



**FEDERAL REPUBLIC OF SOMALIA**

**MINISTRY OF ENERGY AND WATER RESOURCES (MoEWR)**

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**Somali Electricity Sector Recovery Project - SESRP**

**(P173088)**

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**Resettlement Policy Framework (RPF)**

Final Report

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## Abbreviations and Acronyms

Acronym	Details
<b>AIDS</b>	Acquired Immunodeficiency Syndrome
<b>BESS</b>	Battery Energy Storage System
<b>BRA</b>	Benadir Regional Administration
<b>BSSF</b>	Business Support Services Firm
<b>CBO</b>	Community Based Organization
<b>CEDAW</b>	Convention on the Elimination of All forms of Discrimination against Women
<b>COVID-19</b>	Corona Virus Disease 2019
<b>CSO</b>	Civil Society Organization
<b>DoECC</b>	Directorate of Environment and Climate Change
<b>EHS</b>	Environment Health and Safety
<b>ESF</b>	Environmental and Social Framework
<b>ESI</b>	Electricity Supply Institutions
<b>ESIA</b>	Environmental and Social Impact Assessments
<b>ESMF</b>	Environmental and Social Management Framework
<b>ESMP</b>	Environmental and Social Management Plan
<b>ESP</b>	Electricity Service Provider
<b>ESS</b>	Environment and Social Standard
<b>FGM</b>	Female Genital Mutilation
<b>FGM/C</b>	Female Genital Mutilation or Cutting
<b>FGS</b>	Federal Government of Somalia
<b>FMS</b>	Federal Member State
<b>FPIC</b>	Free and Prior Informed Consent
<b>GBV</b>	Gender based Violence
<b>GBVIMS</b>	Gender-Based Violence Information Management System
<b>GIIP</b>	Good International Industry Practice
<b>GIS</b>	Geographical Information System
<b>GRC</b>	Grievance Redress Committee
<b>GRM</b>	Grievance Redress Mechanism
<b>GRS</b>	Grievance Redress Service
<b>HIV</b>	Human Immunodeficiency Virus
<b>HSDG</b>	Hydrogen Storage Distributed Generation System
<b>IDA</b>	International Development Association
<b>IDP</b>	Internally Displaced Person
<b>IP</b>	Implementing Partner
<b>IVA</b>	Independent Verification Agency
<b>LMP</b>	Labor Management Procedures
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MIS</b>	Management Information System
<b>MoEM</b>	Ministry of Energy and Mines
<b>MoEWR</b>	Ministry of Energy and Water Resources
<b>MoPIED</b>	Ministry of Planning and Economic Development
<b>MoPW&amp;T</b>	Ministry of Public Works and Transport
<b>NGOs</b>	Non-Government Organization

<b>Acronym</b>	<b>Details</b>
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>OE</b>	Owners Engineer
<b>OHS</b>	Occupational Health and Safety
<b>PAP</b>	Project Affected Person
<b>PIU</b>	Project Implementing Unit
<b>RAP</b>	Resettlement Action Plan
<b>RPF</b>	Resettlement Policy Framework
<b>SDF</b>	Somalia Development Fund
<b>SEA/SH</b>	Sexual Exploitation & Abuse / Sexual Harassment
<b>SEP</b>	Stakeholder Engagement Plan
<b>SESRP</b>	Somali Electricity Sector Recovery Project
<b>SME</b>	Small and Medium Enterprise
<b>SNA</b>	Somalia National Army
<b>SOP</b>	Series of Projects
<b>TPMA</b>	Third Party Monitoring Agent
<b>UN</b>	United Nations
<b>VAC</b>	Violence Against Children
<b>VLD</b>	Voluntary Land Donation
<b>VMG</b>	Vulnerable and Marginalized Group

## Definition of Terms

Terminology	Definition
Census	<p>A field survey identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures, and other fixed assets to be affected by the project. This would involve identifying characteristics of households, information on vulnerable groups, public/community infrastructure as the overall baseline conditions for the overall monitoring and evaluation process.</p> <p>A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation and for preparing and implementing the Resettlement Action Plan (RAP).</p>
Compensation	The payment in kind, cash, or other assets in exchange for the taking of land, or loss of other assets, income/profits including fixed assets thereon, in part or whole.
Cut-off Date	The date the census and assets inventory of persons affected by the project begins. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages.
Displaced Persons	The people or entities (whether natural or legal) directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
Economic Displacement	Loss of assets (including land) or access to assets that leads to loss of income sources or means of livelihood because of project-related land acquisition or restriction of access to natural resources. People or enterprises may be economically displaced with or without experiencing physical displacement. Usually, the term economic displacement is used when affected persons are not also physically displaced (see below “physical displacement”).
Environmental and Social Standard	The Environmental and Social Standards set out the requirements relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. There are ten Environmental and Social Standards that establish the standards to be met through the project life cycle.
Eligibility	The criteria for qualification to receive entitlements outlined as part of the resettlement process.
Forced eviction	The permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which 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 Redress Mechanism	Complaint mechanism is a locally based formalized 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 Redress Mechanism ensures that complaints are being promptly received, assessed, and resolved by those the responsible for the project.

<b>Terminology</b>	<b>Definition</b>
Host Community	A host community is any community of people living in or around areas to which people physically displaced by a project will be resettled.
Household	The term household refers to a group of people who reside together and share in the functions of production and consumption operating as a single economic unit. It is also the smallest unit of consumption, and sometimes production.
Household Head	For purposes of a census, the household head is that person among the household members who is acknowledged by other members of the household as the head and who is often the one who makes most decisions concerning the welfare of the members of the household.
Inventory of Loss	The pre-appraisal inventory of assets as a preliminary record of affected or lost assets.
Involuntary Resettlement	<p>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.</p> <p>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</p>
Land Acquisition	<p>Methods of obtaining land for project purposes, which may include outright purchase, expropriation of property, and acquisition of access rights, such as easements or rights of way. It may also include:</p> <p>(a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes.</p> <p>(b) repossession of public land that is used or occupied by individuals or households; and</p> <p>(c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.</p>
Livelihood	Refers to the full range of means that individuals, families, and communities utilize to make a living such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.
Livelihood Restoration	<p>The measures required to ensure that Project Affected Persons (PAPs) have the resources to at least restore, if not improve, their livelihoods.</p> <p>Specific allowances or activities intended to support displaced people's efforts to improve or at least restore their livelihoods to pre-project levels. Livelihood restoration should preferably be distinguished from compensation. Livelihood-restoration measures typically include a combination of cash or other allowances and support activities such as training, agricultural assistance, or business enhancement.</p>
Physical Displacement	Loss of dwelling or shelter because of project-related land acquisition, which requires the affected person(s) to move to another location. Physical displacement typically entails economic displacement too, as physically displaced people usually lose access to land, employment, or business opportunities

Terminology	Definition
	associated with their former location, and most specialists use physical displacement to cover both physical and economic impacts.
Project Affected Person (PAP)	persons who, for reasons of the involuntary taking of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project Affected Persons physically relocate. These people may have their: (i) standard of living adversely affected, whether or not the Project Affected Person must move to another location; (ii) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; (iii) access to productive assets adversely affected, temporarily or permanently; or (iv) business, occupation, work or place of residence or habitat adversely affected.
Rehabilitation Assistance	the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
Replacement Cost	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 labor 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. In determining replacement cost, depreciation of the asset and the value of salvage materials are not considered, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.
Resettlement Action Plan	the planning document that includes measures to address physical and/or economic displacement expected from a project.
Resettlement Entitlements	the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category. These measures ensure that project affected persons who may require to be physically or economically displaced are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.
Resettlement Policy Framework (RPF)	a framework prepared to guide resettlement action and in particular the preparation of Resettlement Action Plans during Project implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the project implementation. Resettlement Action Plans will be prepared consistent with the provisions of this RPF.
Restrictions on land use	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
Security of	means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where

Terminology	Definition
Tenure	the tenure rights provided to them are socially and culturally appropriate. In no event will resettled persons be provided tenure rights that are weaker than the rights they had to the land or assets from which they have been displaced.
Vulnerable People or Groups	Refers to those individuals or groups who, by virtue of, for example, their age, gender, race, ethnicity, religion, physical, mental, or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits.

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## EXECUTIVE SUMMARY

The Federal Government of Somalia (FGS) is preparing the Somali Electricity Sector Recovery Project (SESRP) to be financed by International Development Association IDA to the tune of US\$150 million. The SESRP aim is to increase access to electricity services and to re-establish the Electricity Supply Industry (ESI) in the Project Areas. The FGS has created the Ministry of Energy and Water Resources (MoEWR) to define and implement overall energy sector policies and to regulate the sector. The MoEWR hosts the Project Implementing Unit (PIU).

The proposed Somali Electricity Sector Recovery Project has been conceptualized as the first of a series of three projects. The SOP vision has four themes: (a) infrastructure development, (b) renewable energy generation, (c) electricity supply to public institutions, and (d) sector capacity enhancement. Sector institutional, legal and regulatory enabling environment for sustained sector operations, including enhancing both the public and private capacity to manage and operate the sector. These themes aim to achieve the following outcomes:

1. Increased access to lower cost electricity supply from diverse energy resources especially from renewable energy resources for climate change mitigation; and increased access to electricity services.
2. Improved access to functional health and education services.
3. Sector institutional, legal, and regulatory enabling environment for sustained sector operations, including enhancing both the public and private capacity to manage and operate the sector.

**Rationale and Objective of the of Resettlement Policy Framework (RPF):** The purpose of the resettlement policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation (see ESS5, paragraph 25). Once the subproject or individual project components are defined and the necessary information becomes available, resettlement action plan(s) proportionate to potential risks and impacts shall be prepared through the supervision of PIUs and approved by the Bank, disclosed and later implemented. The objective of the RPF is to ensure that the Project Affected Persons (PAPs) get compensation for their losses, are offered resettlement measures, and are supported in improving or at least restoring their levels of living and income after the project impact to pre-project levels. This RPF is intended to safeguard the interests of the population impacted by the project activities, especially the poor and vulnerable and will be based on applicable Policies of Federal Government of Somalia (FGS), Federal States and the World Bank standards.

**Resettlement Principles:** The physical and/or economic displacement of local populations will be avoided or minimized to the extent possible. When displacement of population is necessary and unavoidable, affected people are provide adequate information to understand and opportunities to choose among alternatives to re-establish their livelihoods and maintain or improve their standards of living. Where the impact of Project land taken is such that the sustainability of people’s livelihoods is curtailed, preference will be given to land based/in-kind compensation over cash compensation. Compensation at full replacement cost for losses of assets attributable directly to the Project will be provided prior to impact. Special assistance tailored to the needs and constrains of vulnerable populations will be established.

**Development of RAPs:** The outline for subsequent RAPs as well as the proposed socio economic questionnaire have been incorporated into this RPF as the basis for the development of the subproject RAPs once the locations of the subprojects have been defined. The RAP will include more detailed description and a proposed livelihood restoration program in line with the needs, nature of losses and profiles of the affected individuals and or communities based on consultations and the results of the socio economic survey.

**Eligibility:** Any individual, group, organization who is located within the project area of impact prior to the established cut-off date, and is affected by the project is eligible for compensation under the project guidelines. To address this, an entitlement matrix has been developed as part of this RPF and will be further refined with the development of the subproject RAPs. A PAPs eligibility for compensation was determined with the guidance of the World Bank’s Environmental and Social Standard 5 (“Land Acquisition, Restrictions on Land Use and Involuntary Resettlement”) requirements

and their compensation and other support are outlined in the entitlement matrix. Vulnerable groups will also be entitled to tailored supplementary support based on their specific needs.

**Legal framework:** A gap analysis with a description of how these will be mitigated is incorporated into this RPF. Both the Somalia Provisional Constitution of 2012 and the World Bank Environment and Social Framework Standard ESS5, “Land Acquisition, Restrictions on Land Use and Involuntary Resettlement”, aim to ensure that involuntary resettlement should be avoided or minimized, wherever feasible, exploring all viable alternative project designs, and where displacement is unavoidable, people losing assets, livelihood or other resources shall be assisted in improving or at a minimum regaining their former status of living at no cost to themselves will be carefully planned and implemented. ESS5 also requires consultation with PAPs during planning and implementation of resettlement action plan and public disclosure of drafts. Once the draft is prepared it is to be made available at a place accessible to—and in a form, manner, and language understandable to—the displaced or affected people as well as any other interested local stakeholder groups. For the avoidance of doubt, for the purpose of this project, the regulation that provides the better benefit to the affected party shall prevail conditional to the requirements under ESS5 being the minimum requirement.

**Valuation Methodology:** The principle of replacement cost will prevail and there should be great care in doing asset valuations. Where feasible, experience from other projects (WB or other IFIs) will be leveraged for experience as well as any formal documentation on land value and current market prices to be taken into account by the independent land assessors. For crops and trees, a clear calculation including the unit prices, maintenance and seedling cost as well as the annual production loss until maturity should be considered to provide for net income. On structures, this will be calculated based on current market cost for the materials, plus labor and other administrative costs towards re-establishment. Any losses on business or agricultural wage income should be discussed based on the case by case situations and information from the socio economic survey, as outlined in the subproject RAPs.

**Implementation responsibilities:** The PIU will oversee the implementation of this RPF and subsequent RAPs in line with implementation arrangements outlined. As soon as locations, implementing partners and specific project level designs have been developed, tailored community consultations with regard to the land and resettlement impact will be undertaken and accordingly resettlement action plans will be prepared. In principle, no civil works / land take should commence prior to the provision of the full entitlements to PAPs.

Local government(s) have a major role and responsibilities of land take from the citizen or institution for development purposes. The Puntland Ministry of Public Works jointly work with other government lead agencies, for example, Garowe Local Government Particularly Land Department, in order to oversee and observe how the process of land take is undertaken in line with the Puntland Land Act. This process helps the government to acquire community and private land for development projects through laid down procedures, namely: (i) land assessment, (ii) review of the reports from the land assessment, (iii) application in line with the rules and regulations that exists in the state (i.e., Land Act), (iv) registration of the land into the citizens or institutions regarding to their purposes, and (v) issuance of certification for the land.

**Grievance Redress:** The project has established a Grievance Redress Mechanism (GRM) which will function to receive, evaluate and facilitate the resolution of project affected person's concerns, complaints and grievances.

The GRM has been developed based on the existing complaint handling mechanism which specifies in detail the resettlement management including implementation arrangement and the review processes. The Land Tribunal Committees established within the Local Authorities (Municipalities) shall play a key role in resolving the emerging concerns, together with other locally existing structures such as the elders and religious leaders' platforms.. A description of the GRM can be found in section 11 of this document with full details (as well as any subsequent updates as needed) found in the project's Stakeholder Engagement Plan (SEP)

**Financing Arrangements:** Accordingly, land acquisition and resettlement expenses for consultation and participation, grievance redress, the cost of relocation, income restoration, transitional allowance, livelihood programs, monitoring and evaluation, administration, contingencies, etc., will be included as

cost estimates for social management. Respective government entities – recipients of subprojects – are responsible for financing the cost of resettlement and will provide an adequate budget for all land acquisition compensation from the counterpart funding. The budget estimates and its sources will be reflected in RAPs and adjusted accordingly.

In order to implement the RPF measures, budgetary provisions will be made available, in terms of each subproject. Budgetary estimates for subprojects where resettlement implementation is necessary, including resettlement management will be incorporated into the cost estimates.

**Stakeholder consultation, participation and disclosure:** This RPF will be publicly disclosed for comments from a broad range of stakeholders. Stakeholder consultations regarding this RPF are planned targeting specific government Agencies involved in land matters, namely: Federal Ministry of Public Works and Construction, Directorate of Environment & Climate Change, Federal Ministry of Energy and Water Resources, Federal Ministry of Labor and Social Affairs, Puntland Ministry of Public Works, Puntland Ministry of Labor and Social Affairs, Puntland Energy Development Agency, Land Authority in Jubaland, Jubaland Ministry of Energy and Water Resources, Jubaland Ministry of Labor and Social Affairs, Jubaland Ministry of Environment, South West Directorate of the Environment South West, South West Ministry of Public Works, Hirshabelle Ministry of Public Works, Hirshabelle Ministry of Labor and Social Affairs, Hirshabelle Ministry of Energy and Water Resources, Hirshabelle Ministry of Environment and Internally Displaced Person (IDP) Camp Leaders with regard to the potential land and resettlement issues. More detailed consultations on other resettlement instruments will be carried out once these are developed.

**Monitoring and evaluation:** The PIU will be responsible for concurrent Monitoring and Evaluation (M&E) of resettlement implementation. M&E will include monitoring and verification of processes and activities in RAP implementation and will prepare and submit to the respective Ministries quarterly reports. This RPF will be updated when changes or amendments to the applicable laws and policies are made and based on implementation experience and lessons learned. Any changes made to these resettlement instruments will follow the established disclosure and approval/no objection processes outlined in the project documents.

## 1 INTRODUCTION

The Federal Government of Somalia (FGS) is preparing the Somali Electricity Sector Recovery Project (SESRP) to be financed by International Development Association IDA to the tune of US\$150 million. The SESRP aim is to increase access to electricity services and to re-establish the Electricity Supply Industry (ESI) in the Project Areas. The FGS has created the Ministry of Energy and Water Resources (MoEWR) to define and implement overall energy sector policies and to regulate the sector. The MoEWR and MoEM hosts the Project Implementing Units (PIUs).

The most significant energy resource currently used in Somalia is biomass, and heavy dependence on petroleum fuels. Estimates of the energy needs met through traditional biomass fuels, wood and charcoal vary between 80% and 90% over the whole country. Petroleum products, accounting for about 10% of total energy use, are essentially used for transport and electricity generation and in smaller quantities for cooking and lighting. Electric power generation (almost entirely diesel-fueled) accounts for about 2% of the energy provided by petroleum fuels. Transportation fuels (gasoline and diesel) account for most of the rest. Liquefied Petroleum Gas (LPG) is used for cooking by the wealthier urban population, while about 5% of households use kerosene for cooking.

Somalia has no national electricity grid infrastructure. Pre-conflict, the Somalia National Electric Corporation (Ente Nazionale Energia Elettrica-ENEE) was the single public utility in operation, supplying Mogadishu and the main regional centers of Hargeisa, Berbera, Burao, Baidoa and Kismayo through distributed diesel generators and associated localized distribution network grids. The municipalities were responsible for electricity supply to the remaining regional centers. This limited and localized public electricity infrastructure was destroyed during the conflict and the associated institutional frameworks are almost defunct at present with ENEE currently only operating 12 MW of installed capacity in the towns of Boosaaso and Qardho through a quasi-Public Private Partnership. Private sector players, commonly known as Electricity Service Providers (ESPs), are the main electricity service providers in Somalia using local private mini grids. The Energy Security and Resource Efficiency in Somaliland and Somali Electricity Access Project have built a foundation especially the institutional arrangement for project implementation.

Somalia is a country of vast rangelands, pockets of cultivated agricultural land, and growing urban areas which are governed by a diverse land tenure regime that suffered significant disruption during the country's prolonged civil war. About 46-56 percent of the country's land area is permanent pasture, while 20 percent is classified as forest. Approximately 13 percent is suitable for cultivation. The remaining land is not economically exploitable (UN-HABITAT 2006).

Because of weak enforcement of the law, large disparities have appeared between customary land tenure systems and statutory law, engendering illicit appropriation on the part of those most powerful and exacerbating the clan divisions. As a consequence of the prolonged absence of a clear central government authority and the subsequent erosion of legal systems, land and property have been subject to illegal occupation and land grabbing; this remains the main source of violent conflict (UN-HABITAT 2006).

In the rainfed agricultural areas in the central and southern parts of the country, local farmers continue to rely on customary land tenure. Community elders and clan leaders have the authority to allocate plots of land to individual households and households enjoy rights over land they have historically owned. Land disputes within villages are less common today, partly because of the partial depopulation of rural areas due to high displacement caused by the civil war.

