



FEDERAL REPUBLIC OF SOMALIA



SOMALI WATER FOR RURAL RESILIENCE PROJECT (P177627)

BARWAAQO

**RESETTLEMENT POLICY FRAMEWORK (RPF)
DRAFT**

9th September 2022

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ABBREVIATIONS AND ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
CIP	Community Investment Plans
COVID-19	Corona Virus Disease 2019
CSO	Civil Society Organizations
DINA	Drought Impact Needs Assessment
ESA	Environmental and Social Assessments
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessments
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environment and Social Standards
FGS	Federal Government of Somalia
FMG/C	Female Genital Mutilation or Cutting
FMS	Federal Member State
GBV	Gender Based Violence
GIIP	Good International Industry Practice
GM	Grievance Mechanism
GRC	Grievance Redress Committee
GRS	Grievance Redress Service
HoA	Horn of Africa
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
LRP	Livelihood Restoration Plan
M&E	Monitoring and Evaluation
MDG	Millennium Development Goal
MoEWR	Ministry of Energy and Water Resources
MoPIED	Ministry of Planning Investment and Economic Development
MRG	Minority Rights Group
MTR	Mid-Term Review
NGOs	Non-Governmental Organization
PCU	National Project Coordination Unit (PCU)
OCHA	Office for the Coordination of Humanitarian Affairs
PAPs	Project-Affected Persons
PDO	Project Development Objective
PFU	Public financial management
PIU	Project Implementing Unit
PSC	Project Steering Committee
PLWD	People Living with Disabilities
RAP	Resettlement Action Plan
RCC	Resettlement and Compensation Committee
RE	Recipient Executed
RPF	Resettlement Policy Framework
SDG	Sustainable Development Goal
SEAH	Sexual Exploitation, Abuse and Harassment
SEP	Stakeholder Engagement Plan
SLM	Sustainable Land Management

SPIU	State Project Implementation Units
UN	United Nations
VDC	Village Development Committee
WET	Wadi Evaluation Tool
WALP	Water for Agro-Pastoral Livelihoods
WB	World Bank

DEFINITION OF TERMS

These definitions are provided in the World Bank ESF ESS5 and ESS5 Guidance Note.

Term	Definition
Census	A census is a complete and accurate count of the population affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining compensation eligibility and preparing and implementing a Resettlement Action Plan (RAP).
Compensation	When land acquisition or restrictions on land use (permanent or temporary) cannot be avoided, the Borrower will offer the affected person compensation at replacement cost. Other assistance may be necessary to help them improve or restore their living standards or livelihoods.
Cut-off Date	The start date for census and assets inventory of persons affected by the project. Persons encroaching on the project area after the cut-off date are not eligible for compensation and/or resettlement assistance.
Displaced Persons	The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
Eligibility	The criteria for qualification to receive benefits under a resettlement program.
Forced Eviction	Forced eviction is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land that they occupy without the provision of and access to appropriate forms of legal and other protection, including all applicable procedures and principles in ESS5.
Grievance Mechanism	The complaint mechanism is a locally based formalised way through which project-affected people and communities may raise their concerns directly with the project when they believe the project has caused or may cause them harm. The Grievance Mechanism ensures that complaints are being promptly received, assessed, and resolved by those responsible for the project.
Host Community	A host community is any community of people living in or around areas where people physically displaced by a project will be resettled.
Household	The term household refers to people who reside together and share in production and consumption functions. It is also the smallest unit of consumption and sometimes production.
Household Head	For purposes of a census, the household head is considered to be that person among the household members who are acknowledged by other household members as the head and who is often the one who makes most decisions concerning the welfare of the household members.
Involuntary Resettlement	Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land, or loss of shelter), economic displacement (loss of land, assets, or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term <i>“involuntary resettlement”</i> refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

Land Acquisition	<i>Land acquisition</i> refers to obtaining land for project purposes, including outright purchase, expropriation of property, and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilised land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to lands, such as crops, buildings, improvements, and appurtenant water bodies.
Livelihood	<i>Livelihood</i> refers to the full range of means that individuals, families, and communities utilise to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.
Livelihood Restoration	<i>Livelihood restoration</i> means the measures required to ensure that Project Affected Persons (PAPs) have the resources to at least restore, if not improve, their livelihoods. It requires that people are given the means and assistance necessary to improve, or at least restore, their livelihood and living conditions to pre-project levels. Inventory of Losses means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.
Project-Affected Person (PAP)	<i>Project-Affected Persons</i> are persons on whom the project has a direct economic and social impact. The impact may be caused by the involuntary taking of land resulting in: a) relocation or loss of shelter; b) loss of assets or access to assets; c) loss of income sources or means of livelihood whether or not the person should move to another location; or d) By the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
Replacement Cost	<i>Replacement cost</i> is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labour for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

Resettlement	Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures.
Resettlement Action Plan	This is the planning document that describes what will be done to address the direct environmental, social, and economic impacts associated with involuntary taking of land.
Resettlement Entitlements	Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Restrictions on land use	<i>Restrictions on land use</i> refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones.
Stakeholder	<i>Stakeholder</i> refers to individuals or groups who: (a) are affected or likely to be affected by the project (<i>project-affected parties</i>); and (b) May have an interest in the project (<i>other interested parties</i>).
WET	A WET is a site selection decision support tool for identifying potential for water harvesting infrastructure on a broad spatial scale. The WET is operated in the open source QGIS environment and is a model concept based on the spatial analysis of available remote sensing data, the spatial overlay of up to 30 different thematic data layers
Water Harvesting Explorer	The 'water harvesting explorer' is a web tool that allows for exploration of opportunities for rainwater harvesting and water storage in the landscapes of the Western Sahel.

EXECUTIVE SUMMARY

1. This Resettlement Policy Framework (RPF) is developed by the Federal Government of Somalia (FGS) for the Somali Water for Rural Resilience II (WRR) or “BARWAAQO” Project.

2. The Project Development Objective (PDO) is *“to develop water and agricultural services among agro-pastoralist communities in dryland areas of Somalia”*. The project has four components:

Component 1: Support Development of Multiuse Water Sources. Implemented by the Ministries of Water in Somaliland and FMS, and Puntland Water Development Agency in Puntland, this component aims to improve water availability for domestic, agriculture, and livestock, and to address the effects of climate induced droughts and floods by developing a slew of water supply infrastructure that provides reliable year-round supplies, including small sand and subsurface dams in dry riverbeds (wadis) and surface water storage infrastructure (for example, berkads and hafir dams).

Component 2: Support Development of Agriculture and Livestock Services around Water Points. Implemented by the Ministries of Agriculture and Livestock in FMS and Somaliland, this component will support interventions aimed at creating and strengthening sustainable and productive livelihoods for communities, ensuring that they benefit from the water point investments while improving SLM and addressing vulnerabilities to flood and drought.

Component 3: Development of Environmental Upstream Catchment Services. Implemented by the Ministries of Environment in FMS and Somaliland, this component—which represents an addition compared to the original Biyoole project design—aims to address vulnerabilities to floods and droughts and enhance the benefits from the sustainable management of upstream catchments.

Component 4: Project Management, Community Development and Enhancing Livelihoods Planning, Monitoring and Evaluation (M&E), and Knowledge Management and Learning. This component would finance the operational costs of the project management units in participating FMSs and a project coordinator and fiduciary support unit at the FGS level.

3. The project tackles both climate change adaptation and mitigation. By supporting efforts to improve infrastructure and livelihood strategies that can enable people and communities to better cope with Somalia’s inherent, and growing, climate variabilities alongside those that mitigate GHG emissions. Investment in SLM not only supports adaptation but also mitigation. Improving SLM is central to both adaptation and mitigation in Somalia, and the water harvesting techniques that this project supports alongside its environmental management all ultimately contribute to raising SLM.

4. Project beneficiaries will be communities that experience poor water conditions in Somalia, and that face increasingly future difficult conditions relating to climate change, a rapidly growing population, and increasing conflicts over scarce resources. The primary project beneficiaries are more than 350,000 (of which 175,000 are women) agro-pastoralists in Galmudug, Puntland, South West State, Hirshabelle, Jubaland and Somaliland. The project will provide benefits in the form of access to improved water sources for multiple uses (domestic, livestock, agriculture, horticulture, environmental strengthening); agricultural extension services (livestock and crops); improved livelihood resilience; and adaptive know-how.

5. The project will require land to develop water infrastructure, community and household irrigation areas, and so on, in locations where land is likely to be subject to communal ownership and usage rights, and to multiple and overlapping claims. In addition, there may be land requirements for supporting the FMSs to construct suitable premises. The land requirements will be determined during scoping.

6. This RPF was created as one of the Environmental and Social Framework (ESF) instruments required to manage the WAPR Project's environmental and social (E&S) risks and consequences. Land acquisition, restriction on land use, and involuntary resettlement are all covered by the *World Bank's Environmental and Social Standard 5 (ESS5)*, which states that project-related land purchase and restrictions on land use can have negative consequences for communities and individuals. This RPF will serve as a framework for identifying, addressing, and mitigating negative consequences that may arise due to the implementation of subprojects that include the involuntary acquisition of land and the subsequent resettlement of impacted families. The Resettlement Policy Framework (RPF) is the most appropriate instrument to guide resettlement activities under the project since the subproject site sites have not been specified and the Project Affected Parties (PAPs) have not been identified. The project will create site-specific Resettlement Action Plans (RAPs) or Livelihood Restoration Plans (LRPs), and government mediated land agreements after subproject locations are determined and essential information becomes available. Literature research and stakeholder consultations were used to develop this RPF.

7. Issues relating to land, land tenure, and land utilization in Somalia have always been delicate. Land utilisation is governed by a complex land tenure system that the country's protracted civil war has severely disrupted. The land tenure system in Somalia is now governed by a blend of secular, Islamic shariah, and customary Xeer law. While there are commonalities across Somalia's land tenure systems, there are significant variances between the north and south and urban and rural areas. Furthermore, there are substantial distinctions between pastoral lands, where collective ownership is predominant, and urban and cultivated fields, where individual land ownership has a long history. The federal government of Somalia and its constituent states lack the authority to manage and administer land throughout the country and across all land classifications. A plethora of ministries and entities with mandates to lead on various land-related issues are currently in place. The overarching foundation for land governance is provided by the Provisional Federal Constitution of 2012. Old rules from the defunct Siad Bare administration are still in effect. In terms of land and gender, women's ownership remains a significant barrier, owing to practices and norms that deny women ownership rights. While neither secular nor Islamic Shariah discriminate against women, habits frequently do. There is a gap between Somalia's laws and regulations and the World Bank's Environmental and Social Framework (ESF) and Standards (ESSs); hence the project will apply the WB standards on land.

8. Considering this project will be implemented primarily in rural areas where land is communal or unregistered and may be subject to multiple claims - from the government, private sector, and communities - the primary approach will be through government-mediated land agreements in which all claimants or potential claimants agree to the use and protection of the land required for public benefit and access. Acquisition and compensation processes will be required if the infrastructure is not for the advantage of the communities, if assets are destroyed, or if livelihoods are affected.

9. Stakeholders will be engaged through appropriate channels depending on the target audience, including disadvantaged groups. These will be defined in each area but could include: FM or international radio, websites, government reports and speeches, community meetings, social media, toll-free telephone lines, leaflets or brochures. The project will ensure that stakeholders are engaged, consulted, and given accurate and timely information including on the project grievance mechanism. Any project

affected persons (PAPs) will be identified, a census will be undertaken for resettlement purposes, and all parties involved will agree on land agreements or land acquisition and compensation mechanisms. Minority groups, internally displaced persons (IDPs), women, persons living with disabilities (PLWDs), and nomadic communities that use land will all be recognized and consulted. The project Stakeholder Engagement Plan (SEP) will guide stakeholder engagement.

10. At the federal, state, and community levels, the project will develop structures for grievance mechanisms (GM) and processes to provide PAPs, including disadvantaged groups, with accessible and inclusive means to raise issues and grievances, as well as to allow the respective government to respond to and manage such grievances. Grievances can arise during the resettlement process, including during the consultation process, the composition of local committees leading community mobilization, the identification of eligible beneficiaries, compensation rates, resettlement site locations, and the quality of services at new sites among other things. Stakeholders, including PAPs, recruited workers, and vulnerable and disadvantaged groups, would be informed about the GM through suitable means.

11. The implementation methods, outputs, and impacts of the Resettlement Action Plan (RAP) and/or the Livelihood Restoration Plan (LRP) will be monitored and assessed. The goal will be to assess the efficacy of implementation, including resettlement progress, compensation disbursement, public consultation and involvement effectiveness, and the long-term viability (sustainability) of livelihood restoration and development initiatives among the PAPs. This will make it easier to identify problems and successes quickly and alter implementation plans as needed. The PAPs will be part of the monitoring and assessment process.

12. The social specialists will manage the RPF process at the FGS and FMS levels. They will be supported by land/valuation experts to be hired to provide leadership in all matters to prepare and implement the subproject RAPs. The Project Coordinator at the National Project Coordination Unit (PCU) and the Project Managers at the State Project Implementation Units (PIUs) will be responsible for ensuring the scoping, social assessment, valuation, and compensation is done before the roll-out of project activities. The GM system will be activated, and communities will be sensitised to channel their complaints and to whom. Principles of inclusion, transparency, and accountability will guide the RAP processes.

13. The estimated cost of implementing the proposed measures in this RPF is USD 300,000. This will cover sensitisation activities, land agreement meetings including with disadvantaged groups and various users and people with possible downstream livelihood impacts, possible RAP preparation, livelihood restoration, and monitoring and evaluation. Notably, the FGS must fund any compensation payments as these cannot be charged to the project.

1.0 INTRODUCTION

1.1 Background

14. The Federal Government of Somalia (FGS) developed this Resettlement Policy Framework (RPF) for the World Bank-funded program known as the “Somali Water for Rural Resilience Project” or BARWAAQO¹. The RPF will serve as one of the environmental and social (E&S) instruments required to address and manage E&S impacts associated with the WARP Project under the World Bank’s Environmental and Social Framework (ESF).

15. Development projects in urban areas have accelerated Somalia’s progress toward achieving the Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs) for water and sanitation. However, the lack of progress in rural areas slows down the process. By 2030, an estimated 8.3 million additional rural Somalis would need better water and sanitation access to reach the expected SDG target of universal access to water and sanitation. Access to water and pasture is a fundamental source of conflict and cooperation between clans and civil authorities throughout the Somali region. As a source of conflict, extensive transboundary livestock movements and limited access to the combination of water and pasture are one of the primary drivers of competition across the Horn of Africa.

16. Following decades of low investment in Somaliland (SL) and Puntland (PL), water points with adequate surrounding pasture are exceedingly scarce, claimed by clans, fiercely guarded, and intrinsically linked to resource conflict. The respective administrations in Somalia have limited capacity to build and maintain water sites in rural SL and PL due to the overall state of fragility and instability and ancient clan wars. State action must better complement community-based initiatives to reduce resource-based conflicts, particularly between pastoral nomads and established communities. Enhancing the state’s participation in creating water supplies – an evident service – is desirable in signalling state functionality and can be a significant component of a peace dividend by increasing civilian trust in the government and improving state-citizen relations. The government’s role is also critical in guaranteeing a sufficient and equitable supply and obtaining economies of scale in developing and maintaining new infrastructure.

17. Rural water supply solutions must address both the quantity and quality of water required by people and the quantity needed by animals to reap economic and health benefits. However, finding solutions for rural water supply in Somalia is complicated by: i) ongoing and chronic low-level conflict, (ii) high levels of aridity characterised by low annual rainfall with high inter-annual variability and the country’s very complex hydrogeology, (iii) the economy’s reliance on highly mobile pastoralist livelihoods, and (iv) weak or absent local government institutions operating under civil rather than traditional codes.

18. Somalia has proven the success of low-cost, low to zero-carbon energy small-scale water harvesting and storage technologies to enhance rural communities’ access to water in drylands. Under the Water for Agro-Pastoralist Livelihoods Pilot Project (WALP, US\$2 million, 2015–2018), Somaliland and Puntland State tested the creation of sand dams with the help of the World Bank. The ongoing Water for Agro-Pastoral Productivity and Resilience Project (Biyoole, US\$42 million, 2019–2023), which is scaling up the adoption of sand dams and other water-harvesting technologies across Puntland, Galmudug, and South

¹ Biyoole in Somali language means “water fetcher” in Somalia. It’s the person who collects water from shallow wells, water catchments and other sources to distribute for household consumption, livestock and agriculture. The Biyoole is a staple of Somali agricultural and pastoral life.

West States, was made possible by this pilot. The Biyoole project seeks to develop water and agricultural services among agro-pastoral communities in dryland areas of Somalia. It centres its approach on four components: (a) Support the Development of Multiple Use Water Sources; (b) Institutional and Capacity Development; (c) Supporting SLM and Livelihoods Development Around Water Points; and (d) Project Management, Monitoring and Evaluation (M&E), Knowledge Management, and Learning.

19. The proposed Somali Water for Rural Resilience Project (BARWAAQO) will scale up the investments under Biyoole. The project will increase activities in Puntland, Galmudug, and South West States. In addition, it will expand to two additional FMSs—Hirshabelle and Jubaland—where it will focus on the drylands (away from the floodplains of the Shabelle and the Juba rivers).

20. This project would duplicate the original Biyoole project in terms of water point development and livelihood support in the surrounding area. While also including environmental services in catchment areas upstream from water points, such as adaptation to climate change vulnerabilities and climate mitigation efforts. Furthermore, the project will support the enhancement of natural resource management upstream of the water point, including water, land, forests, and rangelands, in order to increase the long-term viability of investments.

21. This project will continue the community action approach under Biyoole. The project will continue to support communities in better understanding how their decisions and actions in relation to the management of land and water resources affect their well-being through rigorous inclusive social mobilization processes that consider existing community level planning processes and bylaws as well as appropriate mechanisms to incentivize and mobilize involvement and labour for soil and water conservation tailored to community ownership and sustainability. The community development process is outlined in the community operational guidelines but involved extensive consultations and participatory processes in the siting and design of water points and the development of community investment plans. By laws are developed on the management and utilisation of water points and other infrastructure.

22. Under the current Biyoole project there is a standalone component for institutional strengthening. Lessons learnt suggest that each ministry, and thus each component (since components are institutionally aligned), should be responsible for their own institutional strengthening from both a technical and fiscal standpoint. Cross-cutting institutional strengthening will be procured/provided centrally, such as project cycle management and leadership development, procurement, financial management, and safeguards training. Backstopping engineering support and community investment plan preparation will be contracted centrally to assure consistency and cost savings through economies of scale.

1.2 Project Description

1.2.1 Project Development Objective (PDO)

23. The Project Development Objective (PDO) is “to develop water and agricultural services among agro-pastoralist communities in dryland areas of Somalia.”

1.2.2 Project Components

24. The WRRP Project focuses on (a) improving access to multiple-use water resources (for human consumption, livestock, small-scale irrigation, and environmental services) in Somalia’s dry lands; (b) land area under sustainable landscape management practices (number of hectares); c) target beneficiaries (number) reached with agricultural services, with a female share of beneficiaries (percentage); and (d)

encouraging the uptake of productivity-enhancing innovations among target rural populations. The following elements are crucial to the project.

25. Component 1: Component 1: Support Development of Multiuse Water Sources: This component, which is being implemented by the Ministries of Water in Somaliland and FMS, as well as the Puntland Water Development Agency in Puntland, aims to improve water availability for domestic, agriculture, and livestock, as well as address the effects of climate-related droughts and floods, by developing a variety of water supply infrastructure, including small sand and subsurface dams in dry riverbeds (wadis) and surface water storage infrastructure (for example, berkads and hafir dams). Water will be hauled using solar panels, gravity-fed auxiliary structures like animal troughs, human water stations, and irrigation. By incorporating climate resilience into the planning process,² as well as the design, new infrastructure, rehabilitation and/or retrofitting of facilities will be more reliable (reduced risk of system failure), and less likely to be affected by climate-related shocks such as floods and droughts. Other project activities in each designated sub catchment will strive to capitalize and manage these investments as anchor assets.

26. Subcomponent 1.1: Construction of New Community Water Points: This subcomponent will fund the construction of new, climate-resilient water infrastructure that not only enhances year-round water security but also supports agricultural activities, enhancing soil biomass as a result. For water lifting, solar-powered and gravity-based energy sources are prioritized. The subcomponent may support the development of boreholes for groundwater extraction as a last resort and only if no other choices are available. These will also rely on low- to zero-carbon energy sources such as solar, in keeping with the project's climate mitigation focus. Taking into account the risks connected with insecurity, the initiative will focus on low-risk locations and use a flexible approach to selecting new sites if security problems arise.

27. Subcomponent 1.2: Rehabilitation of Community Water Points. This This subcomponent will finance the rehabilitation of existing water infrastructure and small prioritized boreholes. Selected sites can include multiple interventions to ensure adequate water through periods of drought and for multiple purposes. Increasing water storage capacity is a key component of building resilience to drought. As for sub-component 1.1, climate resilience and mitigation will be integrated.

28. Subcomponent 1.3: Institutional and capacity development. This subcomponent will strengthen the capacity of FGS and FMS governments to plan, select sites, procure works, and oversee the construction and rehabilitation of community water points, introduce SLM practices and monitor results, and undertake hydrogeological monitoring water development as well as their capacity to plan and design climate-resilient infrastructure. The criteria for site selection, design and works planning will be based on consideration of low-carbon emissions, coupled with taking measured that increase resilience to floods

² See Ray, P.A and Brown, C.M. (2015) Confronting Climate Uncertainty in Water Resources Planning and Project Design: The Decision Tree Framework, World Bank Group, <https://documents1.worldbank.org/curated/en/516801467986326382/pdf/99180-PUB-Box393189B-PUBLIC-PUBDATE-8-19-15-DOI-10-1596-978-1-4648-0477-9-EPI-210477.pdf> (accessed 9.2.2022) and World Bank Group (2020) Resilient Water Infrastructure Design Brief, World Bank Group, <https://documents1.worldbank.org/curated/en/516801467986326382/pdf/99180-PUB-Box393189B-PUBLIC-PUBDATE-8-19-15-DOI-10-1596-978-1-4648-0477-9-EPI-210477.pdf> (accessed 9.2.2022) and World Bank Group (2018) Building the Resilience of WSS Utilities to Climate Change and Other Threats: A Road Map, World Bank Group, <https://documents1.worldbank.org/curated/en/425871546231664745/pdf/Building-the-Resilience-of-WSS-Utilities-to-Climate-Change-and-Other-Threats-A-Road-Map.pdf> (accessed 9.2.2022)

and droughts, guided by recent World Bank publications, as well as consideration of acute need and inclusivity. The project will enhance the capacity of community structures to manage water points and prepare and institute water sharing agreements. Building on the Wadi Evaluation Tool (WET) developed under WALP and modified during Biyoole, the project will pilot the application of an innovative web tool, the 'water harvester explorer', designed by the World Bank, and implemented in West Africa, to facilitate the selection of water harvesting interventions in the field.

29. Component 2: Support Development of Agriculture and Livestock Services around Water Points.

This component will support interventions aimed at creating and strengthening sustainable and productive livelihoods for communities, ensuring that they benefit from water point investments while improving SLM and addressing flood and drought vulnerabilities. It will be implemented by the Ministries of Agriculture and Livestock in FMS and Somaliland. This component is comparable to the original Biyoole project's Component 3. It will expand agricultural and animal services in the approximately 100 sites where water infrastructure has already been completed and Community Investment Plans (CIPs) are accessible, as part of the original Biyoole project. In the new 140 communities targeted under the proposed project, once the water points are constructed, the agricultural and livestock services defined by the CIPs developed under Component 4.2 will be implemented. By supporting agriculture and livelihood activities, the project will improve food security and reduce the gender gap by increasing women's agricultural productivity through gender responsive intervention. This component will provide the foundation for the, possible, standalone Somalia agriculture and livestock project to potentially be prepared under the Regional Food Systems Resilience Program (P178566).

30. Subcomponent 2.1: Support for increased sustainable agricultural production and development. This subcomponent will finance the introduction of technologies, innovations and management practices (TIMPs) related to improved water use efficiency and climate-smart agriculture to farming communities around each of the developed water points. The intention is to build up terrestrial carbon stocks while increasing production of diversified agricultural products for improved household food security and incomes. This will also increase the resilience of farmers to drought. TIMPs which would be introduced using a farmer-led approach include, but are not limited to, micro irrigation systems; high-yielding drought-tolerant seeds/planting materials, balanced soil fertility managements; integrated pest management; and farm machinery for conservation agriculture and efficient harvest and post-harvest handling. The use of TIMPs that recuse GHG emissions, such as solar pumping, minimum soil tillage, intercropping, and agroforestry will be promoted. The Ministries of Agriculture and Irrigation at FGS and FMS Levels, and Somaliland, will implement this subcomponent.

