



FEDERAL REPUBLIC OF SOMALIA

MINISTRY OF ENERGY AND WATER RESOURCES

**HORN OF AFRICA
GROUNDWATER FOR RESILIENCE PROJECT (P174867)**

RESETTLEMENT POLICY FRAMEWORK (RPF)

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ABBREVIATIONS AND ACRONYMS

COVID-19	Corona Virus Disease 2019
CSOs	Civil Society Organizations
ESF	Environmental and Social Framework
ESA	Environmental and Social Assessments
ESIA	Environmental and Social Impact Assessments
ESMF	Environmental and Social Management Framework
ESS	Environment and Social Standards
FGS	Federal Government of Somalia
FMG/C	Female Genital Mutilation or Cutting
FMS	Federal Member State
GBV	Gender-Based Violence
GIIP	Good International Industry Practice
GM	Grievance Mechanism
GRS	Grievance Redress Service
GW4R	Groundwater for Resilience Project
HoA	Horn of Africa
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
LRP	Livelihood Restoration Plans
M&E	Monitoring and Evaluation
MoEWR	Ministry of Energy and Water Resources
NGOs	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
PAPs	Project-Affected Parties/Persons
PIU	Project Implementing Unit
PSC	Project Steering Committee
RAP	Resettlement Action Plan
RCC	Resettlement and Compensation Committee
RPF	Resettlement Policy Framework
SEAH	Sexual Exploitation, Abuse, and Harassment
SEP	Stakeholder Engagement Plan
UN	United Nations
WB	World Bank

DEFINITION OF TERMS

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

Term	Definition
Census	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 a Resettlement Action Plan (RAP).
Compensation	When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance may be necessary to help them improve, or at least restore, their standards of living or livelihoods.
Cut-off Date	The date the census and assets inventory of persons affected by the project begins. Persons encroaching on the project area after the cut-off date are not eligible for compensation and/or any other type of resettlement assistance.
Displaced Persons	The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
Eligibility	The criteria for qualification to receive benefits under a resettlement program.
Forced Eviction	Forced eviction is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land 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	The 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.
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. It is also the smallest unit of consumption, and sometimes production.
Household Head	For purposes of a census, the household head is considered to be that person among the household members who 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.
Involuntary Resettlement	Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets, or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term “ <i>involuntary resettlement</i> ” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.
Land Acquisition	<i>Land acquisition</i> refers to all 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. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

Livelihood	<i>Livelihood</i> 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	<i>Livelihood restoration</i> means the measures required to ensure that Project Affected Persons (PAPs) have the resources to at least restore, if not improve, their livelihoods. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels. Inventory of Losses means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.
Project-Affected Person (PAP)	<i>Project-Affected Persons</i> are persons on whom the project has a direct economic and social impact. The impact may be caused by the involuntary taking of land resulting in: a) relocation or loss of shelter; b) loss of assets or access to assets; c) loss of income sources or means of livelihood whether or not the person should move to another location; or d) By the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
Replacement Cost	<i>Replacement cost</i> is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and 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. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.
Resettlement	Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures.
Resettlement Action Plan	This is the planning document that describes what will be done to address the direct environmental, social, and economic impacts associated with involuntary taking of land.
Resettlement Entitlements	Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Restrictions on land use	<i>Restrictions on land use</i> refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones.
Stakeholder	<i>Stakeholder</i> refers to individuals or groups who: (a) are affected or likely to be affected by the project (<i>project-affected parties</i>); and (b) may have an interest in the project (<i>other interested parties</i>).

EXECUTIVE SUMMARY

1. This Resettlement Policy Framework (RPF) is developed by the Federal Government of Somalia (FGS) for the Horn of Africa (HoA) Groundwater for Resilience (GW4R) Project. The project to be financed by the World Bank will be implemented by the governments of Kenya, Ethiopia and Somalia. The Intergovernmental Authority on Development (IGAD) will also be one of the implementing agencies. The Horn of Africa (HoA) is characterized by underdevelopment, resource scarcity, conflict and violence, economic shocks, food insecurity, and climate change impacts.

2. The Project Development Objective (PDO) is *to increase the sustainable use and management of groundwater by beneficiary groups in the Horn of Africa*. The project has three components: (a) **Component 1. Delivering inclusive groundwater services to priority areas**. This component addresses the urgent needs for investments in groundwater development, community management, and use of groundwater for human consumption and livelihood development; (b) **Component 2. Generating groundwater information and strengthening regional and national groundwater institutions**. This component will focus on establishing a uniform system for groundwater development and management across Somalia; and (c) **Component 3. Project Management and M&E and Internalized Knowledge Management and Learning**. This component will finance the operational costs of one Project Coordination Unit (PCU) at federal level, the MoEWR and five Project Implementation Units (PIUs) at Hirshabelle, Galmudug, Jubaland, Puntland and South West.

3. The Program's environmental and social risks have been classified as High. The environmental risk rating is Substantial as the direct environmental risks of the Program are expected to be predictable, reversible, site-specific and are not likely to be highly significant. The social risk rating is High given the contextual risks including the security situation in the HOA, the risk of conflict which can be unpredictable and factors such as access to land and inclusion. The SEAH risk is also categorized as Substantial since SEA/SH may occur as a result of the program activities notably those associated with labor influx where even relatively small numbers can lead to increased risks and towards female workers who may be at risk of SEA or SH in the workplace.

4. **The Project beneficiaries** will be communities that suffer from poor water conditions and that face increasingly difficult conditions relating to climate change, a rapidly growing population, and increasing conflicts over scarce resources. The total number of beneficiaries is estimated at 350,000. They will include rural communities, livestock owners, women and girl-children, and urban populations. Others include government institutions which will benefit from capacity strengthening and development of policies and legal frameworks. Indirect beneficiaries will include those who will use ground water information generated by the project and work under conducive policy and legal frameworks developed under the project.

5. The project will require land to implement the activities identified in component 1, specifically sub-component 1.B on *Investing in groundwater infrastructure development, including community engagement and improved water distribution and water usage*. Land will be required for the construction of new wells and boreholes. There may be need for land for the rehabilitation of old schemes (in case of expansion), and for enhancement of rainfall harvesting and collection of surface runoff. In addition, there may be land requirements for supporting the FMSs to construct suitable premises. The land requirements will be determined during scoping.

6. The RPF has been developed as one of the Environmental and Social Framework (ESF) instruments required to manage the environmental and social (E&S) risks and impacts associated with the GW4R project. Specifically, the World Bank Environmental and Social Standard 5 (ESS5)—*Land Acquisition, Restriction on Land Use and Involuntary Resettlement*—provides that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. This RPF will provide a framework through which to appropriately identify, address and mitigate adverse impacts that may occur due to the implementation of subprojects that involve the involuntary acquisition of land and the subsequent resettlement of affected families. Given that exact subproject site locations have not been determined, and the Project Affected Parties (PAPs) are not known yet, the Resettlement Policy Framework (RPF) is the most appropriate instrument to guide resettlement activities under the project. Once subproject locations are defined, and necessary information becomes available, the project will prepare site-specific

Resettlement Action Plans (RAPs) or Livelihood Restoration Plans (LRPs) and land agreements as required. This RPF was prepared through literature review and stakeholder consultations.

7. Land, land tenure and land use are complex subjects in Somalia. 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 disruptions during the country's prolonged civil war. Today, the legal framework for Somalia's land tenure system is a mix of secular, Islamic shariah, and customary *Xeer* law. While certain practices are common to land tenure systems throughout Somalia, there are important differences between north and south and urban and rural areas. Furthermore, there are significant differences between pastoral lands where communal ownership has predominated, and areas such as towns and cultivated farmland which have a history of individual land ownership. The Somalia federal government and federal member states do not have authoritative bodies empowered to manage and administer land across the country and across all classifications of land. What is currently in place is a multitude of ministries and institutions with mandates to lead on various land related issues. The Provisional Federal Constitution of 2012 provides the overarching framework for land governance. Old laws developed during the collapsed Siad Bare regime are still used. In relation to land and gender, women's ownership is still a big challenge largely because of customs and norms which deny women ownership rights. While secular and Islamic Shariah does not discriminate against women, customs more often override them. There is gap in provisions of the Somalia laws and policies and World Bank Environmental and Social Framework (ESF) and Standards (ESSs), and the project will use the WB ESF in project implementation.

8. Given this project will be implemented mainly in rural areas where land is communal or unregistered with potentially multiple claims - from government, private sector and communities - the main approach will be through government mediated land agreements where all claimants or potential claimants agree to the use and protection of the land required for public benefit and access. In the case where the infrastructure is not for the benefit of the owners of the land, or assets are destroyed or livelihoods negatively affected, acquisition and compensation procedures will be required.

9. The project will ensure that stakeholders will be engaged, consulted and given accurate and timely information through various channels including vernacular radios, websites, government reports and speeches, community meetings, social media, toll-free telephone lines, documentation and dissemination of the GM in project leaflets or brochures, to mention but a few. The eligible PAPs will be identified; census conducted for resettlement matters; and land agreements or land acquisition and compensation modalities agreed upon by all concerned parties. Disadvantaged groups - including minority groups, Internally Displaced Persons (IDPs), women, persons with disabilities (PWDs) and nomadic groups who use land - will be identified and consulted. Stakeholder engagement will be guided by the project Stakeholder Engagement Plan (SEP) developed as a standalone ESF instrument.

10. The project will develop structures for grievance mechanism (GM) and processes at the Federal, Member States and community levels to provide Project Affected Parties, including disadvantaged groups, with accessible and inclusive means to raise issues and grievances, and to allow the respective government to respond to and manage such grievances. Grievances may arise at different times of resettlement processes - from the consultation process, composition of local committees spearheading community mobilization, during identification of eligible beneficiaries, rates of compensation, location of resettlement sites, and the quality of services at new sites, among others. Information on the GM will be disclosed to stakeholders, including PAPs, recruited workers and vulnerable and disadvantaged groups using appropriate media.

11. The Resettlement Action Plan (RAP) and/or Livelihood Restoration Plan (LRP) implementation processes, outcomes and impacts will be monitored and evaluated. The purpose will be to determine the effectiveness of implementation including the progress of resettlement activities, the disbursement of compensation, the effectiveness of public consultation and participation activities, and the sustainability of livelihood restoration and development efforts among the PAPs. This will facilitate timely identification of problems and successes and appropriate adjustment of implementation arrangements. The PAPs will be involved in the monitoring and evaluation.

12. The RPF process will be managed by the social specialists at the FGS and FMS levels. They will be supported by land/valuation experts to be hired to provide leadership in all matters to do with the preparation and implementation of the subproject RAPs. The Project Coordinator at the National Project Coordination Unit (NPCU) and the Project Managers at the State Project Implementation Units (SPIUs) will have the overall responsibility of ensuring the scoping, social assessment, valuation and compensation are done before the roll out of project activities. The GM system will be activated, and communities sensitized on how to channel their complaints and to whom. Principles of inclusion, transparency and accountability will guide the RAP processes.

13. The estimated cost of implementing the proposed measures in this RPF is USD 300,000. This will cover sensitization activities, RAP preparation, compensation for land and other assets, livelihood restoration and monitoring and evaluation. It is notable that the FGS is responsible for compensating individuals, households and communities for land that is acquired for use for the proposed groundwater investments.

1. INTRODUCTION

1.1 Background

1. This Resettlement Policy Framework (RPF) is developed by Federal Government of Somalia (FGS) for the Horn of Africa (HoA) Ground Water for Resilience Project (GW4R) to be funded by the World Bank. The RPF has been developed as one of the environmental and social (E&S) instruments required to address and manage E&S impacts associated with the GW4R project under the World Bank's Environmental and Social Framework (ESF). The Project is being prepared in consultation and collaboration with Horn of Africa Initiative (HoAI) target countries and the Intergovernmental Authority on Development (IGAD) to strengthen resilience to climate change through groundwater management and exploitation. The HoAGW4R project is planned to be implemented in five countries: Kenya, Somalia, Ethiopia, Sudan, and Djibouti. The HoA is characterized by underdevelopment, resource scarcity, conflict and violence, economic shocks, food insecurity and climate change impacts. The climate is characterized by short, rainy seasons and recurrent droughts and about 30 percent of the region is Arid and Semi-Arid Lands (ASALs). Approximately 70 percent of the population live in rural areas and exhibits high levels of poverty (from 69.4 percent in Somalia to 22.5 percent in Djibouti) and high unemployment rates. Most of the population depends on rainfed agriculture and pastoralism for livelihood. The HoA is also home to a large number of displaced people, including countries of origin (Somalia), and countries of asylum (Ethiopia and Kenya), as well as internally displaced populations (IDPs), especially in Somalia.

2. Somalia, one of the target countries, is generally arid with limited surface water resources and only two permanent rivers in the south. Elsewhere, all rivers are ephemeral, flowing only for hours or days at best after the rains. Somalia is a water scarce country with approximately 411 m³ of renewable fresh water per capita as of 2017 (World Bank, 2020). This is a dramatic decline over time from 2,087 m³ in 1962 to the reported 411m (World Bank, 2020), which is far below the UN recommended threshold of 1,000 m³ per capita per year. The continuous decline in freshwater availability has resulted in fierce competition over water resources, leading to conflicts in some regions. The deteriorating quality of groundwater resources, as a result of over-exploitation, increasing population and pollution, is another challenge. Furthermore, these challenges have been exacerbated by climate change which has been manifested through recurrent floods and droughts.