The pastoral rangeland remains a commons area, where claims on water and grazing areas are seen as very communal and are possessed by clans and not by individuals. However, in some pastoral areas, private claims of land ownership are being made. This is common in Somaliland, Puntland and in central parts of the country where the wealthier and more powerful pastoral households want to reserve good grazing areas for the dry season for their exported livestock (Farah, I. 2005). In many areas, clan presence and territorial ownership do not exactly match. In areas dominated by pastoralists, there is a general convergence between clan and territory, though over time this ownership may change (Farah, I. 2005).

Deegaan plays an important role in the dynamics of communal clan tenure. Deegaan is the exclusive control by a group sharing similar language, identity or clan affiliation over a land area and the natural resources found there. The process of acquiring Deegaan is complex and involves continuous negotiation among subclans and groups. Such interaction sequences typically include several factors such as transhumant grazing, trading activities between two subclans and intermarriages that eventually blur group identities and claims to own particular Deegaan.

## 1.1 Project Description

The Project Development Objective is to increase access to electricity services and to re-establish the electricity supply industry in the Project Areas.

### **Component 1 – Sub-transmission and distribution network reconstruction, reinforcement, and operations efficiency in the major load centers of Mogadishu and Hargeisa**

This component will improve network reliability and operational efficiency by interconnecting the current ESPs' distribution networks and existing generation to optimize overall distribution network operations. These activities will support the ESPs to (a) decrease the cost of operations (increased generation efficiency, reduction in distribution network losses, and distribution network duplications) and (b) improve electricity supply and reliability.

Sub-component 1a. Generator Synchronization and Automation. Currently, most of the ESPs have not implemented synchronization and automation as part of their generation processes. Therefore, separate generator units are connected to exclusive feeder lines. As a result, many generators operate below their expected optimal performance criteria. Further, the absence of automation and synchronization prevents the ESPs from utilizing parallel generation to ensure optimal generator performance and dynamic reactivity to electricity load variations. This kind of operation results in significant amounts of “wet stacking” (diesel fuel waste, extra pollution, and performance degradation). These all combine to reduce the potential maximum generation power output, reduce lifespans of the generator engines, and elevate maintenance costs and unscheduled generation downtime. Investments under this sub-component will support equipment supply and installation that will enable synchronization and automation of the numerous generators presently in operation. The investment in each of the targeted major load centers (Mogadishu and Hargeisa) will provide reduced cost of generation accruing from augmentation in generation capacity and reduced wet stacking resulting in lower fuel consumption and maintenance costs, reduced pollution levels and GHG emissions

Sub-component 1b: Transmission and Distribution network integration in the major load centers Mogadishu and Hargeisa. Most of the ESPs with a presence in the targeted project areas operate independently with significant infrastructure and operations duplication.<sup>1</sup> In addition, lack of network interconnection limits the opportunity to share existing generation facilities and the prospect of investing in larger capacity and more efficient generation systems. The subcomponent activities will support investments in the sub-transmission, and distribution network infrastructure required to enable generation synchronization and interconnection between the different ESP networks in addition to increased network capacity and reduced network losses. The intention to focus on establishment of an interconnected sub-transmission and distribution network is deliberate, considering the need to consolidate the currently existing investments in infrastructure and concretize the “bottom-up” infrastructure building blocks required to meet increasing electricity demand. The increased interconnectivity also provides a better demand base for future regional interconnections to the Eastern Africa Power Pool (EAPP).(see Figure 1 and 2):

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<sup>1</sup> There are three major ESPs in Mogadishu (Blue Sky, Mogadishu Power, and BECO). In Hargeisa there are four ESPs, of which three led by SomPower are in talks to merge their operations.

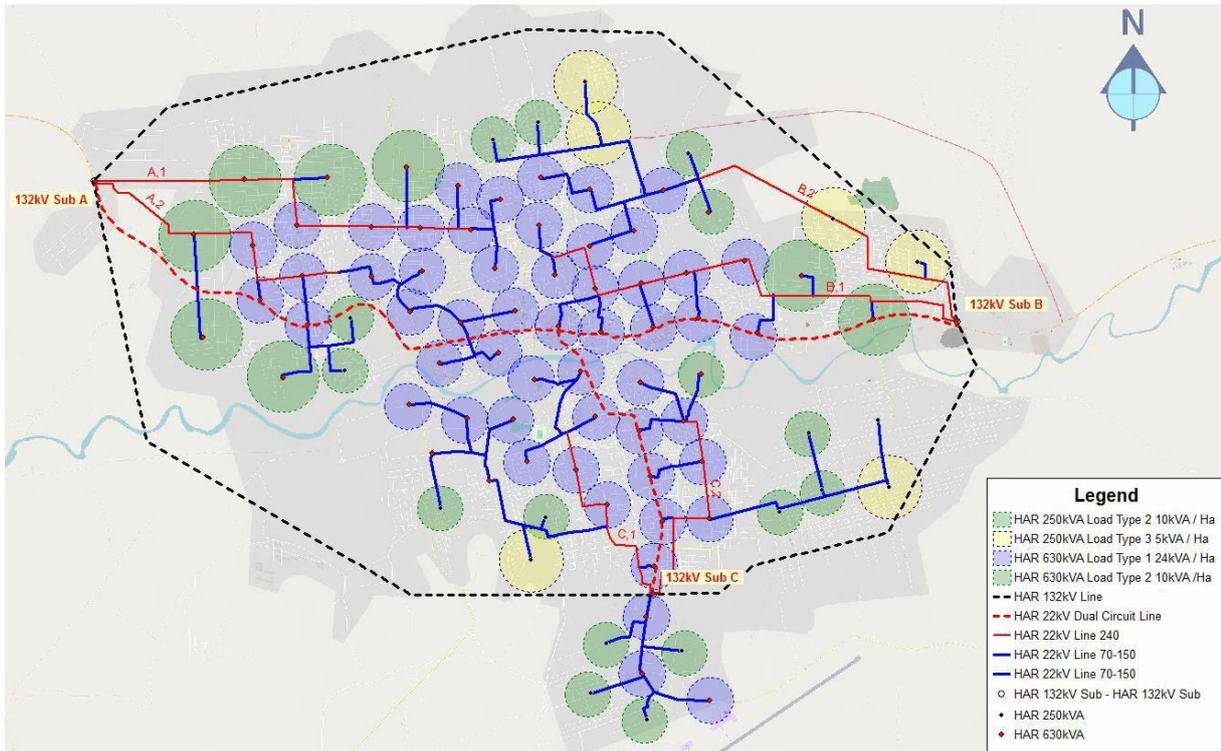


Figure 1: Proposed Sub-transmission and Distribution Network Development for Hargeisa

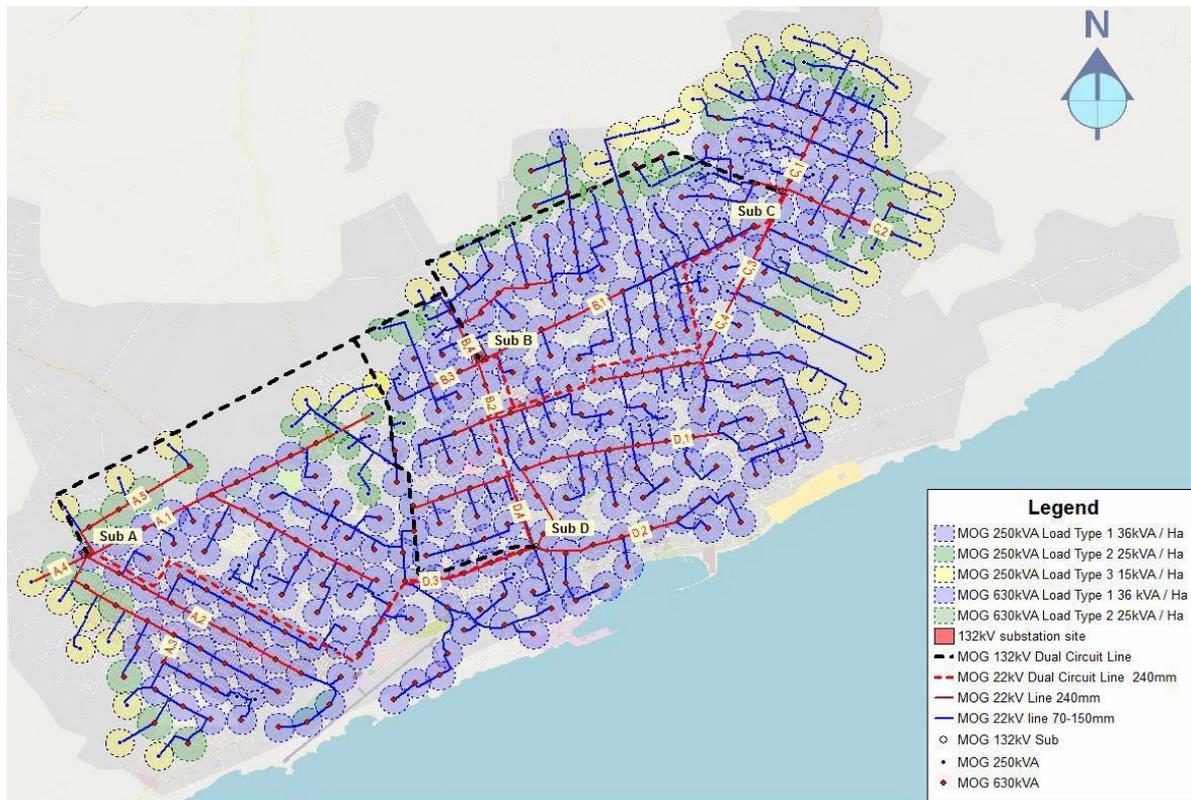


Figure 2: Proposed Sub-transmission and Distribution Network Development for Mogadishu

Source: a) Unicon, 2018. Hargeisa City Development Report; b) Unicon, 2018. Mogadishu City Development Report.

## **Component 2 – Hybridization and battery storage systems for minigrids**

This component will support activities aimed at the hybridization and optimization of existing mini grids. It will support installation of Battery Energy Storage Systems (BESS) and Solar Photovoltaic (SPV) systems at existing diesel-based generation stations in selected load centers. Possible load centers to be considered under this component have not been agreed upon, but may include other cities, such as Baidoa, Garowe, Berbera, Bosaso, Abudwak, Afgoye, Kismayo, Borama, Burao, and other cities as may be determined by the government. This component aims at increasing the efficiency of the existing hybrid mini grids (diesel and solar) by optimizing the generation capacity and, where possible, reducing the diesel consumption by augmenting the installed capacity with BESS and additional SPV generation. There are several ESPs that have commenced converting their generation systems into hybrid electricity generation, mostly via SPV. These systems are synchronized to operate as part of SPV-HSDG hybrid generation, with the solar component providing daytime generation. Such hybrid opportunities offer significant improvements in fuel efficiency, fuel consumption, extended generator lifespans, reduced GHG emissions, and reduced combustion pollution, along with less reliance on fuel imports. In addition, hybridization has enabled some ESPs to reduce the electricity tariffs by about 40 percent. The beneficiary ESPs will be selected taking into account the following criteria: (a) regional balance with regard to the project scope coverage, to include some of the large load centers in the FMS; (b) maximum impact (reduced GHG emissions) based on the existing load demand; (c) optimized investment costs, for example, ESPs with existing hybrid SPV already installed but without battery storage would be ranked higher due to the lower cost; (d) availability of land at the existing ESP generation sites for additional infrastructure; and (e) ESPs' willingness to enter into agreement with government on the operations and maintenance of the assets; and commitment to achieving minimum performance standards<sup>2</sup>.

## **Component 3 – Stand-alone solar off-grid access to public institutions (Health and Education)**

The component will finance the delivery, installation, and operation and maintenance (O&M) for Lighting Global-certified SPV systems over the lifetime of the project for selected education and health facilities. Besides playing a key role in enablement of community co-benefits, facilities that have access to electricity may be better positioned to attract and retain skilled workers, especially in rural areas. Further, this component will equip public service institutions to better respond to emergencies, such as COVID-19. The activities under this component support the resilience of the Somali population from the conflict's impact on livelihoods through improved access to functional basic services, such as health and education facilities.

Selection of the facilities will be underpinned by the Least-Cost geospatial analysis and the list of priority facilities identified by the FGS (in consultation with the FMS) and Somaliland. The overall financing needs for providing access to the 4,141 health and education facilities identified by the government is about US\$160 million. The project will provide electricity access to 585 facilities prioritized by the government following the identification of selection criteria agreed with the ministries of energy, health, and education<sup>3</sup>. Selection criteria include (a) rural and remote areas with no connectivity, (b) priority connectivity to maternal health centers and secondary schools, (c) presence of both health and education facilities, and (d) presence of internally displaced persons (IDPs) and high levels of poverty and vulnerability. The project activities will also be complemented by similar interventions under the Somalia Education for Human Capital Development (P172434) and the Improving Healthcare Services in Somalia (P172031) projects. The component will contribute to about 25 percent of the overall investment needs to provide access to all the priority facilities identified.

## **Component 4 - Institutional Development and Capacity Building.**

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<sup>2</sup> These include but not limited to: (i) hours of service; (ii) expansion of service access (i.e. increase connections and area of coverage, as well connection of targeted educational and health facilities); (iii) reduction of technical losses; (iv) improved receivables collection; (v) reduction of service tariffs; (vi) corporate financial management ratios; and (vii) minimum social and environmental standards for service provision and assets management and operation (including operational health and safety standards).

<sup>3</sup> Prioritization was also informed by the mapping of health facilities conducted under the Improving Healthcare Services in Somalia (Damal Caafimaad, P172031) project.

Component 4 consist of five activities tailored to the re-establishment of the sector's soft infrastructure for the adequate day-to-day management and establishment of an enabling institutional and regulatory environment for sector operations. Together, these activities will lead to the rebuilding of the electricity supply industry in the country and establish the fundamentals for sector development and private sector participation sustainable in the long run. They include the establishment of the institutions with clear roles and responsibilities<sup>4</sup>, and the development and implementation of policies, sector strategies and secondary regulations for the sector. The component will also support the implementation of the recommendations provided under the ongoing Electricity Supply Industry (ESI) Institutional Design option analysis for sector development and project implementation arrangements:

Sub-component 4.1 – Policy and regulatory development. The technical assistance is aimed at strengthening sector governance and regulation to foster autonomy, accountability, and transparency. Specific activities will include sector policy, regulation, planning, management, and operations. This sub-component would also provide technical assistance for renewable energy development; and how ESPs would be regulated in the future.

Sub-component 4.2 - Sector Planning and Feasibility Studies for Renewable Energy Projects. Following the adoption of the PSMP, there is a need to undertake detailed feasibility studies, such as site-specific wind resource measurements and geothermal prospecting, as well as renewable minigrids pre-feasibility studies building on the results of the geospatial Least Cost assessment prepared under the SEAP project. The technical assistance will also support MoEWR and MoEM to undertake integrated planning, including preparation of a Least-Cost Development Plan covering generation, transmission, and distribution as well as an Electricity Access Strategy and Investment Prospectus.

Sub-component 4.3: ESP and MOEWR/MOEM Business Support Services. The technical assistance will support ESPs to enhance their capacity in utility business management operations. It will also assist them in setting up business processes to enable their compliance with license obligations and support growth of businesses and revenues for long-term additional sector investments. The assistance aims to enhance and increase the role of the ESPs, and the private sector in general, in sector ownership, management, and operations - initially through support and guidance of the day-to-day sector undertakings with a business support services firm (BSSF) approach. The BSSF would also potentially promote renewable energy development and/or resilient energy infrastructure through capacity building of the ESPs by integrating potential activities such as operations and management of solar PV and hybrid facilities and climate and disaster screening and management for energy assets.

Sub-component 4.4: Project Implementation Support including for environment and social safeguards. This sub-component will finance execution, design, and supervision consultants to assist the MoEWR and MoEM Project Implementation Units (PIUs) and associated agencies in project implementation, sector management, and coordination. This sub-component will also support key functions of the PIU project management teams (project management, procurement, financial management [FM], safeguards, and monitoring and evaluation) required for project implementation. The sub-component will also include technical assistance to enhance sector fiduciary arrangements as well as setting up an E&S risk management system, enhancing the E&S capacity through staffing and training on the Environmental and Social Framework (ESF) requirements based on a robust capacity building plan. The Sectoral Environment and Social Assessment shall inform the sector-wide development framework and E&S risk management capacity and performance for the sector. Specifically, the sub-component will finance the owner's engineer (OE) consultancy services to support the PIUs regarding project design, procurement, and contracts' management, including fiduciary and E&S aspects. A dedicated E&S firm will support the PIUs in the areas of health, safety, labor management, land, resettlement, community engagement and security. In addition, the sub-component will support other technical assessment and capacity-building activities for the successful implementation of the project. This will include, for instance, trainings for the

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<sup>4</sup> i.e. the FGS National Electricity Authority to be established after the electricity bill is enacted; and Somaliland Energy Regulatory Commission.

Ministries of Health and Education for the management and operations of the SPV systems beyond the lifetime of the project.

Sub-component 4.5: Implementation of a Gender Action Plan. This sub-component will support a series of interventions envisioned to close the identified gender gaps. A preliminary gender assessment was conducted at project preparation to identify specific gender gaps in the energy sector, particularly barriers that limit career progression for women. The following activities will be conducted: (a) development and endorsement of a detailed Diagnostic Gender Gap Assessment, (b) Pilot incubator for women's employment, (c) development of detailed gender actions plan, including capacity building on gender issues in the sector.

## **1.2 Land and Socio-Economic Context**

### **1.2.1 Land Issues**

Land conflicts in Somalia have risen to be one of the key issues of instability at the community and inter-community level. This is partly due to a complex situation of land tenure. While the Agricultural Land Law of 1975 abolished private ownership, the current situation is very unclear. Only a few locals registered their land at the time, and the civil war further impacted the situation negatively. Customary land tenure has therefore taken the center stage in ordering land ownership and usage. It is focused on clan relations and on pastoral land use rather than norms of individual ownership. The Provisional Constitution defines land as public property. The government has created means to transfer some land into private ownership by granting ownership for urban and agricultural land. Formal legal frameworks now exist alongside customary land management.

Land disputes and grievances have been identified in the existing literature as a major issue of contestation. There are different categories of causes of land-related grievances. First, 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 Mogadishu have skyrocketed in recent years, and land has become a popular commodity.<sup>5</sup> Second, Somalis returning from overseas to Mogadishu often claim back their land, which causes a variety of land grievances, as the land has often been occupied by others in their absence<sup>6</sup>. Third, there are multiple questions of 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 land<sup>7</sup>. Fourth, given Mogadishu's history of contestation, occupation and civil war, multiple title deeds have been issued over the years and continue to be manufactured. This is a key cause for land disputes when multiple owners put claims on a piece of land.<sup>8</sup> Fifth, of concern to the citizens of Mogadishu is the unregulated sale of public property, as well as the destruction of historic property. Sales often take place between government representatives and private interest groups, without any possibility for recourse by citizens. Sixth, 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) even estimated that 80% of cases filed at the Supreme Court are connected to land grievances.<sup>9</sup>

Furthermore, ongoing forced evictions are a key challenge for IDPs in Somalia. Due to insecure land tenure arrangements in IDP settlements, it is often difficult for IDPs to secure their rights. According to ReDSS<sup>10,11</sup>, an annual average of 155,000 individuals have been evicted across Somalia, mainly in Mogadishu and Baidoa. Evictions take place from both, public and private infrastructure. Key protection

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5 Rift Valley Institute / Heritage Institute, Land Matters in Mogadishu. Settlement, Ownership and Displacement in a contested city, 2017, p. 53

6 RVI 2017, p.54

7 RVI 2017, p.57

8 RVI 2017, p.58

9 RVI 2017, p.67

10 ReDSS Forced Evictions as an obstacle for durable solutions in Somalia, March 2018, accessed at: <http://regionaldss.org/wp-content/uploads/2018/03/Forced-evictions-as-an-obstacle-to-durable-solutions-210318.pdf>

challenges are that IDPs settle on public land or private lots with contested ownership. Women and Cultural Heritage

Somalia has rich cultural heritage due to its own cultural goods 'dhaqan', including the fundamentals of a segmentary society and the resulting social fabric. Traditions often originate in the proto-Somali cultural era or originate in the many interactions Somali populations had with other cultures, including those from the Arabian peninsula, India, and sub-Saharan Africa. The protracted conflicts and the civil war in Somalia, however, have had significant impact on the loss of tangible and intangible cultural heritage. Deliberate efforts have to be made to protect cultural heritage. Unfortunately, the country's legislation around these issues has not yet been developed and does not legally enforce the protection and preservation of cultural artefacts, cultural heritage and distinct sub-national identities. Especially infrastructure development project therefore needs to support the protection of places of cultural and religious significance, including graveyards, religious buildings, and historical sites.