31. Subcomponent 2.2: Support for increased sustainable livestock production and development. This subcomponent will assist target communities in the development and diversification of their livelihoods. It will make it easier to improve grazing management, demand-driven delivery of climate-smart livestock production assets, and appropriate activities that increase carbon stock and extension services based on community-specific priorities and context-specific conditions, such as collaborating with Ministries of Water to estimate water availability and water use demand for animal fattening and poultry production, if communities choose to do so. This subcomponent will be implemented by the Ministry of Livestock at the FGS and FMS levels, as well as Somaliland.

32. Subcomponent 2.3: Institutional and development This subcomponent will strengthen the capacity of the FGS and FMS governments, specifically the Ministries of Agriculture and Livestock, to create an enabling environment that increases both sustainable agricultural and livestock production and development, as well as their capacity to plan and design climate-resilient interventions, to boost food

security and livelihoods development among rural communities. This subcomponent will assist national and state organizations in planning, implementing, and monitoring integrated agriculture and livestock development projects.

33. Component 3: Development of Environmental Upstream Catchment Services. Implemented by the Ministries of Environment in FMS and Somaliland, this component—which represents an addition compared to the original Biyoole project design—aims to address vulnerabilities to floods and droughts and enhance the benefits from the sustainable management of upstream catchments. It includes the promotion of rangelands restoration (thus contributing to LDN), and introduction of appropriate practices for SLM (thus reinforcing national climate mitigation measures to increase forest cover and SLM). The project will invest in efforts to restore ecosystems and mitigate, as well as adapt to, climate change. This will not only improve livelihoods and contribute to poverty reduction, but also help to mitigate the effects of Somalia's variable climate. It will increase much needed water harvesting opportunities. It will further strengthen the capacity of the different government and community institutions to develop and implement environmental activities and regulations. The Directorate of Environment and Climate Change at FGS level, and the Ministries of Environment at FMS levels, and Somaliland, will implement this component.

34. Subcomponent 3.1: Environmental restoration approaches integrated with climate change mitigation and adaptation measures. This subcomponent aims to support ecosystem restoration interventions while enhancing the livelihoods of communities, addressing land degradation and desertification with an emphasis on climate mitigation measures such as increasing carbon stocks, and climate adaptation measures, particularly those that mitigate against floods and drought. It will finance nature-based solutions and approaches to SLM at micro and macro levels, such as: the regeneration of naturally growing trees, increasing soil organic carbon, regeneration of shrubs and grasses; local (village) level approved rules and regulations for use and sanctions; restoration of degraded and severely destroyed ecosystems; the promotion of suitable water harvesting for soil and water conservation techniques (for example, semi-circular bunds, soil bunds, and rock catchments); promotion of improved rangeland management and assessments and surveys of soil and erosion.

35. Subcomponent 3.2: Institutional and capacity development. This subcomponent acknowledges the need for strengthening the capacity of FGS and FMS governments on environmental protection, and the development and implementation of nature-based solutions and SLM practices, so that they can support social and environmental protection, enhance resilience to droughts and floods, reduce land-based GHG emissions and ultimately optimize usage of the country's natural resources. It will coordinate and connect with hydro Community Engagement Strategy and local people's understanding of their own environment through linkage of the observed past changes and processes to the current situation ensuring that climate mitigation issues and resilience to floods and droughts are reflected on.

36. Component 4: Project Management, Community Development and Enhancing Livelihoods Planning, Monitoring and Evaluation (M&E), and Knowledge Management and Learning. This component would finance the operational costs of the project management units in participating FMSs and a project coordinator and fiduciary support unit at the FGS level. The successful targeting of beneficiaries and the achievement of improved water balance, access and management, adoption of SLM practices, select indicators for soil moisture and/or SOC (as appropriate), enhanced agricultural productivity, as well as gender sensitive and nutrition sensitive outcomes would be among the main performance indicators to be monitored. To promote livelihoods development around water points and pull together Components 1 to 3, this component would also support the development of village profiles, mapping of disadvantaged groups such as occupational minorities and CIPs, M&E, knowledge management and learning, and

Security Risk Management. By facilitating women participation in the CIPs' preparation, the project will enhance women's participation in decision-making processes, thus addressing a gender gap. This component will be implemented by the Ministries of Planning in both the FGS and FMSs, and Somaliland.

37. Subcomponent 4.1: Project Management. The subcomponent will ensure that the project is implemented efficiently, on time, and in accordance with the Loan Agreement. This would be the responsibility of the National Project Coordination Unit (PCU) at the Federal level and Project Implementation Units (PIUs) at state levels. The PCU at Federal level and PIUs of Puntland, South West, and Galmudug and the PIU in Somaliland, were already established under Biyoole, and Jubbaland and Hirshabelle PIUs will be set up under BARWAAQO. The same implementation arrangements will be replicated. This subcomponent will support: (a) the incremental operating costs for ministry staff managing the project and for inputs from other technical ministries, departments, and agencies (MDAs: water, livestock and agriculture, environment); (b) the cost of procurement and financial management specialists; and (c) outreach and communications on the governments' role and leadership on the project to the broader Somali community.

Project Beneficiaries	Somaliland	Puntland	Galmudug	South West	HirShabelle	Jubaland	Total
	150 000	125 000	75 000	100 000	25 000	25 000	500 000
New water point	35	20	15	15	8	7	100
Rehabilitated water points	15	13	8	8	3	3	50
Total	50	33	23	23	11	10	150

Table 1: Estimated beneficiaries and water points

38. Subcomponent 4.2: Community-Driven Development Planning. Refining institutional responsibilities and propelling the Ministries of Planning into their mandates of overseeing development from State to district to community level, the Community-Driven Development (CDD) introduced under Biyoole will be enhanced in this project. The promoting livelihoods and multi-sectoral nature of the project, and need for cross ministry coordination means that community engagement should be managed by the PIUs. A CDD approach remains highly relevant for this project given the interdependency focus on rural, local area development and natural resources management and pulls together the activities under components 1, 2 and 3 into one holistic livelihoods development project. It will also deepen familiarization of communities to the principles of women and youth as agents of change, inclusion, and transparency building on successes and experience achieved in the current project.

39. Community Development Specialists housed in the PIUs, along with the focal points from the technical line ministries, will use the community engagement guidelines developed under Biyoole to discuss options for use of the water asset and then to develop CIPs. The 100 CIPs developed under Biyoole will be revisited and updated based on the evolution of community needs, and 140 new CIPs will be developed in the new sites identified under this project. Community facilitators trained by the Community Development Specialists will facilitate the CIP discussions to promote ownership. The project team will ensure a minimum 30 percent of the trained facilitators are female. The CIP female facilitators will receive additional sessions on leadership to increase their capacity to promote active participation of women in the CIP discussions. The Gender specialist of the project will assist the CIP female facilitators to develop an awareness raising messages on women's knowledge and experience in water management and the

importance and benefits of women's participation and leadership in community level organizations and discussions. The CIP female facilitators will also lead women only sessions to discuss and propose CIP priorities.

40. *Subcomponent 4.3: M&E, Knowledge Management, and Learning (US\$5 million).* The project will support continuous learning and adaptable knowledge management, using the Ministries of Planning existing web-based management information system (MIS) and M&E systems.

41. **The project tackles both climate change adaptation and mitigation.** By supporting efforts to improve infrastructure and livelihood strategies that can enable people and communities to better cope with Somalia's inherent, and growing, climate variabilities alongside those that mitigate GHG emissions. Investment in SLM not only supports adaptation but also mitigation. Improving SOC is central to both adaptation and mitigation in Somalia, and the water harvesting techniques that this project supports alongside its environmental management all ultimately contribute to raising SOC.

Table 2: Number of new and rehabilitation water points and their locations

Proposed new and rehabilitation water points	Somaliland	Puntland	Galmudug	South West	Hirshabelle	Jubaland	Total
New waterpoint	35	20	15	15	8	7	100
Rehabilitated water points	15	13	8	8	3	3	50
Total	50	33	23	23	11	10	150

1.3 Project Beneficiaries

42. The project will benefit 350,000 farmers and pastoralists in Somaliland, Galmudug, Puntland, South West States, Hirshabelle and Jubaland. The beneficiaries will include:

- i. Rural communities - that do not have enough clean water to maintain healthy living conditions;
- ii. Farmers and Livestock owners - they deliver about half of Somalia's food security and a very large share of the countries' export value;
- iii. Women and girl-children - traditionally responsible for collecting household water, often from very far distances from the household; and

43. At the *institutional level* project beneficiaries will include institutions responsible for water management at the FGS, FMS, and districts, including line ministries, departments and agencies.

Table 3: Distribution of beneficiaries across Member States

Project Beneficiaries	Somaliland	Puntland	Galmudug	South West	Hirshabelle	Jubaland	Total
	150 000	125 000	75 000	100 000	25 000	25 000	500 000

1.4 Project Implementation Arrangements

44. The project will build on the engagement developed over the five years of implementing WALP and Biyoole. The two projects have made significant progress in terms of peace and state building, as well as the capacity building of Federal, FMS, and Somaliland institutions and the establishment of PIUs in all but two states (Hirshabelle and Jubaland). The Biyoole project has been able to create the framework for the provision of water to agro-pastoral communities in Somalia and is helping to the building of country systems and promoting intergovernmental coordination and collaboration, according to a recent mid-term review (November 2021).

45. Implementation arrangements will remain as per Biyoole. BARWAAQO will continue to be served by the existing and established National PCU, State PIUs, and Somaliland model. Ministries of Planning—lead coordinating ministry and accountable for Component 4; Ministries of Water/relevant agencies, such as PWDA in Puntland—Component 1; Ministries of Agriculture and Livestock—Component 2; and Ministries of Environment—Component 3—will implement the project under development. The PCU will assist Hirshabelle and Jubaland in establishing PIUs under their respective Ministries of Planning, and lessons learnt from the current project will be applied to improve staff skills, capacity, and risk mitigation.

1.4.1 Federal Level Roles and Responsibilities

46. The project will utilize the existing Biyoole Federal-level Inter-Ministerial Steering Committee chaired by the MoPIED and composed of MoF, Ministries of Water and Energy Resources, Agriculture and Irrigation, Livestock, Forestry, and Range, and the Environment Directorate in the OPM (with the goal of empowering technical ministries in the overall oversight of implementation) – the same Biyoole structure in Somaliland will be applied for BARWAAQO. The Steering Committee will meet quarterly to review the project’s progress and identify any policy or regulatory issues, particularly cross-sectoral issues that will surface during project implementation. The MoF oversees all project disbursements to line ministries at the federal and member state level and coordinates all financial reporting. Funds allocated to Somaliland will be disbursed directly to the MoF in Somaliland from the World Bank. The project will support additional human resource at the MoF to manage the financial aspects and to coordinate with MoPIED.

1.4.2 Somaliland and Federal Member State-Level Roles and Responsibilities

47. Development of community water points will be the starting point and anchor for all other interventions under the project. Somaliland and each FMS PIU with representation from each participating line ministry will ensure cross-sectoral collaboration in planning and implementation activities.

48. Community mobilization and planning. Each state government and Somaliland will oversee the community mobilization process, which will engage communities throughout the project to help them identify their priority water interventions (costs and benefits of different technologies), how they will manage their water infrastructure, and how the community will use the water to increase their food security and income opportunities. Given capacity and human resource constraints at the state level, the project will provide funds to contract implementation support of the mobilization activity. The approach will bring together all members of a village, ensuring the inclusion of all stakeholder groups for example, pastoralists, irrigated farmers, and rain fed farmers, landless laborers, women, and youth.

49. **Water infrastructure.** To inform key design elements of water interventions, Somaliland and state-level ministries responsible for water will contract consultant back stopping engineers to (a) identify areas with potential for water development, (b) inform the mobilization discussions led by the Government with communities, (c) provide construction investment reports and (d) provide detailed designs for bidding documents and real time support services during the construction of water infrastructure.

50. Each FMS and Somaliland will respond to the demand articulated by community-level institutions, considering their preferences: (a) for the types of technology for water catchment, storage, and management; (b) for siting infrastructure given their knowledge of water flows and service needs; and (c) options for involvement in construction works. Community consultation will weigh the pros and cons of technological choices considering factors such as (a) equity of access to water resources and abstraction rights; (b) affordability constraints for different types faced by communities; and (c) upstream and downstream impacts on water use including environmental flows. Construction companies will be contracted separately to carry out the construction works. The construction process, where requested by communities, will include labor-intensive methods.

51. Mobilization will help the community identify and address the shocks they face to their lives and livelihoods, for example, land degradation, access to inputs, and pest and disease and how they can work together as a community to address those shocks and work to solve those problems and develop more resilient livelihoods using the increased water availability. The process will form a Village Development Committee comprising traditional leaders and representatives from the stakeholder groups will lead the formation of a village livelihood development plan that will prioritize the use of water and how that use will be managed.

52. Funds will be made available to state ministries for contracting of UN agencies and/or consortia of INGOs to deliver services under Component 2. The implementing partner will be supervised and overseen by the PIU and will be selected based on a set of objective criteria. Implementing partners may be the same or may differ from one state to the next and in Somaliland.

53. **Project management, fiduciary, and safeguards management.** State-level ministries will also be responsible for M&E and for safeguards implementation though federal-level institutions will provide backstopping support for the fiduciary aspects of water infrastructure and livelihoods development.

54. **The role of districts and communities is critical in the management of rural resilience infrastructure projects.** This project will help districts and community management committees improve capacity by following these criteria. A project steering group is formed to monitor project implementation and provide support and direction as needed at the federal level. At the FMS level, state-level project steering groups will be established to provide oversight and guidance. The Ministries of Planning will coordinate community participation and development to achieve stronger inter-agency collaboration.

1.5 Purpose of Preparing the RPF

55. The World Bank Environmental and Social Standard 5 (ESS5) - Land Acquisition, Restriction on Land Use and Involuntary Resettlement - provides that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. It may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. Resettlement is

considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

56. The project has prepared this RPF to ensure that appropriate measures are in place to address any issues that might arise from potential land acquisition and/or economic displacement under the project. Given that exact site locations have not been determined, and the Project Affected Parties (PAPs) are not known yet, a RPF is the most appropriate instrument to guide resettlement activities under the project. Once subproject locations are defined, and necessary information becomes available, the project will prepare site-specific Resettlement Action Plans (RAPs) or Livelihood Restoration Plans (LRPs) and land agreements as required. No physical and/or economic displacement or construction will occur until plans and documentation required by ESS5 have been finalized and approved by the World Bank.

57. Each subproject needs to be screened for social impacts to determine if there are any impacts that require the preparation of a RAP/LRP. Based on the impacts likely to occur, an Entitlement Matrix (EM) has been developed, which summarizes the types of losses and the corresponding nature and scope of entitlements. Compensation and rehabilitation assistance for various categories of losses based on the tenure and type of impact have been provided.

1.6 RPF Development Methodology

58. The development of this RPF applied both literature review and stakeholder consultations (see SEP and ESMF). The documents reviewed include RPFs of other World Bank-financed projects implemented in Somalia, studies related to land matters in Somalia, a draft Project Appraisal Document (PAD), review and analysis of relevant national legislation, policies, and guidelines, including the World Bank Environmental and Social Framework and Standards (ESF/ESS) and ESS5 Guidance Note.

59. The FGS MoPIED led two targeted public consultations and stakeholder engagements were held on 21st June and 7th July 2022 with joint virtual consultation meetings including 28 males and 5 female participants representing various stakeholders, among them Government Ministries and Departments and Agencies (MDA) at federal and member states levels, with civil society organizations (CSOs) and development partners. In addition, lessons learnt from the Water for Agro-Pastoral Productivity and Resilience Project (WARP-Biyoole project- P167826) also informed the content of this RPF.

60. **Lessons learnt.** Lessons learnt from Biyoole 1 implementation are mainly that land legislation and implementation is weak in rural areas of Somalia and there is no robust land titling or register. Multiple overlapping claims means that government mediated land agreements are the most appropriate way of getting agreement on the use of land for community facilities and for the prevention of conflict over land. Formal RAPs are neither desirable or possible in such a context and are unlikely to be used for the small scale subprojects envisaged.

1.7 Possible project land requirements

61. The project will require land to implement the activities identified in component 1 on Investing in water infrastructure development, including community engagement and improved water distribution and water usage. Land will be required for the rehabilitation of old schemes (in case of the need for expansion of the schemes), and for enhancement of rainfall harvesting and collection of surface runoff. There may be land requirements for supporting the FMSs to construct suitable premises. The land requirements will be determined during scoping.

62. The project expects most land acquisition for the project to be carried out as outlined in section 4.1 further below. In the exceptional case where subproject assessment identifies that involuntary resettlement or forced displacement occurred in anticipation of construction or any other project-financed infrastructure before board approval of the project or in the absence of a RAP/LRP prepared in a manner acceptable to the World Bank, the subproject will be ineligible unless the relevant ESS5 requirements can be satisfied retroactively. The World Bank authorises explicitly such retroactive applications. Otherwise, the World Bank will not support such infrastructure development, and the subproject will not be eligible for inclusion in the project.

2.0 LAND, LAND TENURE, LAND USE, AND RELATED ISSUES

2.1 Overview

63. Somalia is a country with vast rangelands, pockets of cultivated agricultural land, and expanding urban areas, all managed by a complex land tenure system that the country's protracted civil war has severely disrupted. A delicate blend of secular, *sharia*, and traditional Xeer law governs the land tenure system in Somalia. While certain behaviours are prevalent across Somalia's land tenure systems, there are significant variances between the north and south and urban and rural areas. Furthermore, there are notable contrasts between pastoral regions, where community ownership has predominated, and urban and cultivated farmland areas, where individual land ownership has a long history.

64. The Federal Government and FMS of Somalia lack authoritative authorities with the capacity to control and administer land throughout the country and across all land classifications. A plethora of ministries and entities with mandates to lead on various land-related issues are currently in operation.

2.2 Land-Related Legislation and Other Arrangements

65. There are three types of applicable laws in Somalia: formal Statutes, Xeer law, and Sharia law. The following paragraphs provide details on each of these systems:

2.2.1 Formal Statutes

66. Somalia's formal federal legal system has largely ceased to function since the fall of the central government in 1991, but the northern regions have created and enforced some traditional laws. Legislative and policy procedures are steadily taking root as the FGS and FMS institutional capacities expand. The temporary Federal Constitution of 2012 establishes a broad framework for land-related issues. However, legislation to put constitutional provisions into practice is still in the works. There are also old rules that governed land management before the Siad Barre administration fell apart. These statutes are still in effect, generating complexity in land administration and management.

2.2.2 Xeer Law

67. Following the fall of the central government, customary Xeer law became the primary method of controlling clan ties, including land and other social and economic aspects. Xeer is an unwritten system of rules that governs the rights and obligations of one clan to another. Usually, the elder consultations administer the stipulations of Xeer laws. Xeer focuses on pastoral land use and addresses various elements of land management. Xeer law varies depending on clan agreements, but it generally views rangelands as a joint clan asset. Clans are required to allow other families to graze on the land, especially in times of need, such as during droughts, yet in actuality, most land disputes occur during these periods.

2.2.3 Sharia Law

68. The third component of the contemporary Somali legal context is Islamic sharia law. Sharia law influences decisions made by religious leaders, tribal elders, and official courts to varying degrees, particularly in civil and family law cases. Current sharia law applications overlap with land tenure in the sphere of inheritance. However, the influence appears to be minor. There used to be collective farms in the south of Somalia run according to Sufi Islamic sect religious regulations.

2.3 Land Tenure in the Federal Member States

2.3.1 Puntland

69. Puntland has a mix of formal and customary institutions governing rights over land. Overall, there seems to be less documentation of the region's standard legal framework for land tenure. Larger urban

areas, such as Garowe and Bossaso, have procedures at the municipal level for registering land transfers and ownership.

70. The district/local government structures have the necessary facilities and are thus empowered to deal with land management. With the municipal council's approval, the mayor has the authority to grant permanent ownership over land and delegate the power to a committee appointed by him. A technical committee also assists the local government. The committee's responsibility is to analyse and recommend the general town plan, construction layout, and other relevant issues concerning the land for settlements.

71. In Bossaso, the land department is in charge of land allocation, planning, regulation, and other activities. The land department includes a land section in order of land allocation, registration, records keeping, a planning section, and a monitoring section to check compliance with the regulations. The department uses previously existing land laws as a basis for operation. The registration office has the authority to register ownership, land taxation, rehabilitation, and authorisation of documents, building permits, and inheritance certificates, but this is not a compulsory process. The Islamic Court in Bossaso is also authorised to register legal documents. This ensures recognition of people's rights under Islamic law. Councils of elders, drawing heavily on religious and customary law, play a significant role in resolving disputes over land rights.

2.3.2 Galmudug, South West State, Hirshabelle, Jubaland

72. There is no uniform structured land tenure system to form a legal framework for land ownership in these FMS; almost exclusively, informal practices govern land rights in these States. Although cities such as Baidoa and Kismayo have municipality structures, the local government offers land title registrations. While ministries of lands and local government ministries exist, their institutional capacity is still weak to undertake the role of land management and administration.

2.3.3 Somaliland

73. The Somaliland Constitution and existing land policies do not clearly define or classify land types. Neither do they clearly define land rights granted to the owners, or the responsibilities of those who have been mandated to manage land, such as ministries and government agencies managing public land in urban areas. For example, Article 12.1 of the Somaliland Constitution states that 'land is a public property commonly owned by the nation and the state is responsible for it'. The ambiguity within this article has led to confusion in the roles and responsibilities for land management, as well as to conflicts over land rights.

2.4 Gender and Land in Somalia

74. Traditionally, Somali society has had distinct gender roles, with men overseeing livestock production while women control activities related to child-rearing and taking care of homesteads. Women are primarily excluded from clan meetings about resource use in pastoral areas and have limited ownership rights. Additionally, culture bans women from owning camels and other 'productive' resources than goats and sheep. They, therefore, did not participate in many of the formal socio-political decision-making processes. Nevertheless, they were accorded protections and privileges under traditional customs through negotiated agreements, often between the clans of their father and their husband.

75. In the more settled farming communities in the middle Juba valley in Southern part of Somalia, although Islamic laws allow for women's inheritance of land, farmers only granted rights to men. In some cases, women can secure economic partnerships over land use with their sons, mainly if the son was

unmarried or had a wife occupied with children. Overall, while women's land ownership is structurally possible, it is culturally condemned, and actual land areas controlled by women are relatively small.

76. In terms of protection under formal law, the 1979 Constitution of the Somali Democratic Republic outlined social and cultural rights, including gender equality. However, the civil war deprived women of a central authority that could protect these rights. The slow disintegration of society and institutions and the destruction and violence eroded the rights of Somali women. However, while this can be true in many contexts, it is essential to highlight that many Women headed households emerged during the civil war. Many of these women lost their husbands and had to provide for the family. If you look at the micro-level businesses in Somalia in rural and urban areas, you will realise that many are owned and run by women solely or with their family members. Many of these women also invested in land. The current federal Provisional Constitution of 2012, under Article 11 on equality, provides that every person has the right to own, use, enjoy, sell and transfer property. Article 43 on land provides that land is the primary resource and source of livelihood. These provisions have not been legislated upon to guarantee the rights of men and women.

77. Under Islamic Sharia law, women can inherit property, including land. However, men administer this law and often revert to tradition and custom favouring men. As long as male domination of clan politics prevails, marginalisation of women will always take place due to the gendered nature of the clan system (J. Gardner, 2007).

78. According to the Norwegian Refugee Council report, women-headed households in IDP camps are more likely to be evicted. This is because traditional methods are still crucial in dealing with social issues and relationships. Despite the daily hardships of displacement, Somali women are learning to navigate the opportunities and pitfalls of this upheaval in ways that will have a lasting impact on their conceptions. This includes access to housing, land, and property rights by raising their voices and seeking the assistance of humanitarian organisations in more urban settings. More needs to be done to preserve women's rights in such situations.

79. Today there are signs that women are increasingly finding ways to assert their voice, creating roles for themselves in the business world, and using Islam to claim their rights. These are just small gains that need legal backing for more extraordinary achievements of their rights to land and other social, economic, and political spheres. However, it is worth noting that observation of Islamic and customary systems is mandatory, as they remain an integral part of Somali society.

2.5 Social and Economic Context

80. The socio-economic situation of the individuals who are likely to be impacted by a project is correlated with the impacts of involuntary resettlement. Excluded and marginalised communities or persons are likely to be more affected if land impacts occur.