3. Groundwater is the most important and available water resource for most of the country. However, accessing it is difficult and expensive. Somalia has insecure areas, with potential conflict over water and land use, between agriculturalists, pastoralists, and domestic water users including IDPs, minority groups and castes. There are gender and age dynamics in water access and management with women focused on access for domestic use, men are decision makers in water resource management and water use, while the youth are under-represented in customary water sharing management arrangements. Land is generally under communal ownership and land rights and access to land can be complex, with women having less say on land matters. The project will be implemented in cognizance of these E&S challenges.

1.2 Project Description

1.2.1 Project Development Objective (PDO)

4. The Project Development Objective (PDO) is *increase the sustainable access and management of groundwater in the Horn of Africa's borderlands*. Progress towards the PDO will be measured through the following outcome indicators: (i) new beneficiaries provided with access to improved water supply as a result of the project (number and gender); (ii) new policies, bylaws, regulations, guidelines or regional agreements prepared or adopted for sustainable groundwater management and use (number); and (iii) regional groundwater information sharing platform functioning among participating countries (Yes/No).

1.2.2 Project Components

5. The project has three components as described below.

6. **Component 1. Delivering inclusive groundwater services to priority areas.** This component addresses the urgent needs for investments in groundwater development, community management, and use of groundwater for human consumption and livelihood development. The project will improve access to safe and clean water through investments in new supply and a rehabilitation of existing systems, address urgent WASH needs, and construct and rehabilitate distribution systems. Additionally, the project will conduct community mobilization and awareness-raising on health and hygiene, as well as community engagement and mobilization to build local capacity and set the basis for the co-management of priority investments. Finally, the project will support the development of sustainable, gender-sensitive, and productive uses of water.

7. **Sub-component 1.A. Hydrogeological surveys and research, assessing aquifers, and identifying potential water point locations.** This sub-component will undertake geological, hydrogeological and geophysical surveys in order to identify the location of promising aquifers and water points for development. Listed activities include the data and information required in order to locate, develop and construct new groundwater supply schemes and to rehabilitate old schemes.

8. **Sub-component 1.B. Invest in groundwater infrastructure development, including community engagement and improved water distribution and water usage.** This component covers investments in increased and better quality groundwater supply, community mobilization, and training and management of new supply and usage schemes. Increased supply is linked to the construction of new wells and boreholes, rehabilitation of old schemes, and to enhance rainfall harvesting and a collection of surface runoff. Investments will also address demand-side options, including efficient distribution, sharing and use of water, thus delivering priority services and goods (e.g. sanitation and health, food, milk), and all in a sustainable and equitable manner. All investments include technical backstopping support. Ongoing operation and management of investments will be gradually shifted from government and project to village development committees and water user associations, established and trained by project, as a planned process.

9. **Sub-component 1.C. Increasing private sector involvement in groundwater development and management.** The private sector is a key actor in groundwater development, management, and distribution. It is to a great extent unregulated, working according to its own norms and standards, and representing both very small-scale entities and large urban utility-like entities. Promoting the private sector and enhance its cooperation with civil society and federal, state and local authorities provide opportunities for improved water services to people. This activity will propose and seek the adoption of new business models, developed under Sub-component 2.1, and working according to a project-developed system of interim regulation and standards formulated in Sub-component 2.1.

10. **Component 2. Generating groundwater information and strengthening regional and national groundwater institutions.** This component will focus on establishing a uniform system for groundwater development and management across Somalia. This includes developing a groundwater governance system, capacitating professional staff and establishing appropriate groundwater offices at the Federal Government and Federal Member States (FMSs), arranging access to required data and management, and developing a system and agree on how to develop and manage groundwater resources in the country. The component depends on and benefits from very close cooperation between the Federal Government and Member State Governments. The system will be developed at the federal level – although in close cooperation with Member State Governments – and shared and incorporated into member state approaches to groundwater development and management.

11. **Sub-component 2.A. Develop a groundwater governance system for Somalia.** This sub-component seeks to contribute to the development of a uniform groundwater governance system for Somalia that is also aligned with the Somalia National Water Resources Strategy, starting with a diagnostics of existing groundwater governance conditions and practices, and proposing new institutional set up, a new groundwater policy and regulation, clarification of the roles and responsibilities of government, civil society and the private sector in relation water resources and services and arrangements for cooperation and coordination between different federal and state authorities, within governments and with civil society on groundwater management. Activities will also assess and propose new quality

standards, regulation and monitoring arrangements. to the new governance system will progressively enable the coordination of interventions between federal and state governments, between ministries, and between government, private sector and civil society.

12. **Sub-component 2.B. Establish and operationalize groundwater offices at Ministry of Water at Federal and Member State Governments.** The various offices from the Ministry of Water at devolved state governments will be supported to have operational ground water offices established. The support will focus on (i) having suitable premises, equipment, computer software, internet access and more, (ii) arranging an appropriate organizational structure, with clarity on positions, roles and responsibilities, workplans, and guidelines, and (iii) identifying and engaging staff for new positions. Activities will focus on upgrading existing conditions or establish new offices.

13. **Sub-component 2.C. Sector-wide capacity development in groundwater development, management and monitoring.** Capacity to manage groundwater exists in Somalia, but it is scarce and must be developed in numbers, topics, quality and equality. A needs assessment will be carried out, feeding into both national and regional projects. Access to groundwater is an issue for both men and women, and both must be empowered with capacity and knowledge to manage this critical resource. Capacity development will address many issues, such as: (i) engineering-supply; (ii) groundwater management; and (iii) monitoring and evaluation M&E). Supported capacity development will take place in both Somalia and in the regions.

14. **Sub-component 2.D. Groundwater data and information management.** Sustainable water management—whether surface or subsurface—requires strong input of data, turned into information, and information feeding into planning, decision making and managing the resource. As part of the new Somalia National Water Resources Strategy and Roadmap, Flagship Project No 7 focuses on data and information management in the water sector and the establishment of a water data and information centre at MoEWR in Mogadishu. The centre will compile data and information and coordinate the participation in joint regional studies and assessments. This sub-component is intended to feed into and support the establishment of a specific groundwater section within this centre, focused on supporting groundwater development, management and monitoring in Somalia. Initially focusing on FMS that border Ethiopia, ensuring special focus on remote rural areas.

15. **Component 3. Project Management and M&E and Internalized Knowledge Management and Learning.** This component will finance the operational costs of one Project Coordination Unit (PCU) at Federal Government level and three Project Implementation Units (PIUs) at the FGS MoEWR, Hirshabelle, Galmudug, Jubaland, Puntland and South West. The PCU and PIUs will be housed in new Groundwater Offices in the Ministries of Water. This component will ensure that the project is implemented efficiently. The component would also be responsible for M&E, knowledge management and learning, and evidence-based policy input.

16. **Sub-component 3.1 Project management and structure.** This sub-component focuses on establishing a project management structure and management, from federal to state/community levels. The component includes all activities required to establish different units (identify members, develop Terms of Reference, confirm responsibility allowance structures).

17. **Sub-component 3.2 Monitoring and evaluation, knowledge management, and internal learning.** This sub-component will develop a M&E system. There will be a lot of learning on groundwater in Somalia (geology, water resources, supply techniques, usage and how to arrange with community groups and town authorities to manage and maintenance the shared resource) as well as how to implement a large-long-term project. This learning (information) will be collected and shared across the country and project.

1.3 Project Beneficiaries

18. **Project beneficiaries will be communities that suffer from poor water conditions in Somalia, and that face increasingly difficult conditions relating to climate change, a rapidly growing population, and increasing conflicts over scarce resources.** The total number of beneficiaries is estimated at 350,000, including:

- i. Rural communities - that do not have enough clean water to maintain healthy living conditions;
- ii. Livestock owners - they deliver about half of Somalia's food security and a very large share of the countries' export value;
- iii. Women and girl-children - traditionally responsible for collecting household water, often from very far distances from the household; and
- iv. Urban populations - they depend on rural groundwater sources and trucked into cities by private operators, sold at often exceedingly high prices.

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

20. Indirect beneficiaries are those who will benefit from the availability of groundwater information and policies developed at the federal and FMS level to inform decision making and enhance the sustainable use of the resource.

21. The Program's environmental and social risks have been classified as High. The environmental risk rating is Substantial as the direct environmental risks of the Program are expected to be predictable, reversible, site-specific and are not likely to be highly significant. The social risk rating is High given the contextual risks including the security situation in the HOA, the risk of conflict which can be unpredictable and factors such as access to land and inclusion. The SEAH risk is also categorized as Substantial since SEA/SH may occur as a result of the program activities notably those associated with labor influx where even relatively small numbers can lead to increased risks and towards female workers who may be at risk of SEA or SH in the workplace.

1.4 Project Implementation Arrangements

22. All project interventions will be led by state-level ministries, while overall coordination, tracking and reporting of project progress will happen at the federal level.

1.4.1 Federal Level Roles and Responsibilities

23. **A federal inter-ministerial Project Steering Committee (PSC) will be established for the purposes of the project and will consist of representatives from the following Federal ministries:** (i) Ministry of Energy and Water Resources (MoEWR); (ii) Ministry of Finance (MoF); and (iii) FMS Water Ministries. The membership of the steering committee will consist of three representatives from the MoEWR, one representative from MoF, and two representatives from each of the FMS Water Ministries, Directorate of Environment and Climate Change (DoECC) of the OPM. The PSC will be chaired by the MoEWR. The steering committee will meet quarterly to review project progress, resolve cross-sectoral and cross-ministerial project implementation issues and identify policy and regulatory issues. Minutes of the PSC meetings will be provided by the National Project Coordinator.

24. **A National Project Coordination Unit (NPCU), headed by a National Project Coordinator, will be housed in the Federal Ministry of Energy and Water Resources (MoEWR).** The National Project Coordinator will be an individual contracted by the MoEWR. The National Project Coordinator will be selected through a competitive process. The Project Coordinator will be a member of the PSC and will also act as its Secretary. The Project Coordinator will work closely with counterparts in the World Bank and the Chair of the PSC.

25. **The National Project Coordinator will be supported by a team of water engineers, senior groundwater specialists, and fiduciary specialists (Environmental and Social Safeguards, procurement and finance) and an M&E Specialist from the MoEWR.** All supporting staff will be selected on a competitive basis and receive a responsibility allowance. If qualified staff cannot be found within government, then consultants may be contracted following the World Bank procurement policies and Capacity Injection Manual (CIM). Other specialists required for medium and short-term inputs will be appointed on an *ad hoc* basis.

1.4.2 State-Level Roles and Responsibilities

26. **State-level inter-ministerial PSC with similar roles and responsibilities like the federal-level inter-ministerial committee will have representatives from the following ministries and agencies:** (a) Ministries of Water; (b) Ministries of Planning; (c) Ministries of livestock; (d) Ministries of Environment; (f) Ministries of Finance; (g) Ministries of Agriculture; and (h) Ministries of Disaster Response. Being close to the communities, these ministries/authorities can share relevant information on sectoral challenges while at the same time basing their plans on the project activities and achievements. Strategic water points location and information will be vital for drought response and water trucking to affected communities.

27. **State Level Project Implementation Units.** Each FMS will establish a State Level Project Implementation Unit (PIU) in the Ministry of Water Resources. The objective of these PIUs is to manage the implementation of project activities at the state level. The PIUs will be staffed with civil servants who will receive responsibility allowances. Specialists will be contracted as needed depending on the state level mix of activities selected from the three components of the HOAGW4R results framework. The specialists could include, but not limited to, project management personnel, fiduciary and M&E specialists, environmental, social, security and GBV/gender specialists, etc. Drawing from prior Bank projects where improved project implementation outcomes were realized due to increased key roles for women in PIUs, the GW4R PIUs will aim to be gender balanced. This will also help to develop a cadre of women engineers or water experts for Somalia.

28. **Community level institutions and mobilization.** Project activities to be implemented at the community level will work through representative community institutions supported by the District Authorities (the district water officers). These community level units should include representatives from various stakeholder groups within the village/community. The main role of these community level units will be to provide oversight to the GW4R activities implemented in their respective communities. The GW4R will channel community level project activities through existing Village Development Committees (VDCs) where possible. The GW4R project will draw significantly from the World Bank financed Biyoole project which is enabling the government to pioneer country-led community driven development.

29. **Community mobilization and planning.** Community level institutions will lead the identification and prioritization of water sector investments which fall under the scope of the GW4R. These local and district level committees will be in charge of operating, managing, and maintaining infrastructure in their respective districts/communities, this will include construction of infrastructure (including hand dug and manual drilled wells by local entrepreneurs).

1.5 Purpose of Preparing the RPF

30. The World Bank Environmental and Social Standard 5 (ESS5) - *Land Acquisition, Restriction on Land Use and Involuntary Resettlement* - provides that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. It may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

31. The project has prepared this RPF to ensure that appropriate measures are in place to address any issues that might arise from potential land acquisition and/or economic displacement under the project. Given that exact site

locations have not been determined, and the Project Affected Parties (PAPs) are not known yet, a RPF is the most appropriate instrument to guide resettlement activities under the project. Once subproject locations are defined, and necessary information becomes available, the project will prepare site-specific Resettlement Action Plans (RAPs) or Livelihood Restoration Plans (LRPs) and land agreements as required. No physical and/or economic displacement or construction will occur until plans and documentation required by ESS5 have been finalized and approved by the World Bank.