### **1.2.2 Vulnerability and Social Exclusion**

A lack of access to land, housing and property, and a lack of women's empowerment are the two main drivers hampering efforts towards finding durable solutions for displaced communities in and outside Somalia. Displaced women are sorely lacking in these spaces to speak and access decision-makers who are willing to listen (Norwegian Refugee Council, 2016).

IDPs commonly settle in informal urban settlements, where access to services and conditions are poor, and where they often become victims of forced eviction. Conditions of displacement often compound existing conditions of vulnerability and poverty. They are therefore part of the poorest strata in Somalia, and are often in dire need of access to food, water, sanitation, health services, shelter and education.

### **1.2.3 Clan Dynamics and Minority Groups**

Deegaan plays an important role in the dynamics of communal clan land tenure. Deegaan is the exclusive control by a group sharing similar language, identity or clan affiliation over a land area and the natural resources found there. The process of acquiring deegaan is complex and involves continuous negotiation among subclans and groups. Such interaction sequences typically include several factors such as transhumant grazing, trading activities between two subclans and intermarriages that eventually blur group identities and claims to own particular deegaan. Occupancy and defense of uninhabited land was considered a legitimate way to claim deegaan historically. Similarly, if a clan has inhabited a particular area for generations, then their rights to ownership of land are stronger.

Another way of gaining access to land and resources was to become sheegad, a client of a land-owning clan, i.e., affiliated with a clan other than that into which one was born. Becoming sheegad is still a common strategy to secure land and resource rights today, particularly among weaker clans. Local leaders of brotherhoods, tariigas, customarily asked lineage heads in the areas in which they wished to settle for permission to build their mosques and communities. A piece of land was usually freely given; often it was an area between two clans or one in which nomads had access to a river. The presence of a jamaat provided a buffer zone between two hostile groups. Tenure was a matter of charity.

The elders hold an important place in the resolution of land conflicts in Mogadishu, but they are usually the entry point into the legal conflict and rarely the exit point because of powerful clans' ability to impose their preferred decisions on weaker clans, resolution depends on the willing cooperation of the contesting parties, and the elders are unwilling or unable (lack of mandate and power) to enforce agreements and resolve the issues<sup>12</sup>.

### **1.2.4 Gender-Related Vulnerability**

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<sup>12</sup> Rift Valley Institute and Heritage Institute for Policy Studies. Land Matters in Mogadishu: Settlement, ownership and displacement in a contested city. 2017. (available at <https://www.refworld.org/pdfid/58b973e84.pdf>)

Community-based land tenure provides women who would not otherwise have access to land with a means of supporting themselves, whereas the legal system of tenure hampers the rights of women by allowing only one concession holder per household, since titles were almost always issued in the husband's name.<sup>13</sup>

Women are not aware of their legal rights and are not involved in the justice system.<sup>14</sup> For instance, in traditional forms of mediation over property, disputes typically favour the male relatives because women cannot be part of the panel of elders. The position of women with regards to land and property ownership has been weakened by both conflicts and the ensuing reconstruction process. Breakdowns in social stability and in law and order have compromised traditional and customary laws for women, their social support systems and their access to land and property.<sup>15</sup>

### **1.2.5 Forced Displacement**

The IDPs face challenges in the access and ownership of the land. The typical example is: Land provided to the IDPs in Puntland through municipal government negotiation with private landowners is supposed to enjoy temporary security of tenure guaranteed under a 5-year rent-free arrangement. In practice however this requirement is regularly flouted. There are multiple reported examples of landlords demanding rents or a return of the land before the end of the 5-year period. In cases where IDPs have entered into private housing agreements there are also cases where landlords have cancelled tenancies or hiked rents arbitrarily and without consultation or due notice. All of these actions constitute a breaking of the lease agreement by the landlord. However, the IDP tenant invariably has little scope to object due to the lack of adequate documentation setting out the precise terms of the lease. There may in fact be no lease documents with some agreements being only verbal ones. Corruption within the municipal government and other authorities favour the landowner who is able to seek advantage through bribery. Disadvantageous power differentials also exist between the landlord and the IDP tenant, especially in cases where the IDP is from a weak or minority clan, is a female or is otherwise vulnerable. In the vast majority of cases the IDP tenant, due to these factors and a lack of awareness of their rights or avenues for assistance, does not formally complain or pursue any other course of action but instead defers to the wishes of the landlord by accepting either eviction demand or rent increase.

Risks of forced displacement of IDPs by the government: Forced displacement of IDPs, who fled from drought and violence and have settled on idle private or public lands in Somali cities, is rampant especially in urban centers such as Mogadishu, Hargeisa and Garowe where land is scarce and land values are high. Between January and July 2018, over 204,000 people were evicted without any prior notice or due process. While project-related economic and physical displacement will be managed through ESS5, there are risks that the project might inadvertently involve areas where such forced displacement of IDPs have been conducted. The screening during ESIA as well as socio economic survey and consultants during RAP preparation as per sub project design will help identify any such

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13 Bruce, J.W. 1998. Country Profiles of Land Tenure: Africa: 1996. LTC Research Paper no. 130 (available at [http://pdf.wri.org/ref/elbow\\_98\\_synthesis.pdf](http://pdf.wri.org/ref/elbow_98_synthesis.pdf) ). Madison, WI, USA. Land Tenure Centre, University of Wisconsin.

14 Graney, D. W. 2007. Women's Rights in Somalia: Women's Role in Conflict Resolution. Presented in the Conference Women of the Mountains. 8–9 March 2007, Utah Valley State College in Orem, Utah, USA. Available at [http://www.womenofthemountains.org/files/07-06-18-fspWomen\\_s\\_Rights\\_in\\_Somalia\\_Graney-1.pdf](http://www.womenofthemountains.org/files/07-06-18-fspWomen_s_Rights_in_Somalia_Graney-1.pdf)).

15 Norwegian Refugee Council (NRC), United Nations High Commissioner for Refugees (UNHCR) & United Nations Human Settlements Programme (UN-HABITAT). 2008. Land, property, and housing in Somalia (available at [http://www.reliefweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=SNAA-7QU457&file=Full\\_Report.pdf](http://www.reliefweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=SNAA-7QU457&file=Full_Report.pdf)). Oslo.

cases or any legacy issues related to the project in order to provide appropriate remediation measures in line with the requirements of ESS5.

## **1.2.6 Displacement Prior to Sub-project Approval**

As evictions of IDPs are rampant in Somalia, as indicated in the socio-economic baseline sections of the ESMF, Project management and its IPs need to ensure that respective local authorities, as well as communities, are aware that no forced displacements will be carried out to pave way for implementation of project activities prior to the development and implementation of the RAP.

If such evictions for the purpose of implementing a Project activity have taken place prior to the preparation of the RAP, ESS 5 requirements will be implemented retroactively. During the screening and the assessment phase, the local authorities and local communities need to state that no such eviction has taken place. These findings are subject to review by the PIUs and the World Bank. Information on the illegality of such evictions will be disseminated prior and during the activity to allow for potential affected parties to file respective complaints or grievances. The information dissemination will be instituted following the approaches outlined in the Stakeholder Engagement Plan (SEP).

Where forced evictions to pave way for project investments have occurred, an assessment will be included in a social audit, in which a) the adequacy of the mitigation measures that were undertaken are assessed against the requirements of ESS 5; b) possible gaps in the requirements of ESS 5 are identified where applicable; c) a corrective action plan is developed and implemented to mitigate and offset any harm done and close gaps; and d) any grievances related to the displacement or any other outstanding issue are identified.

While the PIUs will implement the assessment, the IP will need to budget for all mitigation measures identified in the RAP and in the social audit conducted under the assessment. The commencement of activities in this case will require approval of the audit findings and the identified corrective actions from the PIU and the World Bank.

The project will not resort in forced evictions of affected persons who are in the project affected areas. Furthermore, due diligence efforts will be carried out on all areas proposed for intervention to understand the historic land tenure situation and these will be detailed in the specific RAPs to be prepared.

To avoid such risks, if forced displacement was conducted in the right of way (ROW) of any proposed project-financed infrastructure, relevant ESS5 requirements will be applied retroactively.

When the screening is conducted, the municipalities will ascertain that the land acquisition has not experienced such forced displacement. This will be also re-confirmed with the host communities of project roads (subject to review by the engineering and supervision consultant and the World Bank). If the occurrence of such forced displacement is identified, a due diligence review (also called as “social audit”) will be conducted to:

- (a) document and assess the adequacy of mitigation measures that were taken for the forced displacement.
- (b) identify gaps in meeting the requirements of ESF.
- (c) identify any complaints, grievances, or other outstanding issues; and
- (d) determine measures to close identified gaps and address complaints

## **1.3 Rationale for Preparing RPF**

There is recognition that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. 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, leading to loss of income sources or other means of livelihood), or both.

When land acquisition or restrictions on land are unavoidable, Environment and Social Standard 5 of the Environment and Social Framework (ESF) becomes relevant and the project is required to prepare a plan (proportionate to the risks and impacts) to address the issues identified in the social assessment. When there are multiple, undefined subprojects, the guidance recommends the preparation of a Resettlement Policy Framework (RPF). This RPF clarifies resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation. This is specific to cases where the zone of impact of specific subprojects are not yet known or determined at the time of project appraisal as is the case for the SESRP.

Once the subproject or individual project components are defined and the necessary information becomes available, resettlement action plan(s) proportionate to potential risks and impacts shall be prepared and approved by the Bank. This RPF is intended to safeguard the interests of the population impacted by the project activities, especially the poor and vulnerable. The RPF is based on applicable Policies of Federal Government of Somalia (FGS), Federal States and the World Bank standards.

For the SESRP, the specific 132 kV transmission lines, among other sub-projects to be financed in the project, may be subject to change as they are currently not known. Once the subproject or individual project components are defined and the necessary information becomes available, the RPF further detailed into specific resettlement action plans (RAPs) as needed. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been implemented successfully.

#### **1.4 Development of the Resettlement Policy Framework**

The RPF was prepared through literature review and preliminary stakeholder discussions, survey questionnaires and key informant interviews. The consultant undertook a review of the Project Appraisal Document and Environment and Social Review Summary (ESRS) for the SESRP, as well as a review and analysis of national legislation concerning land acquisition, policies, and guidelines, including the World Bank Environment and Social Standards (ESS) related to this Project.

Considering the importance of resettlement issues in this project, this Resettlement Framework (RF) is being developed before project effectiveness, consulted upon and disclosed before identification of sub-project sites to detail measures to avoid, minimize, manage and compensate for risks and impacts associated with land acquisition (physical and or economic displacement), restriction to land use and resettlement.

Due to the current situation on the ground, consultations have been limited to relevant government and institutional leadership. Further consultations are planned following the development of this RPF to obtain feedback from the relevant stakeholders (government, civil society and general population) on the proposed entitlements and compensation methodology proposed in this framework. Information from these activities will be incorporated into the subsequent revisions as well as the resulting RAPs.

## **2 PRINCIPLES AND OBJECTIVES OF THE RESETTLEMENT POLICY FRAMEWORK**

This RPF is intended to ensure that any possible adverse land-related impacts of subproject activities are addressed through appropriate mitigation measures. The overarching objective regarding resettlement in the implementation of SESRP is to minimize as fully as possible the extent of land acquisition and land-use change and to entirely mitigate the adverse impacts of all unavoidably necessary land acquisition and involuntary resettlement. Minimization of resettlement and mitigation of its unavoidable consequences requires careful planning and conscientious implementation. When the details of land acquisition and involuntary resettlement are fully known, a RAP can be defined to provide an implementation guide for the operation.

These risks will be minimized by:

- Avoiding and minimizing the impact of the physical and economic displacement of people to the extent possible with a well-designed compensation and relocation process.
- Compensating for losses incurred and displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their wellbeing.

### **2.1 Guiding Principles**

The following are key principles that will guide the implementation of this RPF and the subsequent RAPs:

- The policy applies to displaced or impacted persons regardless of the total number involved, severity of the impact, the socio-economic status of affected persons, whether or not they have legal right or claim to the land they are occupying, including those who may not be protected through the national and state level compensation legislation.
- Where feasible, involuntary resettlement and land acquisition should be avoided or minimized by exploring all viable alternatives;
- Physical displacement (relocation or loss of shelter) will be considered only on an exceptional basis where the timely compensation and assistance pursuant to this RPF is feasible;
- Where relocation or loss of shelter is considered, measures to assist displaced persons should be implemented;
- The planning and implementation of the resettlement process should be conducted in a consultative manner with all PAPs and stakeholders;
- Absence of legal title to land should not be a basis for denying compensation and Resettlement assistance. All eligible PAPs will be compensated for losses resulting from project interventions.
- Displacement or restriction to access should not occur before necessary measures for resettlement and compensation are in place. Apart from compensation, these measures should include provision of other assistance required for relocation, prior to displacement, and preparation and provision of settlement sites with adequate basic facilities;
- The displaced must be relocated to areas with social infrastructure and basic amenities like schools, potable water, health facilities, etc.;
- All eligible PAPs should be assisted to restore their incomes and livelihood sources to at least pre-resettlement levels. Particular attention will be paid to the needs of vulnerable groups;
- Wherever possible, those impacted by involuntary resettlement should be considered for employment in various project activities including construction works and provision of other services;
- Vulnerable groups may need further support in addition to compensation entitlement;
- All compensation will be calculated at replacement value;
- There will be no deduction of depreciation and salvage value from compensation for assets;
- No voluntary land donation will be accepted; and
- A Grievance Redress Mechanism will be available to all.

## 2.2 Objectives

The objective of this RPF is to cover the following elements and establish a guiding framework for the development of subsequent subproject specific RAPs. This document will cover the following aspects:

- A brief description of the project and components for which land acquisition and resettlement are required
- An explanation of why a resettlement policy framework rather than a resettlement plan is being prepared
- Describe principles and objectives governing resettlement preparation and implementation
- A description of the process for preparing and approving resettlement plans. Provide an outline and guidance for development of RAPs
- Description of project and components for which land acquisition and resettlement are required.
- Describe the legal and institutional framework underlying national approaches for resettlement, compensation and rehabilitation and how these compare to the requirements under ESS5.
- Develop the gap analysis and gap filling measures that will apply to the project to ensure compliance with local legislation as well as the ESF.
- Estimate displacement impacts , to the extent feasible.
- Organizational procedures: Define the eligibility criteria for identification of PAPs and entitlements.
- Methods of valuing affected assets
- Funding arrangements and responsibilities for resettlement costs
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders.
- A description of the customary dispute resolution mechanisms as well as the project Grievance Redress Mechanism

### **3 THE RESETTLEMENT POLICY FRAMEWORK AND RESETTLEMENT ACTION PLANS**

#### **3.1 Preparation and Implementation of RAPs**

The preparation and implementation of subproject-specific RAPs will be carried out by the PIU, and led by the PIU's safeguard specialist, who, depending on available funding, may rely on outside consultants for technical assistance.. The schedule will be prepared based on the principles of this RPF, and must be agreed between the PIU, relevant municipality and/or other government jurisdiction, and affected PAPs as outlined in the Somali laws and World Bank. The schedule for the implementation of individual RAPs will be determined once subproject sites have been identified and finalized.

The RAPs will be prepared by the hired specialist, with assistance from the Federal PIU. They will be reviewed and approved by the PIU and the World Bank. The Social Specialist of the PIU will be responsible for supervising the preparation of the RAPs, as well as for the monitoring and supervision of its implementation. The PIUs will be responsible for project management and timely transfer of activity funds.

The RAPs will further be implemented by the selected IP. IPs – in the bidding process – will need to demonstrate their capacity to implement the RAP, including through the deployment of social specialists that will lead on their implementation.

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 and other entitlements are paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected as per RAP. Guidelines are as follows which are closely related to the necessary stakeholder engagement activities to inform on project activities and progress:

- Once designs are completed and project sites are finalized, the socio economic survey may commence as the first step towards the preparation of the RAP.
- Identify all stakeholders; Inform local government, village leaders, and local community organizations of the plan for the project as soon as feasible and ask them to inform their constituents. This will include information on the established cut-off-date
- Project information should be translated into local dialects and indigenous languages and broadcast through media that are accessible to the literate and non-literate 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.

#### **3.2 Census of Project Affected Persons and Cut-off Dates**

A census of PAPs will be conducted of the required land or area as per the proposed design for the sub-project to determine their number and record their socio-economic profile to be included in the RAP prior to the award of civil works contract. This information will be used to measure the magnitude of the impacts on PAPs and for future monitoring. A cut-off date will be publicly announced to indicate the beginning of the census. The cut-off date will be announced in community centers; posters will be displayed in visible congregation areas (subject to overriding security concerns); and will be published in local newspapers. Information to be collected will at least include personal details of PAPs including family members and the monthly income generated from the ongoing economic activities before the census.

The cut-off date is the date of commencement of the census of PAPs within the sub-project area boundaries. Cut-off dates are essential in the process of drawing up lists to ensure that ineligible persons

do not take the opportunity to claim eligibility. Those who encroach on the project area after cut-off date are not eligible for compensation and assistance under this RPF, provided that the cut-off date has been clearly established and made public.

After completion of census and the public notice of the eligibility cut-off date, arrange for the government to issue formal notice banning the construction or approval of construction of new buildings or capital improvements in areas to be affected by the project.

Keeping affected people fully informed of their rights and responsibilities is crucial to the success of resettlement planning. The project will prepare an illustrated resettlement information booklet providing details on eligibility, rates of compensation and other entitlements, a timetable for implementation and all applicable grievance procedures, prepare and issue regular resettlement information updates.

The resulting information from the Socio-economic census will be the basis for the development of the sub-project specific RAPs (including tailored support such as what is required for livelihood restoration) in line with the general framework outlined in this RPF. The site specific conditions will be taken into account at this point as well as the results from discussions with affected persons. This process will ensure that PAPs are:

- Informed about their options and rights pertaining to resettlement.
- Included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives; and
- Provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the Sub-project(s)

## 4 GENERAL CATEGORIES OF PROJECT IMPACTS

The project activities will lead to potential land acquisition due to the installation of green field sub-transmission and distribution network. The project may need to manage past issues around unsettled/multiple claims to land and assets proposed for sub-project level investments inside or outside the existing facilities occupied by private or public service providers.

### 4.1 Potential Positive Impacts

- **Increased profitability of productive enterprises and job creation.** Improved reliability of electricity supply will contribute to increased productivity and income of productive enterprises and thus create opportunities to increase jobs for the general populace.
- **Sector institutions.** Sector institutions, including the public (MoEWR/MoEM) are expected to benefit from the reestablishment of the ESI. Associated improvements in the efficiency, transparency, and accountability of the sector operations will not only shore up the sector's performance but also enhance the image and credibility of the institutions and thus build support for sustained operations.
- **Improved performance of the ESPs.** The project will improve the efficiency in the utilization of the existing and expanded assets of the beneficiary ESPs under components 1 and 2. In addition, the whole private sector in the country will benefit from the support provided under component 4 for improved commercial and operational performance.
- **Households.** The project will support improved electricity service delivery in the major load centres of Mogadishu and Hargeisa and in seven major load centres identified for renewable energy generation optimization through hybridization of mini grids (component 2). The project will also provide benefits from improved health and education services. Overall, the project will benefit about 1.1 million households, equivalent to almost 7 million people, of which 3.5 million will be females, including those benefiting from improved health and education services.<sup>16</sup>
- **Health centres and schools.** The project will also benefit the Ministries of Health and Education and their service delivery. The project will provide electricity access to 585 social institutions, 205 health facilities (including hospitals, health centres/units, and maternal health clinics) and 380 schools (including primary, secondary, tertiary, and non-formal education facilities).