2.5.1 Vulnerability and Social Exclusion

81. The Somali people have endured a long period of dysfunctional governance and over two decades of conflict. Social fragmentation is characteristic of Somali society. Without trusted official institutions, communities increasingly rely on informal networks, traditional structures, and patronage from newly influential individuals. Certain groups of Somali citizens stand out as being more disempowered and disadvantaged than others in the existing political, social, and economic contexts. Existing legal and political structures, social norms and beliefs, and the clan-based power dynamics that underpin societal organisation all discriminate against these groups. Gender, ethnic and clan identification, geography

(rural/urban), social and economic class, age, education, livelihood, and family status are all exclusionary factors. Important distinctions. Key differentiating elements of exclusion in Somalia include clan dynamics and minority groups, gender and gender-based violence (GBV), forced displacement, age (with particular challenges confronting male and female youth), and disability.

2.5.2 Clan Dynamics and Minority Groups

82. While altering, Somalia's historic clan system remains a significant and defining force in establishing political and socio-economic conditions. Clan allegiance has affected conflict and violence and provided a tool for protection and dispute resolution. In communities and families, customary practices and conventions help define rights and obligations among families, clans, and subclans, emphasising the preservation of social stability over individual rights. Clan arbitration through the conventional system (Xeer) has helped manage access to shared resources, including grazing pastures and water at the local level. At the national level, the power-sharing model distributes parliamentary power and other seats based on an equal quota system for the four "main" clans and a half-point system for a group of "minority" clans. In the absence of strong national institutions, resilient clan-based systems provide safety nets for the most vulnerable and have historically claimed security and protection responsibilities. Even as more structured governance institutions emerge, many predict clan systems to continue to play a vital socio-economic and political role in Somalia, despite political upheavals, population movements, and conflict weakening traditional authority structures.

83. According to the UN OCHA report, historical patterns of clan-based domination have perpetuated systems of marginalisation and exclusion of minority groups. These groups often referred to as the 0.5 groups (in reference to the 4.5 power-sharing formula), include the Boni/Aweer and Eyle as well as the Bantu, Benadiri, Bajuni, and a category of "occupational" groups composed of the Midgaan (Gabooye), Tumaal or Yibir, and Galgala (Home Office, 2017). While all of these people are considered Somali, and share languages and cultural characteristics with the country's majority clans, social and historical distinctions relegate minority groups to subordinate and marginalised positions in Somali society. While data on the population of minorities in Somalia are limited and contested, in 2002, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that the minority groups combined comprised one-third of the population (UN OCHA, 2002).

84. For the most part, Somalia's minority are either entirely agricultural (for example, Somali Bantu groups), agro-pastoralist, or artisanal specialists (for example, the Tumaal). They are mainly unarmed and historically have experienced institutionalised marginalisation, deprivation, and serious human rights abuses. The 4.5 power-sharing formula perpetuates the exclusion of minority groups from extended political participation and representation. At the same time, clan affiliation and the capture of resources and development gains impede marginalised groups' access to educational, employment, and sustainable livelihood opportunities. Minority groups confront deep discrimination, land expropriation, and lack the necessary networks to access other resources, including physical and political protection.

85. Minority groups comprise a significant share of IDPs, are forced off their land and often concentrated in urban centres, and lack adequate access to services, security, and social and political representation. Under-represented among the diaspora, marginal groups also lack access to charity networks and international remittances, critical coping mechanisms for better-placed social groups, thereby increasing their vulnerability to economic, conflict, and climate-related shocks. Without sufficient representation and voice through clan systems, the needs of minority groups have not been adequately integrated into humanitarian assessments, thus limiting their access to emergency assistance and rendering their vulnerability more acute.

86. According to the Minority Rights Group Report on Somalia's Minorities, "minority women, in particular, suffer egregious abuse in the context of displacement" (MRG 2010, p. 3). Minority women in IDP camps suffer persistent patterns of rape perpetrated by men from majority clans and sometimes by police, army, or security services. Additionally, the armed group Al-Shabaab has waged violent attacks in the past years against minorities, "particularly Bantu and Christians, with reports of shootings, beheadings, and the imposition of laws restricting faith-based practices, with harsh consequences for dissent" (MRG 2010, p. 3). The conflict has forced people from the affected areas to abandon their homes and livelihoods to move to IDP camps.

87. Understanding and addressing the risks of marginalisation and exclusion is essential to Bank operations to minimise harm and extend potential benefits to as many groups as possible. This is, however, complex work. Clan dynamics can influence every level of a project. Clans enable access to resources and essential services, such as water, employment, and health facilities. There is risk of elite capture within a clan, with the potential risk of limiting access to project benefits by its most vulnerable. Without proper consideration, project benefits could be channelled to more powerful groups, contributing to the further deprivation and marginalisation of minority groups. More precise mapping of areas and promotion of inclusion will be needed. Interrelated/overlapping vulnerabilities/exclusion factors, including disability, age, gender, and displacement status, should all be considered in the specific project context.

88. WARP 2 project will consider marginalised and minority groups in community consultations and stakeholder engagement efforts as well in siting and accessing project benefits.

2.5.3 Gender

89. Somalia's socio-economic indicators are among the lowest globally for both males and females; however, gender disparities are stark. The Gender Inequality Index for Somalia is 0.776 (1.0 = complete inequality); its health, empowerment, and economic measures are among the world's worst. Women, girls and minority groups, and the IDPs confront multiple dimensions of disempowerment and discrimination across most social, economic, and human development categories (Musse and Gardner 2013). Despite the dynamic role that women have played in Somali society in the past as community mobilisers and peacebuilders, the prominence of religious and customary clan-based systems ascribes women to inferior social and legal status. This perception contributes to women's exclusion from political and public decision-making fora.

90. Women are critical economic and resilient actors in Somalia. Yet there is the displacement of women and girls, particularly those who remain among the country's most vulnerable to extreme poverty, marginalisation, and conflict- and climate-related shocks. The space and safe avenues for women and girls to exercise agency and participate in society are limited at the community level. Barriers include restricted mobility based on social and gender expectations that a woman's place is in the private sphere; potential backlash, and escalation of violence by a partner or family member if such expectations are breached, for example, by attending school, serving on a local committee, or engaging in a particular livelihood activity; and the lack of access to credit and financial/banking services, which renders women-led small businesses more vulnerable and leaves women unable to secure any financial agency. Women's lack of voice and agency manifests in severe protection challenges, including pervasive incidences of GBV and other harmful practices, including Female Genital Mutilation or Cutting (FGM/C) and early or forced marriage.

2.5.4 Forced Displacement

91. Forced displacement is a major local and regional obstacle to development, recovery, and resilience in Somalia. Internally displaced persons constitute around 2.6 million and are among the poorest in the country. IDPs in Somalia continue to experience difficulties gaining access to housing, land, and property, and they are still at risk of being evicted many times. Displaced people lack access to safe and cheap accommodation and secure land tenure, which pushes them to the outskirts of cities and exposes them to evictions, marginalization, and exclusion. While recent legislative reforms have emphasized attempts to increase protections for IDPs, such as national standards laying out the criteria, safeguards, and processes for legitimate evictions, forceful evictions remain a persistent threat to displaced communities.

92. Rising property values in urban areas, particularly in Mogadishu, draw a slew of claims on land where IDPs have taken up residence, prompting evictions. According to reports, both professional and informal security forces have forced evictions, using intimidation and violence to expel individuals from their homes. This puts families into increasingly unstable or dangerous accommodation, increasing the risk of harassment, assault, and other types of violence during and after eviction. Between January and October 2019, around 220,000 IDPs were expelled, with 139,000 in Mogadishu and others in Baidoa (UN OCHA 2019). Both public and private infrastructure are subject to evictions. IDPs often settle on public land or private lots with disputed ownership, presenting significant protection difficulties. Women and girls are thereby most vulnerable as they encounter GBV challenges and loss of assets and livelihoods (ReDSS, 2018).

2.5.5 Land Grievances in Somalia

93. Land conflicts in Somalia have risen to be one of the key instability issues at the community and inter-community levels. This is partly due to the complex situation of land tenure. While the Agricultural Land Law of 1975 abolished private ownership, the current situation is very unclear. Few locals registered their land at the time, and the civil war negatively impacted the situation. As a result, traditional land tenure has taken centre stage in land ownership and use. It is more concerned with clan relations and pastoral land use than individual ownership norms. The land is defined as public property in the Provisional Constitution. The government has developed a mechanism to transfer certain land into private ownership (IGAD 2018). Along with traditional land management, formal legal systems now exist.

94. Land disputes and grievances have been identified as a major issue of contestation. There are different categories of causes of land-related grievances, including the following:

- i. Powerful groups and individuals take land illegally, often from the poor or minority groups who cannot defend themselves. This is based on the fact that land prices in urban areas like Mogadishu have skyrocketed in recent years, and land has become a popular commodity;
- ii. Somalis returning from overseas to Mogadishu and other major towns in FMS's often claim back their land, which causes a variety of land grievances, as others have continually occupied the land in their absence;
- iii. There are multiple questions about land inheritance, especially given the large group of members in a family, as well as the return of Diaspora members who may have claims to inherit the land.
- iv. Given the history of contestation, occupation, and civil war, in Mogadishu and other major towns in FMS's multiple title deeds have been issued over the years and continue to be manufactured. This is a key cause for land disputes when numerous owners put claims on a piece of land;

- v. Of concern to the citizens is the unregulated sale of public property and the destruction of historic property. Sales often take place between government representatives and private interest groups, without any possibility for recourse by citizens; and
- vi. Land occupation in Mogadishu and BRA is ongoing and has the potential to result in greater conflicts. This is underpinned by an overlapping and uncoordinated land administration system. A study on land in Mogadishu by the Rift Valley Institute (RVI) estimated that 80 percent of cases filed at the Supreme Court are connected to land grievances (RVI 2017, pp. 53-67).

3.0 POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS

3.1 Overview

95. In Somalia, the formation of legislation and policy frameworks is still in its infancy. The Provisional Constitution of the FGS from 2012 is the country's ultimate law. The Constitution's land-related clauses have yet to be implemented through legislation. Only a few FMS are working on land-related legislation. The government still follows ancient legislation from before the Somali Democratic Republic collapsed. The existing provisions are enumerated in Table 5 below.

96. It's worth noting that the African Union (AU) adopted the Framework and Guidelines on Land Policy in Africa, which was approved and adopted by the Assembly of Heads of State and Government in July 2009 and can serve as a useful reference document for countries like Somalia that are developing land laws and policies. The importance of sequencing; the need to be comprehensive while taking local conditions into account; reliance on local resources and making adequate budgetary allocations for implementation; public consultations; and the need to incorporate dispute resolution mechanisms, including Alternative Dispute Resolution, are all lessons learned from countries that have developed National Land Policies and Laws (ADR) (p. ii, IGAD 2018).

3.2 Federal and Member States' Laws, Policies, and Regulatory Frameworks

Table 4: Summary of Federal and Member States' Laws, Policies, and Regulatory Frameworks

No.	Articles/sections	Legal and policy framework provisions
Federal Government of Somalia		
1.	Federal Government of Somalia Provisional Constitution of 2012: Article 26 (1,2): Property	Every person has the right to own, use, enjoy, sell, and transfer property. The state may compulsorily acquire property only if doing so is in the public interest. Any person whose property has been acquired in the name of the public interest has the right to just compensation from the State as agreed by the parties or decided by a court.
2.	Article 43: Land	The land is Somalia's primary resource and the basis of the people's livelihood. The land shall be held, used, and managed equitable, efficient, productive, and sustainable. The Federal Government shall develop a national land policy, which shall be subject to constant review. That policy shall ensure: Equity in land allocation and the use of its resources; The guarantee of land ownership and registration; That land is utilized without causing harm to the land; That any land and property dispute is resolved promptly and satisfactorily for all; That the amount of land that a person or a company can own is specified; That the land and property market is regulated in a manner that prevents violations of the rights of small landowners; and That the Federal Member States may formulate land policies at their level. No permit may be granted regarding the permanent use of any portion of the land, sea, or air of the territory of the Federal Republic of Somalia. The Federal Parliament shall enact a law regulating the size, timeline, and conditions of land use permits. The Federal Government shall regulate land policy and land control and use measures in consultation with the Federal Member States and other stakeholders.
3.	Article 32. Right of Access to Information	Every person has the right to access information held by the state. Every person has the right to access any information held by another person, which is required for the exercise or protection of any other just right. Federal Parliament shall enact a law to ensure the right of access to information. This provision is relevant for matters of stakeholder engagement and information disclosure.
4.	Article 33. Just Administrative Decisions	Every person has the right to administrative decisions that are lawful, reasonable, and conducted in a procedurally fair manner. This provision is relevant for fair administration concerning involuntary resettlement.

5.	The Agricultural Land Law of 1975 ³	Individuals desiring access to land were forced to register their holdings within six months of the law's passage. Landholders are permitted to register limited amounts of land as state leaseholds or concessions, with usufructuary rights for up to fifty years, with the possibility of renewal; One concession can be obtained per individual/family for up to 30 hectares of irrigated land, 60 hectares of rain-fed land, and 100 hectares of banana plantations. The government can revoke a concession that exceeds size restrictions, is used for non-agricultural purposes, is not used productively, is unnecessarily fragmented, is transferred, or is not farmed for two successive years. The law does not recognize the customary rules and procedures of the indigenous institutions that still govern access to land, and weak legal enforcement results in disparities between statutory tenure and actual land use and allocation.
Puntland		
1.	Article 96 -Protection of the Environment.	Deforestation, erosion of (sea, air, and land) and the environmental pollution of the sea, air, and land charcoal exportation, trading of plants and firewood are prohibited. (4) The Constitution shall prohibit the urbanization of unsuitable lands.
2.	Law No. 7- Laws of district councils of Puntland State of Somalia	As per the law, the districts generated taxes on land allocations, building, and rehabilitation permits • land value taxes.
Somaliland		
1.	Both Sharia law and customary law (<i>xeer</i>) contribute significantly to land governance, particularly in rural areas where the government's capacity to implement legislation is low.	• Sharia law is recognized in Article 5 of the Somaliland Constitution as the primary source of law but is mostly applied in domestic matters and issues of inheritance. Furthermore, Sharia law recognizes the applicability of state laws in matters of public interest and accommodates collective land rights and user rights. • The Constitution includes specific clauses on land, which have since been supplemented by new laws. Consequently, there are, currently, a multitude of laws on land use and management with ambiguous and contradicting provisions, giving overlapping and competing mandates to different government institutions. Many of these laws envisage further regulations and decrees that have yet to be developed, thus limiting their implementation. • The fact that some previous laws have not been explicitly repealed also creates contradictions. Furthermore, because there is no clear demarcation between agricultural, pastoral and urban land, the domains of different ministries and state agencies overlap, creating further land management problems.
2.	Somaliland does not have a single authoritative body empowered to manage and administer land across the country and across all classifications of land. What is currently in place is a multitude of ministries and institutions with mandates to lead on various land related issues.	• The Ministry of Agriculture manages agricultural land while the Ministry of Rural Development and Environment oversees the management of pastoral lands in conjunction with the Ministries of Water, Mineral Resources and Livestock. • The Ministry of Rural Development and Environment is also tasked with the conservation of the environment. • The District and Regional Representatives of the Ministry of Public Works are responsible for urban land distribution, while the Ministry of Interior and the district courts are responsible for law enforcement and adjudication, respectively. • The conflicting roles and interests of line ministries constrains effective land management. • The lack of a clear institutional framework for land administration and management in Somaliland is a serious impediment to the country's development and is undermining sustainable land use. The existing fragmented and sometimes conflicting authorities need to be replaced by a single authority on land matters, that is a Ministry of Lands or a National Land Commission.
Galmudug, South West, Hirshabelle, Jubbaland		
These states have no additional or enforced land legislation		

³ The law officially transferred control of all Somali land from traditional authorities to the Government of Somalia Democratic Republic.

3.3 Institutional Frameworks

97. Ministries responsible for the land at FGS and FMS have mandates to lead on various land-related matters, including policy and legislation development, land use planning, and land administration. However, most processes are at the embryonic stage, with Puntland ahead of the lot among the target FMSs. Districts in Puntland and other FMS's collect taxes on land and approve and provide building permits. Some have registries with basic land records to help in taxation.

3.3.1 The World Bank Environmental and Social Framework and Standards

98. The World Bank Environmental and Social Policy for Investment Project Financing sets out the Bank's requirements regarding projects it supports through Investment Project Financing. The Bank's Environmental and Social Framework (ESF) has ten (10) Environmental and Social Standards (ESSs) that set out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. The Bank believes that applying these standards will support Borrowers in their goal to reduce poverty and sustainably increase prosperity for the benefit of the environment and their citizens. Applicable ESS for the WARP project is 8 out of 10. The ESS5 applies to matters related to land acquisition, restriction on land use, and involuntary resettlement.

99. The overall objectives of the World Bank's ESS5, as provided by the WB ESF, are:

- i. To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement;
- ii. To avoid forced eviction;
- iii. To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
- iv. To improve living condition of poor or vulnerable persons who are physically displaced through provision of adequate housing, access to services and facilities and security of tenure;
- v. To conceive and execute resettlement activities as sustainable development programs providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and
- vi. To ensure resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation and informed participation of those affected.

3.3.2 Gaps between Federal and Member States' Laws and Policies and World Bank ESF/ESSs

100. This section compares the different laws and policies of the FGS and FMSs, with the World Bank's ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. Specifically addressed are consultation requirements, eligibility for compensation, valuation method, grievance redress mechanism, disclosure of information and the timing of compensation payments (See Table 4). For the WAPR 2 project, the Bank's ESS5 will take precedence over any of these other laws.

Table 5: Comparative Gap Analysis of Somali Laws/Policies and World Bank ESF/ESS

Category of PAPs and lost assets/ related processes	Somali law/policy	World Bank requirements	Gaps	Gap filling measures
Land ownership	The Provisional constitution provides- Every person has the right to own, use, enjoy, sell, and transfer property. In Puntland, the legal framework for the land administration institutions remains unclear. The Ministry of Local Government seems to be the national authority responsible for the land. The districts have been empowered to deal with land management. With the municipal council's approval, the mayor has the authority to grant permanent ownership of land. This authority can be delegated to a committee appointed by the Mayor.	Identified three types of PAPs that have land rights.	The Somalia laws are not clear on those PAPs with legal land rights.	Both World Bank Provisions and the Provisional Constitution will be applied. Use of voluntary land agreements whether requirements are met as per the ESF or government mediated land agreements where ownership is unclear or overlapping claims to avoid conflict and promote community and government agreement on land claims and compensation.
Involuntary resettlement	Article 26 states that every person has the right to own, use, enjoy, sell and transfer property.	Involuntary resettlement should be avoided wherever possible or minimized, exploring all alternatives	There is a lack of detailed legislation governing land use, and ownership Evictions are reported to be commonplace in Somalia, particularly among displaced populations	Ensure that resettlement issues are considered at the design stage to avoid/ minimize resettlement and exclude where land agreements cannot be secured and compensation cannot be paid.
Compensation Eligibility	Somalia's Provisional Constitution states that legally owned property can be acquired for public interest and that the property owner will be compensated. Also, the case for Somaliland, Puntland, and the	World Bank recognizes three classes of PAPs eligible for compensation: Those with formal legal rights to land (including customary and traditional rights recognized under the laws of the country)	Those without legal title to land, including settlers, encroachers, IDPs, etc., have faceless protection under Somali laws and policies	World Bank ESS5 and RAP guidelines to be followed to determine eligibility

Category of PAPs and lost assets/ related processes	Somali law/policy	World Bank requirements	Gaps	Gap filling measures
	Mogadishu Municipality. Compensation eligibility by persons with no formal legal rights, although with some variances, is provided for by Puntland, the local government.	Those who do not have formal legal rights to land at the time of the census but have a claim that is recognized under the laws of the country Those with no recognizable legal right or claim to the land they occupy (for example, squatters, and encroachers). Types of losses to be compensated include physical and economic displacement and cover land, residential or commercial structures, and lost income caused by temporary or permanent economic displacement,		
Valuation Method	The provisional constitution any person whose property has been acquired in the name of the public interest has the right to just compensation from the State as agreed by the parties or decided by a court. According to all reviewed Somali laws, eligible PAPs have a right to be compensated with the same value of the affected property.	Bank requires compensation to be provided at full replacement cost for all lost assets.	It is unclear how the value is set or determined by government agencies.	Given the lack of clarity on the values of the various assets to be compensated, the project will recruit an expert to produce a standardized valuation form to compensate PAPs. Assets will be valued at full replacement cost.
Consultation	Provisional Constitutions of Somalia (Article 43) call for consultation between the Federal Government, the Federal Member States, and other stakeholders to regulate land policy and land control and use measures. Puntland's Laws make consultation obligatory and require that meaningful consultation occurs	Project-affected persons (PAPs) facing physical and economic displacement must be meaningfully consulted to express their concerns and discuss ways to minimize impacts on affected communities. PAPs also should have opportunities to participate in planning and implementing resettlement programs.	Somali consultation mechanisms prioritize government agencies and may not adequately involve project-affected individuals, households, businesses, or communities.	World Bank ESS5 and RAP guidelines to be followed. All the affected persons should be meaningfully consulted.

Category of PAPs and lost assets/ related processes	Somali law/policy	World Bank requirements	Gaps	Gap filling measures
	throughout the project's different phases.			
Grievance Redress Mechanism	Somali laws mention the right of the PAP to file their grievances with law courts; however, there is no clear country redress mechanism.	World Bank policy calls for a project-level grievance redress mechanism to cover resettlement and related compensation matters, construction phase grievances, and operations phase grievances.	Law courts may be cumbersome, costly, or intimidating, especially for those with no formal land titles, IDPs, refugees, or those unable to read or write. Ideally, it should be used only as a last resort.	The project will develop grievance procedures in line with the requirements of the ESF.
Vulnerable groups	Not addressed in Somali laws	Particular attention is paid to vulnerable groups, especially those below the poverty line, the landless, the elderly, women, and children as well as minorities, IDPs, socially marginalized groups, nomadic pastoralists etc.	No specific Somali law to operationalize the constitutional provision on vulnerable groups	World Bank's ESS5 guidelines and RPF/RAPs to be followed.
Information Disclosure	Article 32 of the provisional constitution provides the right to information and Art. 33 talks about just administrative decisions.	World Bank requires disclosure by Bank at the external website, and simultaneous public disclosure in-country disclosure by clients' line ministries websites or other readily accessible public disclosure means available in their jurisdiction. Information is disclosed in the language(s) the PAPs and other stakeholders understand.	Apart from broad provisional constitution provisions, there is no detailed explanation of how this is practically done.	World Bank ESS5 and RAP guidelines to be followed.
Compensation Payment Schedule and Cut-off date	Not addressed in Somali laws or policies	The cut-off date is to be established at the census and asset survey. Compensation is to be agreed upon with PAPs and provided before taking over assets or relocation.	Somali law/policy provides insufficient measures to protect PAPs	World Bank ESS5 and RAP guidelines to be followed. Compensation payments are made before displacement.

**As is noted throughout matrix above, in case of conflict between these two sets of laws/policy (Somali and World Bank), the more stringent of the two would prevail.

4.0 PRINCIPLES AND ELEMENTS OF INVOLUNTARY RESETTLEMENT

4.1 Land Acquisition Method - Government Mediated Land Agreements

101. The current ESF assessment advocates for a Mediated-State approach to Community-Led Land Contribution due to the lack of land legislation, comprehensive titling, registries, and various overlapping claims to land in Somalia. Given that the location of this project is primarily rural areas where land is communal or unregistered, multiple claims from the government, private sector, and communities may arise. The primary method of implementation for this project will be government-mediated land agreements. All claimants or potential claimants agree to the usage and protection of the land required for public benefit and access. The acquisition is necessary when the infrastructure is not for the owners' advantage, destroyed assets, or harms livelihoods. In cases where the infrastructure is not for the benefit of the owners, assets are destroyed, or livelihoods are negatively affected, acquisition and compensation procedures will be required.