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

1.6 RPF Development Methodology

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

34. Targeted public consultations and stakeholder engagements were held between September and November 2021 with a joint virtual consultation meeting involving all relevant stakeholders and the World Bank held on November 29th, 2021. The FGS MoEWR led the consultation process. The consultations were with Government Ministries and Departments and Agencies (MDA) at federal and member states levels, with civil society organizations (CSOs) and development partners. In addition, lessons learnt from the Water for Agro-Pastoral Productivity and Resilience Project (WARP-Biyoole project- P167826) informed the content of this RPF.

1.7 Possible project land requirements

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

36. All land acquisition for the Project is expected to be carried out as outlined in section 5.1 further below. In the exceptional case where subproject assessment identifies that involuntary resettlement or forced displacement occurred in anticipation of construction or in any other project-financed infrastructure before board approval of the Project, or in the absence of a RAP/LRP prepared in a manner acceptable to the World Bank, the subproject will be ineligible unless the relevant ESS5 requirements can be satisfied retroactively and the World Bank specifically authorizes such retroactive application. Otherwise, the World Bank will not support such infrastructure development and the subproject will not be eligible for inclusion in the Project.

2. LAND, LAND TENURE, LAND USE AND RELATED ISSUES

2.1 Overview

37. 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 disruptions during the country's prolonged civil war. Today, the legal framework for Somalia's land tenure system is a mix of secular, sharia, and customary *Xeer* law. While certain practices are common to land tenure systems throughout Somalia, there are important differences between the north and south, and urban and rural, areas. Furthermore, there are significant differences between pastoral lands where communal ownership has predominated and areas such as cities and cultivated farmlands which have a history of individual land ownership.

38. Somalia's Federal Government and FMS do not have authoritative bodies empowered to manage and administer land across the country and across all classifications of land. What is currently in place is a multitude of ministries and institutions with mandates to lead on various land related issues.

2.2 Land-Related Legislation and Other Arrangements

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

2.2.1 Formal Statutes

40. Since the collapse of the central government in 1991, Somalia's formal federal legal system has largely ceased to function, although the northern regions have promulgated and enforce some formal laws. Today, as the FGS and FMS institutional capacities grow, legislative and policy processes are slowly taking root. The provisional Federal Constitution of 2012 provides overall framework for land matters. However, legislation to operationalize constitutional provisions are still under development. There are also old laws that guided land management before the collapse of the Siad Barre regime. These laws are still in use, causing confusion in overall land management and administration.

2.2.2 Xeer Law

41. After the fall of the central government, customary *Xeer* law became the preferred choice of governing relations between clans including on matters related to land and other social economic dispositions. *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* addresses numerous aspects of land management with a focus on pastoral land use. Although *Xeer* law can vary based on agreements between clans, it 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, for example during drought, although in practice most land related conflicts flare up during these times. *Xeer* also contains prohibitions on building enclosures or permanent settlements on pastureland.

2.2.3 Sharia Law

42. Islamic sharia law is a third component of the contemporary Somali legal context. Sharia law informs, to varying degrees, decisions made by religious leaders, tribal elders, and formal courts, particularly in civil law disputes and in family law cases. Current applications of sharia law overlap with land tenure in the realm of inheritance, but the impact seems to be relatively limited. In the past, there were collective farms in the south of Somalia that were managed under religious rules of Sufi Islamic sects.

2.3 Land Tenure in the Federal Member States

2.3.1 Puntland

43. Puntland has a mix of formal and customary institutions governing rights over land. Overall, there seems to be less documentation of the region's formal legal framework for land tenure. Larger urban areas, such as Garowe and Bossaso, have procedures at the municipal level for registering land transfers and ownership.

44. The district/local government structures have been empowered to deal with land management. The mayor, with the approval of the municipal council, has the authority to grant permanent ownership over land and this authority can be delegated to a committee appointed by him. A technical committee also assists the local government. It is the committee's responsibility to analyse and make recommendations on the general town plan, construction layout and all other relevant issues concerning the land for settlements.

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

2.3.2 Galmudug, South West State, Hirshabelle, Jubaland

46. As there is no uniform structured land tenure system to form a legal framework for land ownership in these FMS; it is almost exclusively informal practices that govern land rights in these States. Although in urban centres such as cities such as Baidoa and Kismayo have municipality structures in place which means land title registrations are offered by the local government. While ministries of lands and ministries of local government exist, their institutional capacity is still weak to undertake the role of land management and administration.

2.4 Gender and Land in Somalia

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

48. In the more settled farming communities in the middle Jubba valley in South-Central Somalia, although Islamic laws allow for women's inheritance of land, in practice, farmers only granted rights to men. In some cases, women are able to secure economic partnerships over land use with their sons, particularly if the son was unmarried or had a wife who was occupied with children. Overall, while women's land ownership is structurally possible, it is culturally condemned, and actual land areas controlled by women are relatively small.

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

50. Under Islamic Sharia law, women can inherit property including land. However, administration of this law is mostly done by men who often revert to tradition and custom which favour men. As long as male domination of clan politics prevails, women will be marginalized due to the gendered nature of the clan system (J. Gardner, 2007).

51. Among IDPs, women-headed households in IDP camps are more likely to be evicted, according to a study by Norwegian Refugee Council. This is because customary practices remain key in the management of social issues and relationships. In the more urban settings, despite the daily struggle with the hardships of displacement, Somali women are nonetheless learning to navigate the opportunities and pitfalls of this upheaval in ways that will have a lasting impact on their conceptions of and access to housing, land and property rights by raising their voices and seeking assistance of humanitarian organizations. More still needs to be done to protect women rights under such circumstances.

52. Today there are signs that women are increasingly finding ways to assert their voice, creating roles for themselves in the business world and using Islam to claim their rights. These are just small gains which needs legal backing for greater achievements of their rights to land and other social, economic and political spheres of the society. It is however worth noting that the Islamic and customary systems cannot be overlooked or legislated away, as they remain an integral part of Somali society.

2.5 Social and Economic Context

53. The socioeconomic situation of the individuals who are likely to be impacted by a project is correlated with impacts of involuntary resettlement. The communities' or persons who are already excluded and marginalized are likely to be more affected if land is impacted.

2.5.1 Vulnerability and Social Exclusion

54. An extended lack of effective governance and over two decades of conflict have had an enormous social impact on the Somali population. Social fragmentation is a prevalent feature of Somali society. In the absence of trusted public institutions, communities increasingly rely on informal networks and traditional structures as well patronage from newly powerful individuals. Within the current political, social, and economic contexts of Somalia, certain categories of citizens stand out as more disempowered and disadvantaged than others. These groups are discriminated against in existing legal and political institutions, by social norms and values, and by the clan-based system of power relations that underpins social organization. Factors of exclusion include gender, ethnic and/or clan identity, geography (for example, rural/urban), social and/or economic class, age, education livelihood, and family status. Key differentiating elements of exclusion in Somalia include clan dynamics and minority groups, gender and gender-based violence (GBV), forced displacement, age (with particular challenges confronting male and female youth), and disability.

2.5.2 Clan Dynamics and Minority Groups

55. The traditional clan system, while evolving, remains a central and defining factor shaping political and socioeconomic realities in Somalia. Clan affiliation is both a force that has influenced conflict and violence as well as a mechanism for protection and dispute resolution. Customary traditions and conventions help define rights and obligations among kin, clans, and subclans, with an emphasis on the preservation of social stability over individual rights in communities and families. At the local level, clan arbitration through the customary system (*Xeer*) has helped regulate access to shared resources, such as grazing areas and water. At the national level, 4.5 power-sharing model accords parliamentary power and other positions, based on equal quota to the four "major" clans, and a half-point to a cluster of "minority" clans. In the absence of sound national institutions, resilient clan-based structures provide safety nets to the most vulnerable and have historically claimed responsibility for security and protection. While political developments, population movements, and conflict have weakened traditional authority structures, many expect that clan systems will continue to play an important socioeconomic and political role in Somalia, even as more formalized governance institutions emerge.

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

57. For the most part, Somalia’s minority are either fully agricultural (for example, Somali Bantu groups), agropastoralist, or artisanal specialists (for example, the Tumaal). They are largely unarmed, and historically have experienced institutionalized marginalization, deprivation, and serious human rights abuses. The 4.5 power sharing formula perpetuates the exclusion of minority groups from extended political participation and representation while clan affiliation and the capture of resources and development gains impede marginalized groups’ access to educational, employment, and sustainable livelihood opportunities. Minority groups confront deep discrimination, land expropriation, and a lack of the necessary networks to access other resources, including physical and political protection.

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

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

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

61. The GW4R project will ensure that marginalized and minority groups are included in community consultations and stakeholder engagement efforts. There are several local-level NGOs and community-based organizations (CBOs) that promote the rights and needs of minority groups, which may be accessed through representative bodies such as the NGO Consortium with regard to the consultation process without endangering the minority groups. In addition, equity and inclusion will be considered in the site selection as outlined in the PAD and the POM as part of the selection criteria.

2.5.3 Gender and Inclusion

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

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

2.5.4 Forced Displacement

64. Forced displacement presents a significant local and regional challenge to development, recovery, and resilience in Somalia. An estimated 2.6 million people are internally displaced and are among the poorest people in the country. The IDPs in Somalia continue to face challenges in accessing housing, land, and property; and they remain vulnerable to multiple and forced evictions. Displaced populations lack access to secure and affordable housing and do not have secure land tenure, driving them to the margins of urban areas and leaving them vulnerable to evictions, marginalization, and exclusion. While recent policy reforms highlight efforts to improve protections for IDPs - particularly national guidelines laying out the conditions, safeguards, and processes for legal evictions - forced evictions remain a persistent risk for displaced communities.

65. Rising property values in urban areas, particularly in Mogadishu, attract numerous claims on lands where IDPs have settled, thereby motivating evictions. Reports indicate that forced evictions have been carried out by both formal and informal security forces who use intimidation and violence to remove people from the land. This forces households to move into increasingly precarious or dangerous housing, with the potential for increased harassment, assault, and other forms violence during and after the eviction process. Over 220,000 IDPs were evicted between January and October 2019, 139,000 in Mogadishu alone (UN OCHA 2019) and others in Baidoa. Evictions take place from both, public and private infrastructure. Key protection challenges are that IDPs settle on public land or private lots with contested ownership. Women and girls are thereby most vulnerable, as they encounter GBV challenges in addition to loss of assets and livelihoods (ReDSS, 2018).

2.6 Land Grievances in Somalia

66. 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 the complex situation of land tenure. While the Agricultural Land Law of 1975 abolished private ownership, the current situation is very unclear. Few locals registered their land at the time, and the civil war further impacted the situation negatively. Customary land tenure has therefore taken the center stage in 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 (IGAD 2018). Formal legal frameworks now exist alongside customary land management.

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

- i. Powerful groups and individuals take land illegally, often from the poor or minority groups, who cannot defend themselves. This is based on the fact that land prices in urban areas like Mogadishu have skyrocketed in recent years, and land has become a popular commodity;
- ii. Somalis returning from overseas to Mogadishu often claim back their land, which causes a variety of land grievances, as the land has often been occupied by others in their absence;
- iii. 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.
- iv. 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;
- v. 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; and
- vi. Land occupation in Mogadishu and BRA is ongoing and has the potential to result in greater conflicts. This is underpinned by an overlapping and uncoordinated land administration system. A study on land in Mogadishu by the Rift Valley Institute (RVI) even estimated that 80 percent of cases filed at the Supreme Court are connected to land grievances (RVI 2017, pp. 53-67).

3. POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS

3.1 Overview

68. The development of laws and policy frameworks in Somalia are still at an infancy stage. The FRS's Provisional Constitution of 2012 is the supreme law of the country. The land related provisions of the Constitution are yet to be operationalized through legislation. Few FMS are in the process of developing land related laws. The government still uses old laws that existed prior to the collapse of the Somali Democratic Republic. The existing provisions are enumerated in Table 1.

69. It is instructive to note that the African Union (AU) adopted Framework and Guidelines on Land Policy in Africa, which was approved and adopted by the Assembly of the Heads of State and Government in July 2009 and can be a good reference document for countries like Somalia who are currently developing land laws and policies. Lessons drawn from countries that have developed National Land Policies and Laws include: the essence of sequencing; the need to be comprehensive while taking cognizance of local conditions; reliance on local resources and making adequate budgetary allocations for implementation; public consultations; and the need for incorporating dispute resolution mechanisms, including Alternative Dispute Resolution (ADR) (IGAD 2018, p. ii).