### 4.2 Direct and indirect negative impacts

- **Loss of land due to land take:** Land will be acquired for the installation of 132 kV sub-transmission network and associated substations, medium voltage line (<33kV) corridors and possible expansion of existing and green field mini-grids and distribution network. The requirement for a RoW (Way leave) as service road on both sides of the transmission, further increasing the corridor widths for high voltage power evacuation lines. The required land will be acquired permanently, and this land will be compensated before project commencement. The requirement for a RoW (Way leave) as service road on both sides of the transmission, further increasing the corridor widths for high voltage power evacuation lines. The service roads are important for delivery of construction material during the construction period and for movement of maintenance trucks during the Operation & Maintenance phase. For these reasons, a number of structures, (both permanent and temporary) will be affected by the Project. A detailed breakdown of the land take for the project will be done in the project specific RAP, and shall be implemented by FGS and Somaliland.

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<sup>16</sup> This assumes 6.2 people per household, an electricity access rate of about 70 percent in urban areas, and a 50 percent female population.

- **Loss of livelihood due to impact to trees, standing crops, other properties (including businesses), perennial and non-perennial crops.** The project will require the land for temporary acquisition, such as for camp sites and materials lay down area this will be a responsibility of the contractor, supervised by PIU. Nevertheless, during the preliminary field studies and survey, it was observed that a number of people have business activities along the possible transmission lines RoW i.e., kiosks, commercial buildings, or shops, roadside retail businesses. These, when widening of the RoW, will be affected through economic displacement and will thus need support to restore their livelihoods. In other areas, people own land on which they grow crops as a source of income. There were also commercial trees planted and or occurring along the possible RoW. These being a source of livelihood, those affected will also need to be adequately compensated. Those renting agricultural land or employed as agricultural wage labor may also see a decline or complete loss in income due to project activities.
- **Impact on tenants:** Tenants residing in the affected residential house occurring within the project areas of direct influence may be forced to look for the alternative residential houses. These tenants will be negatively affected though for short while as they look for the alternative residential houses.
- **Impact on social and cultural resources:** The activities of the civil works with regard to the preparation of the civil works foundations of the Sub-Station, and transmission towers may encounter physical cultural resources and or burial sites and shrines or other non-visible and cultural resources that would be affected by the project.
- **Impacts on the vulnerable groups.** Vulnerable Groups is a term given to individuals, households, or groups of people that may be disproportionately affected by the resettlement process based on their specific status. Construction and or the installation of 132 kV sub-transmission network and associated substations, medium voltage line (<33kV) corridors and possible expansion of existing and green field mini-grids and Distribution network will have a range of effects on PAPs. They include loss of livelihood, social network, access to education, transport and health services. Particular emphasis, however, should be put on ensuring that the needs of vulnerable persons are identified and addressed during RAP implementation. While vulnerable groups differ from project to project, it is important that they are identified and profiled.

#### **4.3 Estimated impacts and numbers and categories of displaced persons**

Given the nature of the project which requires subprojects to be identified at later stages of development, there is no information at the moment on the numbers and categories of displaced persons. These will be identified and detailed as part of the preparation of the subproject RAPs during project implementation.

Generally speaking, physical relocation is not expected to take place and impacts will be limited to loss of access during construction. The persons who are likely to be affected by the project will be small neighborhood businesses. These businesses will include small shops, most of which are part or extensions of residential plots.

Preliminary investigations of potential Right of Way required for the 132kV Transmission Lines indicate the presence of structures, including those of established roadside vendors with mobile carts or tables and roadside wooden or iron sheet kiosks. The number of PAPs including determination of physical or economic displacement will only be established through a census to be undertaken as part of the preparation of the investment specific RAP(s).

## 5 ELIGIBILITY AND ENTITLEMENTS

### 5.1 Project Affected Persons

Paragraph 10 of ESS5 defines three categories of affected persons who are eligible for coverage under ESS5. While people in all three categories are entitled to assistance under ESS5, the nature of assistance may vary, as subsequent paragraphs of ESS5 clarify. Affected groups under sub-project investments in this RPF may include:

- Affected persons who have **formal legal rights** to land or assets are those who have formal documentation under national law to prove their rights, or are specifically recognized in national law as not requiring documentation. In the simplest case, an area is registered in the name of individuals or communities. In other cases, persons may have a lease on the land and therefore have legal rights.
- Affected persons who do **not have formal rights** to land or assets, **but who have a recognized or recognizable claim under national law**. They may have been using the land for generations without formal documentation under customary or traditional tenure arrangements that are accepted by the community and recognized by national law. In other cases, they may have never been provided formal title or their documents may be incomplete or lost. They may have a claim for adverse possession if they have occupied land for a certain period of time as defined by national law, without the formal owner contesting the occupation. In such cases, national law often has legal procedures by which such claims can become recognized.
- Affected persons who have **no recognizable legal right** or claim to the land or assets they occupy or use are eligible for assistance under ESS5. Affected persons in these groups are not eligible for compensation for land, but are eligible for resettlement and livelihood assistance and compensation for assets and improvements to the land.

The method of assigning the degree/formality of ownership for each of the land and assets impacted will be established through available records of ownership (ex. through taxation records, deeds of sale) and also to be confirmed by the GRC which is comprised of community members including elders. Other mechanisms to determine ownership may be identified and outlined in the subproject specific RAPs based on the specific circumstances in the project affected areas.

### 5.2 Categories of potential Project Affected Persons

These can be divided into the following core categories:

#### 1. Affected Individuals or households

Any individual or household who risk losing land, property or investments made on land or property, livelihoods and/or access to natural and/or economic resources as a result of a subproject. This could be persons who run small kiosks/businesses, etc. While the number of family members impacted in a household would provide information on the severity of impact and call for additional support, compensation is provided as one unit (see definition of household).

#### 2. Affected Communities

A community is affected if project activities impact on their socio-economic and/or social-cultural relationships or cohesion. Impacts may be claimed collectively, e.g., as a community or religious group and does not necessarily have to be individuals or families. Communities (on communal lands) that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. For example, project activities could lead into loss of access to a community asset (such as a school, mosque, playground, etc.), social welfare or cultural erosion, etc. In addition, the investments can cause breakdown of communities and social networks due to physical separation as a result of the investment specific infrastructures if not mitigated.

These individual and group types are not mutually exclusive, and a female heading a household may be a small business owner or an orphan may be an HIV/AIDS affected person. These groups are particularly vulnerable to physical or economic displacement, and as such the following considerations will be made when sub-project sites are identified and PAPs listed. In addition, the list above is not an exhaustive list and the socioeconomic survey which will be done for preparation of sub-project specific RAPs needs to be thorough in identifying the categories of affected people and their sources of livelihoods.

These groups could be identified as being particularly vulnerable to land acquisition or other physical or economic displacement, and as such the following considerations will be made when project sites are identified and PAPs listed:

- Special consideration should be paid to these groups by identifying their needs from the socio-economic and baseline studies to be undertaken as part of the RAP process;
- The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;
- Consultation with these groups should ensure that resulting resettlement and compensation improves their pre-project livelihood;
- The RAPs should be designed to ensure special attention is paid to the monitoring of the resettlement process in order to ensure that pre-project livelihoods are indeed improved upon;
- PAPs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required; and
- Decisions concerning them should be made in the shortest possible time.

### **3. Disadvantaged or Vulnerable Groups and Households**

Paragraph 11 of the ESS 5 refers to the importance of taking into account resettlement impacts on the poor and vulnerable in project design. It is especially important to avoid physical or economic displacement of those socially or economically vulnerable to hardship as a result. Vulnerable groups may have different land needs from most households or particularly adverse impacts from resettlement. For this project in general, these are:

- Widows/Female headed households;
- Single women who may be dependent on sons, brothers, or others for support; Elderly;
- Persons with disabilities;
- Persons living with HIV/AIDS or other debilitating illnesses; and
- Internally displaced persons (IDPs), refugees or returnees, living by themselves as a group or with host families;
- Orphans and/or street children; and
- Socially or economically marginalized groups.
- Other groups as identified during the subproject specific RAP assessments.

### **5.3 Eligibility criteria**

All potential PAP's need to be identified and defined in terms of eligibility arising from both physical and economical displacement. In line with ESS 5, criteria for affected persons that are eligible to receive assistance under this Project are as follows. The type of assistance may hereby vary based on the type of Project Affected Person and ownership as indicated in the entitlement matrix below (Table 2).

It is important to note that those who encroach on the project area after cut-off date are not eligible for compensation and assistance under this RPF, provided that the cut-off date has been clearly established and made public.

## 5.4 Entitlement Matrix

An entitlement matrix was developed to detail the entitlements per identified category of PAP, as shown in the table below. The matrix was developed to detail the range of measures comprising cash or in-kind compensation, relocation cost, livelihood support and relocation assistance (to name a few) which PAPs are entitled depending on the type and degree nature of their losses, to restore their social and economic baseline status. The matrix provides a framework to guide in the development of subproject specific entitlements and where necessary, the RAPs will build on this and specify in more detail.

Table 1: Entitlement Matrix

Asset	Type of Impact	Entitled Person or Group	Entitlement	Other Considerations
A. LAND				
Commercial Land	No Physical Displacement: Land use partially affected, limited temporary loss	Owner	<ul style="list-style-type: none"> <li>- Compensation in cash at full replacement value<sup>17</sup></li> <li>- Where land use is partially affected or with temporary losses, replacement value will be determined for 'loss of use of land' and for temporary losses.</li> <li>- Livelihood Restoration Support</li> </ul>	<ul style="list-style-type: none"> <li>- Assistance in any bureaucratic / administrative requirements to allow PAPs to obtain project benefits</li> <li>- Ensuring security of tenure in all the support provided to PAPs regardless of previous situation.</li> <li>- Additional assistance for vulnerable PAPs for (identification of alternative locations, relocation, livelihood restoration as needed).</li> </ul>
		Tenant or existing occupant (incl. IDPs/returnees)	<ul style="list-style-type: none"> <li>- Assistance with identification of new rental location for the duration of the works</li> <li>- Rent and deposit (including any other expenses) refund</li> <li>- Relocation assistance</li> <li>- Livelihood Restoration Support</li> </ul>	
	Physical Displacement: Premise used severely affected, remaining area insufficient or unsuitable for continued use	Owner	<ul style="list-style-type: none"> <li>- Land for land replacement with land of equal size and market potential / compensation in cash at full replacement value.</li> <li>- Assistance in finding new location</li> <li>- Livelihood Restoration Support</li> </ul>	
		Tenant or existing occupant (incl. IDPs/returnees)	<ul style="list-style-type: none"> <li>- Cash compensation equivalent to three months of net income based on estimates from comparable businesses</li> <li>- Assistance in finding new rental/lease location</li> <li>- Relocation assistance including one-month rental assistance and moving costs to re-establish business</li> <li>- Livelihood Restoration support if required</li> </ul>	

<sup>17</sup> Where market prices are used to estimate the 'replacement value', market prices are 'current market prices'

Asset	Type of Impact	Entitled Person or Group	Entitlement	Other Considerations
Residential Land	No Displacement: Land used for residence partially affected, and/or limited temporary loss, and the remaining land remains viable for use	Owner	<ul style="list-style-type: none"> <li>- Compensation in cash at full replacement value for affected land</li> <li>- Where land use is partially affected or with temporary losses, replacement value will be determined for 'loss of use of land' and for temporary losses</li> </ul>	<ul style="list-style-type: none"> <li>- Assistance in any bureaucratic / administrative requirements to allow PAPs to obtain project benefits.</li> <li>- Ensuring security of tenure in all the support provided to PAPs regardless of previous situation.</li> <li>- Additional assistance for vulnerable PAPs for (identification of alternative locations, relocation, land development, livelihood restoration as needed.</li> <li>-</li> </ul>
		Tenant or Existing occupants (regardless of tenure including informal dwellers, IDPs or returnees)	<ul style="list-style-type: none"> <li>- Assistance with finding new rental/lease location</li> <li>- Rent and deposit refund</li> <li>- Relocation assistance to cover moving costs (egress and ingress)</li> </ul>	
	Displacement: Premise used for residence severely impacted, remaining area insufficient for use or smaller than minimally accepted	Owner	<ul style="list-style-type: none"> <li>- Land for land replacement with land of equivalent size and market potential or compensation for full replacement value in cash</li> <li>- Assistance with finding new land of similar characteristics</li> </ul>	
		Tenant / Existing occupants (regardless of tenure including informal dwellers, IDPs or returnees)	<ul style="list-style-type: none"> <li>- Assistance with finding new rental location</li> <li>- Rent and deposit refund</li> <li>- Relocation assistance and moving costs</li> </ul>	
Agricultural or pasture land	Full use or seasonal use	Persons who's agricultural or pasture land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project	<ul style="list-style-type: none"> <li>- pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.</li> <li>- Or replacement land of similar productive capacity and land development to prepare the land for production</li> <li>- The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.</li> <li>- Livelihood Restoration Support</li> </ul>	<ul style="list-style-type: none"> <li>- Assistance in any bureaucratic / administrative requirements to allow PAPs to obtain project benefits.</li> <li>- Ensuring security of tenure in all the support provided to PAPs regardless of previous situation.</li> <li>- Additional assistance to vulnerable PAPs in the identification of replacement land, land development, livelihood restoration.</li> </ul>
<b>B. STRUCTURES</b>				

Asset	Type of Impact	Entitled Person or Group	Entitlement	Other Considerations
Residential structure	Permanent loss including if the remaining land is not sufficient to rebuild upon	Owner	<ul style="list-style-type: none"> <li>- Cash compensation at full replacement costs for the entire structure and other fixed assets without depreciation, or alternative structure which is acceptable to the affected PAP</li> <li>- Right to salvage material without deduction from compensation</li> <li>- Relocation assistance to cover moving costs</li> <li>- Assistance with finding alternative plot for relocation or relocation to a resettlement site developed by the project.</li> </ul>	<ul style="list-style-type: none"> <li>- Assistance in any bureaucratic / administrative requirements to allow PAPs to obtain project benefits.</li> <li>- Ensuring security of tenure in all the support provided to PAPs regardless of previous situation.</li> <li>- Additional assistance for vulnerable PAPs for (identification of alternative locations, relocation, and construction as needed).</li> <li>-</li> </ul>
		Tenant	<ul style="list-style-type: none"> <li>- Assistance in finding new affordable rental accommodation</li> <li>- Refund for rent and deposit</li> <li>- Compensation for any immovable property improvements that cannot be relocated</li> </ul>	
	Temporary Loss of access	Owner/Tenant	<ul style="list-style-type: none"> <li>- Allowance for the duration of the impact sufficient to rent similar property</li> <li>- Relocation assistance to cover moving costs (ingress and egress)</li> <li>- Reinstatement of any changes to the previous status or as agreed with the owner</li> </ul>	
	Permanent or Temporary Loss	Informal dwellers (including IDPs/Returnees)	<ul style="list-style-type: none"> <li>- Assistance in finding new affordable rental accommodation</li> <li>- Relocation assistance covering moving costs</li> </ul>	
Commercial Structures	Permanent loss		<ul style="list-style-type: none"> <li>- Cash compensation at full replacement costs for the entire structure and other fixed assets without depreciation, or alternative structure which is acceptable to the affected PAP</li> <li>- Right to salvage material without deduction from compensation.</li> <li>- Relocation assistance to cover moving cost.</li> </ul>	<ul style="list-style-type: none"> <li>- Assistance in any bureaucratic / administrative requirements to allow PAPs to obtain project benefits.</li> <li>- Additional assistance for vulnerable PAPs for (identification of alternative locations, relocation, and construction as needed).</li> </ul>
Other Structures	Permanent loss		<ul style="list-style-type: none"> <li>- Cash compensation at full replacement costs for the entire structure and other fixed assets without depreciation, or alternative structure which is acceptable to the affected PAP</li> <li>- Right to salvage material without deduction from compensation.</li> <li>- Relocation assistance to cover moving costs.</li> </ul>	
<b>C. TREES AND CROPS</b>				

Asset	Type of Impact	Entitled Person or Group	Entitlement	Other Considerations
Trees - Timber	- Cut/ uprooted/ permanently damaged (loss of timber)	All PAPs	- Cash compensation for full replacement value of the tree including for the one-time sale of timber.	
Trees - Fruit	Cut/ uprooted/ permanently damaged (loss of timber)	All PAPs	- Productive : Cash compensation for full replacement market value of the tree including the cost of seedling as well as maintenance and produce for the number of years required to reach productivity. - Not Productive: Cash compensation for full replacement market value of the tree including the cost of seedling with present age and productive life the tree factored in.	
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	All PAPs	- Cash compensation equivalent to average of last three years of market value of mature and harvested crops	
<b>D. BUSINESS INCOME and WAGE</b>				
Business	Loss of assets or access	All PAPs operators of business or employees	- Permanent: <ul style="list-style-type: none"> <li>o Assistance to help find alternative permanent locations</li> <li>o Up to three months income</li> </ul> - Temporary: <ul style="list-style-type: none"> <li>o Assistance to help find alternative temporary locations to establish business and</li> <li>o Cash compensation to 50% of net monthly income based on estimates from comparable businesses for length of time access is lost.</li> </ul> - Right to salvage material without deduction from compensation - Livelihood restoration assistance if required (assistance with job placement skills training).	- Project shall give reasonable time for PAPs to continue their business operation while rebuilding their structures. PAPs will rebuild their structure as soon as payment is released and clear the area in the agreed timeframe. - Temporary compensation is developed with the assumption that support is required while business operations are carried out in an alternative location.
<b>E. COMMUNITY ASSETS</b>				
Community Buildings and other Infrastructure	Temporary loss of access	All PAPs users of the building / infrastructure	- Cash compensation to cover public transportation cost to the nearest equivalent facility in the town/city for the period of loss	
		Owner/	- Cash compensation and rental to relocate to similar facility	

Asset	Type of Impact	Entitled Person or Group	Entitlement	Other Considerations
		Community	<ul style="list-style-type: none"> <li>and/or storage of equipment and materials</li> <li>- Cash compensation of any financial losses from the impact.</li> <li>- Relocation assistance to cover moving costs</li> <li>- Assistance with finding new location</li> </ul>	
	Permanent loss	Owner/ Community	<ul style="list-style-type: none"> <li>- 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 affected</li> <li>- Right to salvage material without deduction from compensation</li> <li>- Relocation assistance to cover moving costs</li> <li>- Assistance with finding new location</li> </ul>	-
		Tenant	<ul style="list-style-type: none"> <li>- Cash compensation at full replacement cost for any verifiable improvement of the property</li> <li>- Rent and deposit refund</li> <li>- Relocation assistance to cover moving costs</li> <li>- Assistance with finding new location</li> </ul>	-

## 5.5 Compensation Modalities

Given the nature of the activities, and as outlined in the entitlements above, compensation may be provided to the PAPs in through in kind, cash, in the form of assistance or a combination based on the specific circumstances.

To compliment the compensation for the lost asset as described above, the Livelihood restoration program will be developed to assist in the re-establishment of pre project income levels. These interventions will be tailored within each of the subprojects based on the needs, nature of losses, profile of PAPs and discussion with affected parties. While the overall description and guidance can be provided within this framework, the exact nature of the interventions cannot be determined until more information is available and will be integrated into the RAPs in line with their development.