102. The WARP 2 project will use the following process for community infrastructure:

- i. E&S screening and assessments – will screen land and contested land will be excluded from initial site selection;
- ii. Land acquisition and resettlement impact assessment will determine whether there is a land title and map out all residents and users of the land and which traditional leaders and government officials have jurisdiction over the land. It will recommend what private and community land agreements are necessary for each site as well as RAP/LRPs (only for economic and physical displacement);
- iii. Community discussions will be held with all inhabitants and land users, particularly disadvantaged and vulnerable groups. After the meetings, community representatives and government officials will sign summaries and land agreements. The process is detailed in the summary safeguards report, and the land agreement form (as described in the ESMF) is submitted to the Bank for review and clearance. Project representatives will give special attention to the identification of vulnerable and disadvantaged groups for targeting, assessing social impacts from the land acquisition or use, potential economic displacement, and prospective losses, ascertaining the costs of resettlement, and preparing agreements or RAP/LRPs for implementation (where required) during mapping of land users and community structures,
- iv. Design of alternatives at the subproject level would be considered to avoid or minimize displacement considering, in particular, the potential negative consequences such as forced displacement, loss of assets, and limited opportunities for livelihoods restoration;
- v. After RPF approval, any changes to the project design during the implementation must follow the above steps before introducing the changes.
- vi. Monitoring and evaluation of E&S impacts and mitigation measures resulting from the subproject implementation, including resettlement impacts, will include lesson learning to inform the future.

103. This chapter establishes a broad framework for addressing any potential negative consequences of forcible resettlement through suitable mitigation strategies, particularly in the case of significant poverty hazards. According to ESS5, avoiding physical and economic displacement, reducing the number of PAPs as much as possible, compensating for losses incurred and displaced incomes and livelihoods, and providing resettlement assistance or rehabilitation, as needed, to address the impacts on PAPs' livelihoods and well-being can reduce these risks. This chapter also includes summaries of fundamental ideas of involuntary resettlement.

104. Notably, there will be no compulsory land acquisition for project investments. Project representatives will not support investments requiring physical resettlement or extensive economic resettlement of community members. In the event of disagreements, the project will use mediation efforts to broker agreements with the respective communities and applicable local/district/regional leadership.

4.2 Application of ESS5

105. The ESS5 applies to permanent or temporary physical and economic displacement resulting from the land acquisition or restrictions on land use undertaken or imposed in connection with project implementation. The types of purchase and restricted use are:

- i. Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures per national law;
- ii. Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land if failure to settle would have resulted in expropriation or other compulsory procedures;
- iii. Restrictions on land use and access to natural resources cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure or recognizable usage rights. This may include the establishment of legally designated protected areas, forests, biodiversity areas, or buffer zones in connection with the project;
- iv. Relocation of people without formal, traditional, or recognizable usage rights who are occupying or utilizing land before a project-specific cut-off date;
- v. Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- vi. Decrease water access to users downstream which will have livelihood impacts and is addressed in the ESMF;
- vii. Restriction on access to land or use of other resources, including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, freshwater, medicinal plants, hunting and gathering grounds, and grazing and cropping areas;
- viii. Voluntary land donation or government mediated agreements where the impacts and benefits from the investment are disproportionate. Given the lack of robust land titling in Somalia, most land is not formally registered, but private individuals particularly politically or economically influential families may have claims. They are often willing to donate land e.g. for water infrastructure and although they often benefit from having other parcels nearer to the water source, or benefiting from contractors temporary building that are left behind, there may be additional impacts e.g. public needing to traverse their remaining parcels or flood risk. Thus the voluntary land agreements and any benefits or potential impacts should be considered and agreed and documented; and
- ix. Land acquisition or land-use restrictions occurring before the project was undertaken or initiated in anticipation of, or preparation for, the project.

106. The project may have to deal with prior land difficulties involving unresolved/multiple claims to land and assets proposed for subproject level investments inside or outside of existing commercial or public service provider facilities. While certain municipalities in cities and metropolitan regions have some land administration and tenure system, land administration and management in most parts of Somalia is fragmented and non-existent. Land tenure is likely to remain more collective than individual, particularly in rural regions, because the country currently lacks a national land acquisition law. Aside from legal and

regulatory inadequacies, the problem is further complicated by asset compensation, land appropriation, and asset appraisal requirements.

107. Given the deficiencies in institutional capacity and the lack of criteria (standard schedules) under national legislation, the project will hire a valuation/land expert, preferably a local expert, to produce guidelines and standardized forms for asset value. One of the considerations is a reference to the local market for land (even if informal) and other assets that can be used as a reference.

108. The possibility of forcible displacement/eviction of internally displaced persons (IDPs) fleeing drought and violence and settling on vacant private or public properties in Somali towns is significant, particularly in metropolitan areas where land is scarce, and property prices are high. While ESS5 will manage project-related economic and physical displacement, there is a possibility that the project will inadvertently incorporate locations where IDPs have been compelled to relocate. If forced displacement were to occur near project-financed infrastructure, corresponding ESS5 rules would need to be enforced to mitigate forced displacement hazards. I.e. Any displacement of newly settled IDPs would have to ensure that they are not left worse off.

4.3 Eligibility Criteria for Affected Persons

109. The ESS5 classifies eligibility for those affected by involuntary resettlement into three categories:

- i. Those who have formal legal rights to land or assets;
- ii. Those who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law; and
- iii. Those with no recognizable legal right or claim to the land or assets they occupy or use are also eligible for compensation for immovable assets.

4.4 Determination of Affected Persons

110. Those affected by involuntary resettlement will be determined through the census, which will be done in close consultation with the affected communities and households and social, land, and natural resource experts. The census will:

- i. Identify the persons affected by the project, including information on demographics and socio-economic conditions. This will provide information on age, sex, livelihoods options in the subproject area, and social characteristics, including the presence of the vulnerable and disadvantaged group, institutions-community, and formal institutions like NGOs that may be consulted;
- ii. determine who will be eligible for compensation and assistance, and discourage ineligible persons, such as opportunistic settlers, from claiming benefits;
- iii. address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users like nomadic pastoralists; and
- iv. Establish an inventory of land and assets affected by resettlement and information on applicable land tenure and transfer systems.

4.5 Cut-Off Date

111. If land acquisition is needed the government will establish a cut-off date for eligibility for each subproject using census information. The objective is to help keep ineligible and opportunistic people from benefiting from the compensations. The cut-off date is the census's commencement date within the project area boundaries. The cut-off date for this project shall be determined by the PCU in consultation with project stakeholders, including relevant traditional authorities, as appropriate. The government will

ensure that information on the cut-off date will be communicated and disseminated throughout the project area using written and unwritten channels and mediums. Persons who move to the subproject area after the cut-off date and may lose assets will not be eligible for compensation and resettlement assistance. The project will ensure that those who may not be present during the census (e.g., nomadic pastoralists) but have a valid reason for being absent are considered.

4.6 Compensation and Entitlement

112. The FGS will ensure that subprojects are sited where there are no or minimal displacements. However, physical and economic displacement will be compensated if it happens. The exclusion criteria for this project include two key conditions:

- i. Any activities that may have significant adverse social impacts and/ or may give rise to substantial social conflict, such as disputes over land or access to water (more so for downstream users); and
- ii. Any activities that may involve significant physical resettlement or extensive economic displacement, or loss of livelihoods of more than ten vulnerable and disadvantaged households.

113. Individuals, households, communities, and common users will be compensated in kind and/or cash. The affected persons and communities will be consulted, and they will decide on the type of compensation preferred. Compensation will include cash payments, in-kind compensation, and assistance such as a moving allowance, transportation, and labour. Compensation will be determined by taking all assets into account. This will include compensation for rural and urban assets, including land, crops, trees, buildings and structures, sacred sites, vegetable gardens and beehives, horticultural, floricultural, fruit trees, and other domestic cash crops and fruit trees. This will be determined according to the unit costs according to current market prices. The assistance is meant to help the PAPs cope with the displacement caused by the project. The following considerations will be made when project sites are identified and PAPs listed.

114. Special considerations should be paid to the PAPs by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP process;

- i. The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;
- ii. Consultation with these groups should ensure that resulting resettlement and compensation improves their pre-project livelihood-with preference going to their resettlement in the same settlement
- iii. The RAPs should be designed to ensure special attention is paid to the monitoring of the resettlement process to ensure that pre-project livelihoods are indeed improved upon;
- iv. PAPs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required; and
- v. Decisions concerning them should be made in the shortest possible time.

115. A detailed entitlement matrix relating to the type of impacts of land and asset acquisitions is provided. Given that the WARP 2 water subprojects will be small-scale, the project will avoid causing disruptions in the land and livelihoods. Impact and compensation on trees and crops are included in the matrix. If and when broader impacts are assessed during the screening, then requisite mitigation measures will be put in place. All involuntary land acquisition and any possible adverse impacts such as loss of assets and physical and economic displacement will be compensated at full replacement value per ESS5.

116. For disadvantaged and vulnerable groups, including PWDs, female-headed households, IDPs, and nomadic pastoralist communities, the project social scientists will work closely with the land/valuation expert to ensure that they are supported to acquire the necessary documentation and qualify for compensation as necessary. The key challenges to be resolved for these groups include lack of tenure, previous displacement, exclusion from livelihood restoration opportunities, and lack of decision-making power.

Table 6: Displacement Impact and Compensation Entitlement Matrix

Asset	Type of impact	Entitled person or group	Entitlement
Commercial Land	No Displacement: Land use partially affected, limited temporary loss	Owner	Compensation in cash at full replacement value Where land use is partially affected or with temporary losses, replacement value will be determined for 'loss of use of land' and temporary losses.
		Tenants (incl. IDPs, PWDs, and PAPs without land rights), persons whose livelihoods are in part or total affected (permanently or temporarily) by the project	Assistance with identification of new rental location if temporary or permanent move necessary. Rent and deposit refund along with relocation assistance. Assistance provided with the social specialists to IDPs, PWDs, and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation.
	Displacement: Premise use severely affected, remaining land not fit for the use or viable	Owner	Land for land replacement with the land of equal size and market potential with adequate tenure security or cash compensation at full replacement value. Assistance in finding a new location.
		Tenant (incl. IDPs, PWDs, and PAPs without land rights)/) / Persons whose livelihoods are in part, or total, affected (permanently or temporarily) by the project	Cash compensation is equivalent to net income based on estimates from comparable businesses Assistance in finding a new rental/lease location Relocation assistance, including rental assistance and moving costs to re-establish business Livelihood restoration assistance if required. - Assistance provided with the social specialists to IDPs, PWDs, and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation. For livelihood assistance that is mentioned, the EM needs to provide some indication of what it entails and who would be eligible. - For Business, one of the entitlements for loss of access is
		Loss of access/livelihood impacts	- 50 percent net monthly income for length of time access is lost. Please clarify how this would lead to restoration of income to same level.
Residential Land	No Displacement:	Owner	Compensation in cash at full replacement value for affected land

Asset	Type of impact	Entitled person or group	Entitlement
	Land used for residence is partially affected and/or limited temporary loss, and the remaining land remains viable for use		Where land use is partially affected or with temporary losses, replacement value will be determined for 'loss of use of land' and temporary losses.
		Tenant (incl. IDPs, PWDs, and PAPs without land rights)/	Assistance with finding a new rental/lease location if a temporary or permanent move is necessary Rent and deposit refund along with relocation assistance to cover moving costs
	Displacement: The premise used for residence was severely impacted, the remaining area insufficient for use or smaller than minimally accepted	Owner	Land for land replacement with the land of equivalent size and market potential with adequate security of tenure or compensation for full replacement value in cash – according to PAP's choice
		Tenant (incl. IDPs, PWDs, and PAPs without land rights)	Rent for affected months and deposit refund along with relocation assistance and moving costs Assistance with finding a new rental location. Assistance provided with the social specialists to IDPs, PWDs, and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation.
Agricultural or pastureland	Full use- loss of agriculture or pastureland	Persons whose agricultural or pasture land (or other productive lands) is in part, or in total, affected (permanently or temporarily) by the Project	Pre-project or pre-displacement, whichever is higher, the market value of the land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period. Relocation support for pastoral households' structures (e.g., livestock fencing) to other areas in consultation with the PAPs and local communities. Cost of accessing equivalent pasture or income derived from use of that specific pasture.
	Seasonal use	Persons whose agricultural or pasture land (or another productive land) is in part, or in total, affected (permanently or temporarily) by the Project	Pre-project or pre-displacement, whichever is higher, the market value of the land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period. Relocation support for pastoral households' structures (e.g., livestock fencing) to other areas in consultation with the PAPs and local communities.
Trees timber	– Cut/uprooted (loss of timber)	All PAPs	Cash compensation for the tree's full replacement value, including for the one-time sale of timber.

Asset	Type of impact	Entitled person or group	Entitlement
Fruit trees	Cut/uprooted (generally loss of fruit)	All PAPs	Cash compensation for full replacement market value of the produce of one tree for two years, assistance in establishing replacement trees. The tree's present age and productive life need to be factored in.
Standing Crops	Crops affected by land acquisition or temporary acquisition, or easement	All PAPs	When possible, PAPs will be given enough time to harvest existing crops to avoid an economic loss. Where not feasible, cash compensation for crops at the full market current value in the locality.
Business	Loss of access	All PAPs	Cash compensation of net monthly income based on estimates from similar businesses for the length of time access is lost. Or up to three months' income (if the loss is permanent). Assistance to help find alternative temporary or permanent locations to establish business Right to salvage material without deduction from compensation Livelihood restoration assistance if impaired or completely destroyed (for example, assistance with job placement, skills training, or establishment of new livelihood) to re-establish income level to at least previous level.
Community Building	Temporary loss of access	All PAPs	Cash compensation to cover public transportation costs to the nearest same facility in the town/city for the period of loss
		Owner/Community	Structure replacement or cash compensation at full replacement costs for the entire structure and other fixed assets without depreciation or alternative structure which is acceptable to the PAP Right to salvage material without deduction from compensation Relocation assistance to cover moving costs Assistance with finding a new location
	Displacement	Tenant (incl. IDPs, PLWDs, and PAPs without land rights)	Cash compensation at full replacement cost for any verifiable improvement of the property Rent and deposit refund Relocation assistance to cover moving costs Assistance provided with the social specialists to IDPs, PWDs, and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation. Assistance with finding a new location
Community Infrastructure	Temporary loss of access and use (e.g., during the rehabilitation of existing boreholes)	All PAPs	-Alternative assets are identified to ensure access and use during the rehabilitation period. -Additional incentives include the provision of water to the communities

Asset	Type of impact	Entitled person or group	Entitlement
Cultural property such as graves	Loss of access	All PAPs	Cash compensation to cover additional costs of relocating graves and associated ceremonies.

4.7 Resettlement Action Plan Process

117. After the subproject identification, screening, and ES assessment are finalized, and the need for land acquisition is ascertained, a Resettlement Action Plan (RAP) will be developed. The plan will set out eligibility criteria, procedures and standards for compensation, stakeholder consultation methods, monitoring and evaluation, and addressing grievances. For projects with physical and economic displacement, additional relocation, livelihood improvement or restoration, and appropriate mitigation measures for restriction on land use will be developed. The plan will also assign roles and responsibilities for financing and implementation, including institutions to partner with and maintenance professionals to support the project. Monitoring will happen throughout the resettlement process, and course-correct, where there are bottlenecks and affected persons, will be continuously informed and their feedback utilized. Once the involuntary resettlement process is over, the government will commission an external completion audit for all subprojects with significant involuntary resettlement impacts. The completion audit will be undertaken by competent resettlement professionals who will assess whether the resettlement objectives have been achieved and, if not, propose corrective measures (World Bank 2017).

4.8 Stakeholder Engagement and Grievance Mechanism

118. Communities, including women and vulnerable and disadvantaged individuals and groups, will be engaged throughout planning, implementation, monitoring, evaluation, compensation, livelihood restoration activities, and relocation as per ESS10 guidelines. Most importantly, their meaningful participation in decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Relevant information must be disclosed to the communities appropriately and using the appropriate medium. A grievance mechanism (GM) for the project will be established as early as possible to address the concerns of the affected persons. Existing formal or informal, or project-specific GM could be used.

4.9 Collaboration with Relevant Government Institutions and Capacity Strengthening

119. The MoPIED will collaborate with relevant government institutions and other key stakeholders that deal with land acquisition, resettlement, or other necessary livelihood support. The capacity of these institutions will be enhanced through technical and financial assistance if needed, and the project could finance it. If the policies and standards do not meet WB ESS5 requirements, supplementary arrangements or provisions to address the identified issue can be added to the resettlement plan. The plan should also specify financial responsibilities for each agency involved, appropriate timing and sequencing for implementation steps, and coordination arrangements for addressing financial contingencies or responding to unforeseen circumstances.

5.0 RESETTLEMENT ACTION PLAN: PREPARATION AND APPROVAL

5.1 Overview

120. A RAP will be prepared once subproject impacts on involuntary resettlement are ascertained. The RAP can be referred to with different names depending on the scope of resettlement and the kind of displacement impact it addresses. Where a project involves only economic displacement, the RAP may be referred to as a “Livelihood Restoration Plan (LRP)” or where restrictions on access to legally designated parks and protected areas are involved; the plan may take the form of a “Process Framework.” This chapter summarizes RAP preparation, approval processes, and responsible entities.

5.2 Screening for Involuntary Resettlement

121. The first stage in preparing the individual resettlement plans is screening to identify the land/areas being impacted. The screening will also contain the analysis of alternative sites. Subproject screening identifies the types and nature of potential impacts related to the activities proposed under the WARP project and provides adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening detailed in the ESMF. Subproject screening will be incorporated into the subproject application form. The goal is to identify and consider resettlement issues as early as possible. The project will consider having technical assistance from World Bank to ensure proper implementation of the resettlement processes. The screening checklist form is shown in Annex 2: Screening ChecklistAnnex 2.

122. The list of subprojects with potential resettlement issues will then be subjected to a comprehensive sensitization and consultation process with the potentially impacted communities. The outcome of this process would be documented for each site. The list and the outcome of the consultative process for each site/subproject on the list would then be sent to the respective local government council and PIUs in the jurisdiction mandated to confirm, approve, disapprove, refer for further consultation, and/or take a final decision on each proposed site/subproject. Carrying out the screening process in this way is designed to give it the integrity and transparency to allow all stakeholders to have confidence in the process. Once subprojects have been approved using this consultative process, the chosen locations will then be subjected to a socioeconomic study (this study will include determination of impacts) and preparation of individual RAPs.

5.3 Baseline Socioeconomic Data and Census

123. An important aspect of preparing a RAP is establishing appropriate socio-economic baseline data to identify the persons the individual subproject will displace, determining who will be eligible for compensation and assistance, and discouraging the inflow of ineligible people for these benefits. During this process, a census of the effect is obtained. In summary, the census consolidates information that:

- i. It provides initial information on the scale of resettlement to be undertaken;
- ii. It indicates further socioeconomic research is needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and
- iii. It establishes indicators that are to be measured at a later date during monitoring and evaluation

124. Baseline data for subproject RAPs will include the number of persons; number, type, and area of the houses affected; number, category, and area of residential plots and agricultural land to be affected; and affected productive assets as a percentage of the total. Specific information to be captured will include: (i) personal details of PAPs, including family members; (ii) current monthly income generated from activities before the census; and (iii) the disadvantaged groups that will require additional assistance. This

information will allow for detailed development of the activity-specific RAP and support accurate budgeting for the activities to consider all compensation measures. It will further create the basis for all monitoring activities on resettlement.

125. The census will be announced before commencement using local communication channels, including community leadership, local radio, and as detailed in the SEP. A hard cut-off date will be determined and announced by the PIU in consultation with local authorities, including informal authorities. Persons that will infringe on the sites after the cut-off date will not be considered. Table 9 presents the key resettlement census questions and key data to be collected in the census for affected PAPs. Table 10 is a sample Household Survey Interview guide/questionnaire.

Table 7: Sample Resettlement Assessment Questionnaire

Resettlement Assessment	
Date:	
Location:	District:
Planned Activity:	
The area affected: coordinates	
Key questions to be elaborated on through participatory research tools	
Current status of the land: community/private/public?	
Is there a title/allotment letter/ document showing legal ownership (Please attach a photograph or copy)?	
What land disputes exist in this area? Could they affect this site?	
What are the different claims on land ownership and use?	
Are there historical population movements that still contribute to disputes over land?	
Define the residents and users of this land (including nomadic pastoralists) and how and when they can be consulted to seek their agreement to use land for the subproject?	
Which institutions and authorities in this area help solve land ownership and usage claims?	
Have any evictions or removal of structures/assets taken place to clear land for this activity?	
Any structures or assets that will need to be removed for this construction?	
Who do they belong to and how will they be compensated/replaced?	
Any services or ceremonies that will be affected by the subproject?	
Names of individuals that will be economically or physically displaced? (complete household questionnaire) and how:	

Table 8: Sample Household Interview Guide/Questionnaire

Background Information	
Questionnaire Code:	Survey Date:
Interviewer Name:	District and Street:
Family Members	
Name:	Gender: Age:
Position in family (tick 1): Parent: Child: Other:	Education level:
Specify other:	Occupation:
	Monthly Income:
Work or business location:	Length of time in current work/business:
Housing and Tenure Status	

Type of house: Number of bedrooms:	Tenure status (tick 1): Owned: ... Rented:... IDP... Length of Residence time:
Business	
Type of business affected: Registration status: Avg. monthly income and profit:	Name of business owner: Permanent number of employees: Temporary number of employees:
Affected Community Facilities	
Description affected facility:	
Estimated number of affected persons:	
Size of land impacted	
Other assets owned by PAP	
Source and amount of monthly income	
Amount of income impacted	
Gender of household and	
Any other information	

5.5 Displacement Prior to Project Approval

126. As evictions of IDPs are rampant in Somalia, the project management needs to ensure that respective Districts/local authorities and communities are aware that no forced displacements will be effected to pave the way for project implementation prior to the development and implementation of a RAP/LRP. If such evictions to implement a project activity have taken place before preparing the RAP/LRPs, ESS5 requirements will be retroactively implemented.

127. During the screening and the assessment phase, the District/local authorities and local communities will confirm that no such eviction has occurred. These findings will be subject to review by the State-level PIUs, the Federal PCU, and the World Bank. Information on the illegality of such evictions will be disseminated prior to and during the activity to allow potentially affected parties to file respective complaints. The information dissemination will be instituted following the approaches outlined in the SEP.

128. Where forced evictions to pave the way for project investments have occurred, an assessment will be included in a social audit, in which: (i) the adequacy of the mitigation measures that were undertaken are assessed against the requirements of ESS5; (ii) possible gaps in the requirements of ESS5 are identified where applicable; (iii) a corrective action plan is developed and implemented to mitigate and offset any harm done and close gaps; and (iv) any grievances related to the displacement of any other outstanding issue are identified.

129. While the PIU will implement the assessment (through an independent consultant or company as necessary), the Government will budget for all mitigation measures identified in the RAP/LRPs, and the social audit conducted under the assessment, including compensation costs, shall not be part of the project funds. The commencement of activities, in this case, will require approval of the audit findings and the identified corrective actions from the PMU and the World Bank. Where the provisions of ESS5 requirements cannot be met, the subproject will be screened out and cannot be implemented.

130. If PAPs need to be involuntarily resettled, the following basic principles and due processes will be followed:

- i. provide adequate advance notice while ensuring that the vulnerable and disadvantaged individuals and groups are reached and guided accordingly;

- ii. allow for meaningful opportunities for the PAPs to lodge grievances through sharing the contacts of the responsible social scientist, GM focal person, and the land/valuation expert;
- iii. allow a period for appeals and feedback; and
- iv. Avoid the use of unnecessary, disproportionate and/or excessive force.

5.6 Preparation of a Subproject RAP

131. The PIU will undertake the preparation of site-specific RAPs under the leadership of the social specialist for subprojects that have been determined to result in potential involuntary resettlement. When a RAP is required, the PIU through PCU shall submit completed studies along with their subproject application to the World Bank for appraisal and approval. External assistance may be considered for RAP preparation, depending on the complexity of the resettlement impacts. The RAP/LPs will be prepared once the site locations have been identified and screened and after the resettlement assessment and census have been conducted but before any commencement of activities on the ground. The schedule for the preparation and implementation of the site-specific RAP will be based on the principles of this RPF, and must be agreed on by the PMU, the relevant government authorities, and affected PAPs. This schedule must ensure that no individual or affected household is displaced due to the project activities before compensation is paid and resettlement sites with adequate facilities are prepared and provided.

132. Some FMS will not have the institutional capacity to prepare RAPs or studies during the start of the project and thus will be assisted and supported by consultants where necessary. The consultants will build the capacity of PIU at FMS on RAP development and implementation. The PIUs will be trained on the environmental and social frameworks and standards and supported to strengthen and/or set up systems for monitoring and implementation of the ESF instruments.

133. The scope of requirements and level of detail of the resettlement plan varies with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures (WB 2017). The RAP will describe the impacts that give rise to resettlement and the need for compensation, the types of affected parties), what each type of PAP is entitled to (in an Entitlements Matrix), the procedures for resettlement, and compensation and the implementation schedule and budget for resettlement. It will also describe the alternative land and/or assets identified for noncash payment.