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

Table 1. Federal and Member States' Laws and Policy Frameworks

No.	Articles/sections	Legal and policy framework provisions
Federal Republic of Somalia		
1.	Federal Republic of Somalia Provisional Constitution of 2012: Article 26 (1,2): Property	1) Every person has the right to own, use, enjoy, sell, and transfer property. 2) The state may compulsorily acquire property only if doing so is in the public interest. Any person whose property has been acquired in the name of the public interest has the right to just compensation from the State as agreed by the parties or decided by a court.
2.	Article 43: Land	1) Land is Somalia's primary resource and the basis of the peoples' livelihood. 2) Land shall be held, used and managed in an equitable, efficient, productive and sustainable manner. 3) The Federal Government shall develop a national land policy, which shall be subject to constant review. That policy shall ensure: (a) Equity in land allocation and the use of its resources; (b) The guarantee of land ownership and registration; (c) That land is utilized without causing harm to the land; (d) That any land and property dispute is resolved promptly and satisfactorily for all; (e) That the amount of land that a person or a company can own is specified; (f) That the land and property market is regulated in a manner that prevents violations of the rights of small landowners; and (g) That the Federal Member States may formulate land policies at their level. 4) 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. 5) The Federal Government, in consultation with the Federal Member States and other stakeholders, shall regulate land policy, and land control and use measures.
3.	Article 32. Right of Access to Information	1) Every person has the right of access to information held by the state. 2) Every person has the right of access to any information that is held by another person which is required for the exercise or protection of any other just right.

		3) Federal Parliament shall enact a law to ensure the right of access to information. This provision is relevant for matters stakeholder engagement and information disclosure.
4.	Article 33. Just Administrative Decisions	Every person has the right to administrative decisions that are lawful, reasonable and conducted in a procedurally fair manner. This provision is relevant for fair administration in relation to involuntary resettlement.
5.	The Agricultural Land Law of 1975 ¹	Individuals desiring access to land were forced to register their holdings within 6 months of the passage of the law. Landholders are permitted to register limited amounts of land as state leaseholds or concessions, with usufructuary rights for up to fifty years, with the possibility of renewal; one concession can be obtained per individual/family, for up to 30 hectares of irrigated land, 60 hectares of rain-fed land and 100 hectares of banana plantations. The government can revoke a concession that exceeds size restrictions, is used for non-agricultural purposes, is not used productively, is unnecessarily fragmented, is transferred, or is not farmed for two successive years. The law does not recognize the customary rules and procedures of the indigenous institutions that still govern access to land, and weak legal enforcement resulted in disparities between statutory tenure and actual land use and allocation.
Puntland		
1.	Article 96 -Protection of the Environment.	(1) Deforestation, erosion and of (sea, air and land) and the environmental pollution of sea, air and land charcoal exportation, trading of plants and firewood are prohibited. (4) The Constitution shall prohibit the urbanization of unsuitable lands.
2.	Law No. 7- Laws of district councils of Puntland State of Somalia	As per the law, the districts generated taxes on land allocations, building and rehabilitation permits <ul style="list-style-type: none"> • Land value taxes.
Galmudug, South West, Hirshabelle, Jubbaland		
These states have no additional or enforced land legislation		

3.2 Institutional Frameworks

70. Ministries responsible for land at FGS and FMS have mandates to lead on various land related matters including policy and legislations development, land use planning and land administration. However, most of the processes are at embryonic stage with Puntland ahead of the lot among the target FMSs. Districts in Puntland are collecting taxes on land and approving and providing building permits. They have registries with basic land records to help in taxation.

The World Bank Environmental and Social Framework and Standards

71. The World Bank Environmental and Social Policy for Investment Project Financing sets out the requirements that the Bank must follow regarding projects it supports through Investment Project Financing. The Bank's Environmental and Social Framework (ESF) has ten (10) Environmental and Social Standards (ESSs) that set out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. The Bank believes that the application of these standards, will support Borrowers in their goal to reduce poverty and increase prosperity in a sustainable manner for

¹ The law officially transferred control of all Somali land from traditional authorities to the Government of Somalia Democratic Republic.

the benefit of the environment and their citizens. Applicable ESS for the GW4R project are 8 out of 10. The ESS5 is applicable to matters related to land acquisition, restriction on land use and involuntary resettlement.

72. The overall objectives of the World Bank's ESS5 as provided by the WB ESF are:
- i. To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement;
 - ii. To avoid forced eviction;
 - iii. To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
 - iv. To improve living condition of poor or vulnerable persons who are physically displaced through provision of adequate housing, access to services and facilities and security of tenure;
 - v. To conceive and execute resettlement activities as sustainable development programs providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and
 - vi. To ensure resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation and informed participation of those affected.

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

73. This section compares the different laws and policies of the FGS and FMSs, with the World Bank's ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. Specifically addressed are consultation requirements, eligibility for compensation, valuation method, grievance redress mechanism, disclosure of information and the timing of compensation payments (See Table 2). For the GW4R project, the Bank's ESS5 will take precedence over any of these other laws.

Table 2. Comparative Gap Analysis of Somali Laws/Policies and World Bank ESF/ESS

Category of PAPs and lost assets/related processes	Somali law/policy	World Bank requirements	Gaps	Gap filling measures
Land ownership	<p>The Provisional constitution provides- Every person has the right to own, use, enjoy, sell, and transfer property.</p> <p>In Puntland the legal framework for the land administration institutions remains unclear. The Ministry of Local Government seems to be the national authority responsible for land. The districts have been empowered to deal with land management. The Mayor, with the approval of the municipal council, has the authority to grant permanent ownership of land and this authority can be delegated to a committee appointed by the Mayor.</p>	Identified three types of PAPs that have rights to land.	The Somalia laws are not clear on those PAPs that do have legal land rights.	Both World Bank Provisions and the Provisional Constitution will be applied.
Involuntary resettlement	Article 26 states that every person has the right to own, use, enjoy, sell and transfer property.	Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives	There is a lack of detailed legislation governing land use and ownership Evictions are reported to be commonplace in Somalia, particularly among displaced populations	Ensure that resettlement issues are considered at the design stage of the project in order to avoid/ minimize resettlement.
Compensation 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, local government.	World Bank recognizes three classes of PAPs eligible for compensation: 1. Those with formal legal rights to land (including customary and traditional rights recognized under the laws of the country) 2. Those who do not have formal legal rights to land at the time of census, but have a claim that is recognized under the laws of the country 3. Those who have no recognizable legal right or claim to the land they are occupying (for example, squatters, encroachers).	Those without legal title to land, including squatters, encroachers, IDPS, etc., face less protection under Somali laws and policies	World Bank ESS5 and RAP guidelines to be followed to determine eligibility

Category of PAPs and lost assets/related processes	Somali law/policy	World Bank requirements	Gaps	Gap filling measures
		Types of losses to be compensated include physical and economic displacement and cover land, residential or commercial structures, and lost income caused by temporary or permanent economic displacement,		
Valuation Method	The provisional constitution... any person whose property has been acquired in the name of the public interest has the right to just compensation from the State as agreed by the parties or decided by a court. According to all reviewed Somali laws eligible PAPs have a right to be compensated with the same value of the affected property.	Bank requires compensation to be provided at full replacement cost for all lost assets	It is unclear how the value is set or determined by government agencies.	-Given the lack of clarity on values of the various assets to be compensated, the project will recruit an expert to produce a standardized valuation form to be used to compensate PAPs. -Assets will be valued at full replacement cost.
Consultation	Provisional Constitutions of Somalia (Article 43) call for consultation between the Federal Government and Federal Member States and other stakeholders, to regulate land policy, and land control and use measures. Puntland's Laws make consultation obligatory and requires that meaningful consultation take place throughout the different phases of the Project.	Project affected persons (PAPs) facing physical and/or economic displacement must be meaningfully consulted to express their concerns and discuss ways to minimize impacts on affected communities. PAPs also should have opportunities to participate in planning and implementing resettlement programs.	Somali consultation mechanisms appear to prioritize government agencies, and may not adequately involve project affected individuals, households, businesses, or communities.	World Bank ESS5 and RAP guidelines to be followed. All the affected persons should be meaningfully consulted
Grievance Redress Mechanism	Somali laws mention the right of the PAP to file their grievances with law courts; however, there is no clear country redress mechanism.	World Bank policy calls for 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.	The project will develop grievance procedures in line with the requirements of the ESF.

Category of PAPs and lost assets/related processes	Somali law/policy	World Bank requirements	Gaps	Gap filling measures
			Ideally, should be used only as last resort.	
Vulnerable groups	Not addressed in Somali laws	Particular attention to be paid to vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children.	No specific Somali law to operationalize the constitutional provision on vulnerable groups	World Bank's ESS5 guidelines and RPF/RAPs to be followed
Information Disclosure	Article 32 of the provision constitution provides for right to information and Art. 33 talks about just administrative decisions.	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.	Apart from broad provisional constitution provisions, there is not detailed explanation how this is practically done.	World Bank ESS5 and RAP guidelines to be followed.
Compensation Payment Schedule and Cut-off date	Not addressed in Somali laws or policies	Cut-off date to be established at time of census and asset survey. Compensation to be agreed upon with PAPs and provided prior to taking over of assets or relocation.	Somali law/policy provides insufficient measures to protect PAPs	World Bank ESS5 and RAP guidelines to be followed. Compensation payments are done prior to displacement.

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

4. PRINCIPLES AND ELEMENTS OF INVOLUNTARY RESETTLEMENT

4.1 Land Acquisition Method - Government Mediated Land Agreements

74. Due to lack of land legislation and robust titling and registries, as well as multiple and overlapping claims to land in Somalia, a Mediated-State approach to Community-Led Land Contribution has been proposed in the recent ESF review. Given this project will be implemented mainly in rural areas where land is communal or unregistered, potentially there will be multiple claims from government, private sector and communities. The main approach for this project will be through government mediated land agreements where all claimants or potential claimants agree to the use and protection of the land required for the public benefit and access. In cases where the infrastructure is not for the benefit of the owners, or assets are destroyed or livelihoods negatively affected, acquisition and compensation procedures will be required.

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

76. This chapter provides the general framework which will ensure that any possible adverse impacts of involuntary resettlement are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. ESS5 provides that these risks can be minimized by avoiding physical and economic displacement, minimizing the number of PAPs to the extent possible, 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. Further, this chapter provides briefs on key principles of involuntary resettlement.

77. It is notable that there will be no compulsory acquisition of land for project investments. Those investments requiring physical resettlement or extensive economic resettlement of community members will not be supported under this project. If agreements are not reached, mediation efforts will be used to broker agreements with the respective communities and applicable local/district/regional leadership.

4.2 Application of ESS5

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

- i. Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- ii. Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- iii. 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;
- iv. Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date;
- v. Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- vi. 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;
- vii. Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and
- viii. 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.

79. The project may need to manage past land issues around unsettled/multiple claims to land and assets proposed for subproject level investments inside or outside the existing facilities occupied by private or public service providers. While some municipalities have some form of land administration and tenure systems in the cities and urban areas, land administration and management are fragmented and non-existent in most parts of Somalia. Given that 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. Apart from gaps in legal and regulatory frameworks, the situation is further compounded by compensation requirements for affected assets, land appropriation and asset valuation.

80. The project will recruit a valuation/land expert, preferably a local expert, to develop guidelines and standardized forms to be used for valuation of assets, more so given the gaps in institutional capacity and lack of criteria (standard schedules) under national law as indicated in Table 2. Considerations to be made would include a reference to local market for land (even if informal) and for other assets, that can be used as a reference.

81. The risk of forced displacement/eviction 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 where land is scarce and land values are high. 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 occurred. To avoid forced displacement risks, if forced displacement were conducted in the location of project -financed infrastructure relevant ESS5 requirements would need to be applied.

82. In order to ensure that the process of verification does not lead to the exclusion of viable subprojects that would better serve vulnerable and disadvantaged populations, the project team would need to conduct thorough assessments of risks as part of the ESS5. It would be critical for the project team to assess risks associated with land

and natural resource tenure and use, and as appropriate to the scope of the project, demonstrate use of fair criteria and functioning, transparent, and participatory processes for resolving competing tenure claims. If after such thorough risk assessments have been conducted and the subproject is still adjudged not viable, then the World Bank will not support such infrastructure.

4.3 Eligibility Criteria for Affected Persons

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

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

4.4 Determination of Affected Persons

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

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

4.5 Cut-Off Date

85. Using the census information, the government will establish a cut-off date for eligibility. The objective is to help keep ineligible and opportunistic people away from benefiting from the compensations. The cut-off date is the date of commencement of the census within the project area boundaries. The cut-off date for this project shall be determined by the NPCU in consultation with project stakeholders including relevant traditional authorities, as appropriate. The government will ensure that information on the cut-off date will be communicated and disseminated throughout the project area using written and unwritten channels and mediums. Persons who move to the subproject area after cut-off date and may lose assets will not be eligible for compensation and/or resettlement assistance. The project will ensure that those who may not be present during census (e.g., nomadic pastoralist) but have valid reason for being absent, are considered.

4.6 Compensation and Entitlement

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

- i. activities that may have significant adverse social impacts and/ or may give rise to significant social conflict, such as disputes over land or access to water; and
- ii. activities that may involve significant physical resettlement or extensive economic displacement or loss of livelihoods of more than 10 vulnerable and disadvantaged households.

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

- i. Special considerations should be paid to the PAPs by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP process;
- ii. The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;
- iii. Consultation with these groups should ensure that resulting resettlement and compensation improves their pre-project livelihood-with preference going to their resettlement in the same settlement
- iv. 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;
- v. PAPs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required; and
- vi. Decisions concerning them should be made in the shortest possible time.

