needed are lacking, and staff numbers are grossly inadequate to cope with the requirements of the sector's effective operation.
- Mozambique has not fully updated nor properly enforced its standards and principles governing the quality and reliability of water and sanitation services.
- The GoM_z is currently working on a new Water Supply and Sanitation Law that aims to establish a predictable and reliable legal and institutional regime governing the public service of water supply and sanitation, giving sanitation the requisite prioritization as that which the water sub-sector enjoys.
- The adoption of the Sustainable Development Goals (SDGs) in 2015 led the GoM₂ to develop the "Action Plan for the Implementation of the Sustainable Development Goals in the WASH sector 2015-2030". While the Action Plan has been adopted, its implementation in practice is ad-hoc, with hardly any systematic monitoring.
- Mozambique is amongst the countries that submitted the country demand forms expressing interest in ASPG.
- Major stakeholders are the government institutions, development partners and private sector service providers.

Recommendations

- Pursue independent budget classifications for WASH and separate its financial allocations and budget cycles from other sectors that are currently pooled under the Ministry of Public Works and Housing, to improve transparency and accountability.
- Interventions should be focused in the districts with the highest poverty and lowest WASH and health services coverage.
- Increased citizen awareness of the importance of sanitation services is likely to trigger demand for improved sanitation services, thereby making sanitation a point of focus for government officials to address. Under this logic, the political will is expected to increase, with politicians and political parties competing to win votes /support of the mass of the population during the election periods.

- Delegated management frameworks (QGDs) for water and sanitation services, specifically in rural areas, can create conditions to accelerate the pace of coverage country-wide.
- At last, there should be an analyses to understand how climate change may change the dynamics of the WASH sector. This lenses may provide new insights in identifying the impact of climate change on WASH investments, aimed at poverty reduction.

I. Introduction

The report presents a review of the Water, Sanitation, and Hygiene (WASH) sector in Mozambique, commissioned by the African Population and Health Research Centre (APHRC), as part of a two-country (Mozambique and Malawi) study. The aim of the report is to provide crucial information that will guide the implementation of a 3-year national sanitation policy advocacy project in the East Africa Region, aimed at supporting countries to develop or review their policies. The analysis will contribute to making the countries compliant with the Africa Sanitation Policy Guidelines (ASPG), which were developed to harmonize the process of policymaking and the best practices with regards to the content of a good policy.

The overall objective of the assessment presented in this report is to demonstrate the extent to which the current state of policies and other institutional arrangements, coordination mechanisms and institutional mandates of key players in the sector further the goals of increased investments in sanitation to facilitate the goal of universal sanitation coverage. This will be done by: (i) determining the adequacy, functionality and effectiveness of policies and sector coordination mechanisms; and (ii) establishing the alignment of existing policies and other institutional arrangements with the relevant sustainable development goals (in particular, SDG and its relevant targets) and the Africa Sanitation Policy Guidelines (ASPG), and the African Sanitation Policy Tool (ASPAT), as well as gender mainstreaming.

The report is structured in six sections. The second section presents the methodology used to conduct the assessment. The following section introduces the background and context of the WASH sector in Mozambique. The fourth section analyses the institutional and legal framework guiding the WASH sector in Mozambique and its alignment with SDGs as well as ASPG. The following section demonstrates the various opportunities for engagement and investment in the WASH sector. The concluding section presents the main emerging themes and the recommendations.

II. Methodology

A largely qualitative descriptive approach was employed in undertaking the assignment. A Political Economy Analysis (PEA) lens was used throughout the assignment to enable the mapping of legal, policy and regulatory mechanisms used in the sector.

More specifically, the approach consisted of rigorous continued review of Mozambique's WASH sector, legal and policy documents, and internet searches of WASH and related issues in Mozambique. Desk reviews were carried out on a rolling basis, first to inform the development of an inception report and interview guides, and then on a continuing basis to cross-check the accuracy of information provided by respondents. Desk review were complemented with interviews with key informants in Government, donor institutions, and non-sate WASH services providers.

Based on the approach employed for this study, i.e. political economy analysis, interviews took a more consultative and conversational format, to elicit discussions, perspectives and opinions on various issues. In this regard, semi-structured interview guides and consultation talking points were used to capture common themes and the

peculiarities of the country context. The interviews were designed to examine the existing legal, policy and institutional frameworks relevant to the WASH Sector, with a deep dive analytical lens focused on the sanitation sub sector at the national level. A total of 13 Key Informants were interviewed from government (5 KIIs), Donors (3 KIIs), CSOs (3 KIIs) and private sector (2 KIIs).

This approach ensured mapping and characterization of a range of actors, stakeholder relationships and the institutional arrangements that shape and structure engagements on policy and implementation processes. The extent to which these frameworks adequately provide a basis for meeting the overall objectives of the subsector was similarly explored through KIIs. Both KIIs and desk reviews were used to determine how existing frameworks at the national level are aligned with core principles and how they further commitments towards the Sustainable Development Goals (SDGs), particularly SDG 6 and targets relating to sanitation. Likewise, we conducted an assessment of the extent to which existing national policy and institutional frameworks align with the Africa Sanitation Policy guidelines, and what further measures are necessary for creating a solid regulatory, policy, and institutional basis for effective service delivery.

Moreover, the analysis conducted allowed for the identification and analysis of opportunities for creating policy traction on increasing investments on sanitation. The interviews sought to understand the bottlenecks to increased investments on sanitation sector, and how institutional mandates, sector funding and institutional capacities either encourage or impede investments on sanitation.

a. Limitations of assessment

The functions related to the WASH sector are spread out in several government line ministries and institutions, making it challenging to reach out to all of them. In Mozambique, the data related to WASH is presented in a decentralized manner, therefore, some key documents were difficult to assess. Taking into account the alterations made in regard to the mandates and responsible institutions in the country, it is challenging to document a fully accurate chronological development of the WASH sector in Mozambique. Although solvable, the constrained time did not allow for this limitation to be remedied.