- i. The RAP will be prepared early in the Design Stage for respective investments to ensure that:
- ii. All proposals and alternatives to avoid and/or minimise potential physical and economic displacements are explored and incorporated into the final subproject detailed designs;
- iii. Affected persons will be compensated at replacement value long before project start-up and assisted in their efforts to improve their livelihoods and standards of living, or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
- iv. Where involuntary resettlement and land acquisition are unavoidable, resettlement and/or compensation activities will be conceived and executed before the project starts up. This shall entail full compensation at the current replacement value for loss of assets and livelihood; and
- v. Adequate time is provided to resolve conflicts and grievances before the bidding process is completed.

5.6 Review and Approval of Subproject RAPs

134. Subprojects' proposed RAPs will be reviewed and recommended by the PIU. In this process, PIU will review eligibility for subprojects based on field appraisals, including environmental and social screening and assessment results. Once completed, the RAP will be submitted to the MoPIED PCU for quality assurance and then submitted to the World Bank for review and approval in compliance with the project's institutional administrative arrangements.

5.7 Database Management for PAPs

135. Each PAP will be provided with, among others: signed documents recording the initial situation; all subsequent subproject use of assets/improvements; and compensation agreed upon and received. The VDC/Resettlement Committee and PIU will maintain a complete database on every PAP impacted by the project land-use requirements, including relocation/resettlement and compensation, land impacts, or damages. Each PAP receiving compensation will have a database containing:

- i. PAP demographic information;
- ii. Number of dependent/PAP claims;
- iii. Amount of land available to the PAP when the database is opened;
- iv. Additional information will be acquired for PAP's eligibility for resettlement and/or compensation, including the level of income and production; and an inventory of material assets and improvements on land and debts.

136. Each time land is used/acquired by a subproject, the database will be updated to determine if the PAP is being affected to the point of economic non-viability and eligibility for compensation/resettlement or its alternatives. This database will provide the foundation for monitoring and evaluation and documentation of compensation, agreed to, received, and signed for.

6.0 POTENTIAL RESETTLEMENT IMPACTS

6.1 Overview

137. This RPF applies to all economically and/or physically displaced persons regardless of the total number affected by the severity of impact and whether or not they have legal title to the land. PAPs are those who stand to lose, as a consequence of the project, all or part of their physical and nonphysical assets, including homes, communities, and productive lands, resources such as rangelands, or important cultural sites, commercial properties, tenancy, income-earning opportunities, and social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation and restricted or reduced access to areas such as pastureland. Particular attention will be paid to the needs of vulnerable groups, including those below the poverty line, the landless, youth, the elderly, women and children, and other historically disadvantaged groups or other economically and/or physically displaced persons who may not be protected through Somalia's land compensation legislation.

138. Involuntary resettlement impacts will depend on the type and size of subprojects identified and implemented during the project implementation phase. Components 1, 2 and 3 of the project will use a CDD approach where the actual project type and the exact location are unknown at this stage. However, it is envisaged that most of the project activities will be in the water sector for various uses, including domestic, livestock, and small-scale irrigation. The land will be needed for the subprojects while involuntary resettlement will be avoided as much as possible, and in case it is inevitable, compensation will be given. There may also be land needed to construct office premises in the participating FMS.

6.2 Project Land Requirements

139. Component 1, 2 and 3 of the WARP 2 project will have activities that may require land acquisition or cause restriction of access to lands. Table 9 lists possible activities under the component that may trigger ESS5.

Table 9: Project Activities That May Require Land Acquisition and Restricted Land Use

Potential subprojects	Activities likely to require land acquisition or restrict access to land
Water supply infrastructure that provides reliable year-round supplies, including small sand and subsurface dams in dry riverbeds (wadis) and surface water storage infrastructure (for example, berkads and hafir dams). The project will also likely support boreholes construction for groundwater extraction. Water lifting will be done via solar units, gravity feeding auxiliary structures such as cattle troughs, water points for human use, and irrigation.	There will be a need for land acquisition for subprojects to protect the investment e.g. boreholes, solar systems and animal troughs. The land may be fenced off for the security of the machines and supplies. This will restrict access as the water points will only be opened for use as agreed by the users. There will be restricted access to protect the catchment and underground water quality for subprojects like sand dams.
Repair of damaged infrastructure including, but not limited to: water supply systems, dams, reservoirs, canals, transportation	The subproject may involve existing irrigation farms, or new ones may be established. Land may be acquired for newly irrigated farms. There will be restricted use, especially for livestock, to protect against the destruction of crops. Another impact could be a change of use which may affect livelihoods,

systems, energy and power supply, telecommunication	especially for pastoralists.
Rural Town/Suburban water supply	Reticulation of water for Rural Town/Suburban water supply may cause partial or full physical displacement. The main water supply lines may pass through people's homes, and depending on the size of the supply infrastructure, families may lose their homes and land.
Catchment protection or restoration	These subprojects may include tree planting, erosion control, improved management, and sustainable use of existing forest and vegetation resources. These subprojects may be implemented in areas already earmarked for such activities and/or new sites could be identified. There may be additional use restrictions for existing sites as the new activities are implemented. The land will be acquired for new sites, and there will be restricted use. The acquisition of new sites may affect livelihoods. It may have been a dry season grazing area or stock routes. The community will have to be compensated and livelihoods restored and/or new livelihood options introduced.
Construction of office premises and community centres	The project provides for the construction of office premises for ministries with nonexistent office buildings. The need for this investment will be assessed, and the necessary measures stipulated in this RPF will be followed for land acquisition.

6.4 Involuntary Resettlement Risks and Mitigation Measures

140. The subproject sites for the project are not yet definitively identified. Therefore, at this stage, it is not possible to determine the exact location, demography, and impact on assets and/or livelihoods of either the PAPs or the resettlement-related impoverishment risks they might face, if any. However, the project will ensure no or minimal involuntary resettlement with minimal adverse social risks. Subprojects will be sited in such a way as to avoid physical relocation of people and impacts on their livelihoods. Where there are negative impacts, people and groups will be compensated to avoid leaving them worse off.

141. The social risks depend on the location and size of the project. In urban areas, where individuals legally and/or claim land ownership, there could be a protracted process for acquisition and compensation. The problem is compounded by the absence of land records and valuation systems. This may cause tensions within the community. To mitigate such risks, once sites/locations become precise and economic or physical impacts that require compensation mitigation actions are ascertained, subproject RAPs will be prepared as required by World Bank guidelines. This RPF identifies the typical subproject impacts anticipated for the types of investments that are envisaged under component 1 and develops a checklist to guide triggering the policy and guidance on actions and forms of compensation that should be provided. See Table 11 for more details on the potential risks of involuntary resettlement. This will be reviewed upon completion of site identification with particular attention to issues related to inequality in accessing and benefiting from involuntary resettlement compensation and livelihood support, gender alienation, and exclusion of IDPs and other groups, including nomadic pastoralists.

142. Mapping of community structures will be done as part of SA/SIA, and the results will build on ongoing consultations and monitoring mechanisms with PAPs, particularly those in situations of disadvantage and vulnerability (PWDs, IDPs, agro-pastoralists, female-headed households) and those that have experienced discrimination in past land acquisition or land use related processes. There will be links to project accountability mechanisms (including the GM and contacts of the respective social specialists and PIU coordinators) to address power asymmetries and reduce the risk of unfair compensation and/or elite capture of the compensation. IDPs, PWDs, and other vulnerable groups such as nomadic pastoralists who

may not have official documentation will be facilitated through their organizations and group leadership structures to ensure they are part of the census and verify their assets.

143. However, there are potential challenges in ensuring that the compensation is made and the recipients get it promptly and without the risk of insecurity. The following measures will be put in place by the project team with the support of the land/valuation expert:

- i. the PAPs will be facilitated to open bank accounts where the money will be transferred so that no cash transactions will be done to ensure security;
- ii. For land with disputes, the compensation will be made into a holding account (following discussions with the payment partner) until the competing claims are resolved; and
- iii. The compensation transactions will be done in confidence. The total amounts paid will only be disclosed to the respective PAP to reduce the possibility of clan chiefs, male household heads, and other interested parties claiming part or the entire sum.

Table 10: Potential Social and Environmental Risks of Involuntary Resettlement

No.	Type of impact	Description of potential impact/issue and linkage to project component	Level of Risk	Proposed Mitigation measure	Category of PAP affected
1	Loss of fallow and agricultural land	Subprojects that include civil works for rehabilitation and construction of new water infrastructure include boreholes, shallow well sand, and subsurface dams in dry river beds (wadis) may cause loss of land, as the backflow may lead to loss of farming land or reduction of flow to downstream water users. Given that land is a factor of production, it may lead to loss of livelihoods. Reduced flow to downstream users may cause community conflict as the community blames each and the project for the loss.	Moderate	Community consultation to weigh the pros and cons of technological choices considering factors such as (a) equity of access to water resources and abstraction rights; (b) affordability constraints for different types faced by communities; and (c) upstream and downstream impacts on water use including environmental flows Livelihood restoration and improvement programs will be implemented. Such challenges will be assessed, and appropriate measures will be defined during the environmental and social assessment.	Farmers, Agro-pastoralists, Pastoralists

No.	Type of impact	Description of potential impact/issue and linkage to project component	Level of Risk	Proposed Mitigation measure	Category of PAP affected
2	Restriction on land use and access	Catchment and aquifer restoration activities such as catchment restoration, aquifer recharge activities, and tree planting may restrict use and access to allow for regeneration. Such investment may lead to change in the condition and size of existing land due to the adoption of new land-use systems hence potentially leading to pastoralists losing grazing land resulting in resource use conflicts between pastoralists	Moderate	Meaningful and inclusive community consultation ensures they are involved in the subproject identification, prioritizations and mitigation measures. Development of water and rangeland management systems, including sharing agreements between communities Increase awareness of the resource constraints within the community and considerations of equitable resource management across different stakeholder groups. Productive livelihood development with priority investments in land management, cropping, and livestock to be supported by the project Provide pastoralists with access to an equivalent area of replacement grazing lands of equal or greater potential productivity and locational advantages and assistance in reestablishment. and/or Improvements in carrying capacity of remaining grazing lands.	Pastoralists Farmers Agro pastoralists

No.	Type of impact	Description of potential impact/issue and linkage to project component	Level of Risk	Proposed Mitigation measure	Category of PAP affected
3.	Inequality in accessing and benefiting from involuntary resettlement compensation and livelihood support.	Due to traditional/customary biases, women, minorities and disadvantaged groups like nomadic pastoralists and youths may lose out on compensation as they do not own land or other assets. Furthermore, they may be excluded from decision making process about siting and compensation.	Substantial	Undertake a Social Analysis and Social Assessment as part of RAP to guide implementation decisions. Enhance the capacity of community-level governance structures on the importance of inclusion, participation, and conflict resolution. Ensuring the inclusion of all stakeholder groups, for example, pastoralists, irrigated farmers, rain fed farmers, landless labourers, women, and youth in project processes in siting and compensation discussions.	Pastoralists Irrigated farmers Rain fed crop farmers Landless labourers Women, and youth
4.	Gender alienation Gender Based Violence and Sexual Exploitation (GBV/SEA)	Women and girls may be subjected to intimidation, sexual exploitation, abuse, and harassment and forced prostitution for them to benefit from compensations and livelihood support.	Substantial	The project will include identification and inclusion of key channels—outside traditional dispute resolution or grievance redress mechanisms—to enable safe and confidential reporting of incidence of sexual exploitation and abuse and other forms of GBV. Identified GM focal persons will also be trained on effective response to cases of GBV should they occur.	Women and youth
5.	Due to FCV context there is risk of further discrimination or marginalization of disadvantaged groups, for example, IDPs or minority groups	Resettlement may exacerbate discrimination of marginalized groups like IDPs due to the context of Somalia being a FCV where current occupiers may not have any legal rights to the land other than their physical occupancy due to conflict or political related displacement.	Substantial	• Ensure that resettlement does not cause any further discrimination, marginalization or displace IDPs. • Inclusive and meaningful engagement of IDPs in all involuntary resettlement and project processes. • Implement affirmative action where necessary.	• IDPs

No.	Type of impact	Description of potential impact/issue and linkage to project component	Level of Risk	Proposed Mitigation measure	Category of PAP affected
6.	Elite capture in terms of increase in land value and benefits	Water points are likely to be sited to benefit the more powerful members of community and will increase the value and production potential of their land compared to others who may have negative impacts e.g. uncompensated impacts, and downstream water loss.	Moderate	• Selection of sites with equity considerations and avoidance of elite capture. Inclusive consultations including of downstream users.	• Disadvantaged groups and downstream water users.

7.0 RAP IMPLEMENTATION ARRANGEMENTS

7.1 Overview

144. The implementation arrangements, monitoring, and evaluation of the RPF and RAPs will be within the realm of overall project implementation. This can be adjusted depending on the complexity and scope of the subprojects. This chapter provides insights on how the RPF and RAP will be implemented, including institutional arrangements, resettlement activities, budget items, and financing of resettlement activities.

7.2 Institutional Arrangements

145. As provided below, various institutions have a role in RPF and RAP implementation.

7.2.1 Project Implementation Units at Federal and Member State Levels

146. The project will build on the engagement developed over the five years of implementing WALP and Biyoole. The two projects have made great strides in peace and state building, capacity building of Federal, FMS, and Somaliland institutions, setting up of PIUs in all but two states (Hirshabelle and Jubbaland). The recent mid-term review (November 2021) found that despite the challenging environment, the Biyoole project has been able to set the foundation for the provision of water to agro-pastoral communities in Somalia and is contributing to the building of country systems and facilitating intergovernmental coordination and collaboration.

147. Implementation arrangements will remain as per Biyoole. The existing and established PCU and the State PIUs' and Somaliland model will continue to serve BARWAAQO. The project under preparation will be implemented by the Ministries of Planning—lead coordinating ministry and responsible for Component 4; Ministries of Water/relevant agencies, for example, PWDA in Puntland—Component 1; Ministries of Agriculture and Livestock—Component 2; and Ministries of Environment—Component 3. The PCU will support Hirshabelle and Jubbaland to establish the PIUs under their Ministry of Planning and lessons learned under the current project will be used to increase staff skills, build capacity and mitigate risks. At the FGS level, the Ministry of Planning will have FM, procurement, M&E, social/community development), gender (incorporating GBV, sexual exploitation and abuse, and grievance redress mechanisms), environmental, security and water specialists. State-level and Somaliland PIUs will replicate this structure; some roles, however, will be merged. Given the limited capacity at the municipal level, the project will support building the capacity of the districts and village development community management committees. An EAFS unit already exists in the Ministry of Finance based in Mogadishu and at FMS levels that manages the designated accounts and project accounts.

7.2.2 Local Government Level Institutions

148. The role of districts and communities is critical in the management of rural resilience infrastructure projects. The FGS prepared community engagement operational guidelines as a comprehensive guide to the processes and procedures for engaging and working with the communities participating in the Biyoole project. Using these guidelines, this project will support building the capacity of the districts and community management committees. A project steering committee that tracks project implementation progress and provides support and guidance as required at the Federal level is established. State-level project steering committees will be established to provide oversight and guidance at the FMS level. The Ministries of Planning will play a coordination role in community engagement and development so as to ensure inter-agency linkages are enhanced.

7.2.3 Community and Local Level Institutions

149. While the project will attempt to avoid and minimize involuntary resettlement, additional committees complementing the VDC will be formed if the scale of resettlement increases. This committee will be called Resettlement and Compensation Committee (RCC), which will draw membership from PIUs, relevant state ministries, district/local authorities, clan leaders/sultans/communities (should have representation from women and youth groups), resettlement experts/consultants. The role of VDC/RCC is to:

- i. Ensure community participation by mobilizing and sensitizing community members;
- ii. Assist in resolving grievances of PAPs;
- iii. Ensure that social values are not interfered with;
- iv. Support and assist in the mobilization of the various relevant grassroots interest groups that may have complaints that need to be resolved in the execution of the project to avoid conflicts and grievances;
- v. Support in the identification of the development needs of the community;
- vi. Ensure community participation by mobilizing and sensitizing community members; and
- vii. Support and assist in the mobilization of the relevant grassroots interest groups.

7.2.4 World Bank

- i. Maintains an oversight role in ensuring compliance with the ESF and ESS, reviewing and providing clearance and approval for the RPF and RAPs.
- ii. Maintain an oversight role of the RPF/RAPs implementation supervision and may conduct spot checks or audits as necessary.
- iii. Conduct regular supervision missions throughout the project implementation and monitor the project construction progress.
- iv. Recommend additional measures for strengthening the management framework and implementation performance.
- v. Suppose the WB considers the implementation unacceptable and no improvements can be expected. In that case, it will require that institutional capacity building measures be provided to strengthen the PCU and PIUs.

7.3 RPF and RAP Implementation

150. Once cleared and approved, the compensation, resettlement, and relocation activities of the RAP will commence. After completing the census, public notice on the eligibility cut-off date will be given. The government/MoPIED will also issue formal notice banning the construction or approval of construction of new buildings or capital improvements in areas to be affected by resettlement. The implementation schedule will be prepared based on the principles of this RPF and must be agreed upon between the PIU, relevant municipality and/or other governmental jurisdiction, and affected PAPs as outlined in the Somali laws and World Bank ESF requirements. The schedule will provide information on the sequence and timeframe of the necessary activities for land acquisition, the release of funds to the acquiring agency, payment of compensation for various categories of loss and relocation, transfer of land, grievance redress, and monitoring and evaluation.

151. The timeline for implementing the RAP will ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected. The RAP implementation timeline should also allow affected PAPs enough time to harvest to avoid an economic loss. If this is not possible, compensation at FRV should be paid to the affected PAPs.

152. The resettlement planning and implementation process should consider the procurement process and timeline for the commencement of civil works. The RAP implementation process will have contractual implications and requires proper coordination with bidding and contract award processes.

153. Keeping affected people fully informed of their rights and responsibilities is crucial to the success of resettlement planning. To achieve this objective, resettlement information, including details on eligibility, rates of compensation and other entitlements, a timetable for implementation, and all applicable grievance procedures, must be accessible and understandable. Information should be translated into local dialects and indigenous languages and broadcast through media accessible to literate and illiterate individuals alike (radio, television, mobile video broadcasting, public notice board, newspapers, leaflets and flyers, town crier, and door-to-door canvassing). Special efforts should be made to reach vulnerable groups lacking access to public media and information exchange.

Table 11: Resettlement Activities and Responsible Parties

Activity	Responsible
Preparation and Disclosure of RPF	Federal MoPIED/PCU level
Selection of subproject's sites	State level PIUs,
Screening of the subproject	PIU
Environmental and social assessment and including census	PIU
Establishing of Resettlement Committees	PIU
Consultations, planning and preparation of RAPs	PIU
Identify vulnerable people when developing RAPs	PIU and VDC
Review of RAPs	PCU and World Bank
Approval of RAPs	World Bank
Disclosure of RAPs	PCU, World Bank
Organize and implement census of affected people and census and valuation of affected assets in the framework of the development of a RAP	PIU and local government/institutions
Marking of affected properties, Inventory of affected properties, notifications, request for proof of eligibility, consultations	PIU and local government government/institutions
Vetting of request for compulsory acquisition of land, oversight of land expropriation and land issuance of titles to resettled PAPs	PIU and local government government/institutions
Disclosure of compensation values; making of offers; processing for payments	State level PIUs, resettlement committees, state finance ministries
Internal monitoring of RPF and RAP	PIU/PCU
External monitoring	World Bank and IVA
Reporting on RAP	PIU and PCU
RAP audit	WB

7.4 Budget and Funding Arrangements

154. Budgeting and financing are critical steps in the resettlement planning and implementation process. Therefore, specific RAPs prepared for WARP 2 project must provide an indicative budget that should specify all activities in the resettlement implementation process, their estimated costs, and the source of funds. It is expected that the budget for resettlement will be prepared by the PIU in collaboration with MoPIED PCU and Ministries of Finance at the federal and state level and will be determined during the RAP preparation exercise after the baseline data have been collected and all potential impacts have been identified.

155. The Federal Government of Somalia is responsible for financing any land acquisition and resettlement. The payments can be made on specific resettlement activities/items after review and approval of the expenditure by the WARP project staff with close oversight and supervision by the Ministry of Finance for the FGS, FMS, and the World Bank. Since there could be disputes during the compensation process, for instance, where a PAP rejects the compensation amount offered, it is proposed that an escrow account should be established to deposit the offered amount, plus 10 per cent for resolving the dispute concerning the said offer of compensation in a timely and equitable manner.

156. To ensure that the compensation and resettlement component will be implemented smoothly, efforts will be made to develop realistic cost estimates during the RAP preparation. Not all eventualities will be foreseen, and a reasonable contingency (max. 10 per cent) should be included. Provision is also included in the budget for training of staff in all aspects of resettlement plan preparation, implementation, and monitoring. The budget should specify the annual inflation rates applied to all cash payments. Since, at this stage, it is not possible to prepare accurate budgets as subprojects are yet to be conceived, guidance for preparing the resettlement budgets is offered in this RPF to include the following items:

- i. Total replacement cost of lost assets, that is, land, structures, crops, trees, livestock, and shared infrastructure;
- ii. Cost of providing replacement land, including transactional expenses, land search costs, cost of developing infrastructure and putting up replacement housing, if need be;
- iii. Income and livelihood restoration costs;
- iv. Cost of relocation of people and their belongings that is moving/transport allowance;
- v. Special resettlement assistance costs for disadvantaged groups, for example, training and new skill development for such groups, cost of acquiring reemployment equipment, logistical support costs, etc.;
- vi. Transitional support costs, including costs of obtaining alternative accommodation during the transition period;
- vii. Cost/expenses incurred in performing traditional/cultural ceremonies necessary in grave removal/exhuming and reburying bodies;
- viii. Costs of obtaining architectural designs, construction management costs, and structural approval costs;
- ix. Cost of compensation for lost employment wages;
- x. Monitoring and auditing costs;
- xi. Cost of building institutional capacity for resettlement implementation, for example, constructing new office/hiring offices for project management staff, cost of hiring of project resettlement staff if needed, training staff and meeting their welfare needs; and

- xii. Any other reasonable cost determined during RAP preparation for specific investment project(s).

157. **Replacement agricultural and pastureland:** the location of the replacement land shall be selected in consultation and agreement with PAPs in an inclusive, participatory process, which shall be informed as well by technical considerations. Local-level authorities should ensure that agricultural land is handed over in a timely fashion and that all land-related requirements will be fulfilled (demarcation, registration, preparation) in time for the next agricultural season. Given the potential lack of data, information on, and availability of suitable/arable land, when proposed replacement agricultural land areas are defined, a preliminary assessment should be conducted to evaluate the agricultural suitability of the area. This assessment should consider the location of existing settlements, currently cultivated areas, and areas perceived to be unsuitable for agriculture.

8.0 STAKEHOLDER CONSULTATIONS AND INFORMATION DISCLOSURE

8.1 Overview

158. A stand-alone SEP has been developed for this project. The SEP provides general guidance on the identification and analysis of the stakeholders, their interest and influence, stakeholder engagement program detailing timing and schedule of engagement, strategy for information disclosure and consultation, monitoring and reporting of stakeholder engagement, and grievance handling mechanism. For the involuntary resettlement processes, the project will ensure the inclusion of all targeted PAPs at all levels. PAPs will be consulted through various means as spelt out in the SEP and necessitated by the resettlement assessment methodology. Furthermore, all information about the activity that triggers RAP preparation, resettlement, and compensation will be publicly disclosed, following the modalities of disclosure laid out in the SEP. This is to ensure that all PAPs, interested parties and vulnerable groups have the opportunity to participate in the decision-making processes and voice their concerns as needed.

159. Most crucial is that during the implementation phase of the RAP, all PAPs have access to all relevant information, including their rights to resettlement, compensation, payment and RAP activity schedules, the identity of leading authorities and implementers, etc. They must be allowed to provide their inputs and feedback on the planned activities. Furthermore, they must receive all information about the Project GM, and the GRM must be available to all PAPs to file potential complaints. PAPs will be presented with the concrete amount of cash compensation or land offered for compensation for their consideration and endorsement before the actual payment is made.