## 6 LEGAL FRAMEWORK

The Federal Republic of Somalia is in the process of developing national laws and at the moment there are many parts, including land related matters such as expropriation, which are going through the parliamentary processes. Notwithstanding this, in the current Federal State system the different levels of government have developed laws that address land issues or reverted to laws that existed prior to the collapse of the Somalia Democratic Republic.

### 6.1 National Laws

The Agricultural Land Law (1975). The law transfers all land from traditional authorities to the government. Individuals desiring land were to register their holdings within a 6 months' period. The law does not recognize customary land holdings.

November 14, 2019, the new National Policy, National Eviction Guidelines and the Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and IDPs

- The policy codifies the roles and responsibilities between the Federal Government and the Federal Member States. The National Eviction Guidelines address the human rights implications of evictions in urban and rural areas by preventing arbitrary and forced eviction of occupiers of public and private properties, from homes, encampments and other lands.

The current supreme law in Somalia is the Provisional Constitution of 2012. The right to own property and the right to compensation is addressed in Sections 1 and 2 of **Article 26** which states:

- 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 public interest has the right to just compensation from the State as agreed by the parties or decided by a court.

Additionally, the Constitution also addresses issues related to land in Article 43, with the following provisions:

- Land is Somalia's primary resource and the basis of the people's livelihood.
- Land shall be held, used and managed in an equitable, efficient, productive and sustainable manner.
- The Federal Government shall develop a national land policy, which shall be subject to constant review.
- 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 permits of land use.
- The Federal Government, in consultation with the Federal Member States and other stakeholders, shall regulate land policy, and land control and use measures.

### 6.2 Municipality of Mogadishu Laws

**Law Number 10**<sup>18</sup> of the Municipality of Mogadishu passed on 17/12/1980 deals with compensation related issues. **Article 15** states any building constructed without following the municipal due processes will be considered to be illegal. Section 1 of **Article 16** indicates in the fulfillment of community standards, the Mogadishu Municipality can order the demolition of illegally constructed structures, whether single

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<sup>18</sup>Presented in this document are translations of the Somali version

structures or whole estates, once such a decision is reached by the District Councils' Permanent Committees. According to Section 2 of **Article 16** the demolition of illegally constructed structures can take place in the case of one or both of the following reasons:

- In order to vacate the occupied land for purposes other than residential use; and/or
- Standardization of illegally constructed estate in compliance with urban planning

Section 3, **Article 16** states that: Illegally constructed structures cannot be used for the purpose of acquiring land and its eviction will not lead to compensation. But the municipal government can compensate the affected persons with residential land once the following conditions are met: the affected persons resided in the said structure for a period of not less than eight years; and the property was not constructed for the purpose of acquiring land.

Section 4, **Article 16** states that any compensation resulting from eviction or demolition of any structure or estates will be provided to the initial residents, and according to Section 5 the Municipal Government cannot allocate any such land to other parties as long as the affected persons are present.

**Article 17**, Section 1 indicates the Mayor of Mogadishu has the authority to order the eviction of legally occupied land for the purpose of communal use. According to Section 2 of **Article 17** any party evicted as a result of section 1 of this Article is entitled to compensation of value similar to the property, and the same size of land shall be granted to the affected person.

Section 3 of **Article 17** indicates that when compensation is offered, the following will be taken into account: whether the structure is in compliance with the law concerning land used for permanent or temporary purposes and if it is not built in accordance with the above law the structure will be considered illegal and the owner not qualified for compensation.

Section 4 of **Article 17** states that the process to be followed in the acquiring of private property for communal purpose shall be in accordance with Section 12 of law number 28 of the Democratic Republic of Somalia passed on the 28<sup>th</sup> of May 1955.

Section 5 of **Article 17** indicates the expropriation of property for the purpose of communal use, while taking Section 4 of **Article 17** into account, can only be used for communal purpose and not for private use.

### **6.2.1 Benadir Regional Administration – BRA**

An amendment to the 1973 Urban Land Distribution Law was passed in 1980. Authority over all land in the city, munishibaale and daminyaale, was transferred to the Mogadishu municipality. 'Registers, documents and maps relating to land for permanent use in Benadir Region, which was previously managed by the Ministry of Public Works, shall be transferred to the Local Municipality of Mogadishu' (Article 19). All Somalis over the age of 18 were to receive equal access to land at a fixed price per square meter, unless they already owned another plot in the city; exceptions to this rule could be granted by the Mayor of Mogadishu (Article 8). Individuals granted daminyaale land were required to finalize construction of permanent structures within a period of two years.

Those granted munishibaale land were required to finalize construction of temporary structures within one year (Article 13), though extensions could be granted (Article 14). Failure to comply with all regulations set by the local government would result in the annulment of the title deed (Article 10). With regards to private property, '[t]he Mogadishu Municipality shall create registers for the different types of plots and for all the entities pertaining to development of the land', and 'registration of plots shall be based on the legal documents for titles or other documents certifying ownership of the land upon order of the court. The description of these documents shall be recorded in the register' (Article 23). A further amendment to the law, issued a year later, restored some authority to the Ministry of Public Works.

The new amendment also further clarified the process through which title deeds were to be issued. There was further clarification of the government's land record keeping protocols: '*Once the Local Municipality issues a permit for land ... it shall send a copy of the land permit to the Ministry of Public Works to record it in the general register ... for record keeping*' (Article 5). BRA is responsible for issuing the related legal documentation.

### 6.3 Somaliland Laws

In Somaliland, land matters are addressed in **Law Number 17** of 2001 and Presidential Decree number 363 of 09/09/2008.

**Article 12** of the Constitution of Somaliland addresses Public Assets, Natural Resources and Indigenous Production with the following key provisions

- The land is a public property commonly owned by the nation, and the state is responsible for it.
- The care and safeguarding of property, endowments and public assets is the responsibility of the state and all citizens; and shall be determined by law.

**Article 20** declares that any structures, whether permanent or temporarily constructed without being in accordance with the land allocation process will be considered to be illegal.

**Article 21** addresses eviction and demolition of illegal property. Section 1 of this article indicates "The Municipal government while implementing the city urban plan will have the authority to demolish illegally constructed structures be, they temporary or permanent". In Section 2 of this article eviction from temporary structures can arise if the said land is part of a plan in which it is set aside and it is needed for purposes other than residential use and in which case the evicted parties will be settled in a suitable land and their eviction and settlement costs will be covered by the local government. As per Section 3 "Illegal structures cannot be constructed for the purpose of acquiring land and eviction of such structures will not be due for compensation". Section 4 mentions that "Parties affected by eviction or demolition of single structures or whole estates will have priority in any land allocation resulting from such activity".

**Article 22** addresses demolition of legal property stating "When the demolition of a legal property results from needs arising due to City Planning, the following will apply: a) The affected party will be compensated for the value of their property. b) The affected party will be allocated with land not less than size to his evicted land and will be offered legal documents".

**Article 23** addresses expropriation of land for the purpose of common good pointing out: a) Following consultation with the permanent national planning committee and having gained their approval, the Mayor will have the authority to issue an order to take over legally allocated built land or otherwise for the purpose of common good. b) Any party affected by section 1 above will have a right to the following: I) compensation in value similar to the said property and II) be provided with similar property that is equal in value and size to the said property.

**Article 28 of Law No. 17** establishes the Land Dispute Tribunals: quasi-judicial administrative bodies composed of seven members with knowledge and experience in land issues nominated by various ministries and appointed by the Minister of Interior.

**Article 31** of the Somaliland Constitution: The Right to Own Private Property, has the following provisions:

- Every person shall have the right to own private property, provided that it is acquired lawfully.
- Private property acquired lawfully shall not be expropriated except for reasons of public interest and provided that proper compensation is paid.
- The law shall determine matters that are within the public interest, which may bring about the expropriation of private property

## 6.4 Puntland Laws

Puntland's **Urban Land Management Act** covers all matters related to urban land and provides guidelines on the governance, and management of urban land. Chapter Four of this law covers land right and obligations.

**Article 38** confirms the right to own land and property stating: "Every person has the right to legally own land and property in accordance with Article 17 of the Constitution of the Puntland State of Somalia and no property can be repossessed without legal justification unless it is in the public interest, in which case appropriate compensation must be made at the earliest opportunity".

**Article 22** of this law deals with the repossession of private land for public interest whereby the Mayor of a town is vested with powers to repose previously allotted land, subject to approval from local councilors, and the Ministry of Public Works. This law states that those affected by this order will have the right to the following: a) Compensation to the value of the structure on the site. b) The right to an alternative and equivalent (in value and size) to the repossessed parcel of land . Although compensation is to be granted under this law, it is also limited to legal structures, as indicated "The compensation will be paid if the structure was lawful". In addition to this, relocation costs will be borne by the affected party. The law also states that the process to be followed during repossession will be in accordance with the Land Laws and the Puntland Constitution. This law strictly limits the use of such repossessed land for public use only. This Article has a grievance redressal mechanism "*Any individual affected by the repossession, who does not receive compensation proposed under this article, has the right to request the court for compensation arising from the repossession and the damages related to it*".

**Article 35** of this law covers relocation or demolition of illegal property stating: The local authority, in fulfilment of the urban plan, has power to demolish illegal structures, whether permanent or temporary. This law permits "Relocation of a settlement when an emerging public interest need arises or when the development of the settlement does not comply with the urban plan or when a specific location has been zoned for a different purpose". The law also states that the inhabitants must be relocated to a suitable alternative and the costs will be borne by the local authority. Although the above is very clear in relation to compensation for illegal structures there is some lack of clarity as the next section seems to be contradictory indicating: "Actions taken against illegal construction do not allow the individual to claim allotment of another parcel and relocation (of inhabitants of illegal structures) does not include any compensation. Only inhabitants of settlements that are relocated will have a rightful claim to allotment of land that may arise from the relocation."

**Article 36** addresses the demolition of lawful structures indicating: "When a lawfully constructed structure is recommended for demolition during the review of a town's urban master plan, the owner of the structure will have a right to: a) receive compensation equivalent to the value of the demolished structure and to be relieved of the ownership certificate for this parcel; and b) be allocated land whose size is equivalent to the previous parcel and to be provided with an ownership certificate".

Resettlement is also addressed by **Puntland's Urban Regulatory Framework** passed by cabinet as policy in November 2016. **Section 3.9.13** covers involuntary relocation beginning with the need to avoid or minimize resettlement. This Policy indicates: "When direct economic and social impacts are caused by taking of land resulting in involuntary relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood whether or not the affected persons must move to another location or the restriction of access to legally designated parks and protected areas result in adverse impacts on the livelihoods of the displaced persons, the following guidelines shall be required:

- Where relocation cannot be avoided, displaced persons shall be meaningfully consulted throughout the entire project cycle individually and collectively, with a right to appeal, and receive the opportunity to participate in the project activities, and share the project benefits;
- The property or use rights of owners and users shall be registered;
- Compensation for any loss of private property, such as built structures, crops and trees, and for the type of any use rights, shall be determined at the time of relocation and paid before relocation commences;

- Compensation shall be according to the market value of the land and the property, or the interest therein of the claimant at the valuation date. The assessment of compensation is by an independent evaluator appointed by the Local Council or the General Works Sub-Committee; and
- The relocated persons shall be assisted in restoring their livelihoods and standards of living.

## 6.5 The World Bank Environment and Social Framework (ESF)

Since its launch in October 2018, the Environmental and Social Framework (ESF) enables the World Bank and Borrowers to better manage environmental and social risks of projects and to improve development outcomes. It consists of the World Bank's Vision for Sustainable Development, the Environment and Social Policy for Investment Project Financing (IPF) and 10 Environment and Social Standards. The SESRP is therefore subject to this requirement with the implementation of 8 of the ESSs that are relevant for this project.

These Environment and Social Standards are technical reference documents which guide the proponent on their application with general and industry-specific examples of Good International Industry Practice (GIIP). These guidelines are designed to be used together with various good practice notes, industry specific technical, as well as general guidelines which are included in a WB Environmental Health and Safety Guidelines (EHSGs). These guidelines are considered for implementation of SESRP, and with specific application to the construction of power distribution lines and installation of solar PV systems in the targeted areas. The EHS Guidelines for Electric Power Transmission and Distribution include information relevant to power transmission between a generation facility and a substation located within an electricity grid, in addition to power distribution from a substation to consumers located in residential, commercial, and industrial areas.

The overall objectives of the World Bank's ESS 5 are to avoid land acquisition and involuntary resettlement where feasible, or to minimize resettlement while exploring all viable alternatives. Where it is not possible to avoid resettlement, activities will be conceived and executed as sustainable development programs, providing sufficient investment to enable the persons displaced by the project to share in the project benefits.

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

- Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- 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 reach settlement would have resulted in expropriation or other compulsory procedures;
- Restrictions on land use and access to natural resources that 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 situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date;
- Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- 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, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

The PIU will assess fund availability at the time of preparation of RAP, to ensure timely disbursement of the land compensation and other resettlement entitlements. The project PIU Social Safeguards specialist will be responsible for the supervision of the implementation of the RAP that shall be done by the Implementing Agency. Complete implementation of RAP will be done before signing of civil works contracts.

Grievance Redress Mechanisms will be put in place as early as possible; these shall be done utilizing existing formal or informal mechanisms suitable for project purposes, supplemented by with project-specific arrangements as necessary as detailed on section 11 and in the project Stakeholder Engagement Plan (and Labor Management Plan for the Worker GRM).

## 6.6 Gaps between National requirements and the World Bank Standards

This section compares the different laws for the FGS and Somaliland, 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. For the SESRP, the Bank’s ESS5 will take precedence over any of these other laws.

*Table 2: Gap analysis including proposed project mitigation measures*

Item	Somalia Law / Policy	World Bank Requirements	Gaps	Gap filling measures
Consultation	Provisional Constitutions of Somalia (Article 43) call for consultation between the Mayor and the Planning Committee prior to the expropriation of private land.	Project Affected Persons (PAPs) facing physical or economic displacement persons 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	Somalia consultation mechanisms appear to prioritize government agencies, and may not adequately involve project affected persons	Consultation and participation activities will be carried out with all relevant stakeholders with a focus on those that are directly affected by the project. General guidance will be outlined in the project’s Stakeholder Engagement Plans and subsequent RAPs for each of the subprojects.
Eligibility	Somalia’s Provisional Constitution states legally owned property can be acquired for public interest and that the property owner will be due for compensation. Also, the case for Somaliland, Puntland, and the Mogadishu Municipality. Compensation eligibility by persons with no formal legal rights, although with some variances, is provided for by Puntland, Somaliland, and Mogadishu Municipality.  National Policy (2019) : The National Policy provides a framework that seeks to protect persons of concern – IDPs, and refugee-returnees – from further	World Bank recognizes three classes of PAPs eligible for compensation:  1. Those with formal legal rights to land or assets  2. Those who do not have formal legal rights to land or assets at the time of census, but have a claim that is recognized under the laws of the country (including customary and traditional rights recognized under the laws of the country)  3. Those who have no recognizable legal right or claim	Those without legal title to land, including squatters and encroachers, face less protection under Somali laws and policies	Eligibility will be in line with the 3 categories of potential PAPs as described in ESS5.  Determination on the level of ownership / councils etc. will be defined in each of the subproject specific RAPs

Item	Somalia Law / Policy	World Bank Requirements	Gaps	Gap filling measures
	<p>forced displacement, provide protection and assistance during displacement, and find a durable solution to their displacement</p> <p><b>Mogadishu:</b> While wording makes it discretionary, Mogadishu's Municipal law calls for the offering of compensation for illegally situated property. Any compensation is also limited to persons who have lived in the location for a period of not less than 8 years. Nonetheless, the law also clearly states that evicted parties will be settled in a suitable land and their eviction and settlement costs will be covered by the local government.</p> <p><b>Somaliland:</b> compensation is only provided for occupants of temporary structures. Affected persons are to be settled in suitable land and their eviction and settlement costs be paid for by the local government.</p> <p><b>Puntland:</b> no differentiation between temporary and permanent structures and in both cases the affected persons are to be relocated to a suitable location and the cost are to be borne by the local government.</p>	<p>to the land or assets they are occupying (e.g., squatters, encroachers).</p> <p>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</p>		
Valuation Methods	According to all reviewed Somali laws, eligible PAPs have a right to be compensated with the same value of the affected property. It is unclear how this value is set or determined by government agencies.	The World Bank requires full replacement cost for all lost assets.	The Government methods may not ensure full replacement value in line with the WB definition.	In line with the principles outlined in this RPF, each of the RAPs will incorporate specific mechanisms to ensure that PAPs receive the equivalent of the replacement cost for each of their impacted

Item	Somalia Law / Policy	World Bank Requirements	Gaps	Gap filling measures
				assets as well as other resettlement entitlements as prescribed in the policy.
Grievance Redress	Somali laws mention the right of the PAP to file their grievances with law courts, however, there is no clear redress mechanism.	World Bank policy calls for 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 remedy, especially for those with no formal land titles, IDPs, refugees, those unable to read or write, etc. Ideally, should be used only as last resort.	Traditional dispute resolution mechanisms will be employed as well as a free and accessible project Grievance Redress Mechanism will be established for the duration of the project. The details of which are outlined in the SEP and RAPs (which could also include subproject specific GRMs).
Information Disclosure	No specific requirement for disclosure of information	World Bank requires disclosure by Bank at 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 disclosed in language(s) understood by the PAPs and other stakeholders.	Somali law/policy provides insufficient measures to protect PAPs	World Bank ESS5, ESS10 and RAP guidelines to be followed
Compensation Payment Schedule and Cut-off date	Not addressed in Somali laws or policies	Cut-off date to be established at time of census and asset survey Compensation to be provided at replacement cost prior to taking over of assets or relocation.	Somalia law / policy provides insufficient information guidelines on or compensation schedule and establishment of a cut-off date.	For each of the subprojects, the RAP will outline the census schedule which will include a cutoff date. This is recommended based on the date the census and assets inventory of persons affected by the project begins. Details on when this is established and disseminated in line with the roll out of the census for each of the subprojects will be provided as part of each of

Item	Somalia Law / Policy	World Bank Requirements	Gaps	Gap filling measures
Vulnerable groups	Not addressed in Somalia laws	The objective of World Bank ESS5 is to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.	Somalia law/policy provides insufficient guidelines on vulnerable groups affected by projects.	the RAPs. Additional measures to support vulnerable groups will be considered as part of the RAP development following consultations for each of the subprojects.

Hence, the Bank's standards will take precedence over FGS laws. Compounded by gaps in legal and regulatory frameworks, compensation requirements for affected assets, land appropriation and asset valuation will be very challenging. Lessons learned from experience with other World Bank funded projects as well as the work of other international organizations will be used for reference with the understanding that flexibility and adaptability are needed.

While some municipalities have some form of land administrations and tenure systems in the cities, Land administration and management is fragmented and non-existent in most part of Somalia. The country currently does not have an effective and adequate national land acquisition law, land tenure is likely to remain more collective than individual in nature, particularly in rural areas. When compared to requirement of ESS 5, the federal Government of Somalia laws has some limitations around consultation requirements, eligibility for compensation, valuation method, grievance redress mechanism, disclosure of information and the timing of compensation payments.

As is noted throughout matrix above, in case of conflict between local laws/policy (Somali and World Bank), the higher standard which will provide greater benefits to the affected parties will prevail.

## **7 METHODOLOGY FOR ASSET VALUATION AND COMPENSATION**

Compensation for lost assets is calculated at replacement cost. The process used for determining compensation values should be transparent and easily comprehensible to project-affected persons. With regard to land and assets, the calculation of replacement costs takes into account the following:

- a. Agricultural (including fallow) land or pastureland: Land of equal productive use or potential, located in the vicinity of the affected land or the new housing site, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes or customary fees.
- b. Land in urban areas: The market value of land of equivalent area and use, with similar or improved infrastructure and services, preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.
- c. Houses and other structures (including public structures such as schools, clinics, and religious buildings): The cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labour and contractors fees; and transaction costs, such as registration, transfer taxes, and moving costs.
- d. Loss of access to natural resources: The market value of the natural resources, which may include, among others, wild medicinal plants, firewood, and other non-timber forest products, meat, or fish.

Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Unit rates will be agreed, established and disclosed. Compensation rates may be subject to upward adjustment where negotiation strategies are employed and shall be implemented to all PAPs with the same type of loss of loss consistently. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.

Information about compensation standards, formulas, and rates should be provided in a transparent and consistent manner. Where compensation for land or assets (including crops) is calculated according to formulas or rates set out in documents, these are made available and explained to affected persons. PAPs have the right to request additional clarification / explanation on how each asset has been valued. During negotiations and individual household discussions, the PAPs will be presented with the concrete values of cash compensation they are entitled to or land offered for compensation for their consideration and endorsement before the individual agreements are signed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.

### **7.1 Land and structures**

Where functioning markets exist (possibly in the case of urban areas), 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 labor 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. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons.

Where applicable, valuation exercise on lands and assets will be done to assess the loss to the affected persons. In addition to that, negotiations with the affected persons will be crucial to ensure consensus agreement are attained, with proper documentation of the negotiation process including the negotiation minutes with pictures and notary papers are also needed. This can be guided by the RAPs.

Replacement cost for agricultural land is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.

Where specialized asset valuations may be necessary, a valuation expert may be contracted by the respective IP through the PIUs at the sub-project outset to develop a standardized procedure for asset valuation, which can then be applied in each subproject, and incorporated into the RAP. Such procedure would necessarily be developed using legally acceptable valuation procedures accepted by World Bank for purposes of fairness and consistency (where functioning legal framework exists).

For property valuation, the set values will be representative of the market rates at that particular time. For loss of income, rates will be based on daily profit averages for a particular type of business derived from random sampling in the Project areas.

See the matrix of entitlements (Table 2) for different types of resettlement or loss of incomes or assets.

## **7.2 Valuation of Compensation for Floricultural, Timber and Fruit trees**

The market valuation method must be adopted. This goes for all tree-based crops including trees of nutritional, medicinal and other significant economic value. Given their significance to the local subsistence economy, fruit trees will be compensated on a combined replacement / market value. Fruit trees used for commercial purposes will be compensated at market value based on historical production records. If the households are physically resettled, they will be compensated for the labor invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household/individual chooses to transfer ownership of the trees, transfer costs will be paid in addition to labor costs. The compensation rate will be based on information obtained from the socio-economic survey.

## **7.3 Valuation of economic impacts**

For loss of income, rates will be based on daily profit averages for a particular type of business derived from information provided in the socio-economic survey questionnaire as well as any available reference values. Loss of income compensation will depend on the number of days that access will be restricted or denied or until livelihood is restored in line with the measures outlined in the RAP as well as the incomes lost as a result of the project.

## 8 ORGANIZATION

The SESRP will be implemented by the PIUs established at Federal Ministry of Energy and Water Resources and the Somaliland Ministry of Energy and Mineral Resources, which will provide the overall oversight through the project PIU which will also lead the overall implementation of the project. The PIUs are staffed with Project Coordinators, Procurement Specialists, Finance Specialists, Project Engineers, Environment and Social Safeguard Specialists and M&E Specialists. The Environmental and Social Specialist will take the lead in management of resettlement issues.

A general outline of institutional roles and responsibilities for resettlement activities are found in the table below and shall be later adjusted/refined within the subproject specific RAPs.

*Table 3: General Institutional Roles and Responsibilities for Resettlement*

<b>Institution</b>	<b>Responsibility</b>
Federal government of Somalia / Somaliland	<ul style="list-style-type: none"> <li>• Overall management and supervision</li> <li>• Payment of compensation</li> </ul>
World Bank	<ul style="list-style-type: none"> <li>• Oversight role during implementation and monitoring / supervision as well as any issues brought to the WB offices (GRS, IP etc.)</li> <li>• Capacity support to the PIUs in safeguards implementation and monitoring.</li> </ul>
Federal PIU	<ul style="list-style-type: none"> <li>• Assistance to specialists in the preparation of screening processes, assessments and preparation of RAPs; approval of RAPs; general reporting on RAPs to the World Bank as part of E&amp;S reporting requirements.</li> <li>• Ensuring that the RAP processes are followed adequately in line with the country's legislation and this RPF,</li> <li>• Overall coordination, monitoring and supervision,</li> <li>• Stakeholder engagement</li> <li>• GRM</li> <li>• Payment Compensation facilitation</li> </ul>
Local Governments	<ul style="list-style-type: none"> <li>• Municipalities will take the lead in valuation of assets, project land acquisition, land dispute resolutions and also receiving and supporting to address project-level grievances within their jurisdiction.</li> <li>• Local governments will be responsible for ensuring that RAP implementation is in line with land use plans in the district and the towns</li> <li>• Where relevant the municipality and district authorities will use their technical departments to address specific issues emanating from the compensation process especially related to replacement agricultural land.</li> <li>• Municipal Land Committee is an ad hoc institution established and mandated to solve land disputes. It's chaired by the Mayor and members mainly comprise of municipal authorities (the Land Department, the District Police Office) and traditional leaders</li> </ul>
RCs in each municipality	<ul style="list-style-type: none"> <li>• Determination of asset or income losses incurred by PAPs and their valuation</li> <li>• Designing strategies for restoration and development of livelihood strategies</li> <li>• Resolve manageable disputes that may arise among the PAPs relating to resettlement and compensation process. If it is unable to resolve, refer such grievances to the PIU grievance redress system</li> </ul>
Grievance Redress Committees (GRCs)	<ul style="list-style-type: none"> <li>• Responsible for receiving and addressing project-level grievances, except for those under appeal or needing specific PIU intervention.</li> <li>• Reporting back to PIU and community on GRM performance</li> </ul>
Formal Courts	<ul style="list-style-type: none"> <li>• Shall adjudicate cases involving developed houses, stores, houses, farms and so on that may be escalated after the laid down GRM has failed to resolve.</li> </ul>

<b>Institution</b>	<b>Responsibility</b>
Informal Elder Courts	<ul style="list-style-type: none"> <li>• Will be responsible mostly to resolve escalated cases involving undeveloped lands i.e., conflicts over grabbed lands and land dispute over the ownership.</li> </ul>
Informal or Qadi or Sheikh Courts	<ul style="list-style-type: none"> <li>• Will be responsible to resolve the resettlement issues escalated as a after involving developed lands, especially those related inheritance and or with written will.</li> </ul>
Independent Verification Agency (IVA)	<ul style="list-style-type: none"> <li>• Independent verification on the preparation and implementation of the RAPs.</li> </ul>
Third party monitoring agent/auditor	<ul style="list-style-type: none"> <li>• External Monitoring &amp; Evaluation of resettlement and compensation activities including the preparation of completion audit.</li> </ul>

## **9 IMPLEMENTATION PROCESS**

The PIU will have project management responsibility, coordinating overall project implementation, ensuring the timely availability of fund transfer to contractors, implementing the relevant safeguard instruments including the RPF and RAPs and ensuring continuous community outreach and consultation, monitoring and evaluating program implementation and impacts, developing and implementing the GRM and reporting results to various stakeholders. No civil works are allowed to be tendered on sites where RAP implementation has not been undertaken and completed.

For each site-specific activity, an implementation schedule will be prepared and included in the RAP to ensure the right sequence between the commencement of the activity and the resettlement or compensation process. This schedule will show each activity – from the initial baseline and preparation to the actual relocation and commencement of civil works, as well as economic and social activities after relocation. The schedule will contain a date defining when benefits for eligible PAPs will be provided; and it will contain a monitoring and supervision schedule for the PIU to follow. It will set target dates for the achievement of benefits to resettled PAPs and hosts, as well as for the provision of other benefits.

## 10 MEASURES TO ADDRESS VULNERABLE GROUPS

Vulnerable groups refer to those individuals or groups who, by virtue of, for example, their age, gender, race, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources, may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits<sup>19</sup>. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. In the context of this Project, several vulnerable groups have been identified as being relevant, as detailed below.

People with physical and/or mental disabilities may be disproportionately affected and have more difficulties in coping and adjusting to the effects of physical resettlement and economic displacement. The households with members which fall into any or all of these categories are thus considered to be more vulnerable to the impacts of resettlement. In the context of involuntary resettlement in this project, vulnerability is assessed based upon the following indicators identified through the socioeconomic baseline: type of tenure, livelihood dependence upon landfill resources, presence of elderly PAPs in household, single-parent households with children, households with a person with a disability, and household income under poverty threshold.

ESS 5 emphasizes resettlement impacts on poor and vulnerable populations. Physical and economic displacement should be especially avoided where people are vulnerable. Vulnerable groups often have different land needs in comparison to other groups, or resettlement poses particularly adverse impacts on them. Specific groups identified during the social assessments/baselines done for each of the subproject RAPs will determine the types of vulnerable individuals/groups present in the area and include measures to support based on their specific needs.

It is therefore important that the nature of vulnerability is assessed specifically for each site-specific activity. Activity-specific Resettlement Action Plans (RAP) need to be based on rigorous socio-economic and vulnerability assessments, which help determine the particular vulnerable groups and Project Affected People (PAPs) of a specific area and activity. Considerations in the development of project specific activities and the RAPs:

- Socio-economic situation of different population groups, in particular those defined as vulnerable.
- Language and traditional information dissemination mechanisms should be considered.
- Understanding limitations of specific groups in participation in project activities (mothers taking care of children, agriculturists working the fields, employees and jobs etc.).
- Establish clear communication and feedback mechanisms to allow for these groups to participate in project design, decision making and activities resulting in physical or economic displacement.
- The establishment of a GRM with uptake channels at different levels and utilizing both traditional and modern means

All vulnerable groups, identified here and specific other groups identified in the respective assessments should be entitled to additional assistance for finding replacement land, housing, places of business and for moving (temporarily or permanently); additional assistance for new land to be cleared or structures to be built; additional livelihood restoration support; and, consultation and participation of PAPs.

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<sup>19</sup> Section 2.1 of the World Bank Directive: Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups updated March 27, 2021

## 11 GRIEVANCE REDRESS

### 11.1 Use of customary / established dispute resolution mechanisms

Due to the prevailing weakness of government institutions as well as a common mistrust in its efficiency, a large portions of land cases of land disputes are solved through mechanisms of Somali customary law (xeer). For any disputes or grievances related to the urban areas (within the municipality boundaries), the formal courts are usually resorted to handle such cases. But where a conflict falls under the private property aspects the disputes is then referred to the district Court. On the other hand, informal elder courts and informal Qadi or Islamic Courts are preferred to the land disputes especially on inheritance and land situated outside the municipality, as this has no formal registrations within the district or the municipality land registry.

On the other hand, the Municipal Land Committee is an ad hoc institution established and mandated to solve land disputes. It's chaired by the Mayor and members mainly comprise of municipal authorities (the Land Department, the District Police Office) and traditional leaders. At the municipal level, this land committee is summoned whenever there is a land dispute that has not been submitted to the Court or to the elders. However, when a land dispute case is heard in the district and if that case is deemed fit for the municipal hearing and determination then the case is sent to the municipal committee, which takes over the matter.

Table 4: Existing land dispute resolution mechanisms with their respective shortcomings

Institution	Nature of Conflict	Applied Laws	Limitations
<b>Formal Courts</b>	Mostly they adjudicate cases involving houses developed, stores, houses, farms and so on	-Somali Civil Code - State level Laws - Shari'a	There is no popular confidence due to allegations of corruption and lack of enforcement.
<b>Informal Elder Courts</b>	Mostly they resolve cases involving undeveloped lands, i.e., conflicts over stolen lands	Somali Xeer	Xeer can disadvantage certain groups and has not always kept up with changes in Somali society. For example, outcomes under xeer law depend on the negotiating power of clans and thus weaker clans are often not afforded the protections that would prevail between equally matched groups. No gender considerations
<b>Informal or Qadi or Sheikh Courts</b>	Mostly they resolve cases involving developed lands, especially those related inheritance and will	Shari'a Law , specifically Shafi'a school of jurisprudence	<b>First</b> , It is un-codified and sometimes tend to erroneous interpretations that might discriminate against women. <b>Second</b> , most texts are those written before centuries and hence outdated in terms of some contemporary issues whose judgments need to refer the most updated Muslim jurist texts and well trained judges who have capacity of research and case analysis and reasoning techniques.
Municipality committee for Land Conflict Resolution (6 male persons)	Mostly they involve in resolution of undeveloped lands	- Puntland land law in 2000 and Somali land law in 1973 and 1980s - Shari'a	Low confidence by the community due to allegations of corruption, nepotism, poor capacity and low enforcement of decisions and no gender considerations and representations.

## 11.2 The Project Grievance Redress Mechanism (GRM)

Under the new World Bank ESF, Bank-supported projects are required to facilitate mechanisms that address concerns and grievances that arise in connection with a project. One of the key objectives of ESS 10 (Stakeholder Engagement and Information Disclosure) “to provide *Project Affected Persons with accessible and inclusive means to raise issues and grievances, and allow borrowers to respond and manage such grievances*”.<sup>20</sup> Understanding the drawbacks and limitations of the traditional mechanisms as well as the requirements of the ESF, the project has established a project level GRM which is outlined in the project’s Stakeholder Engagement Plan (SEP). The Project GRM should facilitate the Project to respond to concerns and grievances of the Project Affected Persons related to the environmental and social performance of the project. Given its broad spread, it will also apply for resettlement issues. The SESRP will provide mechanisms to receive and facilitate resolutions to such concerns. The Grievance Redress Mechanism to be followed under the Project will:

- Respond to the complaints of PAPs in a timely and transparent manner
- Ensure that complaints are properly registered, tracked and documented, with due regard for confidentiality;
- Provide a mechanism for appeal; this can result in approaching civil courts if other options fail.
- Allow for anonymous complaints should this be requested by the complainant

The primary purpose of the project GRM is to hear the complaints or address the concerns of aggrieved parties to a fair extent and on time. Dissatisfaction can cause an aggrieved party to act negatively, which would culminate in some unforeseen repercussions that would affect project implementation and hinder progress. This section lays out the grievance redressal mechanisms (GRM) for the SESRP which will have the following objectives:

- Registration, acknowledgment, and recording of all concerns or issues raised by aggrieved;
- Identify if there are any systemic issues in the program implementation based on (among other factors) the frequencies and validity of issues raised: for instance, unpaid or insufficient compensation, disregard for traditional practices, land acquisition prior to compensation, undue pressure from team members and many more;
- Ensure that complaints are properly registered, tracked and documented, with due regard for confidentiality;
- Address the composition of a committee that would handle all grievances; Inform people of the public information center establishment and access;
- Establish procedures for the GRM to enhance easy access, transparency and accountability, and tackle escalation of grievances beyond expectations;
- 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
- 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 sub-projects.

### 11.2.1 Institutional Framework and Composition of GRM Committee

The project GRM will build on what was created for the Somalia Energy Access Project. This GRM will be a project wide GRM that will also be available for use by PAPs. The existing GRM will work as an alternative option and in conjunction with local level actors at the FGS and FMS, community, District, and municipal levels (described above). This is to ensure that all measures are taken to address the grievance. The GRM is housed at both MoEWR (FGS); and the MoEM (Somaliland) and provides access to SESRP stakeholders and contractors to register complaints received at sub-project level or the field. At all the target Municipalities /Local Government level, a Grievance Redress Committee (GRC) comprised of PAPs, municipal government officials, local civil society leaders and representatives of women, people

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<sup>20</sup> World Bank, Environmental and Social Framework, 2018, p. 131.

with disabilities Legal Aid and law enforcement agencies and youth groups will be formed to receive and handle any arising complaints. The GRC will be headed through a consensual appointment done with affected communities, and steps will be taken to ensure that all grievances are properly documented and transferred to the digital platform for tracking of resolution. PAPs may also make complaints directly to the project wide GRM through the digital platform either by calling, sending text, WhatsApp, etc. The project will identify an NGO or other appropriate GBV service provider to setting up and ethically manage SEA/SH complaints.

### **11.2.2 The GRM implementation process:**

1. The social safeguards specialists at respective MoEWR (FGS); and the MoEM (Somaliland) will manage the GRM platform for Project level to ensure timely sorting and escalation of grievances to resolving officer
2. Assign a focal person (s) from OE, Contractors and the local GRC for grievance uptake and reporting
3. Train assigned focal person (s) to receive and log complaints; Constitute GRM Committee to resolve grievances
4. Screen, classify and refer complaints to appropriate unit for redress Monitor, track and evaluate the process and results
5. Provide feedback to complainant in line with the established timeframes.

### **11.2.3 Management of Resettlement Related Grievances**

Typical grievances relevant to resettlement may include community or individual's dissatisfaction with: (a) the eligibility criteria, (b) the amount of compensation or assistance measures; (c) unexpected and unaddressed resettlement impacts; and (d) implementation or timing of such measures. The overall process of grievance handling is as follows:

- Compensation committees including representatives of PAPs will establish the compensation rates.
- During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances/sensitization of PAPs.
- The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases. See the SEF of SESRP for grievance redress form.
- The project will allow the use of a local mechanism, which includes the local land dispute tribunals and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost.
- Compensation will be paid to individual PAPs only after a written consent of the PAPs is received, including both husband and wife (and children where relevant). Should a PAP decline the compensation suggested, he/she will have the option to register grievances to the grievance committee.
- A Compensation Committee (CC) and the grievance committee at the district level will first review his/her case.
- When these have failed to resolve the grievance, the individual PAP has the right to take his case to appeal the next level GRM (municipality/state level or federal levels, depending on the municipality) or the civil courts for litigation.

### **11.2.4 Guidelines and Tools for Reporting and Processing Grievances**

- Uptake channels will be established at various levels to facilitate access to local communities. Each of the specific RAPs for subprojects will further identify additional channels based on the specific circumstances. Complaints can be in any language and form and the complainant may choose to remain anonymous.
- Grievances will be filed by an aggrieved person at the entry-level using a complaint form or through a designated grievance channel.

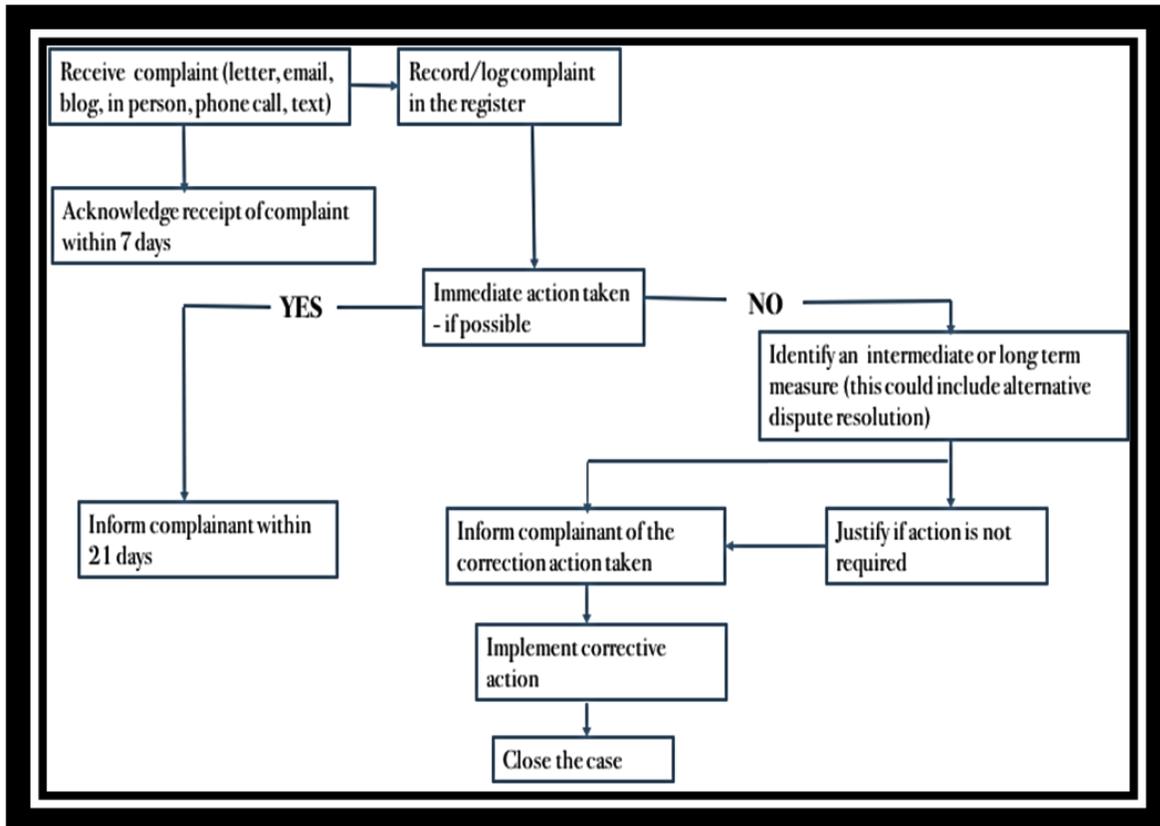
- The form will describe the complaint and provide for action at the three levels of redress- community district, Municipal or FMS. Ideally, complaints should be acknowledged in 7 days, provide feedback in 21 days and resolved within Forty-Five (45) days, except complaints and grievances that relate to the valuation of affected assets that need to be managed by a unit set up by the project. In this last case, each RAP will determine the timeframes for resolution.