III. Background and Context

Despite significant progress over the years, only 61% of people in Mozambique have access to improved water sources, while 29% have access to basic sanitation¹. Overall, glaring inequities persist in water and sanitation services between people who live in rural and those in urban areas. Moreover, Mozambique has one of the highest open defecation rates in sub-Saharan Africa at 27%. The rate is higher in rural areas 38% than in urban areas 8%².

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¹ Joint Monitoring Program for Water and Sanitation (JMP), 2020 UNICEF and WHO, https://washdata.org/data/household#!/mwi

² ibid

Women and girls are particularly affected by poor access to water and sanitation. Besides having a detrimental impact on their health, poor access to WASH for girls threatens their security, well-being, education, and contributes to a loss of dignity and threat of sexual assault due to a lack of toilets, both in times of emergency and stability. The absence of adequate sanitation in schools and other learning institutions has implications on enrolment, retention and completion, and could be considered a violation of basic rights of children. Moreover, children with disabilities are denied access to a school education when accessible WASH facilities are unavailable or inadequate.

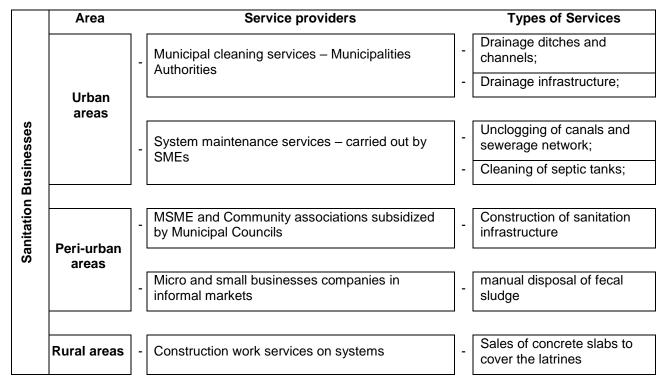
Additionally, population growth and rapid urbanization will soon exert an even greater pressure on WASH services. The urban population of Mozambique may reach 50% by 2025. Cities and their poorly served peri-urban areas are magnets for rural migrants. Growing rural towns of up to 50,000 inhabitants represent roughly 15% of the total urban population and will require much greater investments. Climate change also threatens the availability and quality of the country's freshwater resources, both surface and ground water. Young children are most at risk from poor WASH conditions. Although Mozambique has seen progress in the reduction of under-five mortality, diarrhoeal diseases remain amongst the leading causes of death among children. There has been a worsening of the number of deaths and Disability-Adjusted Life Years (DALYs) due to diarrhoeal diseases, which has been decreasing from 2000 to 2019. More promisingly, in rural areas, there has been an increase in the use of safely managed sanitation facilities from 2000-2017 (DNASS, 2019).

a. Sanitation: Country context and Value Chain

With regard to the service delivery of the sanitation sub-sector, the Water and Sanitation Infrastructure Administration (AIAS) is the public autonomous entity established to expand the delegated water supply management of the public secondary (small) water supply systems in 130 small cities and towns, and public wastewater and drainage systems in 152 cities and towns. For the rural areas, the National Rural Water Supply and Sanitation Program (PRONASAR) was developed in 2010, and the implementation is led by National Directorate for Water Supply and Sanitation (DNAAS).

The value chain of sanitation comprises the construction of sanitation facilities, cleaning, emptying, transport, treatment and disposal of waste. The figure below illustrates how this is organized in the different market segments of Mozambique.

Figure 1: Niche markets for sanitation businesses along the sanitation value chain



Adaptation of WaterAid, 2022

IV. Assessment of Mandates and Capacities of Regulatory and Coordinating Entities

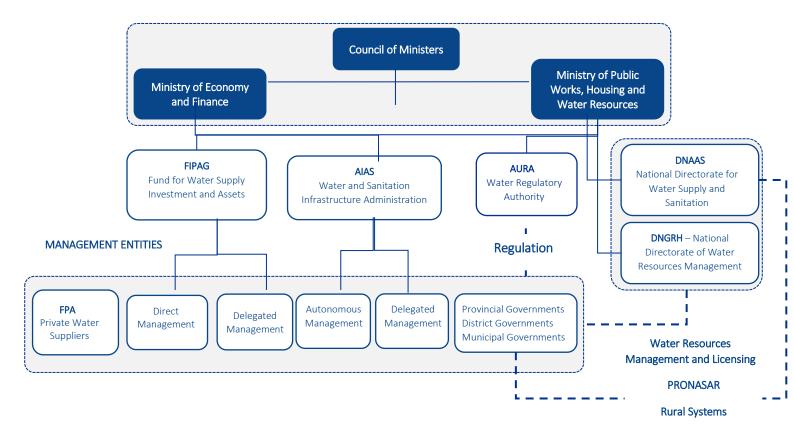
All the WASH subsectors have a national plan, which in essence cover objectives and specific measures to reach all with specific attention to vulnerable groups.

Over the years, the Government of Mozambique has been investing in the expansion of both production and distribution of water supply in both rural and urban areas. In the late 1990s, the GoMz embarked on a sector reform process in urban areas, with the implementation of the QGD. This framework enabled the transfer of operational responsibilities for water supply to professional service providers, and created new sector institutions, including the Fund for Water Supply Investment and Assets (FIPAG), which managed the main urban water systems in the country; the Water Regulatory Council (CRA, now the Water and Sanitation Regulatory Authority-AURA); and more recently, in 2009, AIAS.

The GoM_z addresses the WASH sector priorities through the Ministry of Public Works and Housing (MOPHRH) and the respective DNAAS, which is responsible for policy development, strategies and investment mobilization for water supply and sanitation in rural and urban areas. In order to meet the WASH goals and address the service deficit through the reforms initiated in the 90's, the GoM_z promulgated a new Water Law and a Water Tariff Policy. Through the QGD, the GoM_z established organizations and tools to improve efficiency and sustainability of water systems management

through the engagement of the private sector in service delivery. The organizational plan of those providing water and sanitation services in Mozambique is diverse, fragmented and consists of multiple Government agencies, Donors, Civil Society (international and local organizations), and the Private Sector. The institutional structure of the WASH sector in Mozambique is demonstrated in figure 2.