160. The project will adopt a robust Stakeholder Engagement Plan (SEP) taking into consideration the equity and inclusivity of all stakeholders during the identification of the project sites and implementation of project activities. The SEP will look at the distribution of power and resources between different groups and individuals and will outline how the project will include the vulnerable and disadvantaged groups in consultations throughout the project in order that they can input into the design, and not be excluded from project benefits. The Stakeholder Engagement Plan will be informed by a comprehensive mapping of communities in the project target locations which will analyse the social dynamics and patterns of clan, gender and age-based exclusions and marginalization in the target areas. The mapping exercise will confirm the presence of Sub-Saharan Historically Underserved Traditional Local Communities as per ESS7 to determine the applicability of the SSAHUTLC plans, and if groups fitting the ESS7 criteria are found in the areas of implementation, SSAHUTLC plans will be prepared. Apart from ensuring the disadvantaged groups are not excluded from the identification of the project locations, the safeguarding considerations

of this project will also look at the inclusivity in the project decision making, human resources recruitment, procurement, and other key processes throughout the project implementation.

8.2 Stakeholder Identification and Analysis

161. The SEP has identified key stakeholders for the project. A detailed stakeholder analysis will be done when subprojects and their locations are identified and during the processes of environmental and social screening, ESA, census for resettlement and development of RAP. Broadly the stakeholders for resettlement includes government ministries at the federal and members states including, but not limited to, Ministries responsible for Water; land, social services and labour, women and gender, environment; and local/district governments and municipalities who have capacities on land administration. At the community level, stakeholders include PAPs, those men, women, boys, girls, youths, elders, farmers, agro-pastoralists, minorities, IDPs, vulnerable groups eligible for resettlement as defined by ESS5. Others include interested parties who may be affected by subprojects and eligible for resettlement like businessmen and women. Local Non-Governmental Organizations (NGOs), faith-based organizations, development partners who may have valuable knowledge and experiences that the project may need to utilize.

8.3 Stakeholder Engagement Processes and Strategy

162. The PIU implementation team will engage stakeholders throughout all project cycle processes including during planning, preparation and disclosure of RPF and RAP and then implementation, monitoring, and evaluation of compensation process, livelihood restoration and relocation process. During the preparation of the RPF and RAPs, stakeholders will be consulted to provide the necessary information for effective implementation of resettlement activities. Some examples of stages and methods of consultations and expected outcomes are: community meetings to understand the local contexts including identification of those eligible for resettlement, relocation and compensation; review resettlement alternatives; workshops for institutions to understand legal and institutional frameworks; focus group discussions for specific groups like vulnerable groups; and expert meetings to provide expert knowledge on land matters, displacement and resettlement.

163. Schedules will be prepared detailing consultation dates and venues, who will be consulted, methods of consultations, and when the time is ripe for implementation of the resettlement plan, information on the date of displacement, transition time, and compensation timelines, among others. Information will be disclosed to different categories of stakeholders using different channels comprising of mass media (radios, TV, newspapers), websites, press releases, and social media to name but a few. The Ministries of water at the federal and members' state level, PCU, PIU and VDC will be responsible for providing this information. Specifically, the environmental and social specialist and communication specialist will ensure that information is conveyed using right format and language that the audience understands best.

8.4 Proposed Strategy to Incorporate the Views of Vulnerable and Disadvantaged Groups

164. The project will ensure that women, persons with disabilities, ethnic minorities and other members of vulnerable groups are participating effectively and meaningfully consulted and that their voices are heard. Some specific measures will be employed to ensure their voice is heard. For example, women may be more outspoken in women-only consultation meetings than in general community meetings. Similarly, separate meetings may be held with young people, persons with disabilities or with ethnic or other minority groups. Further, it is important to rely on other consultation methods as well, those that do not require physical participation in meetings, such as social media, SMS, or radio broadcasting and call-in, to ensure that groups that cannot physically be present at meetings can participate. For mobile groups like

nomadic pastoralists, appropriate methods to reach them will be improvised based on the local circumstances. Appropriate methods for information disclosure like use of vernacular radios will be used.

165. Women and other disadvantaged and vulnerable groups will be engaged on an ongoing basis throughout the lifetime of the project. Women voicing their concerns and contributing to the decision-making process on issues such as resettlement of female headed households and other marginalized group should be encouraged. The vulnerable and marginalized group will have their representatives in the relevant committees so that their interests are taken on board.

8.5 Consultations Held to Date

166. Engagements and consultations on the RPF have been conducted with key institutional stakeholders including the relevant Government Ministries, Departments, and Agencies at FGS and FMS level. Engagements and consultations were held with key stakeholders, as outlined in the SEP and the ESMF. As elaborated in Annex 8.

9.0 GRIEVANCE MECHANISM

9.1 Overview

167. World Bank ESS10 requires Bank-supported projects to facilitate mechanisms that address concerns and grievances that arise in connection with a project. One of the critical objectives of ESS10 (Stakeholder Engagement and Information Disclosure) is 'to provide Project Affected Persons with accessible and inclusive means to raise issues and grievances and allow borrowers to respond and manage such grievances' (World Bank, 2017). The Project Grievance Mechanism (GM) should facilitate the Project to respond to concerns and grievances of the Project Affected Persons related to the project's environmental and social performance, including resettlement issues. The WAPR project will provide mechanisms to receive and facilitate resolutions to such concerns.

168. A multi-tiered, multi-options-based GRM will be designed for the project, in discussions with local communities. The mechanism will be such that the complaints launched at the local level, will have a 360-degree monitoring and reporting process in place, to enable tracking of complaint resolution time, along with frequency of feedback to the complainant about the complaint status. Monitoring tiers will be defined from the local level to the PIU. Local community groups will be involved in the setting up and functioning of the GRM, with options of using free mobile technology and physical interface with a third party intermittently but regularly. This system will include identification and inclusion of key channels outside traditional dispute resolution or GRMs to enable safe and confidential reporting of incidence of sexual exploitation and abuse and other forms of GBV. Identified GRM operators will also be trained on effective response to cases of GBV should they occur.

169. Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address Project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond.

170. A stand-alone Stakeholder Engagement Plan (SEP) which also contains a description of the GM has been prepared for the project. The SEP provides a detailed framework for GM and this section provides highlights of the GM in involuntary resettlement processes and activities. The mechanisms for redressing the grievances of the affected populations will begin through consultation (i.e., meetings/consultation with any and all PAP to provide information and gauge expectations of compensation, interest in form or type of compensation, provide clarification on other forms of assistance, etc.). Beyond the consultative process, the process by which grievances will be redressed, for each project site where PAPs are identified will be in accordance with country's land laws and WB ESF and standards.

9.2 Grievances Sources in Resettlement

171. Grievances may arise at different times of resettlement processes: from the consultation process that may not be inclusive, the composition of local committees spearheading community mobilization, during identification of eligible beneficiaries, rates of compensation, location of resettlement sites, and the quality of services at new sites, to mention but a few. A grievance could be a simple query or inquiry, concern, issue, or formal complaint that affects the lives of aggrieved parties. The information on grievance mechanism processes and structures will be disclosed to stakeholders—including PAPs,

recruited workers, and vulnerable and disadvantaged groups—using an appropriate medium such as vernacular radios, websites, government reports and speeches, community meetings, social media, toll-free telephone lines, documentation and dissemination of GM in project leaflets or brochures to mention but a few. During the screening of the subprojects, the census during ESA, and RAP development, the communication channels appropriate for different stakeholders will be identified, chosen, and used.

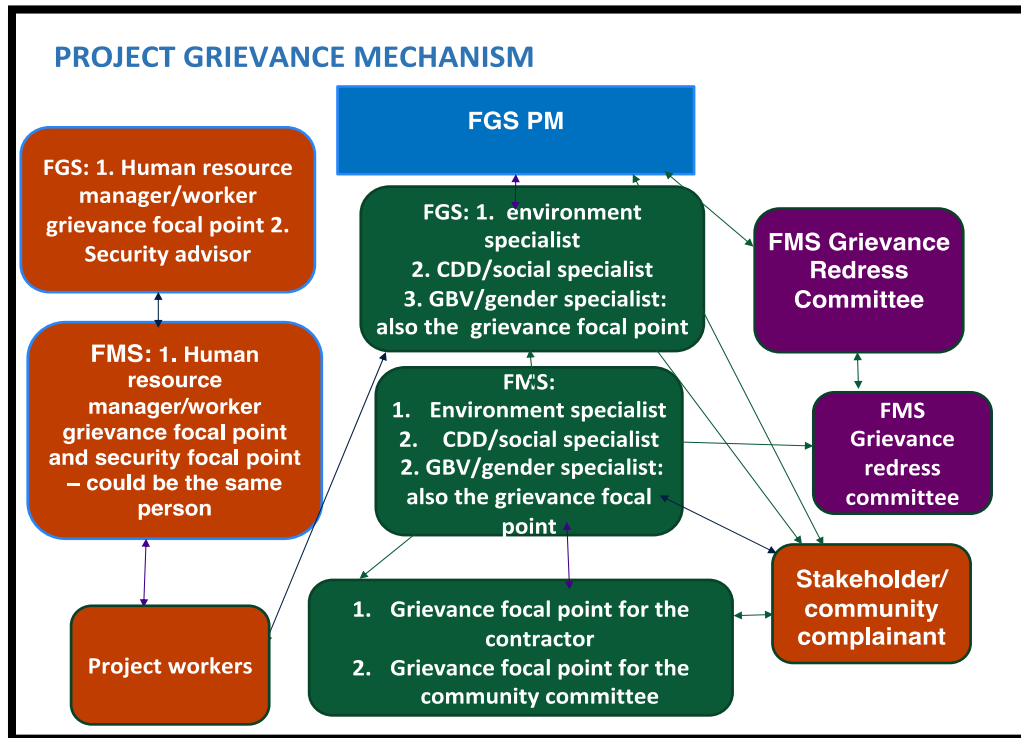
172. The GM to be proposed during the preparation of the subprojects' RAP shall seek to achieve the following objectives:

- i. Encourage registration, acknowledgment, and recording of all concerns or issues raised by aggrieved persons;
- ii. Identify the frequencies of issues raised: for instance, unpaid compensation, inadequate compensation, disregard for local ritual ceremonies, land acquisition, workplace concerns, etc.;
- iii. Ensure that complaints are appropriately registered, tracked, and documented, with due regard for confidentiality;
- iv. Address the composition of a committee that would handle all grievances; Inform people of the public information centre establishment and access;
- v. Establish procedures for the GM to enhance easy access, transparency, and accountability, and tackle escalation of grievances beyond expectations;
- vi. Manage the concerns raised by aggrieved parties to achieve a win-win situation within a reasonable time frame that would comply with national and international best practices; and
- vii. Record all resolutions agreed upon by all parties involved and ensure that aggrieved persons are satisfied with every outcome of remedial resolution to foster harmony in subprojects.

9.3 Grievance Mechanism Structures

173. The project will have a GM that applies to all project processes and activities within the project life cycles. The grievances will be dealt with at various levels by GM committees at MoPIED/PCU, FMS/PIU levels, and the community level by VDC/RCC. The Social Specialist has the primary responsibility to ensure that the grievances are received and attended to. The project will review the capacity of these structures to attend to GM-related resettlement issues. If found necessary, a temporary special resettlement redress committee will be set up and/or short-term consultants with expertise in land and resettlement will be hired to support the social specialist at PIU and PCU levels.

174. Given that District/local governments/municipalities have a role in land administration and management, they will play a significant role in the resettlement plan development and implementation and related grievances. The districts will be co-opted into the local level grievance committees. See Figure 1 for the proposed structure of the project GM.



9.4 Grievance Mechanism Processes

175. The key GM processes are: receiving grievances by phone, in-person, text, or email to publicized toll-free mobile phone lines and email addresses at FMS, FGS, and the community level. The complaints will then be logged into the GM register, acknowledged within a specified timeframe, reviewed, and a response provided/remedial measures taken, monitored, and reported. The complainant is then informed about the outcome. When the complainant is not satisfied with the solutions provided, he/she shall escalate it to the next level, including the World Bank Grievance Redress Service (GRS). The complainant has the right to remain anonymous, and whistle-blower protection for complaints raised in good faith will be ensured. The FGS social E&S specialist will train relevant Government staff involved with the project and contractors. The project management will provide timelines upon which grievances will be addressed. The PAPs will be informed of the availability of judicial recourse and community and traditional dispute settlement mechanisms in addition to the project GM. See figure 3 for the summary of the GM processes.

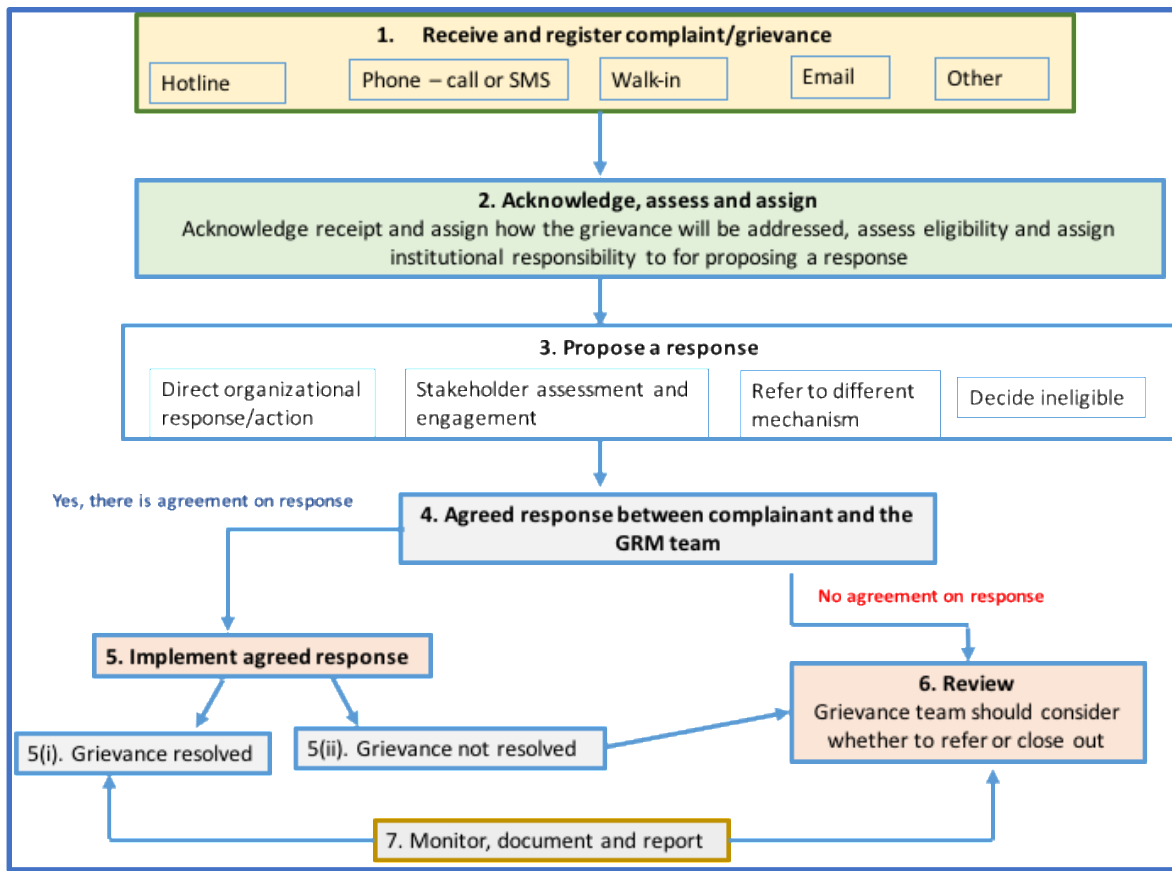


Figure 2: Project Grievance Mechanism Processes

176. The GM structure of the project will establish a register of resettlement/compensation-related grievances and disputes. The receipt of complaints will include logging and registration as this will help monitor the status of the grievances and ease reporting on them. The existence and conditions of access to this register (where, when, how) will be widely disseminated within the project community/town as part of the consultation undertaken for the project in general. The person designated to receive complaints shall receive all complaints and shall officially register these complaints using the first section of the proposed complaint registration and resolution form provided in

177. Annex .

178. It is desirable to resolve all the grievances at the community level to the greatest extent possible. To achieve the community or settlement level grievance mechanism must be credible and generally acceptable. The grievance mechanisms will aim to solve disputes at the earliest possible time in the interest of all parties concerned. This RPF suggests two-level GMs:

- i. The first level in addressing grievances will be at the community level. The community will form a Community Resettlement Grievance Committee comprising two members from the VDC/RCC and three other respected community members who are not PAPs. The community should elect the committee in a transparent manner and after sensitization; and
- ii. The second level of grievance mechanism will involve the District Resettlement Implementation Committee (DRICs). The DRICs will consider grievance reports forwarded from the community grievance committee and decide. The DRIC will comprise the District Commissioner, Environmental and Social Specialists, and District Land officer. If complainants are not satisfied with the decisions of the grievance's committees, they can seek to escalate it to FMS GRC, then FGS GRC, WB GRS, or to the courts.

9.5 Monitoring and Reporting of GM

179. Overall, PCU led by MoPIED will be responsible for general monitoring and reporting on GM. Moreover, GM is monitored at the community level by VDC/Resettlement and Compensation Committee and FMS level by FMS PIU. Specifically, the Social Specialist will be responsible for monitoring the implementation of the GM by all implementing agencies/FMSs. The Social Specialist will include the GM in his/her supervision and monitoring missions to the field and conduct spot checks regarding its implementation. Where access is difficult, the project will recruit a ***Quality Enhancement for Institutional Strengthening Partner*** if needed. The PCU Social Specialist will be overall responsible for:

- i. Providing the subproject VDC/RCC with regular reports detailing the number and status of complaints;
- ii. Any outstanding issues to be addressed; and
- iii. Monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints.

180. The project SEP provides detailed information on the management of GM. This includes details on how to deal with GBV/SEAH-related grievances.

10.0 MONITORING AND EVALUATION OF RPF AND RAPs/LRPs

10.1 Overview

181. RAP monitoring and evaluation aim to determine the effectiveness of implementation, including the progress of resettlement activities, the disbursement of compensation, public consultation and participation activities, and the sustainability of livelihood restoration and development efforts among the PAPs. This will facilitate timely identification of problems and successes and appropriate adjustment of implementation arrangements.

10.2 Monitoring

182. Monitoring activities will ensure that all eligible PAPs are adequately compensated and/or relocated. The preparation and implementation of the RAPs will follow the general monitoring structure of E&S risks mitigation measures, as defined in the ESMF. The Social Specialist in the PIU will be responsible for overseeing the design and general implementation of the RAPs. However, the PIU and PCU M&E specialists will mainly be responsible for data collection and updating the M&E plan.

10.2.1 Monitoring Plan

183. RAP activities will have a monitoring plan that identifies the organizational responsibilities, the methodology, and the schedule for monitoring and reporting. The monitoring plan should have three components: Performance monitoring, Impact monitoring, and Audit. Notably, the VDC/RCC will be included during the planning and execution of all the monitoring activities.

184. **Performance Monitoring** is an internal management function carried out regularly, usually quarterly, to measure progress against milestones established in the RAP. The report compares achievements at the inspection date against the targets for the required actions.

185. **Impact Monitoring** measures the effectiveness of the RAP and its implementation in meeting the needs of the affected population. This may be conducted internally by PIUs/PCU or an IVA quarterly. Where feasible, affected people should be included in all phases of impact monitoring, including identifying and measuring baseline indicators.

186. **Completion Audit:** This is to determine to what extent the RAP activities have been implemented. The audit should verify that all inputs committed in the RAP have been delivered and all services provided. The audit should evaluate whether the mitigation actions prescribed in the RAP have had the desired effect. This is usually carried out at the end of project completion after all RAP inputs to evaluate achievements against the baseline conditions of the population before displacement, as established through the census and socioeconomic studies.

187. Monitoring activities will be conducted against the milestones set in the RAPs, including the following items:

- i. PAPs were notified, and adequate community consultations were held;
- ii. A Census of all PAPs and socioeconomic survey was conducted;
- iii. RAP was prepared, cleared, and disclosed;
- iv. Compensation was carried out in accordance with RAP; and
- v. All grievances have been recorded and addressed promptly.

188. In addition, the **Quality Enhancement Partner** that the PCU will contract will also monitor the implementation of the RPF and RAPs. This activity will be integrated into the IVA's general TOR. Once the

IVA is deployed, a monitoring schedule for the RPF/RAPs will be developed jointly with the PCU and PIU. The PIUs, jointly with local government representatives, will facilitate the coordination of information collection, such as surveys, and supervise documentation in accordance with the procedures.

10.2.2 Monitoring Indicators

189. The relevant monitoring indicators against which to measure the performance of the RPF/RAPs:

- i. Collection and storage of census data into a database for comparative analysis;
- ii. Number of PAPs physically or economically displaced by each activity;
- iii. Timing of compensation in relation to commencement of physical construction work;
- iv. Compensation paid to each PAP;
- v. Number of people raising grievances reached solutions and number of unsolved grievances; and
- vi. All relevant items in the entitlement matrix will be monitored.

190. Monitoring reports will provide the basis for analysis, and potential adjustments or changes to the RAPs implementation effectiveness are presented in Table 12.

Table 12: RAP monitoring indicators

Activities	Indicators
Compensation payments to PAPs	• Number of PAPs promptly paid • Number of PAPs not paid promptly and reasons • Amounts of money paid to PAPs
Project committees established	• Number of project committees established • The number of women included in the project committees established • The number of individuals from marginalized groups included in the project committees established • The number of youth included in the project committees established
Restoration of livelihoods and assets	• Number of PAPs with restored assets • Number of PAPs with livelihood levels restored (based on socio-baseline survey) • Number of community facilities restored • Number of vulnerable PAPs assisted Type of assistance provided to vulnerable PAPs • The number of vulnerable PAPs resettled • Number of PAPs without restored assets • Number of PAPS without restored livelihood enterprises • Number of community facilities not restored and reasons • Number of vulnerable PAPs not assisted and reasons
Community participation and public engagement	• Number of local consultative meetings held • Number of local and National Government leaders engaged/briefed about the RAP • Number of Civil Society representatives engaged/briefed about the RAP • Number of PAP consultative meetings held • Number of vulnerable / marginalised persons participating
Grievance management	• Number of grievances received • Number of grievances resolved promptly (in allowed time)

Activities	Indicators
	• Number of grievances not resolved in time but completed • Number of outstanding grievances not resolved • Number of grievances referred Nature of outcomes from • referred grievances
Land acquisition	• Number of land titles secured for project sites • Number of land titles processed for land to land replacements • Number of land titles not processed and why • Number or percentage of encumbrances entered on PAP titles

10.2.4 Annual Audit

191. The audit of RAP implementation will be done annually. The audit will, among others, cover the following items:

- i. A summary of the performance of each subproject vis-à-vis its RAP;
- ii. A presentation of compliance and progress in the overall implementation of the RAP;
- iii. Verify results of internal monitoring;
- iv. Assess whether the subprojects RAP comply with ESS5;
- v. whether the resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced;
- vi. Assess the resettlement efficiency, effectiveness, impact, and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation; and
- vii. Ascertain whether the resettlement entitlements were appropriate to meet the objectives and whether the objectives were suited to PAPs conditions.

192. PIU will prepare annual audit reports, then submitted to PCU for review and quality assurance, and then submitted to the World Bank.

10.2.5 Socioeconomic Monitoring

193. The purpose of socioeconomic monitoring is to ensure that PAPs are compensated and restore their livelihoods promptly. It is part of the implementation of each subproject RAP to assess whether compensation has been paid, income has been restored, and resettlement objectives were appropriate and delivered. Monitoring of living standards will continue following resettlement. The objective is that the standard of living of the PAPs has been improved, restored, and has not declined.

194. Several indicators will be used to determine the status of affected people (land being used compared to before, the standard of a house compared to before, level of participation in project activities compared to before, how many children are in school compared to before, health standards, etc.)

195. A monitoring and evaluation plan of the mitigation measures will be established for each subproject with adverse social impacts.

196. As part of the preparation of each RAP, a household survey will be conducted for all PAPs prior to physical or economic displacement. This will provide baseline data against which to monitor the performance of the RAP. After completing all expropriation/compensation operations, a household survey will be conducted. The survey aims to assess the impacts of the mitigation measures implemented.

In addition, the relevant technical teams and PAPs will be consulted to provide their assessments of the impacts of E&S mitigation measures applied.

10.3 Completion Audit

197. An audit will be carried out to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed. This completion audit will verify that all physical inputs earmarked in the RAP have been delivered and all services provided. The audit will also evaluate if the mitigation actions prescribed in the RAP have had the desired effect. The baseline conditions of the affected parties before the relocation will be used to measure their socioeconomic status after the resettlement. The audit will verify the results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced.