Aggrieved parties should choose their entry point that is at their convenience. However, the GRM should start at the local level before allowing appeals to higher levels at the District municipal or FMS levels. It is the case that many people from the impacted communities may not be able to read or write and particular attention should be given to having face-to-face dialogue with complainants (in line with government guidelines related to Covid-19) to ensure that the processes, decisions, and resolution of the complaint are thoroughly understood. If it is at the community level/site specific level, the first point of contact would be the Contractor site in charge who is the GRC established by the project at the district level. The point of contact at the district level is the district Council. The point of contact at the provincial level is the key supervisory body of the GRC or relevant agencies responsible for monitoring the sub- projects, which may comprise MoEWR (FGS); and the MoEM (Somaliland), in Federal Member States, the beneficiary ministries of Health and Education Owners Engineer firm or ESPs

- Mobile phone hotlines should be maintained to provide aggrieved parties with the access they need to those who can document and address their grievances;
- At all three levels, a grievance registry should be maintained to monitor and record the types of grievances that are raised, their status, and the type/level of remedial actions taken. Remedial actions have to be flexible. They can vary from a letter response to a referral (to the next redress level/structure), a meeting or dialogue with the complainant(s), a final resolution process beneficial to all parties;
- Acknowledgment of receipt of grievance reports should be within seven days. This can be done by any member of the GRC/ local authority and should be forwarded to GRC. Grievances should be addressed in twenty one (21) days following the report or be moved to the next level in the redress mechanism where the problem should be resolved within fourteen (14) days;
- Outcomes from the decision should be provided within thirty (45) days of the receipt of the complaints, which should be communicated by the appropriate GRC representative. Once a grievance or complaint has been resolved or being escalated, the officer responsible shall complete a Grievance/Complaint Resolution/Escalation Form (see Annex v for sample form) to close out the complaint or record the reason for escalation, and the form shall be signed by the officer and the complainant (if s/he so desires), with a witness.
- Those seeking redress and wishing to state grievances will do so directly to the GRC. If the complainant's claim is rejected, the matter shall be brought before an agreed third party or the local administration before approaching the legal system in case of unresolved complaints at the local level.
- The court of law will serve as the last resort for all types of grievances. Responsible structures for grievance redress should ensure that this option is avoided as much as possible. However, the decision to use the court as a redress mechanism should be left to the discretion of the aggrieved parties.

The Grievance Process to be followed is based on the projects GRM outlined in the SEP: (it is important to note that there is no resettlement specific GRM and all issues will be processed through the Project GRM). The SEP may be updated as part of the Project's evolution which may include changes to the GRM. The current process is depicted in the figure below:

*Figure 3 : Grievance process as currently outlined in the approved SEP (30 September 2021)*



### 11.3 Monitoring and Reporting

All complaints received in writing (or written when presented verbally) and processed through the stages identified in the GRM, will be recorded in a register or log sheet. The register presents the date of the complaint, the name of the complainant, the community he/she is from, a description of the complaint, and the actions taken to address the grievance (which shall also note the status of the grievance). There will be periodic reviews of the grievance log/database to learn lessons about the GRM and improve the operation and effectiveness of the GRM.

- All complaints received in writing (or written when presented verbally) and processed through the stages identified in the GRM, will be recorded in a register or log sheet. The register presents the date of the complaint, the name of the complainant, the community he/she is from, a description of the complaint, and the actions taken to address the grievance (which shall also note the status of the grievance).
- The GRC shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made;
- The type of grievance being documented should also be defined in terms of how it is received: oral, written, by mobile phone, email, or text message. There should be a clear description of the owner of the complaint or where the grievance comes from to ensure accessibility to the GRM
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### 11.4 WB's Grievance Redress Service (GRS)

Communities and individuals who believe that a World Bank project has or is likely to have adverse effects on them, their community, or their environment, may submit complaints to existing project-level grievance redress mechanisms and/or the WB's Grievance Redress Service (GRS). The GRS enhances the World Bank's responsiveness and accountability to project-affected communities by ensuring that grievances are promptly reviewed and addressed. The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns.

For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>.

Any individual or community who believes that a World Bank-supported project has or is likely to, adversely affect them can submit a complaint. Complaints should be in writing and addressed to the GRS. They can be sent to:

- ONLINE – through the GRS website at [www.worldbank.org/grs](http://www.worldbank.org/grs)
- BY EMAIL at [grievances@worldbank.org](mailto:grievances@worldbank.org)
- BY LETTER OR BY HAND delivery to any World Bank Country Office
- BY LETTER to the World Bank Headquarters in Washington at The World Bank Grievance Redress Service (GRS) MSN MC 10-1018 1818 H St NW Washington DC 20433, USA

To facilitate the understanding of the complaint, the following could also be included:

- identify the project subject of the complaint
- clearly state the project's adverse impact(s)
- identify the individual(s) submitting the complaint
- specify if the complaint is submitted by a representative of the person(s) or community affected by the project
- if the complaint is submitted by a representative, include the name, signature, contact details, and written proof of authority of the representative

## **11.5 World Bank Inspection Panel**

The Inspection Panel is an independent complaints mechanism for people and communities who believe that they have been, or are likely to be, adversely affected by a World Bank-funded project. The Panel is an impartial fact-finding body, independent from the World Bank management and staff, reporting directly to the Board. The Inspection Panel process aims to promote accountability at the World Bank, give affected people a greater voice in activities supported by the World Bank that affect their rights and interests, and foster redress when warranted.

The Panel has the power to review Bank-funded projects, and determine whether Bank Management is following the World Bank's operational policies and procedures which were put in place in order to provide social and economic benefits, and avoid harm to people or to the environment.

For information on how to submit complaints to the World Bank Inspection Panel, please visit <https://www.inspectionpanel.org/how-to-file-complaint>

## 12 FUNDING ARRANGEMENTS

The RAP will include an itemized budget for the implementation of resettlement activities including compensation. At the project preparation stage where the RPF is prepared, the exact number of people who may be affected cannot be determined since all the sub-projects have not been fully identified. As such, at the time of writing this RPF, it is not possible to provide an estimate of the budget required to cover the total cost of resettlement that will result from the implementation of the SESRP. Guidance for preparing the resettlement budgets is offered in this RPF and in general terms should include the following items:

- a) Cost of preparing the specific RAPs
- b) Full replacement cost of lost assets, i.e., land, structures, crops, trees, livestock, public and community infrastructure
- c) Cost of providing replacement land including transactional expenses, land search costs, cost of developing infrastructure and putting up replacement housing if need be,
- d) Income and livelihood restoration costs (including wages and technical assistance)
- e) Cost of relocation of people and their belongings i.e., moving/transport allowance
- f) Special resettlement assistance costs for VMGs e.g. training and new skill development for VMGs, cost of acquiring re-employment equipment, logistical support costs etc.
- g) Transitional support costs including costs of obtaining alternative accommodation during the transition period
- h) Cost/expenses incurred in performing traditional/cultural ceremonies necessary in grave removal, exhuming and reburying bodies
- i) Costs of obtaining architectural designs, construction management costs and structural approval costs.
- j) Monitoring and auditing costs
- k) Cost of building institutional capacity for resettlement implementation e.g., constructing new office/hiring offices for project management staff, cost of hiring of project staff, training and institutional capacity building and logistics.
- l) Any other reasonable cost determined during RAP preparation for specific investment project/s

While some of the costs above such as consultancy cost of preparing the specific RAP/s are readily quantifiable, other aspects of RAP activities such as capacity building, full replacement cost of lost assets and restoration of livelihoods are location/project specific and are not quantifiable at this time.

*Table 5: Cost estimate for implementing RPF*

#	Activity	Estimated Cost (US\$)	Remarks
1	Initial sensitization training/workshops	100,000.00	Preparatory workshops/barazas and formation of stakeholders' structures at the national, on draft RPF
2	Capacity building training workshops for implementing agencies	100,000.00	Specifically, for implementation and monitoring processes of RPF and RAP
3	Preparation of RAP		RAP whether in-house or outsourced
4	Provision of compensation for land and structures	To be determined during preparation of RAP based on market values and current construction costs.	While component 2 of SESRP is largely existing facilities, components 1&3 will require physical investments that may potentially cause displacements and disruption of livelihoods.

#	Activity	Estimated Cost (US\$)	Remarks
5	Provision of compensation for trees and crops	To be determined during preparation of RAP based on prevailing market values for timber and crops current.	When construction starts there may be damage to trees and crops on land acquired or adjacent land
6	Cost of relocation people and assets	To be determined during preparation of RAP based on value of transport, labor and other factors.	Given that people move to different locations and because it is not known at the time of preparation of RAP, this may be presented as a claim by each PAP as appropriate.
7	Validation training workshops for RAP	100,000.00	Individual RAPs require concurrence at all structures to be implementable
8	Business advisory /financial management training for PAPs	50,000.00	When compensation amounts are known there is need for investment advisory to be given to beneficiaries
9	Monitoring and auditing	To be determined during preparation approximately 20%	Done during implementation of RAP and at completion as quality control measure
10	Contingencies (10%) of total cost	(10% of total above)	Vulnerable Support, stakeholder engagement

Budgeting and financing are critical step in the resettlement planning and implementation process. Specific RAPs prepared for SESRP project must therefore provide indicative budget which should clearly specify all activities in the resettlement implementation process, their estimated costs as well as the source of funds. It is expected that the budget for resettlement will be prepared for each of the subproject and will be determined during the RAP preparation exercise after the base line data is collected and all potential impacts have been identified. Availability of funds for resettlement compensation will weigh as a condition for subproject selection.

The budgets will cover resettlement activities including compensation costs for affected assets such as structures, fruit trees, crops and loss of access including any economic displacement as well as other resettlement or transitional assistance. Funds for the preparation and implementation of the rap will be financed through project financing while funding for compensation will be provided by the subproject implementing agencies (IP). Adequate budget for stakeholder engagement will be also allocated from the overall project cost, which will include cost for organizing meetings, workshops and training, hiring of staff, field visits to subproject locations, translation and printing of relevant materials and operating GRMs. The costs of preparation of the RAP including capacity building and consultations are estimated to be 715,000 USD.

### 13 STAKEHOLDER CONSULTATION, PARTICIPATION AND DISCLOSURE

The Project will ensure inclusivity of all targeted PAPs at all levels. PAPs will be consulted through a variety of means, as spelled out in the SEP and as necessitated by the resettlement assessment methodology. Furthermore, all information about the activity that triggers the preparation of an RAP and resettlement and compensation will be publicly disclosed, following the modalities of disclosure laid out in the SEP. This is to ensure that all persons, and vulnerable groups in specific, have the opportunity to participate in the decision making process and to raise their concerns where applicable.

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, identity of leading authorities and implementers etc. They must be given the opportunity to provide their inputs and feedback on the planned activities. Furthermore, they must receive all information in regard to the Project GRM, and the GRM must be available to all PAPs to file potential complaints.

Engagements and consultation on the project design and the planned activities and implementation arrangements have been conducted with key institutional stakeholders including the relevant Government agencies. Engagements and consultations have been held with key stakeholders, as per World Bank guidance under the COVID-19 pandemic described in the Technical Note “Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings” (March 20, 2020). Broader consultations have been hampered, one by the lack of time given that this is an emergency project, and second by the outbreak of the COVID-19 pandemic, which has made community consultations impossible at this stage.

Targeted public consultation and stakeholder engagement was held between May and June 2021 under the leadership of Ministry of Energy and Water Resources (MoEWR, Somalia). The consultations done were specific to the government Agencies including but not limited to: Federal Ministry of Public Works and Construction, Directorate of Environment & Climate Change, Federal Ministry of Energy and Water Resources, Federal Ministry of Labor and Social Affairs, Puntland Ministry of Public Works, Puntland Ministry of Labor and Social Affairs, Puntland Energy Development Agency, Land Authority in Jubaland, Jubaland Ministry of Energy and Water Resources, Jubaland Ministry of Labor and Social Affairs, Jubaland Ministry of Environment, South West Directorate of the Environment South West, South West Ministry of Public Works, Hirshabelle Ministry of Public Works, Hirshabelle Ministry of Labor and Social Affairs, Hirshabelle Ministry of Energy and Water Resources, Hirshabelle Ministry of Environment and IDP Camp Leaders with regard to the resettlement policy framework questions.

As to this date the specific activities that may require involuntary resettlement are unknown. As soon as locations, implementing partners and specific activities have been decided on, tailored community consultations with regard to the resettlement action plan will be undertaken.

The key highlights from the consultations include:

In Somalia, the local government has a major role and responsibilities of land take from the citizen or institution for development purposes. Puntland Ministry of Public Works jointly work with other government lead agencies for example Garowe Local Government particularly Land Department in order to oversee and observe how the process of land take is undertaken in line with the Puntland Land Policy. This process helps the government to acquire community and private land for the development projects through laid down procedures namely: (i) land assessment, (ii) review of the reports from the land assessment, (iii) application in line with the rules and regulations that exists in the state (i.e., Land Act), (iv) registration of the land into the citizens or institutions regarding to their purposes and (v) issuance of certification for the land. The table below

Table 6: Stakeholder Consultations and Comments

Table 6: Stakeholder Consultations and Comments

#	INSTITUTION	DESIGNATION	KEY ISSUES
1.	Federal Ministry of Energy and Water Resources	Environmental Specialist	<p>Land administration and management is virtually non-existent in Somalia. The country currently does not have a national land acquisition law; land tenure is likely to remain more collective than individual in nature, particularly in rural areas. When compared to requirement of ESS 5, the federal Government of Somalia laws has inadequacies around consultation requirements, eligibility for compensation, valuation method, grievance redress mechanism, disclosure of information and the timing of compensation payments. Hence, the Bank's ESS5 will take precedence over FGS laws.</p> <p><b>Government entities involved in the land acquisition and management are:</b></p> <ul style="list-style-type: none"> <li>• Ministry of Interior,</li> <li>• Ministry of Public Works,</li> <li>• Municipalities and Benadir Regional Administration,</li> <li>• Directorate of Environment,</li> <li>• Key security agencies (Ministry of Security, Police and SNA).</li> </ul>
2.	Puntland Ministry of Public Works	Head of Land Use Section	<p>According to the process of land take, the local government has a major role and responsibilities of land take from the citizen or institution for development purposes but when it comes to our role the Ministry jointly work together with Garowe Local Government particularly Land Department in order to oversee and observe how the process of land take relates with Puntland Land Act.</p> <p>The Process and Procedures are mainly as follows:</p> <ul style="list-style-type: none"> <li>• Land assessment,</li> <li>• Review the reports from the assessment,</li> <li>• Apply to the rules and regulation that exist in state such Land Act</li> <li>• Registration of land into the citizens or institutions regarding to their purposes,</li> <li>• Give certification of the land.</li> </ul> <p>The department of land handles land issues.</p> <ul style="list-style-type: none"> <li>• There are 6 staff from difference sections of the department; those are under director of department. They report to Director Department</li> </ul> <p>The highest qualification that they have is Master of Land use management although most of them are undergraduate according to their qualifications, so we can verify if you need further information in terms of difference degrees that they have from the department of Human Resources.</p> <p>YES, some of them have enough experience in terms of review of Resettlement Policy and Resettlement Action Plan but not all.</p> <p>key issues to be addressed in Resettlement Policy Framework (RPF) and Resettlement Action Plan (RAP)</p> <ul style="list-style-type: none"> <li>• Land ownership is a key issue that we need to address and apply to resettlement policy framework</li> <li>• Land Conflict - most of RFP and RAP deals with land ownership and land Conflict</li> <li>• Poor land use management-</li> </ul> <p>Land grievance redress mechanisms that may be adopted during project implementation</p> <ul style="list-style-type: none"> <li>• It depends on the project areas for example if the project is for agricultural development and has a specific mechanism in terms of</li> </ul>

#	INSTITUTION	DESIGNATION	KEY ISSUES
			<p>project implementation so that government have difference mitigation approaches when it comes to land grievance.</p> <p>In Mostly cases, there is no leave but there is number of mechanisms such as budget allocation options.</p> <p>Government involves land acquisition and management through obtaining and buy in from community leaders and owners because land requires political will and community support and funding in order for government to have an overall role and responsibilities of land management.</p> <p>Yes, Ministry and its partners approved land and property values. In addition to that currently there is Resettlement Action plan RAP for IDPs that directly focus on the IDPs in order to resettle regarding to that there is updated resettlement Action Plan which play a vital role when it comes to land issues.</p>
3.	Puntland Ministry of Labor and social affairs.	Director	<p>There is an existing grievance redress mechanism with regard to handling work and employment related disputes and grievances.</p> <ul style="list-style-type: none"> <li>• The Ministry always promote the equal accessibility of the implementation of the projects in order to avoid the grievances from the people,</li> <li>• The Ministry sets up before the implementation a number of criteria which based on the vulnerability of the people and design of the project to confront the Primary challenges from target communities.</li> <li>• The Ministry shares with the communities' full information about the projects to prevent misleading issues.</li> </ul> <p>The following are the possible social Issues associated with the proposed project.</p> <ul style="list-style-type: none"> <li>• Resource sharing conflicts in terms of proposed and implementation of the projects for example projects sites can easily create the conflict among the communities.</li> <li>• Project allocations issues from the officials also can be one of the social issues</li> <li>• Poor transportation because some of the areas are not accessible due to poor infrastructure.</li> </ul>
4.	South West Directorate of the Environment	Director	<p>There is an existing long cave (Isha) that is found within in the middle of the city. Caution should be undertaken to ensure it is not disturbed.</p>
5.	South West – Ministry of Public Works	Director General	<p>Currently the South West ministry of public works is not yet handling land issues and all land issues is currently handled by the local authorities (Metropolitan)</p>
6.	Jubaland Ministry of Public Works	Land Authority	<p>In Jubbaland, there is an agency called the Jubbaland Land Authority, which is the government's responsibility as a ministry, and we monitor its work.</p> <p>The department has 11 staff. They are all bachelor's degrees and work experts</p> <p>The existing land grievance redress mechanisms that may be adopted during project implementation is resolved by land complaints as follows</p> <ul style="list-style-type: none"> <li>• Go to the land and ask questions about the land of the neighbors,</li> <li>• The plaintiff and the defendant are then questioned on their respective grounds,</li> <li>• If nothing is done, it will be taken to court.</li> </ul> <p>In the past, land was traded indirectly, which may have been a barrier, but now land is sold legally and a notarized government is registered.</p> <p>Other government entities involved in the land acquisition and</p>

#	INSTITUTION	DESIGNATION	KEY ISSUES
			management are: Ministry of Interior, Ministry of Justice, Ministry of Security and Ministry of Commerce
7.	Hirshabelle – Ministry of Public works and reconstruction	Director General	<p>The land acquisition system is currently not used as the need of land usage for public projects has not arisen.</p> <p>The ministry has department of land which deals with land issues. The land issues mainly managed through municipality of the city.</p> <p>key issues to be addressed in Resettlement Policy Framework (RPF) and Resettlement Action Plan (RAP)</p> <ul style="list-style-type: none"> <li>• The potential areas of environmental and social impact development</li> <li>• The developing infrastructure such as the public house, Highways, Hydroelectricity,</li> </ul> <p>Land acquisition, resettlement and urbanization</p> <ul style="list-style-type: none"> <li>• The ministry has an executive committee that deals with land grievance and involves community leaders.</li> </ul>

## 14 MONITORING AND EVALUATION

The purpose of monitoring is to determine the effectiveness of project implementation including the physical progress of resettlement activities, the disbursement of compensation, the effectiveness of public consultation and participation activities, and the sustainability of income restoration and development efforts among the PAPs. This will facilitate timely identification of problems and successes and appropriate adjustment of implementation arrangements.