Figure 2: Institutional Structure of WASH Sector in Mozambique



In 2011 the GoM_z approved the 2011-2025 Water and Sanitation Strategy based on the ongoing plan to decentralize WASH sector functions, relegating them to district and municipal governments.

However, water supply and sanitation sectors still face several constraints and challenges in the legal and institutional realm. The proliferation of central public institutions with similar functions, misalignment in the face of the deepening of decentralization, and the existence of and the results so far less achieved in the sharing of responsibilities with the municipalities pose major operational bottlenecks. Similarly, the promotion of the private sector participation and the separation of the public functions of asset management and service provision continue to face major hurdles. There is also the fact that private operators must overcome administrative constraints such as the complex taxation model, complicated procurement procedures and delays generated by investment obligations by public agencies: all of which act as a deterrent to private actors. The remedy would be a new and consistent organization and legal regime of the service public water supply and sanitation.

In particular, at the national level, roles and responsibilities seem to overlap, particularly between DNAAS and AIAS. Sanitation service provision is a municipal responsibility as defined by the 1997 Local Government Framework laws and

associated regulation. Municipalities are responsible for both sanitation, sewerage and storm water drainage as well as solid waste management. Municipalities are also responsible for regulation and enforcement of domestic and private sector land use, as well as environmental management of both solid and liquid waste and associated sanitation facilities. Furthermore, municipal councils play an important role collaborating with local public health authorities in sanitation education and hygiene promotion. To date, the focus of municipal sanitation efforts has been on solid waste management and the maintenance of small mixed rainwater/sewerage networks located in downtown areas of major cities. Municipalities lack the human and financial resources to implement and coordinate their sanitation mandate.

Moreover, the technical and human resource capacity of key institutions have proven to be inadequate. Municipal capacity in particular was identified as a critical constraint in view of large-scale rural to urban migration, as it encompasses complex management processes, operations and financial management. Capacity is inadequate in terms of both the number of personnel needed for effective operation of the sector, but also in terms of skill sets and competencies needed for technical aspects of conceptualization, planning, budgeting and execution of various aspects of sanitation. This leads to sub-optimal operational efficiency, and low capitalization of the benefits of economies of scale in operations and investment in the sector.

In an attempt to address these bottlenecks, municipalities in a number of cities adopted the municipal companies strategy. A case in point is the Municipal Company for Water and Sanitation of Matola (EMAS). It has a strategy designed to guarantee the maintenance of the drainage network, wastewater treatment plants (ETAR's), management of basins and rainwater, cleaning of septic tanks, as well as the management of small water supply systems and treatment of fecal waste. For the municipality, EMAS needed to have management that ensures its sustainability and viability in order to be able to support operating costs and charges to amortize investments in vehicles and equipment. Nonetheless, since EMAS establishment in 2016, maintaining sustainability has proven to be challenging. It was only in 2022 that the sanitation tax was materialized, as a systematic and trustworthy source of income for EMAS. The funding is still below what is required to keep the company active at a desirable level but it is seen as a great initial step to provide the necessary sanitation services.

a. Existing Legal, Policy and Institutional Frameworks

Since the proclamation of National Independence, improving the coverage and quality of water supply and sanitation for all citizens throughout the national territory has been a priority objective of the State to improve the population's living conditions. This effort has essentially focused on the intervention of the Government and the Central Administration of the State, in all activities of the service chain. Despite the efforts made, a significant part of the population still does not have access to water supply and sanitation services in a safe, consistent, sufficient and sustainable way. In order to give greater dynamism to the realization of the State's objectives, and the broader mobilization of society and investment, it is urgent to clarify the nature and legal regime of the public service. First, a historical overview is useful for putting into context how the sector's institutional frameworks have evolved over time.

An historical overview of the Institutional Context of Sector

In 1995, the GoM_z approved the **National Water Policy (NWP) through the Resolution No. 7/95**, of 23 August. At the time, the GoM_z's major priority was to restore basic water services, in particular the supply of water and sanitation services to the urban, peri-urban and rural areas. There was also the need to introduce new partners into the water sector; in particular, private operators and suppliers, and to develop new approaches in the provision of water services.

The NWP came in following the Water Law approved in 1991 (Law No. 16/91 of 3 August), which started the water sector reforms that were undertaken by the GoM_z. Ever since, the GoM_z has made significant steps through the development and adoption of several policy documents.

In 1998, the GoMz approved Resolution No. 60/98 - Water Tariff Policy consisting six fundamental principles for establishing water tariffs: the user pays; environmental protection and efficient use of water; equity under which tariffs should be applied to guarantee the basic supply of water and sanitation services to the general population; sustainability that aims to guarantee the return on investment for companies and other services; decentralization; and, participatory management to encourage cooperation between water suppliers and consumers and decentralization mechanisms. There was an adjustment approved in 2010 through Resolution No. 1/2010 of 18 August for drinking water tariffs.

In 2016, a revised **Water Policy** was approved through Resolution 42/2016, of 30 December. It stipulates that the activities of rural sanitation will be targeted at families and communities to promote the adoption of good hygiene practices, maximizing the use of local materials, and promoting pilot/ demonstrations and training of local artisans. The aim is to stimulate the demand in rural communities and disseminate techniques for construction and use of different technological options of sanitation.

These policies have led to the adherence of the following critical strategies:

The **National Strategy For Management of Water Resources** – operationalizes the water policy (Resolution 42/2016) by setting up principles to encourage private sector participation in investing in water management projects. It emphasizes the importance of adequate water use charges to recover the costs of improvements in water management services and operation and maintenance of existing infrastructure.

The **National Strategy for Urban Water and Sanitation** 2011-2025 – defines that universal coverage and sustainability of drinking water supply and sanitation services should have been achieved by 2025 across urban Mozambique. In these terms, sanitation includes the entire set of mechanisms, services and technologies that encompass excreta management, including emptying, transport, treatment and final disposal.