198. The audit will also assess the resettlement efficiency, effectiveness, impact, and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate for meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank. To be effective, the complete audit will occur after all RAP activities have been completed, including development initiatives, but before the completion of financial commitments to the project. This will allow flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

10.4 Evaluation

199. During evaluations, representatives of the PAPs will participate in the project completion workshops to evaluate the project's impacts and, specifically, the activities under the RAP. They can suggest corrective measures to be implemented retroactively or build lessons learned for future/other activities.

200. After completing all compensation and resettlement activities, the PAPs will be consulted through a survey, forming part of the WARP project M&E activities.

10.5 Frequency of Monitoring and Evaluation Process

- i. For PAPs that have been physically displaced, post-displacement monitoring will be conducted within six months after they have been resettled. Subsequent monitoring will be conducted more regularly to ensure resettlement activities are performed appropriately and reporting is done regularly.
- ii. Monitoring and evaluation will occur quarterly after displacement to document whether PAP's livelihoods have been fully restored. If the livelihoods of the vast majority of PAPs have been restored, RAP/LRP implementation will be considered complete. The survey will be repeated more regularly (every 6 months) for all PAPs who have not been allowed to restore their livelihood until livelihoods are considered restored.
- iii. Monitoring of market rates for all types of assets will be carried out periodically to ensure that the compensation rates paid by the Project reflect the actual replacement value of assets.
- iv. A third-party auditor with experience in resettlement will carry out an annual review assessing compliance with commitments contained in subprojects specific RAPs, World Bank requirements, and this RPF.

ANNEXES

Annex 1. Roles and Responsibilities of Project Implementing Organs

Organ	Duties and responsibilities
Federal level	
<i>Inter-ministerial steering Committee</i>	Chaired by the federal level MoPIED with membership of the Ministries of Energy and Water Resources, Ministry of Agriculture and Irrigation, Ministry of Livestock, Forestry and Range and the Environment Directorate in the OPM and meeting quarterly Review and endorse the Annual Work Plan and consolidated Annual budgets Review project quarterly reports and provide strategic guidance Facilitate inter-ministry and federal – member states dialogue and provide guidance on emerging implementation issues Oversee the proper M&E functioning Ensure the establishment and functioning of project structures at all levels Ensure the project implementation framework is updated periodically Steering committee meetings are to be planned by the Project Coordinator and the Project coordinator is responsible to ensure that meeting minutes are recorded and archived.
<i>Ministry of Finance</i>	Manage project fund and oversee all project disbursements Coordinate and consolidates project financial reports
<i>Ministry of Planning, Investment and Economic Development</i>	Coordinated project implementation at all levels House the project coordinator Oversee monitoring and evaluation aspects of the project Development of Project Communication Strategy Maintain for robust communication with federal implementing agencies and states to collect project related information Update regularly the project's results framework Liaise with EAFS Produce quarterly, half a year and annual project status reports (physical and financial)
<i>Federal implementing agencies (Ministry of Agriculture and Irrigation, Ministry of Energy and Water Resources, Ministry of Livestock, Forestry and Rangeland, and Environment at the office of the Prime Minister)</i>	Provide technical back stopping in their respective areas to the implementing agencies at state level Provide training, coaching and mentoring for state level implementing agencies Update relevant policies, strategies, guidelines and working manuals for their respective specialised areas
State level	
<i>State Project Implementation Units (PIU)</i>	Led by the ministry of Planning in each state and represented by all staffed by project management, fiduciary, safeguards and M&E specialists, and seconded technical sectoral experts. Plans, budgets, executes, supervises, monitors and evaluates all project related activities in the state Procures all service contracts (community mobilisation agencies, hydrological assessments, engineering surveys and others) Procures all goods (office equipment, furniture, vehicles, improved seeds)

Community level
*Village development
committee (VDC)*

Procures all works contracts (technical service agencies water infrastructures, demonstrational community garden and fruit groves, Animal health treatment services and others)
Works closely with the community and village leaders
Prepares and submits periodical budget request to the Ministry of Finance
Effects payments to service providers, consultants, contractors and others
Liaise with line ministries at the federal level for technical support and guidance
Collects project related information, compiles and reports periodically on project implementation status

Membership of the VDC should comprise all permanent residents of the community.
If there are internally displaced people or minority groups in the community, it is recommended that they be included in the planning so that conflict over resources can be mitigated.
Led by the committee chair and consisting of at 7 members (minimum 30% women), including representatives from different groups
Organises the community to participate fully in all aspects of the sub project at the community level
Facilitates community level discussion, rapid rural appraisals, transect walks, and others
Oversees the development of community development plans
Facilitates community participation and contribution (labour, material and others)
Facilitates and organises community level trainings (on community management, operation maintenance, gender, natural resource management, conflict resolution and others)
Receives, owns, manages and operates community infrastructures
Liaises with the state level PIU and line ministries to get technical back stopping and relevant other supports
Collect project related information and reports to the state PIU

Annex 2: Screening Checklist

Sub project:

Location:

From focus group discuss or key informant interview with people with different interests and needs regarding the proposed investment e.g. women, youth, people with disabilities, minority groups, livestock keepers, crop farmers, seasonal users e.g. nomadic pastoralists.

The purpose of the checklist is to flag possible environmental and social risks and impacts to determine what E&S instruments to develop and so the issues can be further explored and included in the summary safeguard report and contractors ESMP etc. It should be done as part of ground truthing based on visual observation and key informant interviews with people with different interests and needs regarding the proposed sub-projects e.g. elders, local government officials, women, youth, people with disabilities, minority groups, livestock keepers, crop farmers, seasonal users e.g. pastoralists. Those people consulted should be mentioned at the end of the checklist.

• Will the Project?	Yes	No	Explanation
Affect downstream water flows	•	•	
Require clearing of trees, pasture/browse	•	•	
Land ownership is clear (Private, Government, Community)	•	•	
Is on or near private land	•	•	
Require demolition of existing structures	•	•	
Require large volumes of construction materials (e.g. gravel, stone, water, timber, firewood)?	•	•	
Use water during or after construction, which will reduce the local availability of groundwater and surface water?	•	•	
Affect the quantity or quality of surface waters (e.g. rivers, streams, wetlands), or groundwater (e.g., wells, reservoirs)?	•	•	
Be located within or nearby environmentally sensitive areas (e.g. intact natural forests, mangroves, wetlands) or threatened species?	•	•	
Lead to soil degradation, soil erosion in the area?	•	•	
Create waste that could adversely affect local soils, vegetation, rivers and streams or groundwater?	•	•	
Create pools of water that provide breeding grounds for disease vectors (for example malaria or bilharzia)?	•	•	
Involve significant excavations, demolition, and movement of earth, flooding, or other environmental changes?	•	•	
Be located in or near an area where there is an important historical, archaeological or cultural heritage site?	•	•	
Is an area where minority groups (0.5 groups) or IDPs reside or use the water point?	•	•	
Displace people or structures or restrict people's access to crops, pasture, fisheries, forests or cultural resources, whether on a permanent or temporary basis?	•	•	
Result in human health or safety risks during construction or later?	•	•	
Involve inward migration of people from outside the area for use of services or other purposes?	•	•	
Is an area where there has been insecurity incidents in the past 12 months?	•	•	
Is an area where there has been conflict over water or land in the past?	•	•	
Require sharing or regulation of use between different groups or communities?		•	

• Will the Project?	Yes	No	Explanation
Result in a significant change/loss in livelihood of individuals?	•	•	
Adversely affect the livelihoods and /or the rights of women?	•	•	
Cause increased settlement or degradation of surrounding areas?	•	•	
Disposal of bush clearance residue may cause spreading of invasive species?	•	•	
Introduce a non-native animal or plant species?	•	•	
Maintenance and management responsibilities have not been defined and accepted by users/local government?	•	•	
Any limitations for the livestock movement crossing gabions and rehabilitated rangelands	•	•	
Boundaries of the water sources are clearly demarcated to a void creation of adjacent settlements	•	•	
Water source fenced/protected to avoid risks and contamination	•	•	
29. Will result in Transmission diseases from region to region or boundaries	•	•	
30.Result in transmission of zoonotic disease	•	•	
32. Will require use and application of inorganic fertilizers/pesticide/herbicide or fumigation?	•	•	

Based on the above checklist, what are conclusions and recommendations on?

1. Proposed project is eligible for financing under the project criteria.

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.....
.....

2. Proposed Environmental and Social Risk Ratings (High, Substantial, Moderate or Low). Provide Justifications.

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.....
.....

3. Proposed E&S Management Plans/ Instruments (i.e., ESMP, ESIA, Summary safeguards report (for social issues), voluntary land donation form, land agreement form, ARAP, etc.)

.....
.....
.....
.....

4. Who was consulted in the completion of the checklist: Provide list.

Reviewed and approved by			
Environment Specialist Name:		Social Specialist Name:	
Date	Signature	Date	Signature

Annex 3: Overview of Grievance

Overview of Biyoole Grievance Mechanism, 27th July 2022

1. ***An accessible and functional grievance mechanism*** is an important in addressing community or stakeholder concerns as well as receiving ***feedback on a project so that it can be improved***. It is a requirement for all World Bank projects and the responsibility of all project staff, any of whom may receive the grievance.
2. It is ***preferable that grievances are resolved in person at the lowest level***, however different levels and channels of registering grievances should be available so that ***even the most marginalised person feels comfortable raising a grievance. GBV related complaints should be referred immediately the GBV focal points at FMS or FGS level.***
3. Grievances should be dealt with ***confidentially, on a need to know basis only, and without fear of backlash.***
4. Grievances can be raised by ***community members, workers and other stakeholder*** concerning project implementation including: adverse social or environmental impacts, misuse of funds; staff behaviour, workers conditions or safety, quality of service issues, sexual exploitation and abuse, forced or child labour etc.
5. **Confidentiality and timelines:** Grievances can be submitted anonymously by any complainant, and is required for complainants who raise GBV issues. Grievances will be ***acknowledged within a week (7 days) of receipt and resolved if possible within 21 days including feedback to the complainant.*** The complaint will be addressed as fully and precisely as possible focusing on specific facts and events, ***showing understanding and never dismissing or belittling a complaint.***
6. **Cases of GBV/SEA:** Such cases will be only handled by trained GBV focal points and treated with ***utmost confidence, respect and empathy and managed in line with the complainants' express wishes***, including whether the complaint is registered and referred. If agreed by the complainant, the complaint will be registered as confidential, indicating a reference number rather than the name of the complainant.
 - All staff and GRM focal points should be informed ***that if a case of GBV is reported to them, the only information they should establish is if the incident involves a worker involved with the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred to service provision.***
 - The complainant should be informed about available confidential health, psychological, legal and safe house or other support, including the importance of receiving PEP and PREP within 72 hours and if possible provided transport support to reach them. ***The complainants wishes to report and access services should be respected at all times.***
 - The GBV focal person is responsible to make a list of functioning GBV services and distribute it to all supported health facilities and staff of the project, so they are aware of where to refer complaints. This information should be displayed in the project office and health facility for ease of reference and updated regularly. Sharing such confidential information is a disciplinary offence.
 - **AN ALLEGATION OF GBV SHOULD NEVER BE INVESTIGATED AS IT MAY DO MORE HARM TO THE SURVIVOR AND REQUIRES SPECIALIST HANDLING.** If the complaint is against a worker involved in the project, ***the incident should be immediately reported to the***

National GBV specialist who will provide further guidance after consulting with the World Bank.

The social specialist is responsible for noting and reporting critical trends emerging in the GM process such as an increase/decrease in types of grievances to share with the GRC, as well as tracking complaints expressed on social media and whether and how these should be addressed. Throughout the process, the safeguards specialists will receive support from the PIU. The social specialist will use the GEMS form to register every complaint. The FGS social specialist will receive an alert and validate the data and the FMS specialist will download the data in excel at the end of every month and add the additional column for the log book and email to the FMS PM and FGS social specialist.

In summary:

1. **Grievance focal point in the VDC:** deal with minor info complaints or issues that can be resolved locally, inform FMS safeguards specialist using toll free line (who will log into Grievance form on GEMS);
2. **Contractor:** deal with minor info complaints or issues that can be resolved locally and communicate all complaints to the FMS safeguards specialist, initially via the toll free line (who will log into Grievance form on GEMS), although contractors could be oriented to do that directly in future if easier;
3. **FMS E&S focal points for implementing agencies:** deal with minor info complaints or issues that can be resolved locally and communicate all complaints to the FMS safeguards specialist, initially via the toll free line (who will log into Grievance form on GEMS), although contractors could be oriented to do that directly in future if easier;
4. **FMS environmental/GBV specialist:** refers all complaints to the FMS GRC, is secretary of the GRC and follows up, GBV specialist provide information on GBV services if they have and should immediately liaise with FGS GBV focal point;
5. **FGS social specialist:** refers all unresolved or serious complaints to the FGS GRC, is secretary of the GRC and follows up. GBV specialist liaises with WB GBV specialist on how to handle;
6. **Project Coordinator:** Received serious incidents directly and forwards to the WB TTL within 48 hours. Chairs the FGS GRC and oversees the functioning of the GM.

Hotline management: the social specialist at the PIU will be responsible for operating the toll-free line, registering the complaints in GEMS and in the excel log book, and forwarding the cases to the proper entities/persons and following up the resolution and feedback to the complainant (within 21 days). In the absence of the Specialist or when on leave, the Puntland project coordinator will be responsible for receiving the calls and filling the gap for the safeguard specialist. Before activating the hotline, the safeguards specialist, the gender focal point, and other PIU staff will be trained on GM, registering the complaints, handing the GBV cases coming in through the hotline, list of all GBV service referrals a contact, and caller management skills. The hotline number will be operational only during office hours, from **8.00 am to 4:00 pm**, Saturday to Thursday on working days. The safeguard specialist, the project coordinator responsible for receiving the calls, and the GRC who will

be involved in the resolution of cases will all sign a confidentiality agreement to protect the complainants from any backlash.

REGISTERING A COMPLAINT:

<i>Level</i>	<i>How to raise</i>	<i>Resolution</i>	<i>Type of complaints that can deal with</i>	<i>Awareness raising?</i>
<i>Village level:</i> GRM focal person in Village Development Committee	Phone or in person	Resolve (in conjunction with VDC) or refer to FMS safeguards officer	Minor complaints that can be easily resolved, especially information or adjustments by contractor	Verbally at community meetings Poster (with toll free number) on community centre or central point
<i>Contractor:</i> site supervisor or designate	Phone or in person	Resolve or refer to FMS safeguards officer	Minor issues, adjustments in line with ESMP, dust, traffic etc.	Site handover and community meetings Overview in office and poster at site
<i>FMS implementing agencies: E&S focal point</i>	Phone or in person			
<i>FMS level: safeguards officer</i> (in conjunction with PM and GRC), GBV focal point for complaints related to GBV	Phone or email or toll-free hotline number in Puntland	Resolve (with PM/GRC) or refer to FGS	All complaints should be logged into GEMS and the information downloaded every month to produce a register which is sent to the FGS social	Overview in FMS offices and poster in public place and on FMS website including of implementing agencies.

			specialist and FMS PM	
FGS level: safeguards officer (in conjunction with PM and GRC), GBV focal point for complaints related to GBV	Phone or email	Resolve (with PM and GRC) and inform WB (immediately or in quarterly report)		Overview in FGS offices and poster in public place and on FGS website.

World Bank Somalia: If a grievance has been raised with the NPIU, and no satisfactory response has been raised, an email can be sent to somaliaalert@worldbank.org

World Bank Grievance Redress Service: If no response has been received from the World Bank Somalia office the grievance can be raised with the World Bank Grievance Redress Service email: grievances@worldbank.org. For more information: <http://www.worldbank.org/grs>.

Resolution of complaints

A grievance redress committee (GRC) will be established at FMS and FGS level chaired by the project manager, and the relevant PIU staff will be included as necessary depending on the complaint (procurement, finance, M&E, GBV advisor and communications). The Safeguards Officers will minute the meetings and follow up the grievance resolution process including feeding back to the complainant. The GRC will meet once every month to review summaries of the number and type of complaints and ensure that they have been satisfactorily followed up and to address any problems in the projects that may be causing complaints, review the development and effectiveness of the grievance mechanism, and ensure that all staff and communities are aware of the system and the project. Emergency meetings will be called at FMS or FGS level in case of significant complaints or incidences. For serious or severe complaints or incidences involving harm to people or the environment or those which may pose a risk to the project reputation, the FMS social specialist should immediately inform the FGS social specialist or head of the PIU, who will inform the World Bank within 72 hours as per the Environmental and Social Incident Reporting (ESIRT) requirements.

Serious incidents

A serious incident is one that caused or may cause significant harm to the environment, workers, communities, or natural or cultural resources, is complex or costly to reverse and may result in some level of lasting damage or injury; or failure to implement E&S measures with significant impacts or repeated non-compliance with E&S policies; or failure to remedy Indicative non-compliance that may potentially cause significant impacts.

Examples of serious incidents may include injuries to workers that require off-site medical attention, exploitation or abuse of vulnerable groups, consistent lack of Occupational Health and Safety (OHS) plans in a civil works project, and large-scale deforestation. Serious incidents require an urgent response and could pose a significant reputational risk for the Bank.

A severe incident is one that caused or may cause great harm to individuals or the environment, or present significant reputational risks that could hamper the Bank's ability to operate in a country or region. The Borrower's inability or unwillingness to remedy situations that could result in serious or severe harm would be a factor in classification. A severe incident is complex and expensive to remedy (if possible), and is likely irreversible. A fatality is automatically classified as severe, as are incidents of major environmental contamination, forced or child labor, abuses of community members by project security forces or other project workers (including GBV) violent community protests a project, kidnapping, and trafficking in endangered species.

Annex 4: Grievance Record Form

Grievance Record	
Name of complainant:	Telephone:
Date complaint filed:	Nature of grievance:
Name of person taking complaint: Position: _____ Signature: _____	
Review/Resolutions	
Date of conciliation session:	Was the complainant present?
Nature of complaint:	
Was field verification of complaint conducted:	Finding of field investigations:
Was agreement on the issue reached? If agreement not reached provide points of disagreement:	If agreement reached provide details;
Mediator Name:	Signature: Date:
Complainant Name:	Signature: Date:
Subproject team member name:	Signature: Date:

Annex 4: Summary Safeguards for Subprojects

(Max 5 pages). Please annex ESIA/ESMP, voluntary land donation/agreement documentation, screening form, and community meeting minutes

Proposed sub-project: _____

Village/district/state: _____

Overview of the project location and key features within 200m of works (to understand impacts)

1. Population resident on or regularly using the land/sub-project or claimants of the land:

Village/ (facility users can be by people resident more than one location)	No of individuals resident or regularly using the project area for their livelihood	No. of direct users of the sub-project (individuals)	Number of people from that village/consulted on the sub-project (design, siting, social and environmental impacts)

2. Are there any minority groups (0.5 groups) or IDPs resident in this area or likely to use the water point? (If so please specify):

3. Has there been any conflict over this land or water resources in the past? If so please describe, what measures the project will take to ensure that it does not exacerbate conflict.

4. Consultations with the community on the sub-project (to ensure broad agreement, ownership and risk identification and mitigation)

	Date	Village	Total number of people involved	No. of women	No. of youth	No. of minority group or IDP representatives (please specify group/s)	Main concerns raised and how they will be addressed	Challenges in consulting with people e.g. migration, conflicting event, insecurity
Initial discussions								
Safeguards screening meeting								

Other – meetings (specify)								
-----------------------------------	--	--	--	--	--	--	--	--

5. Environmental and social impacts and mitigation measures identified by the community (only put those not captured in the contractors ESMP)

Social and environmental impacts of sub-project	Mitigation measures	Costing	Time frame	Responsible agency

6. Has a safeguards field visit been undertaken to the site? Y/N Date of visit:

_____ Title of visiting

7. officer: _____

8. Has the ESMP been incorporated into the contract for the works and is a safeguards compliance report required before payment?

9. _____

10. Type of land required for sub-investment and documentation:

Government land	Title deed/confirmation document attached?	YES/NO/EXPLANATION
Community land	Community land agreement/Voluntary land donation form and community minutes attached?	YES/NO/EXPLANATION
Private land	Voluntary land donation form and conversion document attached?	YES/NO/EXPLANATION

11. **Voluntary land donation:**

How many people either live on or regularly use the land where the project will be implemented (including those who might use it as a drought fall back area) by location and how many and who agreed to the voluntary donation of this land for this public facility? _____

Explain how the requirements for voluntary land donation have been met (and attach minutes, VLD form and signed participants list):

Requirements for voluntary land donation	Explanation and evidence
---	---------------------------------

The land required to meet technical project criteria must be identified in conjunction with the affected community?	
What are the likely impacts of proposed activities on donated land and how were these explained to the community?	
Area of land compared to area owned (no more than 10 % of the area of any holding can be donated). %	
How will the users and occupiers of the land benefit from this sub-project?	
What are the conditions of benefiting from this sub-project – connection fees, service charges etc.	
How the community was made aware that refusal was an option and confirmed in writing that they are willing to proceed with the donation? (e.g. at the consultation and in the voluntary land donation document)	
What evidence is there that the act of donation was undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities (e.g. photos/videos of community consultation etc.)?	
Do all the users and occupants of this land understand that by donating this land it may be gazetted as public land	
How was it explained that they have a right to compensation for land and the available compensation options (in-kind compensation, land for land compensation or cash compensation, and the implications of cash compensation?	
Were monetary or non-monetary benefits or incentives requested as a condition for the donation and were these provided?	
How do you know that the land being donated will not reduce the remaining land area to a level below that required to maintain the donor's livelihood at current levels and will not require the relocation of any household?	
Will the land take negatively impact on disadvantaged and vulnerable individuals and groups people (such as female headed households, extreme poor, PWDs, nomadic pastoralists, etc.)?	
Will any structures be moved or any access to land be limited as a result of the sub-project (describe structures and locations)?	
If so, how will they be compensated/facilitated and/or their livelihoods restored?	
How was consent provided by all individuals occupying or regularly using the land?	
Was there anyone who did not give agreement and why?	
How was it established that the land to be donated was free of encumbrances or encroachment and was it registered in an official land registry?	

12. GM: Has the GM process and contact information for focal points been disseminated to the community? If so, how and to whom (numbers and groups). If not, when will this be done?

13. GBV/SEAH: Has awareness been carried out on GBV, service providers and confidential survivor centric GBV complaints mechanism? If so, how and to whom (numbers and groups). If not, when will this be done?

14. Sustainable management: Who will manage and maintain the sub-project, and how will repairs be funded?

15. Describe the involvement and inclusion of women and minority groups or nomadic pastoralist representative in management? _____

It is a requirement that “the Bank must give its prior approval” and the Borrower must maintain a transparent record of all consultations and agreements reached.

E&S Checklist for Emergency Borehole/Water point Rehabilitation

Village:

Proposed rehabilitation works:

Supervisor of the contractor: Ministry: Name:_Position:

How far is the nearest functioning water point (km)?

How many water points have been assessed in the FMS?

Why was this selected?

Number of likely users of this borehole:

Users	Estimated Number	Where from/ in the case of water truckers - where do they deliver water?
Residents (Households)		
Pastoralists (Households)		
Water truckers (per day)		
Livestock (numbers on site)		
TOTAL (households served)		

201. Questions	Explanation	Mitigation measures required
31. Is there a project needs assessment prepared that informed the decision to undertake the borehole rehabilitation?		
32. Is the water point on private/government/community land?		
33. Is there public access to water or has any group has their access limited in the past?		
34. Who manages the water point?		
35. When did the borehole stop working? / Why is the intervention needed?		
36. Why was it not repaired previously?		

37. Has there been any conflict associated with the water point in the past?		
38. What are the mitigation measures in place to avoid community conflict when the borehole is rehabilitated considering it is a drought season and there is scarcity of water in several communities?		
39. Is the water point likely to cause increased settlement or degradation of surrounding areas?		
40. Is the water for human/animal consumption or domestic use or irrigation?		
41. Was the water potable? When last tested?		
42. Has this area experienced insecurity or conflict in the year?		
43. When will the project team conduct a quick Security Assessment to produce Security Management Plan (SMP) for high security areas e.g. Galmudug and Southwest States?		
44. Has there been community agreement on the rehabilitation? When/how/who involved		
45. Has the community agreed to enable access to all including disadvantaged group e.g., minorities or IDPs		
46. How will the borehole be maintained once rehabilitated?		
47. When will awareness rising on GRM including GBV be carried out?		
48. Are there any other social or environmental risks?		