88. A detailed entitlement matrix relating to the type of impacts of land and asset acquisitions is provided in Table 3. Given that the ground water subprojects will be small-scale, the project will avoid causing disruptions in land and livelihoods. Impact and compensation on trees and crops are included in the matrix. If and when broader impacts are assessed during the screening, then requisite mitigation measures will be put in place. All involuntary land acquisition and any possible adverse impacts such as loss of assets, physical and economic displacement will be compensated at full replacement value as per ESS5.

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

Table 3. Displacement Impact and Compensation Entitlement

Asset	Type of impact	Entitled person or group	Entitlement
Commercial Land	No Displacement: Land use partially affected, limited temporary loss	Owner	<ul style="list-style-type: none"> - Compensation in cash at full replacement value - Where land use is partially affected or with temporary losses, replacement value will be determined for 'loss of use of land' and for temporary losses.
		Tenant (incl. IDPs, PWDs and PAPs without land rights), persons whose livelihoods is in part, or in total affected (permanently or temporarily) by the project	<ul style="list-style-type: none"> - Assistance with identification of new rental location if temporary or permanent move necessary. - Rent and deposit refund along with relocation assistance. - Assistance provided with the social specialists to IDPs, PWDs and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation.
	Displacement: Premise use severely affected, remaining land not fit for use nor viable	Owner	<ul style="list-style-type: none"> - Land for land replacement with land of equal size and market potential with an adequate security of tenure or compensation in cash at full replacement value. - Assistance in finding new location.
		Tenant (incl. IDPs, PWDs and PAPs without land rights)/ Persons whose livelihoods is in part, or in total, affected (permanently or temporarily) by the project	<ul style="list-style-type: none"> - Cash compensation equivalent to net income based on estimates from comparable businesses - Assistance in finding new rental/lease location - Relocation assistance including rental assistance and moving costs to re-establish business - Livelihood restoration assistance if required. - Assistance provided with the social specialists to IDPs, PWDs and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation.
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"> - Compensation in cash at full replacement value for affected land - 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.
		Tenant (incl. IDPs, PWDs and PAPs without land rights)/	<ul style="list-style-type: none"> - Assistance with finding new rental/lease location if temporary or permanent move necessary - Rent and deposit refund along with relocation assistance to cover moving costs
	Displacement: Premise used for residence severely impacted, remaining area insufficient for	Owner	<ul style="list-style-type: none"> - Land for land replacement with land of equivalent size and market potential with an adequate security of tenure or compensation for full replacement value in cash – according to PAP's choice
		Tenant (incl. IDPs, PWDs and PAPs without land rights)	<ul style="list-style-type: none"> - Rent for affected months and deposit refund along with relocation assistance and moving costs - Assistance with finding new rental location.

Asset	Type of impact	Entitled person or group	Entitlement
	use or smaller than minimally accepted		- Assistance provided with the social specialists to IDPs, PWDs and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation.
Agricultural or pastureland	Full use- loss of agriculture or pastureland	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project	- 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 preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. - The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.
	Seasonal use	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project	- 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 preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. - The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.
Trees – timber	Cut/uprooted (loss of timber)	All PAPs	- Cash compensation for full replacement value of the tree including for the one time sale of timber.
Fruit trees	Cut/uprooted (loss of fruit)	All PAPs	- Cash compensation for full replacement market value of the produce of one tree for two years, assistance in establishing replacement trees. Present age and productive life the tree needs to be factored in.
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	All PAPs	- When possible PAPs will be given enough time to harvest existing crops to avoid economic loss to them. Where not feasible, cash compensation for crops at full market current value in the locality.
Business	Loss of access	All PAPs	- Cash compensation to 50 percent of net monthly income based on estimates from comparable businesses for length of time access is lost. Or up to three months income (if loss is permanent) - Assistance to help find alternative temporary or permanent locations to establish business - Right to salvage material without deduction from compensation - Livelihood restoration assistance if required (assistance with job placement skills training).
Community Building	Temporary loss of access	All PAPs	- Cash compensation to cover public transportation cost to the nearest same facility in the town/city for the period of loss

Asset	Type of impact	Entitled person or group	Entitlement
		Owner/Community	<ul style="list-style-type: none"> - Structure replacement or cash compensation at full replacement costs for the entire structure and other fixed assets without depreciation, or alternative structure which is acceptable to the PAP - Right to salvage material without deduction from compensation - Relocation assistance to cover moving costs - Assistance with finding new location
	Displacement	Tenant (incl. IDPs, PWDs and PAPs without land rights)	<ul style="list-style-type: none"> - Cash compensation at full replacement cost for any verifiable improvement of the property - Rent and deposit refund - Relocation assistance to cover moving costs - Assistance provided with the social specialists to IDPs, PWDs and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation. - Assistance with finding new location
Community Infrastructure	Temporary loss of access and use (e.g. during rehabilitation of existing boreholes)	All PAPs	<ul style="list-style-type: none"> -Alternative assets identified to ensure access and use during rehabilitation period. -Additional incentives including provision of water to the communities

4.6 Resettlement Action Plan Process

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

4.7 Stakeholder Engagement and Grievance Mechanism²

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

4.8 Collaboration with Relevant Government Institutions and Capacity Strengthening

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

²Detailed stakeholder engagement and Grievance mechanism will be provided in the next chapters.

5. RESETTLEMENT ACTION PLAN: PREPARATION AND APPROVAL

5.1 Overview

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

5.2 Screening for Involuntary Resettlement

94. The first stage in the process of preparing the individual resettlement plans is the screening process to identify the land/areas that are being impacted. The screening will also contain the analysis of alternative sites. Subproject screening is used to identify the types and nature of potential impacts related to the activities proposed under the GW4R project and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening as is detailed in the ESMF. Subproject screening will be incorporated into the subproject application form. The goal is to identify and consider resettlement issues as early as possible. The project will consider having technical assistance from World Bank to ensure proper implementation of the resettlement processes. The screening checklist form is shown in *Annex1*.

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

5.3 Baseline Socioeconomic Data and Census

96. An important aspect of preparing a RAP is to establish appropriate socioeconomic baseline data to identify the persons who will be displaced by the individual subproject, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. During this process, a census of those affected is obtained. In summary, the census consolidates information that:

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

97. Baseline data for subproject RAPs will include: number of persons; number, type, and area of the houses to be affected; number, category and area of residential plots and agricultural land to be affected; and productive assets to be affected as a percentage of total productive assets. Specific information to be captured will include: (i) personal details of PAPs including family members; (ii) current monthly income generated from activities before the census; and (iii) the disadvantaged groups that will require additional assistance. This information will allow for a detailed development of the activity-specific RAP and will support accurate budgeting for the activities in order to take all compensation measures into account. It will further create the basis for all monitoring activities on resettlement.

98. The census will be announced prior to commencement using local communication channels, including community leadership, local radio, and as detailed in the SEP. A hard cut-off date will be determined and announced by the SPIU in consultation with local authorities, including informal authorities. Persons that will encroach in the sites after the cut-off date will not be considered. Table 4 presents the key resettlement census questions and key data to be collected in the census for affected PAPs. Table 5 is a sample Household Survey Interview guide/questionnaire.

Table 4. Sample Resettlement Assessment Questionnaire

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

Table 5. Sample Household Interview Guide/Questionnaire

Background Information	
Questionnaire Code:	Survey Date:
Interviewer Name:	District and Street:
Family Members	
Name:	Gender: Age:
Position in family (tick 1): Parent: Child: Other:	Education level: Occupation: Monthly Income:
Specify other:	
Work or business location:	Length of time in current work/business:
Housing and Tenure Status	
Type of house: Number of bedrooms:	Tenure status (tick 1): Owned: ... Rented:... IDP... Length of Residence time:
Business	
Type of business affected: Registration status: Avg. monthly income and profit:	Name of business owner: Permanent number of employees: Temporary number of employees:
Affected Community Facilities	
Description affected facility:	
Estimated number of affected persons:	
Size of land impacted	
Other assets owned by PAP	
Source and amount of monthly income	
Amount of income impacted	

Gender of household and
Any other information

5.4 Displacement Prior to Project Approval

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

100. During the screening and the assessment phase, the District/local authorities and local communities will confirm that no such eviction has taken place. These findings will be subject to review by the State-level PIUs, the Federal NPCU 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. The information dissemination will be instituted following the approaches outlined in the SEP.

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

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

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

- i. provide adequate advance notice, while ensuring that the vulnerable and disadvantaged individuals and groups are reached and guided accordingly;
- ii. allow for meaningful opportunities for the PAPs to lodge grievances, through sharing the contacts of the responsible social scientist, GM focal person and the land/valuation expert;
- iii. allow a period for appeals and feedback; and
- iv. avoid the use of unnecessary, disproportionate and/or excessive force.

5.5 Preparation of a Subproject RAP

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

105. Some FMS will not have the institutional capacity to prepare RAPs or studies during the start of the project and thus will be assisted and supported by consultants where necessary. The consultants will build the capacity of SPIU at FMS on RAP development and implementation. The SPIUs will be trained on the environmental

and social frameworks and standards as well as supported to strengthen and/or set up systems for monitoring and implementation of the ESF instruments.

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

107. The RAP will be prepared early in the Design Stage for respective investments so as to ensure that:

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

108. The basic elements of a RAP are provided Annex 11.

5.6 Review and Approval of Subproject RAPs

109. Subprojects' proposed RAPs will be reviewed and recommended by the SPIU. In this process, SPIU will review eligibility for subprojects based on field appraisals, which include results of the environmental and social screening and assessment. The RAP will be submitted once completed to the MoEWR NPCU for quality assurance and then submitted to the World Bank for review and approval in compliance with the project institutional administrative arrangements.

5.7 Database Management for PAPs

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

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

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

6. POTENTIAL RESETTLEMENT IMPACTS

6.1 Overview

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

113. Involuntary resettlement impacts will depend on type and size of subprojects to be identified and implemented during the project implementation phase. Component 2 of the project will use a CDD approach where the actual project type and the exact location is not yet known at this stage. It is however envisaged that most of the project activities will be in the water sector for various uses, including domestic, livestock and small-scale irrigation. Land will be needed for the subprojects while involuntary resettlement will be avoided as much as possible and in case it is inevitable, compensation will be given. There may also be land needed for the construction of office premises in the participating FMS.

6.2 Project Land Requirements

114. Component 1 of the project will have activities that may require land acquisition or cause restriction of access to lands. Table 6 lists possible activities under the component that may trigger ESS5.

Table 6. Project Activities That May Require Land Acquisition and Restricted Land Use

Potential subprojects	Activities likely to require land acquisition or restrict access to land
Water infrastructure, for instance, boreholes, sand dams, shallow wells	For subprojects like boreholes, there will be need for land acquisition to protect the investment. The land may be fenced off for the security of the machines and supplies. This will restrict access as the borehole will only be opened for use as agreed by the users. For subprojects like sand dam and shallow wells, there will be restricted access to protect the catchment and underground water quality.
Water for irrigation	The subproject may involve already existing irrigation farms or new ones may be established. Land may be acquired for newly irrigated farms. There will be restricted use, especially for livestock, to protect the destruction of crops. Another impact could be change of use which may affect livelihoods, especially of pastoralists.
Town/urban water supply	Reticulation of water for urban supply may cause partial or full physical displacement. The main water supply lines may pass through people's homes and depending on the size of the supply infrastructure, families may lose their homes and land.
Catchment protection or restoration	These subprojects may include tree planting, erosion control, and improved management and sustainable use of existing forest and vegetation resources among others. These subprojects may be implemented in areas that are already earmarked for such activities and/or new sites could be identified. For existing sites, there may be additional restrictions of use as the new activities are implemented. For new sites, land will be acquired, and there will be restricted use. The acquisition of new sites may affect livelihoods. It may have been a dry season grazing area or stock routes. The community will have to be compensated and livelihoods restored and/or new livelihood options introduced.
Construction of office premises	Sub-component 2.B provides for the construction of office premises for water departments/ministries. The need for this investment will be assessed and the necessary measures stipulated in this RPF will be followed for land acquisition.

6.3 Involuntary Resettlement Risks and Mitigation Measures

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

116. The social risks depend on the location and size of the project. In urban areas, where individuals legally and/or claim ownership of land, there could be a protracted process for acquisition and compensation. The problem is compounded by the absence of land record and valuation systems. This may cause tensions within the community. To mitigate such risks, once sites/locations become clear and economic or physical impacts that require compensation mitigation actions are ascertained, subproject RAPs will be prepared as required by World Bank guidelines. This RPF identifies the typical subproject impacts anticipated for the types of investments that are envisaged under component 2 and develop a checklist to guide triggering the policy and guidance on actions and forms of compensation that should be provided. See Table 7 for more details on the potential risks of involuntary resettlement. This will be reviewed upon completion of site identification with particular attention to issues related to inequality in accessing and benefiting from involuntary resettlement compensation and livelihood support, gender alienation, and exclusion of IDPs and other groups including nomadic pastoralists.