The **Strategy for Rural Sanitation 2021-2030** – is an instrument to end open defecation by 2025 and achieve universal access to basic sanitation and hygiene services for families, schools, and health facilities by 2029 by using a multi-sectoral

approach. Thus, the strategy is based on four strategic pillars, namely: 1) Effective multi-sectoral coordination and implementation; 2) Institutional Capacity Building and Decentralized Implementation; 3) Promotion of effective behaviour change in communities; and 4) Demand and provision of sanitation and hygiene services. Although the strategy mentions the need to include private sector, there is no clear incentive for such actions; and given the weak role that the private sector currently plays in rural sanitation, there is no vision for how this may be changed.

The **National Integrated Sanitation Program (PIS)**, 2014 - Consists of a series of investments and policy reforms to address the needs of the sanitation sector.

The National Program for Water Supply and Sanitation (PRONASAR) – approved through the Ministerial Diploma no 258/2010, of 30 December, aims to increase access to improved water and sanitation services in rural areas. The wider aim of PRONASAR is to support universal access of the SDGs, for which the sanitation component aims to: (i) increase the coverage and promote the end of open defecation, (ii) improve the institutional framework and strengthen institutions, (iii) strengthen the role of the local government, and (iv) development of options to promote local investment in sanitation.

Linkages with related sectoral policies

There are a number of development policies and strategies that refer to the WASH sector (highlighting the sanitation sub-sector) as imperative to the development of Mozambique, as well as their pursuit to achieve the SDGs. Critical programs and strategies include:

- National Strategy for Development 2015-2035: establishes strategies for the Development of Priority Areas, amongst which access to water and sanitation services is a priority. It sets the goal of universal access to sanitation services by 2035.
- Five-Year Government Programme (PQG) 2020-2024: Strategic objective 4 to promote the development of Economic, Social and Administration Infrastructures. Specifically in the scope of Social Infrastructure (water supply, sanitation and housing infrastructure), the objective is to increase the coverage of improved sanitation services in urban and rural areas.

The Mozambique Water, Sanitation and Hygiene Poverty Diagnostic (MWPD, 2017) states that the exposure to pathogens as a result of inadequate access to safe water and sanitation causes regular cholera outbreaks (on average 7,500 cases per year), endemic diarrheal disease (on average 715,000 reported cases per year) and widespread childhood stunting (42 percent in children under five).

In an effort to address such a multi-sectoral consequence, in 2021 the GoM_z approved the Health Policy and its Implementation Strategy (Resolution No. 13/2021) - responding to the need to adjust the regulatory framework of the health sector to the country's current socio-economic reality. It addresses the social determinants of health that impede the achievement of the Sustainable Development Goals (SDGs), by

providing principles, objectives and guidelines for adequate health management. More specific to the sanitation sub-sector, the following is identified:

Pillar 3: Strategic | Objective 3.1. Assegurar a Implementação da Abordagem
 "Saúde em Todas as Políticas" – Determinantes Sociais de Saúde |

"3.1.2. Strategy 2 - Increase Access to Basic Sanitation

This policy promotes increased access to basic sanitation infrastructure for the Mozambican population. Mozambique has witnessed rapid population growth and a greater attraction to urban areas, increasing pressure on solid waste management and overall sanitation."

Policy Implementation Mechanisms | 1. National Commission on Social Determinants of Health

"Third level: promotion of multi-sectoral policies aimed at improving the material and psychosocial conditions in which people live and work (water, sanitation, housing, healthy food, employment, environment, quality health and education services);"

Poor sanitation also plays a critical role in limiting school attendance and retention of female students, which in turn limits livelihood opportunities. In Mozambique, the upper primary school completion rate is very low, especially in rural areas where completion rates are about 14% for males and 8% for females (World Bank Group, 2019). However, there is little coordination between the legislative documents for the education sector and for the WASH sector. Only the Regulations for the Opening, Operating and Closing Private Establishments for Education and Training of Primary and Adult Education Teachers (Ministerial Diploma No. 107/2019) address the issue of sanitation. It is presented under article 38 (infractions) as follows: "Deficient hygiene and sanitation conditions in the Establishment;". The unavailability of basic sanitation is a breach of the law with punishable repercussions. This method shows the lack of cooperation between the three stakeholders, as there is no mention of incentives for basic or improved sanitation to be provided at education facilities.

Legal framework

The legal framework of the sanitation sub-sector is summarized in the table below.

Law nº 16/91, of 3 August - WATER LAW: provides the basis for reforms within the water sector and outlines the institutional framework, principles and policies for water management in Mozambique (DFID 1999; SADC 2003c). The Water Law is designed to create a participatory and decentralized water management system within the country. The role of the private sector in providing water services and the economic value of water are clearly outlined in the law. Water uses are classified either as common and private. Common use is free and license-exempt and is intended to meet household and personal water needs, including small-scale agriculture (DFID 1999). Private use is done by concession or by law.

Decree nº 25/91, of 14 November - DEFINES THE COMPOSITION AND FUNCTIONS OF THE NATIONAL WATER COUNCIL

Decree nº 72/98 of 23 December - INSTITUTIONALIZATION OF THE DELEGATED MANAGEMENT FRAMEWORK (QGD):

Creates the Delegated Management Framework. It stipulates that the operation and management of water supply systems can, by delegation, be entrusted to a private entity, through concession contacts, assignment of exploration, or management. The following are part of the Delegated Management Framework: Minister of Public Works and Housing, Minister of Planning and Finance, Minister of State Management, National Directorate for Water Abatement and Sanitation, Coordinating Forum for Delegated Management, Fund for Water Supply Investment and Assets (FIPAG), Water and Sanitation Regulatory Council (CRA), Municipalities and Operator.

Decree nº 30/03 of 01 July 2003 - The Regulation of Public Water Distribution and Wastewater Drainage Systems.

Two decrees - nº 30/2003, regarding the regulation of public water distribution and wastewater systems and nº 15/2004, regarding building regulations relating to domestic water distribution and wastewater drainage systems - provide standards for onsite sanitation and sewerage infrastructure. These decrees define the technical conditions for domestic and public water supply and wastewater systems in order to ensure their proper functioning and to preserve public health (Weststrate et al., 2019).