Monitoring activities will ensure that all PAPs are adequately compensated. The preparation and implementation of the RAPs will follow the general monitoring structure of E&S risks and risk mitigation measures, as defined in this ESMF. The Social Specialist and the M&E Specialist in the PIU will be responsible for overseeing the design and general implementation of the RAPs. In addition, PIU Social and M&E Specialists will be mainly responsible for the monitoring of the implementation to ensure that all PAPs are compensated.

Therefore, activities should have a monitoring plan that identifies the organizational responsibilities, the methodology, and the schedule for monitoring and reporting. The monitoring plan should have the following three components:

- a) Performance monitoring
- b) Impact monitoring
- c) Completion Audit monitoring

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

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 or an independent verification agency, every six months. Where feasible, affected people should be included in all phases of impact monitoring, including the identification and measurement of baseline indicators.

Completion Audit: This is to determine to what extent the RAP activities have been implemented. The audit should verify that all physical 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 so as to evaluate achievements against the baseline conditions of the population before displacement, as established through the census and socioeconomic studies.

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

- PAPs were notified and adequate community consultations held.
- Census of all PAPs and socio-economic survey was conducted.
- A cut-off date was established and adequately disclosed.
- The RAP was prepared, cleared and disclosed.
- Compensation and other mitigation measures were carried out in accordance with the RAP.
- All grievances have been recorded and addressed in a timely manner and closed.
- A completion report outlining all actions carried out with documentation / evidence.

In addition, the **Independent Verification Agent** that will be contracted by the PIU will also monitor the implementation of the RAPs. This activity will be integrated into the IVA's general TOR. Once the IVA is deployed, a monitoring schedule for the RAPs will be developed jointly with the PIU that assesses whether the goals and compensation plan of the RAPs are met. 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.

The following indicators will be used to measure the performance of the RAPs:

- Collection and storage of census data in a database for comparative analysis. This will include establishing unique identification for each of the PAPs and their respective assets to enable tracking while maintaining the privacy of the individuals for future reporting.
- Number of PAPs physically or economically displaced by each activity
- Compensation completed and paid for all impact types
- Timing of compensation in relation to commencement of physical construction work.
- Compensation paid to each PAP prior to impact
- Livelihood Restoration programs, and status of PAPs compared to pre-project
- Number of people raising grievances, solutions reached, and number of unsolved grievances
- The adherence of the GRM implementation to established timeframes
- Support for vulnerable populations
- All items in the entitlement matrix will be monitored.
- Any breaches in RAP guidelines (regardless of whether there is a formal grievance), i.e., construction activities commencement prior to compensation.

Monitoring reports will provide the basis for analysis and potential adjustments or changes to the RAPs.

During evaluations, representatives of the PAPs will participate in the project completion workshops to give their evaluation of the impacts of the Project, and specifically the activities under the RAP. They can suggest corrective measures to be implemented retroactively, or to build lessons learnt for other activities.

After completion of all compensation and resettlement activities, the PAPs will be consulted through a survey, which forms part of the SESRP M&E activities.

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## ANNEX I: LAND TENURE SYSTEM IN POTENTIAL INVESTMENT AREAS UNDER PROJECT

The new provisional Federal Constitution, approved in 2012, is meant to provide a framework for this new legal order. In terms of land tenure, the constitution states that “every person has the right to own, use, enjoy, sell, and transfer property” and that property will not be expropriated unreasonably. Aside from this clause in the constitution, there is little formal legislation regarding land at the federal level.

**Xeer Law:** Within the vacuum left by the fall of the central government, customary xeer law appears to have reasserted its importance as a means of governing relations between clans. Xeer is an unwritten system of laws which is administered through consultations among elders and focuses on the rights and obligations of one clan to another. Xeer Law addresses numerous aspects of land management with a focus on pastoral land use. Although xeer law can vary based on agreements between clans, xeer law tends to view rangelands as a collective clan asset. However, clans are expected to allow other clans to graze on the land, particularly in times of need. Xeer also contains prohibitions on building enclosures or permanent settlements on pastureland.

However, Xeer can disadvantage certain groups and has not always kept up with changes in Somali society. For example, outcomes under xeer law depend on the negotiating power of clans and thus weaker clans are often not afforded the protections that would prevail between equally matched groups. The bi-lateral nature of xeer has also meant that it is not always well adapted to dispute resolution in urban areas where multiple clans find themselves living together.

Vulnerable groups at particular risk are IDPs, the landless and semi-landless and households headed by females who though displaced may not be protected through national land compensation legislation. The resettlement plan must include land allocation or culturally acceptable alternative income-earning strategies to protect the livelihood of these people.

**Land Tenure, Acquisition, and Transfer:** The Resettlement Action Plan should review the main land tenure and transfer systems, including common property and nontitle-based usufruct systems governed by locally recognized land allocation mechanisms.

The objective is to treat customary and formal rights as equally as possible in devising compensation rules and procedures. The plan should address the issues raised by the different tenure systems found in a project area, including;

- (a) the compensation eligibility of land-dependent populations
- (b) the valuation procedures applicable to different tenure types
- (c) the grievance procedures available for disputes over land acquisition.

Plans should contain provisions for conducting land surveys and regularizing land tenure in the earliest stages of project development. Planning should also anticipate the approximate time needed to acquire and transfer land.

## ANNEX II: TEMPLATE FOR THE RAP

This RAP will be 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.

### ***Minimum Elements of a Resettlement Plan***

#### ***i. Description of the project***

General description of the project and identification of the project area.

#### ***Potential impacts***

Identification of:

- a) The project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the time frame of the project;
- b) The zone of impact of such components or activities;
- c) The scope and scale of land acquisition and impacts on structures and other fixed assets;
- d) Any project-imposed restrictions on use of, or access to, land or natural resources;
- e) Alternatives considered to avoid or minimize displacement and why those were rejected; and
- f) The mechanisms established to minimize displacement, to the extent possible, during project implementation.

#### ***ii. Objectives***

The main objectives of the resettlement program.

#### ***iii. Census survey and baseline socioeconomic studies.***

Undertake a detailed household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures, and other fixed assets to be affected by the project. The census survey also serves other essential functions:

- a) Identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- b) Information on vulnerable groups or persons for whom special provisions may have to be made;
- c) Identifying public or community infrastructure, property or services that may be affected;
- d) Providing a basis for the design of, and budgeting for, the resettlement program;
- e) In conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and
- f) Establishing baseline conditions for monitoring and evaluation purposes.

As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey:

- a) Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, nontitle-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- b) The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and
- c) Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
- d) Legal framework
- e) The findings of an analysis of the legal framework, covering:

- f) The scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- g) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal time frame for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
- h) Laws and regulations relating to the agencies responsible for implementing resettlement activities; and
- i) Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps.

#### ***iv. Institutional framework***

The findings of an analysis of the institutional framework covering:

- a) The identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
- b) An assessment of the institutional capacity of such agencies and NGOs/CSOs; and
- c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.

#### ***v. Eligibility.***

Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

#### ***vi. Valuation of and compensation for losses***

The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources, and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.

#### ***vii. Community participation***

Involvement of displaced persons (including host communities, where relevant):

- a) A description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
- b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- c) A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and
- d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as Indigenous Peoples, ethnic minorities, the landless, and women are adequately represented.

#### ***viii. Implementation schedule.***

An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

#### ***ix. Costs and budget.***

Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

#### ***x. Grievance redress mechanism***

The plan describes affordable and accessible procedures for third party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

***x. Monitoring and evaluation***

Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

***xii. Arrangements for adaptive management***

The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

***xiii. 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.* The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory).

The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.

***xiv. Site selection, site preparation, and relocation.***

When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering:

- a) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- b) Identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities, or services;
- c) Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- d) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- e) Legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.

***xv. Housing, infrastructure, and social services.***

Plans to provide (or to finance local community provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

***xvi. Environmental protection and management.***

A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

**xvii. Consultation on relocation arrangements.**

The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households, families, or with preexisting communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e.g., places of worship, pilgrimage centers, cemeteries).

**xviii. Integration with host populations**

Measures to mitigate the impact of planned relocation sites on any host communities, including:

- a) Consultations with host communities and local governments;
- b) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites;
- c) Arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and
- d) Any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites.

**xix. Additional Planning Requirements Where Resettlement Involves Economic Displacement**

If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihood improvement plan. These include:

*Direct land replacement.* For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value, or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.

*Loss of access to land or resources.* For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.

*Support for alternative livelihoods.* For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities, or vulnerable groups who may be disadvantaged in securing alternative livelihoods.

*Consideration of economic development opportunities.* The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.

*Transitional support.* The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period.

**ANNEX III: SAMPLE CENSUS QUESTIONNAIRE**

<b>Background Information</b>	
Questionnaire Code/ Unique identifier:	Survey Date:
Interviewer Name:	District & Street:
<b>Head of Household Name:</b>	
<b>Address:</b>	
<b>Telephone Number:</b>	
<b>Email or other preferred contact method (social media, FB, Instagram etc.)</b>	
<b>Family Members</b>	
Government issued ID (if any)	Gender:                      Age:
Position in family (tick 1): Parent:            Child::                      Other:	Education level: Occupation: Monthly Income:
Specify other:	
Work or business location:	Length of time in current work/ business:
<b>Housing and Tenure Status</b>	
Type of house: Number of bedrooms:	Tenure status (tick 1): Owned: ... Rented:... IDP... Length of Residence time:
<b>Business</b>	
Type of business affected: Registration status: Avg. monthly income and profit:	Name of business owner: Permanent number of employees: Temporary number of employees:
<b>Affected Community Facilities</b>	
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 Telephone and email:	
Gender of household and	
Any other information	

**Socio-Economic Household Datasheet of PAP:** \_\_\_\_\_ (include unique identifier)

<b>Interviewer</b>		<b>Signature</b>
<b>Supervisor</b>		(After verification)
<b>Name</b>		Each page of the datasheet to be signed by the PAP (alternative arrangements for such as thumb prints may be considered based on the PAP preference)
<b>Position of concession in coordinates</b>		
<b>Day / Month / Year</b>		
<b>1) Head of Household</b>		Government issued ID (if any)
<b>2) No. of nuclei families in extended family residential group</b>		
<b>3) Head of household extended family</b>		

a) Household Interview

Relationship to Head of family	Sex		Place of Birth	Age	M	Marital status	Residence tenure	Ethnic group	Religion	Education level	Income earner		Economic rating		
	M	F									Yes	No	Primary	Secondary	Tertiary

**Head of Family/Household (HOH):** 1. Head of household; 2. Spouse of HOH; 3. Child of HOH; 4. Grandchild of HOH; Parent of HOH; No answer

**Marital status:** 1. Married; 2. Widowed; 3. Divorced; 4. Single; 5. No answer

**Residence tenure:** 1. Permanent residence; 2. Resident absent; 3. Member of non-resident; 4. Visitor; 5. other (specify); 6. No answer

**Educational level:** 1. No formal education; 2. Primary; 3. Secondary; 4. Youth polytechnic; 5. Religious school; 6. College; 7. university

**ANNEX IV: SAMPLE ASSET VALUATION SURVEY FORM**

Household ID of Asset Inventory for Project Affected People

Date \_\_\_\_\_

HH ID	No. of persons in HH	Total landholding of HH (m <sup>2</sup> )	Land to be acquired (m <sup>2</sup> )	Land use type <sup>21</sup>	Loss of % total	Loss of assets			Loss of trees/crops			Loss of other assets	Other losses			
						Permanent structures (m <sup>2</sup> )	Temporary structures (m <sup>2</sup> )	Area of residence land lost (m <sup>2</sup> )	Fruit trees lost (type and number)	Agric. Land lost (m <sup>2</sup> )	Other (specify)		e.g. graveyard; wells, etc. (type and number)	Rented residence	Bush lost	Etc. (specify)

**Entitlements of PAPs**

HH ID	Compensation for land			Compensation for structures		Compensation for crops and trees			Compensation for other assets and losses (e.g. Graveyards, wells, businesses, etc.)		
	Quantity (m <sup>2</sup> )	Unit price per m <sup>2</sup>	Entitlement (Kshs)	Unit price (Kshs per m <sup>2</sup> )	Entitlement (Kshs)	Quantity unit	Unit price (Kshs)	Entitlement (Kshs)	Quantity unit	Unit price (Kshs)	Entitlement (Kshs)

<sup>21</sup>Please fill in the type of land: 1. Communal; 2. Privately titled; 3. Public land; 4. Gazetted land; 5. Ranching/Group land; 6. Other (specify)

**ANNEX V: GRIEVANCE REDRESS AND RECORD FORMS**

<b>COMPLAINT/GRIEVANCE REGISTER</b>	
Unique Reference No.	Date received:
Name of Complainant or Representative of group of complainants and Government issued ID (if any)	
Contact Details of complainant or representative of group of complainants (if available),  Anonymous complaints are also allowed.	Residence:
	Telephone and email:
Location where complaint is received:	Location the grievance is related to:
State	State
Region	Region
District	District
Grievance is related to (nature of complaint):	
	Other
Description of Complaint:	
Grievance	Non-grievance (grievances not related to the project)
Name of Complainant:	Signature/Thumb print of Complainant
Name of witness (If available)	Signature/Thumb print of witness (If available)
Name of recipient	Signature of recipient
Mode of receipt	Phone:
	Letter:
	Verbal:

A copy of this grievance will be provided to the complainant which may require that two original copies are developed at the time of complaint presentation – both of which should have identical content. In the event of complaints presented virtually, by phone or letter, a copy will be delivered/mailed to the complainant’s registered address or contact point provided by registered mail, email, or other identified contacts - whichever is available.

<b>INVESTIGATION OUTCOME/RESOLUTION</b>	
<b>Reference no of registered complaint:</b>	<b>Date:</b>
<b>Name of complainant or representative of group of complainants:</b>	
<b>Contact details of complainant or representative of group of complainants (if available):</b>	Residence:
	Telephone/email:
<b>Location where complaint is received:</b>	<b>Location where complaint is related to:</b>
City:	City:
District:	District:
Avenue:	Avenue:
Location:	Location:
Sub-location:	Sub-location:
Village:	Village:
<b>Project</b>	
	Other
<b>Complaint is related to:</b>	
<b>Response to complainant (investigation outcome and resolution proposed)</b>	
<b>Acknowledgement of resolution by complainant:</b>	
<i>I hereby acknowledge that the resolution provided by..... is acceptable to me and/or to the group that I represent.</i>	
<b>Name/Thumb print of complainant or representative of group of complainants</b>	<b>Signature/Thumb print of complainant or representative of group of complainants</b>
<b>Name/thumb print of witness (if available)</b>	<b>Signature/thumb print of witness (if available)</b>
<b>Name of personnel</b>	<b>Signature of personnel</b>

**ANNEX VI: STAKEHOLDER CONSULTATION LIST**

<b>No.</b>	<b>Names</b>	<b>Institution</b>	<b>Title/Function</b>
1.	Abdisalam Abdullahi	MoEWR - PIU	Project Coordinator
2.	Abdullahi Ahmed (Najib)	MoEWR – PIU	Environmental Specialist
3.	Ismail Bashir	MoEWR – PIU	M&E Specialist
4.	Abdiaziz Arte	MoEWR-PIU	Finance Specialist
5.	Mohamed Fatih	MoEWR-PIU	Legal Specialist
6.	Abdihamid Hassan	MoEWR- PIU	Social Specialist
7.	Sammy Ratemo	Ecofix Consultancy Limited	E&S Expert
8.	Abdullahi Mohamed Ali	Federal Ministry of Labor and Social Affairs	Director General
9.	Ismail Mohamed	Puntland State PEDDA	Deputy Manager
10.	Muna Abdillahi	Puntland State PEDDA	Energy Director
11.	Mohamud Abdullahi	Puntland State PEDDA	Planning Officer
12.	Omer Mohamed Jama	Puntland State Ministry of Energy	Planning Director
13.	Mohamed Abdullahi	Jubaland State Ministry of Energy	Director of Energy Department
14.	Abdulkadir Kadiye	Jubaland State Ministry of Environment	Environmental Technical Adviser
15.	Aden A. Isaak	South West State Ministry of Energy	Director General
16.	Abdulkadir Abuu	South West State Ministry of Environment	Environmental Governance Adviser
17.	Aidid Abdulkadir	Galmudud State	Director of Energy Department
18.	Abdinuur Khaliif	Galmudug State Ministry of Energy	Admin and Finance
19.	Ummul-khair M.	Galmudug State Ministry of Energy	Environmental Governance Adviser
20.	Yasin Ahmed	Hirshabelle State Ministry of Environment	Environmental Adviser
21.	Ahmed Bulshale	Puntland State	Environmental Officer
22.	Eng Siciid Mohamud	Business Development Manager	SECCCO
23.	Eng. Bashir Mohamud	Managing Director	Dalsan Power
24.	Yusuf Abdi	Operations Officer	Safa Energy
25.	Mohamed Abdirihim	Operations Manager	Hayle Barise
26.	Mohamed Adil	Chief Operating Officer	Somnuur

No.	Names	Institution	Title/Function
27.	Muse Kahiye	Managing Director	SunMax
28.	Nur Abdiqadir	Operations Manager	Tamarso
29.	Ishak Salad Dahir	CEO	TESCO
30.	Abdihakim Shiekhdon	CEO	Delt Engineering
31.	Hussein Kirow	Project Engineer	SolarGen Technologies
32.	Yaasmin sheikhdoon	Chief Operations Officer	Samawat Energy
33.	Mohamed Abdkarim	Blue Sky	Engineer and PM
34.	Abdiaziz Farah	ENEE	CEO
35.	Mahad Awad	WESCO	CEO
36.	Abdirizak Mohamed	NECSOM	CEO
37.	Qasim	Solar Chain Technology	Engineer
38.	Muhdin Sayid	IBS – Bank	Project Coordinator
39.	Aden Abdi	Recon Energy	Managing Director
40.	Abdulahi Adli	Safa Energy	Engineer
41.	Said Abubakar	Recon Energy	Procurement Officer
42.	Nur A/qadir Hassan	Tamarso	Engineer
43.	Hayes	Solar Chain	Engineer
44.	Ali Yare Mohamed Warsame	Dalsan Power	Engineer
45.	Abdiqadir Hassan	SUMMAX	Engineer
46.	Mohamed Abdi Ali	Hirshabelle Department of Environment	Director
47.	Hassan Mohamud Ali	Hirshabelle Ministry of Labour and Social Affairs	Department Director
48.	Eng. Isaq Hasan Abdi	Hirshabelle Ministry of Public Works and Reconstruction	Department Director
49.	Yusuf Abdi Farah	HirShebelle State Ministry of Water and Energy	Director General
50.	Mohamed Abdi	Dayax Electricity Company	Engineer
51.	Mohamed Ibrahim	Belet Electric	Project Officer