117. Mapping of community structures will be done as part of SA/SIA and the results will build on ongoing consultations and monitoring mechanisms with PAPs, particularly those in situations of disadvantage and vulnerability (PWDs, IDPs, agro-pastoralists, female headed households) and those that have experienced discrimination in past land acquisition or land use related processes. There will be links developed to project accountability mechanisms (including the GM and contacts of the respective social specialists and PIU coordinators) to address power asymmetries and reduce the risk of unfair compensation and/or elite capture of the compensation. IDPs, PWDs and other vulnerable groups such as nomadic pastoralists who may not have official documentation will be facilitated, through their organizations and group leadership structures, to ensure they are part of the census and that verification of their assets is done.

118. There are however potential challenges in ensuring that the compensation is made and the recipients get it in a timely manner and without the risk of insecurity. The following measures will be put in place by the project team with the support of the land/valuation expert:

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

Table 7. Potential Social and Environmental Risks of Involuntary Resettlement

No.	Type of impact	Description of potential impact/issue and linkage to project component	Level of Risk	Proposed Mitigation measure	Category of PAP affected
1	Loss of fallow and agricultural land	<p>Subprojects that include civil works for rehabilitation and construction of new water infrastructure that include boreholes, shallow well sand and subsurface dams in dry river beds (wadis) may cause loss of land, as the back flow may lead to loss of farming land or reduction of flow to downstream water users. Given that land is a factor of production, it may lead to loss of livelihoods.</p> <p>Reduced flow to downstream users may cause community conflict as community blame each and the project for the loss.</p>	Moderate	<ul style="list-style-type: none"> • Community consultation to weigh the pros and cons of technological choices considering factors such as (a) equity of access to water resources and abstraction rights; (b) affordability constraints for different types faced by communities; and (c) upstream and downstream impacts on water use including environmental flows • Livelihood restoration and improvement programs will be implemented. • During environmental and social assessment such challenges will be assessed and appropriate measures defined. 	Farmers, Agro-pastoralists, Pastoralists
2	Restriction on land use and access	<p>Catchment and aquifer restoration activities such as catchment restoration, aquifer recharge activities, tree planting may restrict use and access to allow for regeneration.</p> <p>Such investment may lead to change in condition and size of existing land due to adoption of new land use systems hence potentially leading to pastoralists losing grazing land resulting to resource use conflicts between pastoralists</p>	Moderate	<ul style="list-style-type: none"> • Meaningful and inclusive community consultation to ensure they are involved in the subproject identifications, prioritizations and mitigation measures. • Development of water and rangeland management systems including sharing agreements between communities. • increase awareness of the resource constraints within the community and considerations of equitable resource management across different stakeholder groups. • Productive livelihood development with priority investments in land management, cropping, and livestock to 	<ul style="list-style-type: none"> • Pastoralists • Farmers • Agro pastoralists

No.	Type of impact	Description of potential impact/issue and linkage to project component	Level of Risk	Proposed Mitigation measure	Category of PAP affected
3	Inequality in accessing and benefiting from involuntary resettlement compensations and livelihood support.	Due to traditional/customary biases, women, minorities and disadvantaged groups like nomadic pastoralists and youths may lose out on compensation as they do not own land or other assets. Furthermore, they may be excluded from decision making process.	Moderate	<ul style="list-style-type: none"> • Undertake a Social Analysis and Social Assessment as part of RAP in order to guide implementation decisions. • Enhance the capacity of community level governance structures on among others the importance of inclusion and participation, and conflict resolution. • Ensuring the inclusion of all stakeholder groups, for example, pastoralists, irrigated farmers, rainfed farmers, landless laborers, women, and youth in project processes including involuntary 	<ul style="list-style-type: none"> • Pastoralists • Irrigated farmers • Rainfed crop farmers • Landless laborers • Women, and youth
4	Gender alienation Gender Based Violence and Sexual Exploitation (GBV/SEA)	Women and girls may be subjected to intimidation, sexual exploitation, abuse, and harassment and forced prostitution for them to benefit from compensations and livelihood support.	Moderate	<ul style="list-style-type: none"> • The project will include identification and inclusion of key channels—outside traditional dispute resolution or grievance redress mechanisms—to enable safe and confidential reporting of incidence of sexual exploitation and abuse and other forms of GBV. Identified GM focal persons will also be trained on effective response to cases of GBV should they occur. 	Women and youth
5	Due to FCV context there is risk of further discrimination or marginalization of disadvantaged groups, for example, IDPs or minority groups	Resettlement may exacerbate discrimination of marginalized groups like IDPs due to the context of Somalia being a FCV where current occupiers may not have any legal rights to the land other than their physical occupancy due to conflict or political related displacement.	Moderate	<ul style="list-style-type: none"> • Ensure that resettlement does not cause any further discrimination, marginalization or displace IDPs. • Inclusive and meaningful engagement of IDPs in all involuntary resettlement and project processes. • Implement affirmative action where necessary. 	<ul style="list-style-type: none"> • IDPs

7. RAP IMPLEMENTATION ARRANGEMENTS

7.1 Overview

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

7.2 Institutional Arrangements

120. There are various institutions that have a role in RPF and RAP implementation as provided below.

7.2.1 Project Implementation Units at Federal and Member State Levels

121. The project will establish project implementation units at the federal and member states level. The overall responsibility of the project implementation and coordination is with Ministry of Energy and Water Resources. The member states will be responsible for implementation at the community level project activities. The National Project Coordination Unit (NPCU) at FGS MoEWR will be staffed with a project coordinator, fiduciary team, social and environmental specialists, gender specialist, communication specialist and M&E Specialist. In each of the member states, a State Project Implementation Unit (SPIU) will be established and will have similar kind of staffing apart from the social specialist who will double up as a community development specialist. Short term consultants, project engineers/supervision consultants and a Quality Enhancement Partner will be brought on board as needed.

122. The PSC will be established as an intergovernmental/Inter-ministerial institution to provide oversight for the project. The membership includes the FMS Ministries of water/SPIU, FGS MoEWR/NPCU, Ministry of Finance at the State and Federal level. Ministries responsible for land, as well as Ministries responsible for district/local governments, may be included when implementing RAPs.

123. The SPIU will be responsible for the E&S screening process and subsequent ESA and census, and to monitor and supervise the implementation of all E&S risk mitigation measures. With regard to the RAPs, the NPCU will be responsible to assist SPIU develop them where required, including the planning and budgeting for resettlement related actions. The NPCU will further facilitate the approval process for RAPs and monitor and supervise the implementation of all RAPs.

124. The SPIU will also implement all consultation-related activities in relation to resettlement and land acquisition issues. The Social Specialist will handle all ESS5 related issues, including assistance with screening processes, development of RAPs, recommendation for approvals of Resettlement Action Plans, overseeing the implementation of the Plans. The Social Specialist will facilitate and monitor stakeholder engagements, including the GM.

7.2.2 Local Government Level Institutions

125. Given that districts/local governments have a role in land administration and management, albeit not well developed in most states, they will also be engaged. This may include:

- i. Implementing RAPs such as activities for determining the cut-off date and together with SPIU and Village development committee facilitate implementation of the resettlement;
- ii. Responsibility for the appraisal of land affected by the project;
- iii. Providing additional resettlement area if the designated locations are not adequate;
- iv. Providing necessary infrastructures in relocated areas in collaboration with the project;
- v. Engaging and encouraging the carrying out of comprehensive and practical awareness campaigns for the proposed project, amongst the various relevant grass roots interest groups;
- vi. Appointing a suitable Desk Officer;
- vii. Participating in sensitization of all communities; and
- viii. Participating in resolving grievances.

7.2.3 Community and Local Level Institutions

126. While the project will attempt to avoid and minimize involuntary resettlement, in case the scale of resettlement increases, additional committees, in addition to the VDC will be formed. This committee will be called Resettlement

and Compensation Committee (RCC) who will draw membership from SPIUs, relevant state ministries, district/local authorities, clan leaders/sultans/communities (should have representation from women and youth groups), resettlement experts/consultants. The role of VDC/RCC is to:

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

7.2.4 World Bank

- i. Maintains an oversight role to ensure compliance with the ESF and ESS, review and provide clearance and approval for the RPF and RAPs.
- ii. Maintain an oversight role of the supervision of the RPF/RAPs implementation and may conduct spot checks or audits as necessary.
- iii. Conduct regular supervision missions throughout the project implementation and monitor the progress of the project construction.
- iv. Recommend additional measures for strengthening the management framework and implementation performance.
- v. In case the WB considers the implementation to be not acceptable and no improvements can be expected, it will require that institutional capacity building measures be provided to strengthen the NPCU and SPIUs.

7.3 RPF and RAP Implementation

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

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

129. Resettlement planning and implementation process should take into consideration the procurement process and timeline for commencement of civil works. The RAP implementation process will have contractual implications and requires proper coordination with bidding and contract award processes.

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

Table 8. Resettlement Activities and Responsible Parties

No.	Activity	Responsible
1.	Preparation and Disclosure of RPF	Federal MoEWR/NPCU level PIUs
2.	Selection of subproject's sites	State level SPIUs, communities
3.	Screening of the subproject	SPIU
4.	Environmental and social assessment and including census	SPIU
5.	Establishing of Resettlement Committees	SPIU
6.	Consultations, planning and preparation of RAPs	SPIU
7.	Identify vulnerable people when developing RAPs	SPIU and VDC
8.	Review of RAPs	NPCU and World Bank
9.	Approval of RAPs	World Bank
10.	Disclosure of RAPs	NPCU, World Bank
11.	Organize and implement census of affected people and census and valuation of affected assets in the framework of the development of a RAP	SPIU and local government/institutions
12.	Marking of affected properties, Inventory of affected properties, notifications, request for proof of eligibility, consultations	SPIU and local government/institutions
13.	Vetting of request for compulsory acquisition of land, oversight of land expropriation and land issuance of titles to resettled PAPs	SPIU and local government/institutions
14.	Disclosure of compensation values; making of offers; processing for payments	State level PIUs, resettlement committees, state finance ministries
15.	Internal monitoring of RPF and RAP	SPIU/NPCU
16.	External monitoring	World Bank and IVA
17.	Reporting on RAP	SPIU and NPCU
18.	RAP audit	WB
19.	Representing government for any law court or redress cases	SPIU/NPCU/and state/federal attorney general

7.4 Budget and Funding Arrangements

131. Budgeting and financing are critical steps in the resettlement planning and implementation process. Specific RAPs prepared for GW4R project must therefore provide an 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 by the SPIU in collaboration with MoEWR NPCU and Ministries of Finance at the federal and State level and will be determined during the RAP preparation exercise after the baseline data have been collected and all potential impacts have been identified.

132. The Federal Government of Somalia is responsible for financing of any land acquisition and resettlement. The payments can be made on specific resettlement activities/items after review and approval of the expenditure by the GW4R project staff with close oversight and supervision by the Ministry of Finance for the FGS, FMS and the World Bank. Since there could be disputes during the compensation process, for instance, where a PAP rejects the compensation amount offered, it is proposed that an escrow account should be established to deposit the offered amount, plus 10 percent for resolving the dispute concerning said offer of compensation in a timely and equitable manner.

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

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

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

135. A sample RAP implementation budget is provided in Table 9.

Table 9. Sample RAP preparation and Implementation Budget

	Activity	Estimated Cost (US\$)	Remarks
1.	Initial sensitization training/workshops	30,000	Preparatory workshops/barazas and formation of stakeholder structures at the FGS, FMS (30 participants from all states and federal in Mogadishu, 1 week, 2 teachers, including preparations, travel, allowances, meeting costs)
2.	Capacity building training workshops for implanting structures	40,000	Specifically for implementation and monitoring processes at State Member capitals (2 weeklong sessions per state, their travel, meeting costs)
3.	Preparation of RAP	30,000	RAP whether in-house or outsourced

	Activity	Estimated Cost (US\$)	Remarks
4.	Provision for compensation for land and structures	40,000	While components 2 &3 of GW4R Projects largely existing facilities, component 1 will require physical investments that may potentially cause displacements and disruption of livelihoods
5.	Compensation for trees and crops	10,000	When construction starts there may be damage to trees and crops on land acquired or adjacent land
6.	Disturbance	20,000	Lump sum figure of 15% of compensation amount.
7.	Cost of relocation people and assets	15,000	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
8.	Livelihood Restoration / enhancement	10,000	This may include credit/financial grants, mentoring / investment advisory to beneficiaries, promotion of sustainable ecosystem activities, monitoring, etc.
9.	Validation training workshops for RAP	30,000	Individual RAPs require concurrence at all structures to be implementable
10.	Business advisory /financial management training for PAPs	30,000	When compensation amounts are known there is need for investment advisory to be given to beneficiaries
11.	Monitoring and auditing	15,000	Done during implementation of RAP and at completion as quality control measure
12.	Contingencies (10%) of total cost	30,000	
13.	Indicative total	300,000	

8. STAKEHOLDER CONSULTATIONS AND INFORMATION DISCLOSURE

8.1 Overview

136. A stand-alone SEP has been developed for this project. The SEP provides general guidance on the identification and analysis of the stakeholders, their interest and influence, stakeholder engagement program detailing timing and schedule of engagement, strategy for information disclosure and consultation, monitoring and reporting of stakeholder engagement and grievance handling mechanism. For the involuntary resettlement processes, the project, will ensure inclusion 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 RAP, a resettlement and compensation will be publicly disclosed, following the modalities of disclosure laid out in the SEP. This is to ensure that all PAPs, interested parties and vulnerable groups have the opportunity to participate in the decision-making processes and voice their concerns as needed.