In 2009, the GoM_z approved **Decree nº 19/2009**, of May 13 allowing the QGD extended mandate over public sanitation systems and to secondary systems, thereby creating the Water and Sanitation Infrastructure Administration (AIAS). The decree transferred the responsibility for sewerage infrastructures and wastewater treatment plants from the National Directorate for Water Supply and Sanitation (DNAAS) to the AIAS and municipalities. AIAS is also responsible for the regulation, based on the laws and standards (decree 30/2003 and 15/2004), of any delegated arrangements for sanitation systems, where contracts are signed between local operators and local authorities.

Ministerial Diploma nº 7/2010 of 6 January - Approves the Models of Licenses and Water Concessions Extension of the Delegated Management Framework and creation of the AIAS.

Adapted from MOPHRH, 2020

Despite this range of regulations and policies, the prevailing legal framework, especially at the national level, does not contain very clear provisions when it comes to the construction of pit latrines and faecal sludge treatment and disposal. This being a challenge for universal cover in rural areas, which already lacks behind the urban areas.

Overall, the policies and strategies make reference to achieving the SDG 6 but make no specific mention of the ASPG or continental efforts in the WASH sector.

The Water Law, approved in 1991, is the benchmark for policies for the rational management of water resources, and in it is emphasized that State action pursues, in particular, objectives aimed at the continuous and sufficient supply of the population with drinking water, for the meeting household and hygiene needs, and improving sanitation.

However, the Water Law is a framework instrument for the management of water resources and, in its structure and content, it has limited itself to regulating the most fundamental aspects of water resources management and its interrelationships with the territory and the environment. Water supply and sanitation are treated essentially in the same logic, leaving essential aspects of service provision unregulated. This gap was partially filled with the advent, in 1998, of the Decree of the Delegated Management Framework (QGD), which enshrined the first systematization of a legal regime for the provision of public water supply services at urban level. The QGD had intrinsic limitations as it was limited to urban water supply and did not include sanitation or rural water, as well as not having the scope of a Law.

Over several decades, additional legislation has been passed to increase sector decentralization and promote private sector participation in the country's WASH sector. Legislation has also been passed to create additional institutional mechanisms to help improve the technical and operational capacity of the country's WASH sector. Table 1 lists key legislation in the WASH sector, clearly addressing sanitation subsector.

Table 1: Key Legislation Clearly Addressing Sanitation

Law/Decree		
Act No. 16/91 (Water Law) (1991)		
Decree No. 25/91 (National Water Council) (1991)		
Decree No. 29/91 (State Water Institution) (1991)		
Decree No. 72/98 (Delegated Management Framework) (1998)		
Decree No. 73/98 (FIPAG) (1998)		
Decree No. 74/98 (CRA) (1998)		

Decree 30/2003 (Public Water Supply and Wastewater Drainage Systems) (2003)

Decree No. 15/2004 (Water Distribution and Wastewater Drainage Systems in Buildings) (2004)

Ministerial Order 180/2004 (Regulation on Water Quality for Human Consumption) (2004)

Decree No. 43/2007 (Water Licensing and Concessions) (2007)

Decree No. 18/2009 (Expansion of CRA mandate) (2009)

Decree No. 19/2009 (Water and Sanitation Infrastructure Administration) (2009)

Ministerial Order No. 258/2010 (PRONASAR) (2010)

Decree No. 23/2011 (CRA acronym change) (2011)

Decree 51/2015 (Private Water Providers) (2015)

Decree No. 8/2019 (Change of CRA into AURA) (2019)

Decree No. 64/2020 (Rural WSS System Management) (2020)

The decentralization of this service has introduced new opportunities. For instance, under the Water Supply Regulatory Council of Mozambique (AURA) (Decree 8/2019), the regulator is now formally given greater authority, more strongly defining its role in sanitation as well as water supply. This includes authority to require and collect performance data, and to impose fines for noncompliance (WSUP and World Bank 2021).

It is worth noting that the reforms that took place in the past were mainly adjustments or substitution processes of existing water and sanitation systems with additional systems and consisted in transferring part of the responsibilities from the old systems to the new ones. This manner of development allowed the government to adjust their frameworks into the global standards being advocated at a particular time. However, some may argue that these developments were implemented under pressure, which has not allowed for the establishment of a more robust and structured legal framework.

There was also a catalytic event in 2014 that brought initial attention to the sanitation sub-sector. A National Conference of Sanitation was held with the theme "Sanitation for All, Responsibility of All", which culminated in the signing of a declaration by the Ministries of Health, Public Works, Education and Ministry of Education. The main objective of the conference was to lay the foundations for the development of a national agenda for a significant improvement in sanitation and to establish broad commitments to give greater priority to sanitation in the country's development actions.

According to the national director for water and sanitation services, this conference was a clear signal to donor partners on the political will to give more importance to the sanitation sub-sector. Most respondents observed that the conference gave prominence to sanitation as an area of interest. For example, DNAAS noted that there has been increased interest from donor partners on funding projects that prioritized sanitation, and not only focus on water provision.

Although there has been progressive increased interest, the sanitation subsector remains marginalized and poorly prioritized. The subsector could do with clearer mandate and governance model related to sanitation, but this is yet to be achieved. Conflicting mandates, low prioritization and hence inadequate financing continue to be drawbacks requiring urgent action by government, donors and other non-state actors.

The GoMz is currently working on a new Water Supply and Sanitation Law that aims to establish a predictable and reliable legal and institutional regime for governing the public service of water supply and sanitation. It aims to enshrine the rights of access to water and sanitation as public goods guaranteed by the state to all Mozambicans, regardless of gender, economic status or place of residence. The law aims to clarify the role of the State, public service holders and other institutional actors, ensuring the gradual decentralization and proper segregation of public functions, and improving the efficiency of public administration. This is envisaged to be done mainly through the rationalization of Central Administration of the State and creating conditions to promote and ensure the participation of the private, cooperative and social sectors.

b. Alignment of Existing Legal, Policy And Institutional Frameworks With ASPG and SDG

The adoption of the Sustainable Development Goals (SDGs) in 2015, led the GoM_z to develop the "Action Plan for the Implementation of the Sustainable Development Goals in the WASH sector 2015-2030". This Action Plan sets the WASH sector targets, the investment needs and the performance monitoring mechanisms that are expected to guide the sector's key stakeholders toward the achievement of the SDG's.