Suggested actions for follow on after the drought:

Completed by:

Names of the people consulted in the community:

Name	Sex M/F	Resident/ position	Tel number	Date consulted	On what/ Recommendations

Annex 5. RAP Elements/Contents as Per ESS5

Description of the project.
Potential impacts
Objectives of the resettlement program.
Census survey and baseline socioeconomic studies.
Legal framework.
Institutional framework.
Eligibility.
Valuation of and compensation for losses.
Community participation.
Implementation schedule.
Costs and budget.
Grievance redress mechanism.
Monitoring and evaluation.
Arrangements for adaptive management.

Additional planning requirements where resettlement involves physical displacement

When project circumstances require the physical relocation of residents (or businesses), resettlement plans require additional information and planning elements. Additional requirements include:

Transitional assistance.
Site selection, site preparation, and relocation.
Housing, infrastructure, and social services.
Environmental protection and management.
Consultation on relocation.

Additional planning requirements where resettlement involves economic displacement:

- 1. Direct land replacement.*
- 2. Loss of access to land or resources.*
- 3. Support for alternative livelihoods.*
- 4. Consideration of economic development opportunities.*
- 5. Transitional support.*

It is a requirement that “the Bank must give its prior approval” and the Borrower must maintain a transparent record of all consultations and agreements reached.

Annex 6. Community Land Agreement and Consent Form

ITEM	DESCRIPTION
Project name:	
Project location:	
Name of subproject:	
GPS coordinates of land area:	
Date:	

Please attach the community minutes and summary safeguards report explaining how the requirements for voluntary land donation for this subproject have been met.

TERMS OF THE AGREEMENT

1. As discussed in our community minute onto which all residents and regular users of the project site (specify) Were invited. We, the nominated representatives at that meeting, confirm that the following issues were discussed and the residents and regular users of this land are in unanimous agreement.
2. That Shall be site of the proposed and that:
3. We all are aware that the land set aside for the subproject is community land and no one is claiming individual ownership because it belongs to all of us, and no alternative claims will be made later on the land.
4. We have all agreed unanimously that the project implementation should continue.
5. We will all allow other neighbouring and cross-border communities access to the project site as agreed between elders of represented communities.
6. We all shall strive to peacefully resolve any conflicts with other communities concerning the project.
7. We will all strive to peacefully co-exist and resolve any conflict arising out of the subproject facility following due process provided by local laws.
8. The land to be donated was identified in consultation with all residents and users of the land.
9. We all understand the likely impacts of proposed activities on donated land.
10. We all understand that the community could have refused this subproject.
11. We all agreed to this subproject and donation of the land without coercion, manipulation, or any form of pressure on the part of public or traditional authorities.
12. We all agreed that we do not require any monetary or nonmonetary benefits or incentives as a condition for the donation.
13. Donation of land will not adversely affect the livelihoods of occupiers and users of the land.
14. If any structure will be moved or any access to land be limited as a result of the subproject, support will be provided to the individual so their livelihoods are not adversely affected.
15. The land is free of encumbrances or encroachment and is not claimed by any individual and its ownership is not contested.
16. The donor has been appropriately informed and consulted about the project and the choices available to them.
17. The donor is expected to benefit directly from the project.
18. The amount of land to be donated will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels.

We have been designated by the community of and represent all groups using this land (include elders, women, youth, other users, minority groups):

Confirm the above information to be true and that we have resolved to abide by ALL terms of this agreement. (Please attach minutes of the community meeting including the signed attendance sheet and photos of the meeting).

No.	Name	Role	Phone number	Date	Signature

Agreed/Witnessed on this Day of In the Year..... By:

1. VDC leader

Name	Phone number	Date	Signature

2. District Administration

Name	position	Phone number	Date	Signature

3. Project representative

Name	Phone number	Date	Signature

4. FMS Ministry of Water (Minister/V. Minister/DG)

Name	Position	Phone number	Date	Signature and R/Stamp

Annex 7. Voluntary Land Donation Form

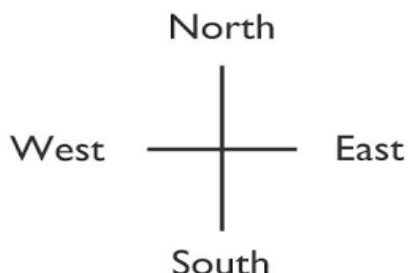
Land Agreement Form

Date: _____

Subject: Donating Land for Public Use

After consideration of the letter dated: _____ and titled _____ from the _____ as the owners of the land located in GPS: _____ in the village of _____, we hereby testify that we are donating our land to the**village of****District** for Public use only (that is, construction of).

The measurements of land that we are donating is as follows:



Hence, this notary serves as a legal document affirming that we have donated the above stated land for public use, which will be used for _____ the _____ **project** being implemented by _____ government and funded by the World Bank.

Undersigned are names of deed owners in sound mind.

Name _____

ID. NO.

Sign.: _____

Tel. No: _____

Name _____

ID NO.

Sign: _____

Tel. No:

Acknowledgment

I, _____, chairperson of the**Village Development Committee** affirm in this legal document that we accept the land donated for public use from the above signed owner(s) of the land located in _____

_____ with the measurements stated above.

Undersigned is the name of the chairperson of the village in sound mind.

Name _____

ID. NO.

sign: _____

Date: _____

Witnesses

Name _____

ID.NO......

Sign: _____

Tel: _____

Date: _____

Name _____

ID.NO......

Sign: _____

Tel: _____

Date: _____

The notary office _____ is testimony that we have witnessed this agreement for which all parties were present and have the legal enforcement that will take effect as of date _____.

Undersigned is the name of the notary officer in sound mind.

Name _____

ID.NO......

Sign: _____

Tel: _____

Date: _____

Requirements for voluntary land donation:

1. The owner of the land to be donated should not be forced if they do not agree with the donation.
2. The impacts must be minor, that is, involve no more than 10 percent of the area of any holding and require no physical relocation.
3. The land should meet technical project criteria as identified by the project engineers
4. The land in question must be free of squatters, encroachers, or other claims or encumbrances.
5. Verification of the voluntary nature of land donations must be obtained from each person donating land.
6. Grievance mechanisms must be available.
7. If land donated is not used for the agreed purpose, it must be returned. Otherwise, the donor cannot reclaim land donated and sign an official letter regarding that matter.

8. Ensure the donor have been appropriately informed and consulted about the project and the choices available to them.
9. The donor is expected to benefit directly from the project.
10. The amount of land to be donated must not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels.
11. The Borrower must maintain a transparent record of all consultations and agreements reached all times.

Date: _____



Memorandum of Understanding

Between

Biyoole Project Implementation Unit of Puntland

and

_____ Community Development Committee



This is an agreement between Project Implementation Unit (PIU) for Biyoole Puntland, hereinafter called Party A and “_____ Development Committee (VDC)”, hereinafter called Party B. The PIU is stationed at the Puntland Ministry of Planning in and represent all government authorities implementing the project[FMS]. The VDC represents all community members including child to elders, religion leaders, youth, women, men, farmers, pastoralists, disabilities, IDPs etc.

Purpose:

The purpose of this MoU is to clearly identify the roles and responsibilities of each party as they relate to the Biyoole project implementation and sustainability. The aim of the Biyoole project is to improve water sources, livelihoods and increased adaptive capacity of local community and institutions through funding the development of an array of water technology options.

The parties (PIU and VDC) will work together to provide the resources necessary to implement and sustain this project. Both Parties will ensure that program activities are conducted in compliance with all applicable Federal and federal member State laws, rules, and World Bank operational policies and procedures. Both parties understand that the project components as establishment of hafir dams, berkads, sand storage dams, area infiltration interventions, semi-circular bunds, soil bunds, sub-surface dams and rock catchments, Rehabilitation of Berkads, Rehabilitation of degraded rangelands and institutional strengthening. These interventions will directly provide benefits in the form of access to improved water sources for multiple uses (domestic, livestock, agriculture,

and horticulture); agricultural extension services (livestock and crops); improved livelihood resilience; and adaptive know-how.

202.

Roles and responsibilities between two parties

A. Party A (PIU team) responsibilities under this MoU

203.

1. Party A (PIU team) is responsible for facilitation of the investment and maintaining a unified Results Framework for the project.
2. Ensure community engagement inclusivity and participation for the project implementation and sustainability.
3. Responsible for supervision and collaboration with the service providers to ensure they closely working with community.
4. Party A (PIU) to ensure that dam entry, and dam related structures such as animal troughs are downstream the dam to prevent contamination and also prevent rangelands degradation.

204.

A. Community Village Development Committee responsibilities under this MoU

205.

1. Party B (VDC) is responsible for leading community participation, project sustainability, use and maintenance for example Provide necessary support such as land, technical experts in the community.
2. The community is responsible for bringing/formulating inclusive village development committees respecting with existing system.
3. Party B (VDC) is responsible for leading Community organization meetings, awareness, documenting and report general grievances arising from project interventions and bring them to the attention of the project's Grievance Redress Mechanism.
4. Party B (VDC) to ensure that no new settlements are established roughly _____ km upstream (watershed) to prevent pollution (if the area is already not settled).
5. Party B (VDC) to appoint a water management lead by the VDC whose members should be permanent settlers that do not migrate with the seasons. The water management committee to clean the dam area (or desilting) before the rainy seasons (where necessary).
6. Party B (VDC) and the water management committee to develop by-laws covering but not limited to the following aspects:
 - a. Collecting water user fee [*committees to set the price in consultation with the general community*]
 - b. Prioritising human consumption followed by livestock and crop production respectively.

- c. Time lots in the dry seasons (Feb -Mar and Jul – Sep). Permanent residents could drink from 4.00 pm – 10.00 pm while pastoralists (coming from out of the settlement) could drink from morning to afternoon.
- d. During a crisis, irrigation should be stopped to allow the survival of humans and livestock
- e. Ensuring water access for all, irrespective of the area of origin. All groups (immigrants and settlement pastoralists) have equal rights in consumption amounts
- f. Water fetching to be queuing to be respected on a first come first served.
- g. To define fines and punishment for all breaching the by-laws:
_____ [committee to decide on what to charge].

On behalf of the Biyoole Project

Puntland Biyoole Project Coordinator

Name: _____ **Sign:** _____

Email: _____ **Tel:** _____

On behalf of the Community

Name: _____ **Sign:** _____

Role: _____ **Tel:** _____

Name: _____ **Sign:** _____

Role: _____ **Tel:** _____

Annex 9: Minutes of consultations on the BARWAAQO Environmental and Social Safeguards Instruments

MINUTES OF GOVERNMENT CONSULTATIONS ON THE E&S INSTRUMENTS FOR 21 JUNE 2022 FOR THE BARWAAQO PROJECT.

Objective: The meetings was to get input and suggestions on improving the draft RPF, ESMF, SEP, and the LMP from the team and government counterparts.

The meeting was organized on 21st June 2022.

Agenda of both meetings

Time	Session	Lead
10:30	Participants Introduction	All
10:45	Welcoming and Opening to BARWAAQO Project	National Project Coordinator: Dr Abdullahi Elmi
10:45 to 11:30	WB E&S Standards Applicable to BARWAAQO Project and identified risks and mitigation measures BARWAAQO Social risks and mitigation measures Inclusion plan and Resettlement Management Framework and discussion	Khalif Hassan Dalmar, environmental specialist Kafi Nidamudin Adam, social specialist
11:30 - 11:45	SEAH prevention and response plan	Maryan Mohammed, acting GBV advisor
11:45- 12:30	Q&A and Plenary discussions	Dr Abdullah Elmi
Breaktime and praying		
13:00 14:00	Continue discussion and closing remarks and way forward	Dr Abdullah Elmi

Summary of E&S issues and mitigation measures

	Issues Raised	How will be addressed in project
1.	Role of the district authorities in BARWAAQO project	1. Proper engagement of the districts can ensure that the needs outside the scope of the Biyoole project can be addressed at by others in collaboration with the district authorities. It will also facilitate the activities and requirements in the field such good collaboration with the VDCs, formalizing the land documentation processes, and mitigating duplications since there could be other stakeholders with similar projects. 2. The district authority engagement process should be continuous with every subproject and activities in the district.
2.	Communities welcoming the project in the entry stage but showing true colours during the implementation	a) The engagement process should not be viewed as a one-time activity but rather be a continuous process. It should also be a two-way process where the community can raise their concerns from the very beginning. b) Awareness of the GM process should be explained to the community in the very entry process to prevent future surprises and rejection of the project activities. c) BARWAAQO to include rehabilitation support for structures under Biyoole 1 and WALP investment sites in order to ensure that investments are not wasted.
3	Ownership of the project	a) MoUs with water user agreements need to be signed with communities to allow access (especially the water components) as a requirement for funding the project activity. b) The local government and respective line ministries should continue to be part of the operational phase of the infrastructure to ensure equitable access for all and also provide technical level maintenance support. c) Ensure awareness-raising, capacity-building training, and partnering with international firms to learn lessons and knowledge transfer.
4	Land donation verification process for illiteracy people	The PIUs should put the provision of people signing with their finger prints if signing is not possible for the participants.
5	Budget for the resettlement plans	a) Proper community sensitization is necessary to identify the hidden issues and plan appropriately. b) Suggestion/mitigation: Proper application for the resettlement policy framework of the BARWAAQO project and other related policies and legislations.
6	Compliance with the ESMP	a) The contractor's contract must have clauses to financially hold the contractor responsible for failing to conform to the ESMP requirements.

		b) The project engineer positioned at the sites should have a role in ES implementation and monitoring and compliance. Non-compliance should be identified immediately and corrected to prevent delays in payments and future issues.
7	Exclusion/Inclusion of minority groups in the project	a) The BARWAAQO to allocate a quota in every FMS for locations where the minority groups settle. b) Minority groups can be engaged through making GM focal points, including VDC and raising awareness that they have equal opportunity for the project implementation. c) Separate meetings for women groups and others can be used to identify the main concerns in the community including the inclusion/exclusion issues of some groups. d) Contractors must be engaged and sensitized to collaborate with the community-based groups, ensure fair recruitment of casual laborers to provide opportunities for the minorities in the area. e) <i>Creating and providing functioning GRM systems to provide feedback and opportunities for raising their concerns.</i> f) The project teams should ensure that the minority groups can be engaged in the project opportunities such as contract awards, GRM and GBV focal points, security guards etc.
8	Timeframe for the E&S safeguard process	Based on the lessons learned from the Biyoole 1, the PIUs should start the safeguard process early on in the project implementation phase.
9	Drought situation	The BARWAAQO to increase boreholes such as the emergency response of drought impacts.
10	Preparation of the Security Management Plans and Assessments	The FMS in collaboration with the PCU must be responsible for hiring the security firm.
11	Prevention of GBV/SEAH	a) Ensure that all project workers and contractors have better understanding of GBV, informed and sign CoCs. b) Effective GRM for GBV related issues, GBV-related focal points at village level to be well trained and capacitated c) Awareness and mobilization of GBV related issues-COCs to be translated into Somali and available for every one d) Train all project workers and contractors to have better understanding on COCs, GBV and SEAH plan. e) Coordination with other projects like RCRF and Marwooyin Caafimaad, that support women health issues to provide referral support for affected persons, and for awareness and prevention of GBV/SEAH in BARWAAQO. f) Management teams should ensure that the working environments are safe and conducive for female project workers.

12	Transparency of project recruitment:	a. The HR officers to ensure the use of the existing national and world bank policies of open and public process of contracts and recruitment processes. b. The contractors' recruitment process for the community-based workers should as well be done in collaboration with the VDCs and common interest groups at the community levels.

List of the participants

Name	Role, Organization	Email
Dr Abdulahi Elmi	Biyoole National Project Coordinator	project.a@mop.gov.so
Kafi Nidamudin Adam	Social/Community Development Specialist Biyoole Project, Puntland/FGS	kaafinidam@gmail.com
Khalif H. Dalmar	Biyoole environmental specialist, Directorate of environment and climate change	kh.dalmar@environment.gov.so
Maryan Mohamed Adan	Acting GBV/Rangeland Specialist, Ministry of environment and climate change Puntland	maria.moha2013@gmail.com
Mohamed Osman Shire	M&E specialist, Ministry Planning Puntland	shiremoha44@gmail.com
Abddallaha Sulaiman	Biyoole Project Coordinator Galmudug state	abdallahsulayman35@gmail.com
Abdinasir Adan	Galmudug state	
Abdullaha Abdulkadir H. dahir	Community development specialist Biyoole project, Southwest state	soorey55@gmail.com
Ali Mohamed Said	Community development specialist Biyoole project, Galmudug state	shido905@gmail.com
Hassan Abdullah Ibrahim	M&E specialist	

Mohamud Mohamed Jama	Environmental safeguards specialist, Biyoole project, Puntland	xawte04@gmail.com
Abdu Hamid Hassan	M&E specialist	
Ahmed Abdulaahi Bashiir	Legal advisor on environment and climate change	karaama570@gmail.com
Ayan Said	RCRF Project, GBV Expert	Ayan Said <ayanita.mof@gmail.com>
Abdishakur Isse Hash	Ministry of Finance for the Galmudug State of Somalia, Social Safeguard Specialist	daangaab10@gmail.com .
Mohamed Moge Mohamed	Social safeguard specialist RCRF MOF in Jubbaland state	moge00724@gmail.com
Awil Mohamud Said	Livestock Development Specialist -Biyoole Project- Puntland Garowe	awilmohamoudsaid@gmail.com
Sadia Yusuf Abdi	Gender expert, MoEWRS	Sacdiyo214@gmail.com
Abdihameed Hassaan	Social safeguard Specialist, SEAP-PIU (MoWER)	abdihamid12@gmail.com
Ahmed Mohamed Hassan	FGS-Social Safeguard Specialist RCRF Project	
Bahja Abshir	RCRF project social and environmental specialist Puntland level.	bashka9999a@gmail.com

Virtual Stakeholder consultation with Non governmental organisations:

Objective: The objectives of the teleconference was to get input and suggestions on improving the draft stakeholder engagement plan, the environmental and social management framework, and the resettlement planning framework.

Participants. Nongovernment and civil society groups, 15 participants of which 3 were women.

Participants Lists

Name	Gender	Role & Institutions	Email address
Samsam Mohamed Samriye	Female	Women Activist	smsamriye@gmail.com
Abdinur Ahmed Farah	Male	Protection & GBV Department; TADAMUN	Abdinorfarah10@gmail.com
Burhan Abdullahi Said	Male	Program Manager of Puntland Minority Women Development Organization	pmwd2000@gmail.com
Ali Abdi Adan	Male	Chairman of Puntland Disability Network	Pdon100@gmail.com
Hamid Faysal	Female	Medical for Fistula, KAALO	hamdiahmed@kaalo.org
Abdiqani Ahmed Ali	Male	Project Officer, Somali Peace Line	abdiqani@tubta.org
Hasan Mowliid Yasin	Male	CEO Somalia Greenpeace Association	somaligreenpeace@gmail.com
Mohamud Mohamed Hasan	Male	Deputy Rector for the Zamzam University of Science and Technology	mohamud@zust.edu.so
Mohamed Daahir Moalim	Male	Somalia Greenpeace association	mdmoalim@gmail.com

Ahmedweli Daahir	Male	Marginalized Communities Advocates Network, Jubaland	mcadvocates.somali@gmail.com
Jama Isack	Male		issackm28@gmail.com

Summary of issues and mitigation measures

SN	Issues Raised	Mitigation measures
1.	Collaboration with relevant government stakeholders and traditional institutions	- Immediately after the identification of potential sites, project staff should contact the local governments, village development committees, and traditional elders about the project objectives, stakeholders, roles, and responsibilities. - Community mapping, including vulnerable groups (like the orphans, women, youth, and disabled groups), should be done. - General awareness and training should be organized to sensitize the beneficiary groups and also build contacts with the relevant project staff. - Project information should be disclosed clearly, and issues and mitigation measures to be developed jointly with all stakeholders notified. - Existing community structures are sometimes not representative, making only a few people (groups) run the show, and others become passive. Support can be sought from the local governments on restructuring the VDCs to include more women/minority representation.
2.	Effective community participation in the project phases	- Conduct a proper assessment of community groups' conditions, capacities, gaps, what the community can do, and what kind of support they need to participate meaningfully. This process should not be rushed, not become top-down where the requirements are dictated but to be identified, and the interest of the project team should not be to finish activities. Possible community contributions such as food for workers, security services, labour, and materials, should be agreed upon and documented from the start. - Separate meetings should be conducted for different groups (i.e., religious leaders, women, traditional leaders, etc.) to share information and enable the community to understand their roles. - The project team should be trained, and understand the project, to provide correct information to the stakeholders. Low capacity of the

		project teams and contractors with poor understanding of the local conditions; sometimes make promises and raise community expectations. Whenever what was promised is not materialized, the community's confidence and trust are lost and result in poor participation in implementation and operation. - Feedback should be provided to the community if their needs are not in line with the project scope. - The project team should ensure that the beneficiary selection criteria are developed to prevent committees from favoring only their family and friends. - No salaries should be promised and given by the project. In this way, only real volunteers sign up for the committee positions who have the intentions of serving the community rather than persons interested in salaries. - An exit strategy should be developed with the community at the beginning of the project, so that they know their responsibilities when the project implementation phase is over. - Other projects can be used to complement when the project ends. Line ministries and local governments can do this. - Awareness should be continuous for building ownership and participation in the project. - Women and minority groups should not only take part in the consultation meetings but also should be given opportunities in the project to be included in the committees, and the labour force.
4	Land donation process and compensations	- Incentives or a privilege should be planned and documented for land donors to deter them from reclaiming the land. For example, donors of settlement lands for IDPs are given some houses they can rent out, to make them a beneficiary rather than losers in the project. Whatever support is going to be provided should be planned for the operational phase and be organized by the beneficiary community - If the land is not government-owned, agreements must be signed publicly with different groups. The local government should formalize land donation documents. Also, to prevent future claims on the land, the relevant government institutions at lower levels should be present in the operational phase.
7	Exclusion/Inclusion of minority groups in the project	- The project should conform to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) since Somalia ratified it in 2019. Their interests and representation should be ensured/facilitated in project designs, meetings, committee participation, access and utilization of the project resources - Infrastructure designs contribute to the empowerment of persons with disabilities

		- Findings and recommendations of local assessments by the PMWDO on the needs and conditions of the minority groups should be reviewed to enhance their say in the design and implementation of programs. - Establishing a representative project committee (VDC subcommittees) to ensure that the interests of all are considered in the implementation and equally benefit from the project labour activities and resources. - Quotas for minorities are typically a good practice (for example, IDP support projects usually have a 30% inclusion for host communities). In this way, everyone is happy, and project committees identify the proper beneficiaries.
11	Prevention of GBV/SEAH	- The working environment should be conducive for women who have additional needs. - GBV/SEAH risk awareness should be continuous and understood by all, including project staff, contractors, and beneficiary communities, at all times and during project phases. - Interests of women and children as water collectors should be put into the project designs and implementation. Issues such as safe access and passage should be seriously considered. - Establish a robust grievance mechanism to capture the complaints and cases and provide the proper support to the victims. - GBV focal points should be supported to document appropriately, refer and deal with the cases. - Feedback to complainants is a must to create community confidence in utilizing the GRM systems (hotline, suggestions boxes etc.) - The signing of CoC by all, with a strong indication of the legal and liabilities involved for anyone, found guilty of GBV/SEAH/child abuse - Train all project staff on prevention as well as early identification of potential GBV/SEAH in workplaces and outside. - The FMS Ministries of Women development should select GBV focal points. The focal point should also closely work with the Ministry for information and experience sharing.
12	Questions raised by the participants and responses provided by the facilitators	1. Will the participants review the meeting minutes before they are finalized? Yes, it will be shared by email, and they must provide quick inputs and contributions. Also, the outcome will be incorporated in the instruments to be published on the Federal Ministry of Planning and the World Bank websites. 2. Will participating institutions only participate in consultations, or will they be involved in the project implementation, especially in identifying the locations of minority groups? If the participating institutions have a presence in the project sites, they will be consulted

		during the engagement processes project sites. Otherwise, they can always participate on social media platforms and Ministry of Planning websites during the disclosure of specific ESMPs for project locations. 206. 3. How can the government be held responsible if it decides to exclude certain minority groups from the project? The project will develop a robust Grievance Mechanism, which will be made public with a hotline number that can be reached. Additionally, there are different layers of the GM, starting from the community, district, FMS, FGS, and the WB. The implementation arrangements of the project are governed by terms of reference between the government and the WB, to which all parties have to conform and in which ESS7 and ESS10 are part of the project to be funded. Finally, deliberately excluding minorities may result in immediate termination of the project funding if other corrective measures are impossible.
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Further consultations will be conducted continuously and especially during the project launching, implementation for relevant stakeholders, including districts, relevant FMS and FGS institutions, development partners, and other WB project staff in respective locations.