137. 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 with regard to the Project GM, and the GRM must be available to all PAPs to file potential complaints. PAPs will be presented with the concrete amount of cash compensation or land offered for compensation for their consideration and endorsement before the actual payment is made.

8.2 Stakeholder Identification and Analysis

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

8.3 Stakeholder Engagement Processes and Strategy

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

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

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

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

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

8.5 Consultations Held to Date

143. Engagements and consultations on the RPF have been conducted with key institutional stakeholders including the relevant Government Ministries, Departments, and Agencies at FGS and FMS level. Engagements and consultations were held with key stakeholders, as per World Bank guidance under the COVID-19 pandemic and are outlined in the SEP and the ESMF.

9. GRIEVANCE MECHANISM

9.1 Overview

144. World Bank ESS10 requires Bank-supported projects to facilitate mechanisms that address concerns and grievances that arise in connection with a project. One of the key objectives of ESS10 (Stakeholder Engagement and Information Disclosure) is 'to provide Project Affected Persons with accessible and inclusive means to raise issues and grievances and allow borrowers to respond and manage such grievances' (World Bank, 2017). The Project Grievance Mechanism (GM) should facilitate the Project to respond to concerns and grievances of the Project Affected Persons related to the environmental and social performance of the project including resettlement issues. The GW4R project will provide mechanisms to receive and facilitate resolutions to such concerns.

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

9.2 Grievances Sources in Resettlement

146. Grievances may arise at different times of resettlement processes: from the consultation process that may not been inclusive, composition of local committees spearheading community mobilization, during identification of eligible beneficiaries, rates of compensation, location of resettlement sites, and the quality of services at new sites, to mention but a few. A grievance could be a simple query or inquiry, concern, issue, or formal complaint that affects the lives of aggrieved parties. The information on grievance mechanism processes and structures will be disclosed to stakeholders—including PAPs, recruited workers and vulnerable and disadvantaged groups—using appropriate medium such as vernacular radios, websites, government reports and speeches, community meetings, social media, toll-free telephone lines, documentation and dissemination of GM in project leaflets or brochures to mention but a few. During screening of the subprojects, the census during ESA, and during RAP development, the channels of communication appropriate for different kinds of stakeholders will be identified, chosen and used.

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

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

9.3 Grievance Mechanism Structures

148. The project will have a GM that applies to all project processes and activities within the project life cycles. The grievances will be dealt with at various levels by GM committees at MoEWR/NPCU and FMS/SPIU levels, and at the community level by VDC/RCC. The Social Specialist have the primary responsibility to ensure that the grievances are

received and attended to. The project will review the capacity of these structures to attend to GM related resettlement issues and if found necessary, a temporary special resettlement redress committee will be set up and/or a short-term consultants with expertise on land and resettlement will be hired to support the social specialist at SPIU and NPCU level. Given that District/local governments/municipalities have a role in land administration and management, they will play a big role in the resettlement plan development and implementation and related grievances. The districts will be co-opted into the local level grievance committees. See Figure 1 for the proposed structure of the project GM.

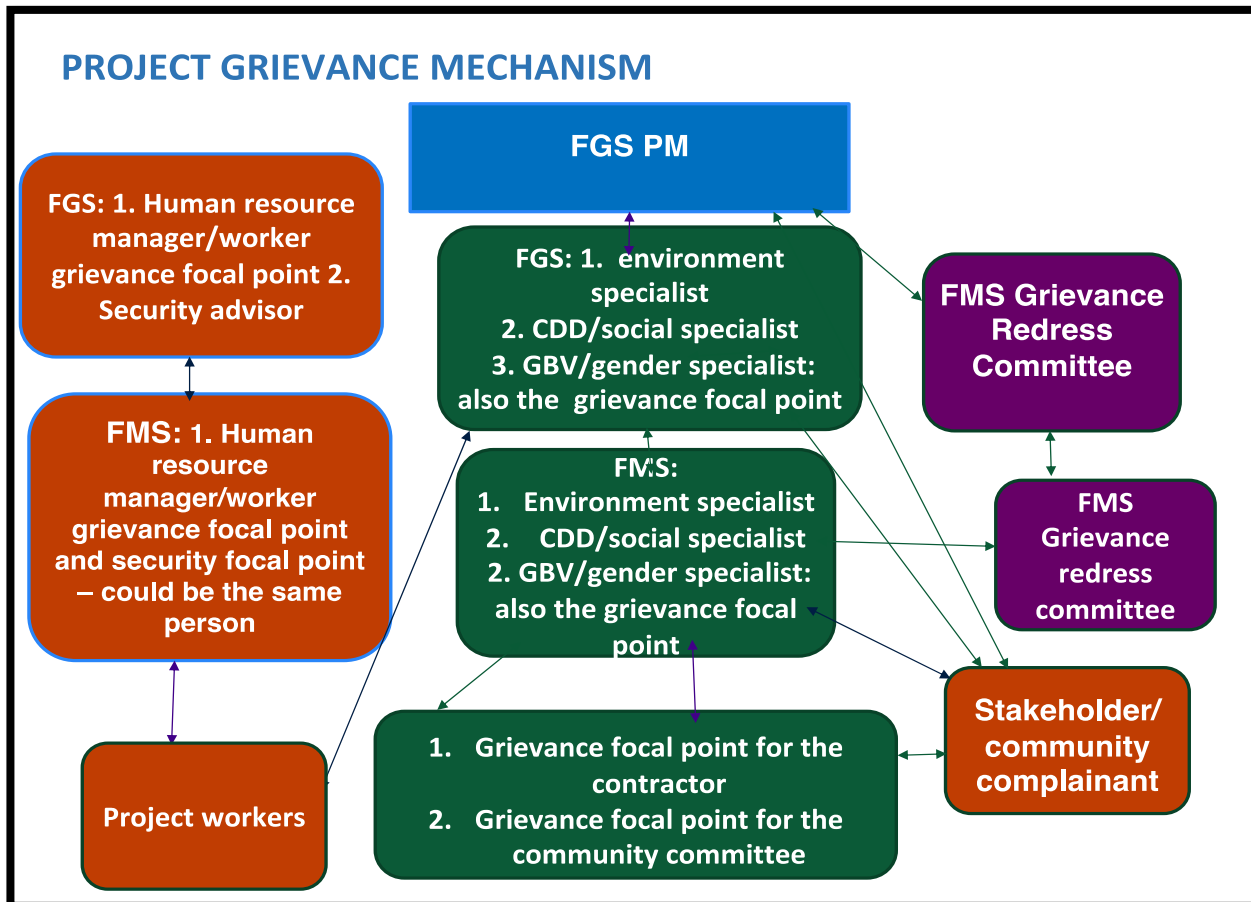


Figure 1. Project Grievance Mechanism Structures

9.4 Grievance Mechanism Processes

149. The key GM processes are: receiving of grievances by phone, in-person, text or email to publicized toll free mobile phone lines and email addresses at FMS, FGS and the community level. The complaints will then be logged into the GM register, acknowledged within specified timeframe, reviewed and response provided/remedial measures taken, monitored and reported. The complainant is then informed about the outcome. When the complainant is not satisfied by the solutions provided, he/she shall escalate it to the next level including the World Bank Grievance Redress Service (GRS). The complainant has the right to remain anonymous, and whistle-blower protection for complaints raised in good faith will be ensured. The FGS social E&S specialist will carry out training of relevant Government staff involved with the project, and contractors. The project management will provide timelines upon which grievances will be addressed. The PAPs will be informed of the availability of judicial recourse and community and traditional dispute settlement mechanisms in addition to the project GM. See figure 2 for the summary of the GM processes.

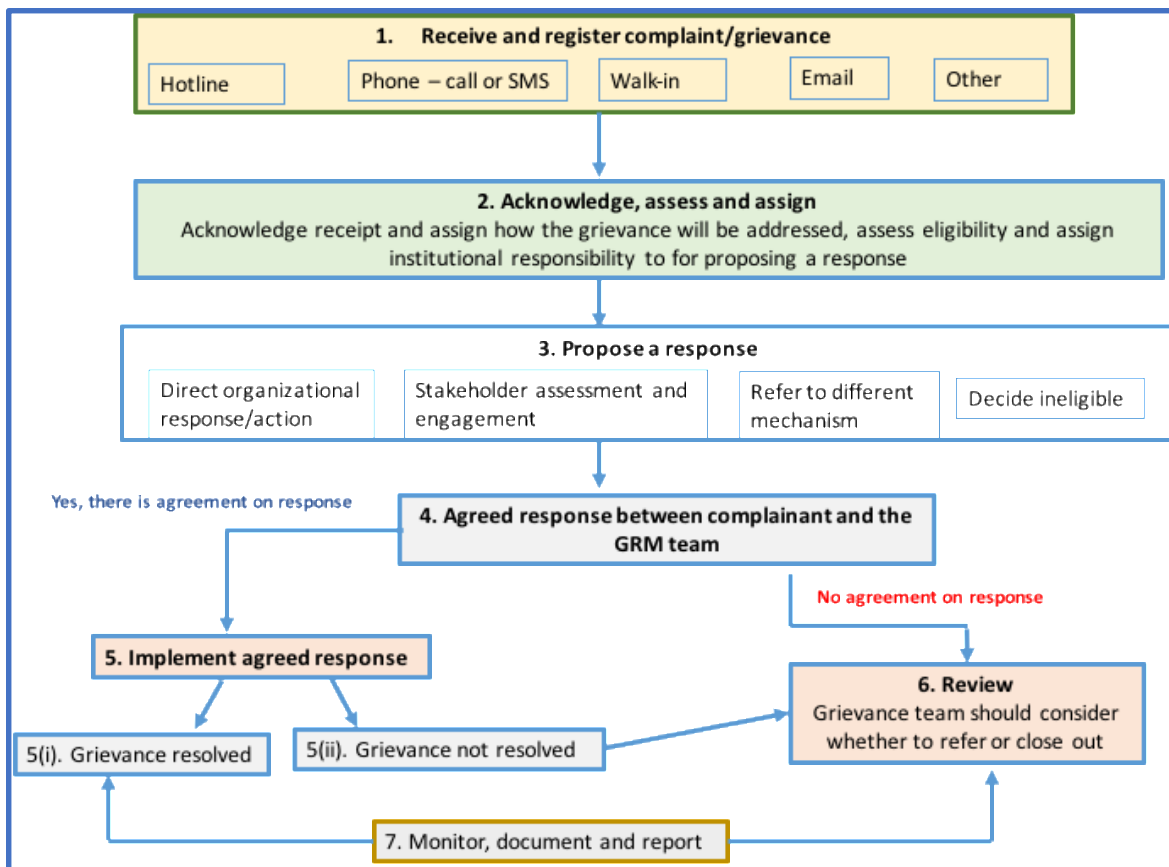


Figure 2. Project Grievance Mechanism Processes

150. The GM structure of the project will establish a register of resettlement/compensation-related grievances and disputes. The receipt of complaints will include logging and registration as this will help with monitoring the status of the grievances and ease reporting on them. The existence and conditions of access to this register (where, when, how) will be widely disseminated within the project community/town as part of the consultation undertaken for the project in general. The person designated to receive complaints shall receive all complaints and shall officially register these complaints using the first section of the proposed complaint registration and resolution form provided in annex 5.

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

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

9.5 Monitoring and Reporting of GM

152. Overall, MoEWR NPCU will be responsible for general monitoring and reporting on GM. Moreover, GM is monitored at community level by VDC/Resettlement and Compensation Committee and at FMS level by FMS SPIU. Specifically, the Social Specialist, will be responsible for the monitoring the implementation of the GM by all implementing agencies/FMSs. The Social Specialist will include the GM in his/her supervision and monitoring missions

to the field and conduct spot checks with regard to its implementation, or, where access is difficult the project will recruit a **Quality Enhancement for Institutional Strengthening Partner** if needed. The NPCU Social Specialist will be overall responsible for:

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

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

10. MONITORING AND EVALUATION OF RPF AND RAPs

10.1 Overview

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

10.2 Monitoring

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

10.2.1 Monitoring Plan

156. RAP activities will have a monitoring plan that identifies the organizational responsibilities, the methodology, and the schedule for monitoring and reporting. The monitoring plan should have the following three components namely: Performance monitoring; Impact monitoring; and Audit. It is notable that in all the monitoring activities the VDC/RCC will be included during the planning and execution.

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

158. **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 SPIUs/NPCU or an IVA on quarterly basis. Where feasible, affected people should be included in all phases of impact monitoring, including the identification and measurement of baseline indicators.

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

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

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

161. In addition, the **Quality Enhancement Partner** that will be contracted by the NPCU will also monitor the implementation of the RPF and RAPs. This activity will be integrated into the IVA's general TOR. Once the IVA is deployed, a monitoring schedule for the RPF/RAPs will be developed jointly with the NPCU and SPIU. The SPIUs, jointly with local government representatives will facilitate the coordination of information collection, such as surveys and supervise documentation in accordance with the procedures.