The priorities of the "Action Plan for the Implementation of the Sustainable Development Goals (SDG's) in the Water Supply and Sanitation Sector 2015-2030" are the following:

- End open defecation by 2025;
- Achieve universal access to basic drinking water, sanitation, and hygiene services, for households, schools, and health facilities;
- Increase household access to safely managed drinking water and sanitation services by 50 percent;
- Progressively address and end inequities impeding access.

The strategy was developed, but there has not been a systematic monitoring of the implementation of the strategy. The results in relation to the SDGs is observed sporadically.

At the launch of the ASPG in 2021, governments made commitments to align their sanitation and hygiene policies to the guidelines. A few months later, a set of countries submitted the country demand forms expressing interest in ASPG, and Mozambique was among them. Nonetheless, the existing legal framework does not make any specific mention of the ASPG or continental efforts in the WASH sector. This gap was repeatedly mentioned by key informants, with many emphasizing that it should be addressed as a matter of urgency.

In this regard, the national director for water and sanitation services has been in contact with the secretariat at AMCOW, and there is an increased interest in the GoMz to establish a National Sanitation Policy as is the case with other African countries, such as Kenya. Dialogue is still at the stage of understanding the opportunities for the country, and of organizing exchange of information with more experienced countries.

c. Functional Effectiveness of Existing Legal, Policies, and Institutional Arrangements

The current institutional set up where MOPHRH, through DNAAS and AlAs, has overall responsibility for water management has created an environment in which implementation remains weak. This is compounded by the evolving and still uncertain legal and regulatory framework, which poses major challenges for transparency and predictability of market signals: for government, private investors, individuals and sanitation management companies. Mozambique's newly revised Constitution provides opportunities for advancing decentralization of planning, investment and management of government services, including water and sanitation services, to provinces and districts. The GoMz and development partners have committed to support the decentralization process, which is led by DNAAS in the water and sanitation sector. Given the high rates of female representation in all tiers of the GoMz, there are significant opportunities for elevating the issue among provincial and national level female decision-makers. The opportunity exists for winning over the support of female decision makers, who can be subsequently relied on to influence government investments in the WASH sector.

The WASH sector institutional framework does not offer a clear mechanism for tracking sanitation and hygiene expenditure across the different government bodies and the sector for rural sanitation. Both rural and urban sanitation strategies include a budget, but the financial resources to fund sanitation are not clear. As a result, Mozambique has had slow progress in creating an enabling environment for sanitation and hygiene budgets and has weak financial systems and deficit in finance mobilisation. The annual additional funds needed to reach targets is USD 3.2 billion, a significant funding gap of 95%, considering that in 2017 the government contributed only USD 5 Million to WASH expenditures.

Mozambique is one of the world's poorest countries, and is faced with challenges such as cyclones, undisclosed public debt, and corruption. It is due to this lack of capacity, that the main sources of sanitation funding are from repayable financing (transfers), external (transfers), households (tariffs) and government (taxes) with contribution of 40%, 34%, 23% and 3% respectively. The top five development partners in terms of WASH Official development assistance (ODA) disbursed are World Bank, Government of Netherlands, African Development Bank, French Development Agency and Common Fund (United Kingdom's Department for International Development, United Nations International Children's Fund, Austria and Switzerland).

Mozambique has made some progress in securing an enabling environment for private sector engagement in sanitation, through the establishment of AIAS in 2009. MOPHRH recognizes the need for private sector engagement to achieve country targets for sanitation: the rural sanitation strategy identifies the need for a multi-sectoral approach, including the private sector, while the urban sanitation strategy included an objective on strengthening the private sector by implementing a large-scale capacity development program. The influx of private actors in the WASH sector since 2010 has opened room for greater involvement and possible creation of public-private partnerships (PPPs) in the construction and operation of sanitation infrastructure. One successful case of private actor involvement is by Palmontt SA, a Mozambican company that provides construction services and operation of sanitation infrastructure services throughout the country.

However, most sanitation services are provided by the informal sector, with only a few pilot projects implemented by the private sector. For example, through work conducted with WSUP, Maputo Municipal Council (CCM) and entrepreneurs provide emptying services. The project identified key factors needed to expand private sector engagement, including the development and enforcement of standards, access to finance and opportunities for Public Private Partnership (PPP). In Mozambique, most of the private actors in the WASH sector are greatly dependent on the existence of donor funding. It is often that private sector becomes involved in the sanitation subsector through projects that are often financed by a donor organization. The danger here lies on the sustainability of the sanitation market, given that once sanitation does not become a priority amongst the donor partners, then the private sector is no longer able to engage in the spectrum.

d. Actors in WASH Sector and Sanitation Sub-sector

Major stakeholders engaged in the WASH sector and sanitation sub-sector in Mozambique are the government institutions consisting the mandate holder (CMM), the regulator (AURA), policy makers (represented by DNAAS), the asset holder (AIAS), development partners and private sector service providers.

On the one hand, the major investments in the sanitation sector are characterized by donor led contributions through loans or grants, which assist the GoM in implementing programs and projects aimed at developing the sanitation sub-sector. These are described below.

- Water for Life Program (PRAVIDA) a presidential initiative coordinated by the Ministry of Public Works, Housing and Water Resources, which aims to:
 - Accelerate the rehabilitation and/or construction of new water supply, sanitation and storage infrastructure systems, with a view to providing social welfare; and
 - Respond to promises and electoral manifesto, manifestations of the population during presidential visits and demands derived from development plans of other socio-economic sectors.

The implementation of PRAVIDA complies with the current operational structure in the Water Sector, namely in the area of water supply and sanitation and in the area of water resources management. In the first phase of PRAVIDA 2018-2020, USD 80 million was invested. For the second phase 2021-2024, a total of USD 197 million will be invested.