10.2.2 Monitoring Indicators

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

- i. Collection and storage of census data into a database for comparative analysis;

- ii. Number of PAPs physically or economically displaced by each activity;
- iii. Timing of compensation in relation to commencement of physical construction work;
- iv. Compensation paid to each PAP;
- v. Number of people raising grievances, reached solutions, and number of unsolved grievances; and
- vi. All relevant items in the entitlement matrix will be monitored.

163. Monitoring reports will provide the basis for analysis and potential adjustments or changes to the RAPs implementation effectiveness are presented in Table 10.

Table 10: RAP Monitoring indicators

Activities	Indicators
Compensation payments to PAPs	<ul style="list-style-type: none"> • Number of PAPs promptly paid • Number of PAPs not paid promptly and reasons • Amounts of money paid to PAPs
Project committees established	<ul style="list-style-type: none"> • Number of project committees established • Number of women included in the project committees established • Number of individuals from marginalized groups included in the project committees established • Number of youth included in the project committees established
Restoration of livelihoods and assets	<ul style="list-style-type: none"> • Number of PAPs with restored assets • Number of PAPs with livelihood levels restored (based on socio-baseline survey) • Number of community facilities restored • Number of vulnerable PAPs assisted Type of assistance provided to vulnerable PAPs • Number of vulnerable PAPs resettled • Number of PAPs without restored assets • Number of PAPS without restored livelihood enterprises • Number of community facilities not restored and reasons • Number of vulnerable PAPs not assisted and reasons
Community participation and public engagement	<ul style="list-style-type: none"> • Number of local consultative meetings held • Number of local and National Government leaders engaged/briefed about the RAP • Number of Civil Society representatives engaged/briefed about the RAP • Number of PAP consultative meetings held • Number of vulnerable / marginalised persons participating
Grievance management	<ul style="list-style-type: none"> • Number of grievances received • Number of grievances resolved promptly (in allowed time) • Number of grievances not resolved in time but completed • Number of outstanding grievances not resolved • Number of grievances referred Nature of outcomes from • referred grievances
Land acquisition	<ul style="list-style-type: none"> • Number of land titles secured for project sites • Number of land titles processed for land to land replacements • Number of land titles not processed and why • Number or percentage of encumbrances entered on PAP titles

10.3 Annual Audit

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

- i. A summary of the performance of each subproject vis-à-vis its RAP;
- ii. A presentation of compliance and progress in the overall implementation of the RAP;
- iii. Verify results of internal monitoring;
- iv. Assess whether the subprojects RAP are in compliance with ESS5;

- v. whether the resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced;
- vi. Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation; and
- vii. Ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions.

165. Annual audit reports will be prepared by SPIU, then submitted to NPCU for review and quality assurance and then submitted to the World Bank.

10.4 Socioeconomic Monitoring

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

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

168. For each subproject with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established.

169. As part of the preparation of each RAP, a household survey will be conducted for all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP. Following the completion of all expropriation/compensation operations, a household survey will be conducted. The aim of the survey is to assess the impacts of the mitigation measures implemented. In addition, the relevant technical teams and PAPs will be consulted to provide their assessments of the impacts of E&S mitigation measures applied.

10.5 Completion Audit

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

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

10.6 Evaluation

172. 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 future/other activities.

173. After completion of all compensation and resettlement activities, the PAPs will be consulted through a survey, which forms part of the GW4R project M&E activities.

10.7 Frequency of Monitoring and Evaluation Process

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

ANNEXES

Annex 1. Consultation Meeting

DRAFT AGENDA: Stakeholder consultations on the E&S instruments for the Somalia Groundwater for Resilience Project, 4th December, 10 am -12.30

Objective: to get input and suggestions on improving the stakeholder engagement plan, the environmental and social management framework and the resettlement planning framework (draft documents to be shared with invite).

Participants: representatives of relevant organizations in the water sector and disadvantaged groups at the FMS and FGS level.

Time	Session	Lead
9-9.15	Opening and introduction to Project	Abdirizack Mohamed Muhumed Director General Ministry of Energy and Water Resource (MoEWR) Suban Nur, Project Coordinator
9.15-11	Social risks and mitigation measures and Stakeholder engagement plan and discussion Inclusion plan and Resettlement Management Framework and discussion SEAH prevention and response	Abdihameed Hassan, Safeguard Specialist
11-11.15	Health break	
11.15-11.45	Environmental risks and mitigation measures	Najeeb Abdullahi Ahmed Environment specialist
11.45-12.30	Discussion and close	Abdirizack Mohamed Muhumed, Director General Ministry of Energy and Water Resource (MoEWR) Suban Nur, Project Coordinator

Participants

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Summary of E&S issues and mitigation measures

	<p>The Ministry of Water and Energy provided a detailed presentation of the Social and Environmental issues in the new GW4R project as well as the proposed mitigation measures outlined in the ESMF, Stakeholder engagement plan and the Resettlement Planning Framework (RPF) to the stakeholders. This was in addition to the overall project overview and strategic focus provided by the DG.</p> <p>Some of the key frameworks, issues, policies and tools discussed in detail include;</p> <ul style="list-style-type: none"> - The overall objectives and rationale of the Environmental and Social Management Framework (ESMF); - An in-depth presentation of the legislative and policy frameworks available and gaps with respect to environmental and social safeguards; - Providing an overview of the World Bank's Environmental and Social Safeguards for the stakeholders understanding and know-how to relate with the different ESSs; - The potential social and environmental risks of the project were presented in detail to the participants of the Stakeholder meeting. The risk identification, planning for the mitigation measures and communication with the relevant stakeholders were well articulated by the Social specialist. The continuous engagement of the stakeholders of the project was also communicated. - Also, the Grievance Redress Mechanism (GRM) and ways of raising / redressing project grievances were presented. This includes confidential treatment of sensitive matters, including GBV. - The GBV prevention and action plan for the project were presented to respond to the GBV/ SEA/H risks of the project. Including the signing of the Code of Conduct by all the project staff. an overview of land dispute challenges, mitigation messages of managing resettlement and compensation, prevention of any adverse effect of the project and transparent involvement of relevant stakeholders of the programme. 	
	<p>Issues Raised</p>	<p>How will it be addressed in the project</p>
	<p>The institution's roles and responsibilities for the project implementation of both FGS and FMS should be more clearly stated</p>	<p>The DG outlined some of the already known project institutional arrangements and needed ongoing discussion with all relevant direct project stakeholders in all the project phases. The Project implementation Unit will have the overall responsibility of the project which will be housed at the Ministry of Water with representation in all the FMSs.</p> <p>More details of the roles of the responsibilities will be expressed explicitly in the project documents for better understanding. And some of the project documents will be shared externally for all to relate to the project.</p>
	<p>Clarity about the progress of the project development stage</p>	<p>The project is under preparation; there has been the advanced engagement of the project direct implementing entities for the project development to this stage.</p>
	<p>How will Somalia share/seek data and information with neighbour countries on this project?</p>	<p>A data collection centre will be developed for this regional project.</p> <p>The Ministry of Water will work through established mechanisms like IGAD for engagement and information/data sharing with the neighbouring countries.</p>
	<p>The rationale for focusing on groundwater and not utilizing surface water in the country.</p>	<p>The project focus is on the groundwater to survey, map and tap into the groundwater resources of the country in addition to the current utilization of other sources of the water.</p> <p>Due to lack of rain and successive drought, inefficient utilization, and ageing surface water infrastructure, the Ministry see groundwater as a potential alternative.</p>
	<p>How is the project to implement activities?</p>	<p>The project's goal is to increase capacity building.</p> <p>The federal government will provide the states with authority to carry out their operations, and the federal government and the World Bank will supervise those actions.</p>
	<p>How will the project overcome Inter-state border issues, including Somaliland?</p>	<p>The project design will be guided by comprehensive consultation of all stakeholders, especially the benefiting communities, to forestall any post-project-implementation disputes and disagreements.</p> <p>On-location and handling of the sensitive border issues, there is an ongoing discussion between the federal government leaders.</p>
	<p>How will the project will manage social risks?</p>	<p>Social and Environmental Risks to be identified, mapped and mitigated to minimize adverse effects on the project or the project stakeholders.</p>

		<p>Project to have dedicated social and environmental expertise to support the implementation of the relevant social instruments.</p> <p>The project will prioritise capacity building and support to implementation agencies and departments. Stakeholder information sharing and mechanism for expressing views and grievances will be established and communicated to the project stakeholders for effective utilization. There will also be confidential handling of sensitive grievances and complaints like GBV.</p> <p>The project will carefully emphasize social risk mitigation.</p>
	Has the Ministry of Energy and Water Resources done mapping of groundwater gaps at the federal state level?	The map is not completed yet
	How will this project help the community?	The community will be provided with a better water services, they will also be trained to run their water points.
	Will the project be implemented in cities and rural areas?	The project will conduct a feasibility study on areas in which the project can be implemented; also the project carry out community engagement
	How will the project solve the land dispute issues? Land is a major source of disputes and conflicts in the country, and the scramble for the few water resources and points too.	<p>Residents and users of land will mapped and agreements will be secured from all groups including local government and mayors.</p> <p>Transparency and equity in the selection criteria of water points to be supported.</p>
	Coordination of other relevant government actors on specific areas of expertise, for example, environmental issues; Some of the policies identified in the presentation, the Directorate of Environment has worked on policies already;	The project will collaborate with the different government agencies to capitalize on their expertise and partake in the project support.

Annex 2. Screening Checklist

Sub project:

Location:

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

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

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

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

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

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

.....

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

.....

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

.....

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

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

Annex 3. Summary safeguards report for subprojects

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

Proposed sub-project: _____

Village/district/state: _____

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

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

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

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

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

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

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

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

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

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

6. Has a safeguards field visit been

All users and occupants of the land have genuinely understood (in local language with sufficient time) and agreed that all conditions for voluntary land donations have been met (refer to consultations above and attach minutes)	

undertaken to the site? Y/N Date of visit: _____ Title of visiting

7. officer: _____

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

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

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

10. Voluntary land donation:

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

10. Voluntary land donation:

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

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

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

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

—

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

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

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

1. *Description of the project.*
2. *Potential impacts*
3. *Objectives of the resettlement program.*
4. *Census survey and baseline socioeconomic studies.*
5. *Legal framework.*
6. *Institutional framework.*
7. *Eligibility.*
8. *Valuation of and compensation for losses.*
9. *Community participation.*
10. *Implementation schedule.*
11. *Costs and budget.*
12. *Grievance redress mechanism.*
13. *Monitoring and evaluation.*
14. *Arrangements for adaptive management.*

Additional planning requirements where resettlement involves physical displacement

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

1. *Transitional assistance.*
2. *Site selection, site preparation, and relocation.*
3. *Housing, infrastructure, and social services.*
4. *Environmental protection and management.*
5. *Consultation on relocation.*

Additional planning requirements where resettlement involves economic displacement:

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

Elements/Contents as per ESS5

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

Annex 5. Community Land Agreement and Consent Form

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

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

TERMS OF THE AGREEMENT

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

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

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

No.	Name	Role	Phone number	Date	Signature

Agreed/Witnessed on this Day of in the Year..... by:

1. VDC leader

Name	Phone number	Date	Signature

2. District Administration

Name	position	Phone number	Date	Signature

3. Project representative

Name	Phone number	Date	Signature

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

Name	Position	Phone number	Date	Signature and R/Stamp

Annex 6. Voluntary Land Donation Form

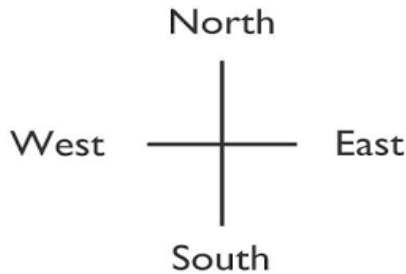
Land Agreement Form

Date: _____

Subject: Donating Land for Public Use

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

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



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

Undersigned are names of deed owners in sound mind.

Name _____

ID. NO......

Sign.: _____

Tel. No: _____

Name _____

ID NO.

Sign: _____

Tel. No:;.....

Acknowledgment

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

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

Name _____

ID. NO.

sign: _____

Date: _____

Witnesses

Name _____

ID.NO.....

Sign: _____

Tel: _____

Date: _____

Name _____

ID.NO.....

Sign: _____

Tel: _____

Date: _____

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

Name _____

ID.NO.....

Sign: _____

Tel: _____

Date: _____

Requirements for voluntary land donation:

1. The owner of the land to be donated should not be forced if they do not agree with the donation.
2. The impacts must be minor, that is, involve no more than 10 percent of the area of any holding and require no physical relocation.
3. The land should meet technical project criteria as identified by the project engineers
4. The land in question must be free of squatters, encroachers, or other claims or encumbrances.
5. Verification of the voluntary nature of land donations must be obtained from each person donating land.
6. Grievance mechanisms must be available.
7. If land donated is not used for the agreed purpose, it must be returned. Otherwise, the donor cannot reclaim land donated and sign an official letter regarding that matter.
8. Ensure the donor have been appropriately informed and consulted about the project and the choices available to them.
9. The donor is expected to benefit directly from the project.
10. The amount of land to be donated must not reduce the donor’s remaining land area below that required to maintain the donor’s livelihood at current levels.
11. The Borrower must maintain a transparent record of all consultations and agreements reached all times.

Annex 7. Grievance Record Form

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

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