- Environmental Sanitation Program Implementation Office (GIPSA) The general objective of this Italy funded Program worth €63.2 million was to intervene in the sanitation sector, in order to contribute significantly and effectively to the economic and social development of Mozambique, particularly through the construction of the rainwater drainage system in the city of Maputo.
- Water Supply and Management Program (CTB) The overall objective of this
 €9 million program, funded by the Belgian Development Cooperation (CTB),
 was to improve food security and nutrition for vulnerable families in Gaza
 province. More specifically, to increase sustainable access to and control over

water supply and sanitation that affected the availability of nutritious variety of food in the province.

 Urban Sanitation Project (PSU) - this US\$115 million intervention, funded by the World Bank Group (WB), aimed to increase access to safely managed sanitation services and increase municipal capacity to provide sanitation services in selected cities.

There are also other prominent development partners that have engaged in the WASH sector and sanitation sub-sector, with noticeable impact more recently. One of them being the U.S. Agency for International Development (USAID), which launched a new five-year program to support WASH services in Mozambique³, worth a total of USD 18.6 million. In partnership with the GoM_z , the private sector, and civil society associations, the project aims to strengthen WASH sector governance, expand availability of water and sanitation services, and support the adoption of key hygiene behaviours in underserved communities of Zambezia, Nampula and Cabo Delgado Provinces. Known as USAID Transform WASH, this five-year project will also focus on women's leadership roles in the WASH sector. This project has the potential to greatly impact the decision-making process of the GoM_z as it allows for collaboration efforts from a variety of stakeholders, and to allow for cooperation for investment in the sector.

WaterAid and UNICEF are often acknowledged as active stakeholders in the WASH sector within the country. They are active not only in the funding of projects, but also in assisting the government in shaping the direction of dialogue and rallying sector stakeholders to engage in relevant conversations about the sector. For instance, WaterAid is the Secretariat of the Water and Sanitation Group (GAS) platform, which aims to bring all the relevant actors in the WASH sector to meet periodically to discuss topics of relevance to the sector. It is observed that the meetings are often cancelled and DNAAS' role in GAS is not too clear to all participants.

Save The Children is another equally active actor in WASH services sector. Through the "Maternal and Child Survival Program" (MCSP), Save the Children is involved in the WASH sector⁴ operations to promote the medication and enhancement of WASH standards, community involvement and engagement of men in consultations with children and women in Health Units. These are seen as an intrinsic part of the standards that determine the process of accreditation of maternity hospitals as a model. From the community to the clinic, MCSP is working to improve water, sanitation, and hygiene (WASH) behaviours and social norms, and employ counselling, demonstration and practice at all stages of the maternal, new-born and child health care. During interviews, it was mentioned that in Sofala Province, MCSP has empowered over 420 community health volunteers who are educating families and communities on ways to improve hygiene and household sanitary practices.

A special note should be made of the COSACA humanitarian consortium consisting of Oxfam in Mozambique, Save the Children International and Care International. It was developed to respond to floods, droughts and cyclones emergencies. The consortium has reached over 500,000 people across a myriad of sectors, including the

³ https://mz.usembassy.gov/u-s-government-supports-water-sanitation-and-hygiene-services-in-mozambique/

⁴ https://mozambique.savethechildren.net/news/how-communities-are-taking-action-against-garbage-mozambique

WASH sector. COSACA has strengthened their work since the onset of increased frequency of cyclones in the country. For instance, they were active in the aftermath to Cyclones Idai and Kenneth, as collaborative response teams were set in Sofala, Manica, Tete, Zambezia, and Cabo Delgado provinces.

e. Constraints to Improvement of Effective Coordination, Regulation, Management, and Investments in the Sector

One hindrance to sector reform arises from problems in sector financing. Mozambique's water and sanitation sector is highly dependent on donor finance. A cost analysis of the water and sanitation investment needs conducted for Mozambique in 2015 revealed that the urban water sector appears to be sufficiently funded in relation to its investment plans (AMCOW, 2010). However, the rural water-supply sector has received limited support for improving management and implementation capacity and suffers from annual shortfalls in funding. The rural sanitation sector also has not received systematic support for improving management and implementation capacity and remains significantly underfunded. In understanding the binding constraints in rural water, we need to first address some key institutional issues: (1) the fragmentation of financing and investing in the subsector, and management structures for maintenance of rural water points; and (2) the oversight and accountability of budget execution and service delivery. Getting these institutional issues addressed will be important as this report calls for greater investments to address WASH services for the poorest in the country living in rural areas.

In Mozambique, the WASH sector is heavily reliant on grants and concessional loans from development partners. This has contributed to increased unpredictability of funding and inhibited budget planning efforts, leading to increased risk and uncertainty about sector programs. Similarly, relying on tariff revenues alone can be disastrous where there is little appetite or means for increasing tariffs for end users. Moreover, the greater focus of institutional framework in the water sub-sector has led the majority of actors to also focus on investing in the water sub-sector and not as much in the sanitation sub-sector, even less in the hygiene sub-sector.

Mozambique faces challenges in tackling other causes of malnutrition, particularly the limited supply of basic health care for women during pregnancy. Inadequate health care facilities exacerbate the problem; approximately 80 percent of existing health centers lack water or electricity (USAID, 2011). Access to antenatal care (ANC) increased over the past 10 years, with national coverage hovering at 84 percent. However, rates of attendance by pregnant women vary significantly in rural and urban populations.

V. Opportunities

A number of opportunities exist for improving investments and access to WASH services.

Supporting the development of the new Water and Sanitation law, which has the potential for increasing investments and visibility of the sanitation sub-sector.

There is an opportunity to prioritize targeted investments that can address multiple WASH related challenges, particularly for children in the early years of life. WASH is

an essential intervention to reduce undernutrition; this is particularly pertinent in Mozambique where 43% of children under 5 years of age are severely or moderately stunted, particularly in rural areas. The geographical concentration of poverty among children living in rural areas demands cross-sectoral coordination and integration by a range of sector stakeholders. The complexity of the constraints involved, as well as their interconnected and overlapping nature means that action is needed at multiple scales, and by a broad range of actors working harmoniously to address the constraints, gaps, and challenges.

Accelerating the implementation of the National Strategy of Sanitation in Rural Areas provides a unique opportunity to strengthen the incentive-based structure to achieve more results on the ground—such as conditional financing or results-based financing of the rural water and sanitation sectors.

Promoting new models that expand access in remote areas through targeted cost recovery interventions that meet minimum standards for service delivery. Therefore, benefiting from the decentralization process and increased coverage at a faster pace. Exploring cost-efficient and suitable ways of expanding access, recruiting more end-users and retaining them through innovative models of service provision, and understanding customer and market needs has the potential to increase revenues and user-base, thereby enabling economies of scale in WASH service provision. This could go in tandem with encouraging investments in cost-effective models for reaching the under-served remote areas with tailored services. Besides, ensuring equitable distribution of services can be done without compromising quality, and at scale, if the private sector is enabled to offer cost-effective innovative models of WASH service provision.

Delegated Management Frameworks (QGDs) for rural water and sanitation have the potential to create conditions to accelerate the pace of coverage. By clustering service areas in small towns and priority rural areas, local governments can facilitate the implementation of the DMFs to induce better enabling conditions for program implementation, promote commercial and financial sustainability of services, and incorporate better quality standards.

There is an opportunity to engage the private sector on developing and/or scaling up sustainable business models to improve access and increase sustainability, particularly in small towns and peri-urban areas, through clearer legislation addressing the sanitation sub-sector. Approximately 30 percent of water points are non-functional at any time. Communities are left to maintain water points after they are constructed because District Water Offices do not conduct routine monitoring and maintenance. The challenge of maintaining water points is more acute in remote areas with low population density.

There is an opportunity to intensify the dissemination of good hygiene practices and access to sanitation services, particularly now to help mitigate the spread and impact of COVID-19. After the pandemic, the GoM_z has increased focus on sanitation services. Currently, there are only 1,300 health facilities in the country, many of which are in a poor state of repair and lack essential services, such as water, functioning sanitation and waste disposal systems, and electricity. Malnutrition and stunting rate increases are linked to deficiencies in basic water and sanitation services and, coupled with inadequate health care facilities, and these could exacerbate the effects of

COVID-19 pandemic. Chronic malnutrition (stunting or low height-for-age) affects more than two million children under the age of five (43 percent).

VI. Conclusions

The assessment conducted above demonstrates that the Government is the main stakeholder in the WASH sector in Mozambique. However, most of investments in the sector seem to be driven by donor contribution. The GoM_z does not have the capacity to adequately finance the development of the sector. Legal and policy instruments are a work in progress, with mandates overlapping and creating confusion on the responsibilities of designated entities from the perspective of non-governmental actors. This also obstructs transparency in expenditure reporting at the local level, especially regarding investments in rural areas. Recently there have been attempts to decentralize the implementation of the legal framework, and this brings plenty of opportunity for better investment coordination. It will also allow to address gender equality by empowering women across various government level to make decisions. Further thought should be given to the increasing climate change impacts on the WASH sector.

Recommendations

- It is highly recommended that independent budget classifications for WASH be
 established by separating its financial allocations and budget cycles from other
 sectors that are currently pooled under the Ministry of Public Works and
 Housing can improve transparency and accountability.
- Interventions should be focused on the districts with the highest poverty and lowest WASH and health services coverage. This will address issues of inequalities in access, investments and outcomes.
- Increased citizen awareness of the importance of sanitation services is critical
 to incentivize government officials to address service gaps and policy
 bottlenecks in sanitation. Under this logic, the political will is expected to
 increase, in order for the parties to harness votes/support during the election
 periods.
- Delegated management frameworks (DMFs) for rural water and sanitation can create conditions to accelerate the pace of coverage. These should be strengthened and adequately funded.
- At last, there should be an analysis to understand how climate change may change the dynamics of the WASH sector. This lens may provide new insights in identifying the impact of climate change on WASH investments, aimed at poverty reduction.

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ANNEX I: List of Documents Reviewed

- 1991, Water Law (Law No. 16/91)
- 1995, National Water Policy (Resolution No. 7/95)
- 1998, Water Tariff Policy (Resolution No. 60/98)
- 2016, Water Policy (Resolution 42/2016)
- 2016, National Strategy For Management of Water Resources (Resolution 42/2016)
- 2019, Regulations for the Opening, Operating and Closing Private Establishments for Education and Training of Primary and Adult Education Teachers (Ministerial Diploma No. 107/2019
- 2021, Health Policy and its Implementation Strategy (Resolution No. 13/2021)
- Decree nº 25/91
- Decree nº 72/98
- Decree nº 30/03
- Decree nº 15/2004
- Decree nº 19/2009
- Ministerial Diploma nº 7/2010

- National Strategy for Urban Water and Sanitation 2011-2025
- Strategy for Rural Sanitation 2021-2030
- National Strategy for Development 2015-2035

List of Key Informants

Government

- 1. Eng. Raul Mutevuie National Director of Water and sanitation ast DNAAS
- 2. Eng. Suzana Saranga President of AURA
- 3. Arq. Aderito Wetela National Director of National Center for Cartography and Remote Sensing (CENACARTA) at Ministry of land and Environment (MITADER)
- 4. Dr. Bernardo Dramos CEO of the Municipal company of Water and Sanitation of Matola (EMAS)
- 5. Dr. Hamilton Dambe Lawyer at Maputo Municipality Directorate of Water and Sanitation

Donor Partners

- 1. Eng. Pedro Simone Chief of Party for USAID Transform WASH
- 2. Eng. Jaime Palalane Water Specialist at World Bank Group (WBG)
- 3. Eng. Zito Mugabe Onsite Sanitation Specialist at Urban sanitation Project (funded by WBG)

CSO

- 1. Dr. David Chicote Country Director of Jesuit Refugee Service
- 2. Eng. Manuel Alvarinho Trustee of WaterAid UK / Aquashare Association (Former President of the Water and Sanitation Regulatory Counsel- CRA, now AURA)
- 3. Jose Chivulane Senior Project Manager at WaterAid Mozambique

Private Sector

- 1. Manuel Gungulo Director General of Susamati Mocambique
- 2. Eng. Pedro Cardoso Manager of Palmontt SA

Kindly note that I will be providing the transcripts over the weekend, They need to be well edited, as I only have the rough notes and the audio at the moment.