



Federal Government of Somalia

Ministry of Energy and Water Resources (MoEWR)



Terms of Reference:

Review and Development of the National Water Policy and Act

Date: 04th December 2025

1. INTRODUCTION:

Assignment	Review and Develop a National Water Resource Policy and Water Law
Status	National/International Consultants/Firms
Estimated duration	4-6 months.
Duty station	Home based.
Anticipated presence in Somalia	It is preferable that the consultant travels to Mogadishu and other parts of Somalia for critical consultation and meetings, but it depends on the travel restrictions linked to the corona epidemic. Travel expenses will be included in the consultancy.
Travel Plans	To be agreed

The Federal Government of Somalia (FGS) identifies water as the foundational pillar for national stability, social equity, and long-term economic prosperity. As the primary driver of the nation's growth, the sustainable management of water resources is essential for maintaining food security, supporting the livestock sector, and fostering industrial development. Despite this strategic importance, the sector is currently navigating an era of unprecedented vulnerability, where extreme water scarcity is coupled with an exponentially growing demand from a rising population.

The Federal Government of Somalia recognizes water as a vital resource for social and economic development, poverty reduction, and environmental sustainability. However, it faces challenges including inadequate infrastructure, climate variability and change, rapid population growth, wetland and ecosystem degradation, poor environmental management and conservation drought, water scarcity, flooding, contamination, water quality issues and disease outbreaks.

The sector's primary governance challenge is the reliance on a fragmented and obsolete legal framework, largely anchored by the 1972 Water Law which was drafted in a vastly different socio-political era. This aging legislation, alongside unendorsed draft laws from 1984 and 1990, fails to address the complexities of a modern federal system or the division of mandates between the Federal Government and the Federal Member States. Furthermore, these historical instruments lack the necessary provisions for Integrated Water Resources Management (IWRM), private sector participation, or the regulation of water rights, which frequently leads to unresolved competition and conflict between agricultural and pastoralist communities.

Somalia's hydrological profile is defined by its classification as Arid and Semi-Arid Land (ASAL), where rainfall is both periodic and highly irregular. The country is divided into nine major water basins, with the Juba and Shabelle rivers serving as the only perennial surface water sources. These rivers are highly susceptible to transboundary factors because more than 65% of their catchments originate in the Ethiopian Highlands. This dependency is

exacerbated by climate change, which has manifested in a volatile cycle of extreme droughts and increased flood frequency that consistently devastates riverine infrastructure and rural livelihoods.

The technical challenges regarding water access are compounded by the country's reliance on groundwater, which provides an estimated 80% of the domestic supply. These sources are often located at extreme depths of 100 to 300 meters, making extraction both technically difficult and financially burdensome. Even when accessible, the water quality is frequently poor due to high salinity levels exceeding 2,000 μ S/cm, which is well beyond the acceptable standard for human consumption. Field reports further indicate that 40% of existing water sources are currently non-functional due to weak management models and a lack of reliable supply chains for essential spare parts.

The socio-economic consequences of these failures are profound, with approximately 8 million people currently lacking access to safe water and sanitation facilities. High rates of open defecation and poor water quality contribute to frequent outbreaks of waterborne diseases, which remain responsible for nearly a quarter of all deaths among children under the age of five. In the Arid and Semi-Arid regions, where high evapotranspiration rates can exceed annual rainfall by up to six times, the inability to capture runoff has made nomadic pastoralism increasingly precarious, leading to fierce resource competition and localized instability.

In response to these systemic issues, the Ministry of Energy and Water Resources has developed the National Water Resource Strategy (NWRS) for 2021-2025 and an accompanying roadmap to establish a functional governance framework. Moreover, MoEWR also developed the National Water Resources Development Plan (NWRDP) serves as a framework for translating the NTP priorities into actions and real impacts on the ground. The plan breaks down the eight water sector priorities into actionable components, specifying tasks, indicative costs, standards, and stakeholder roles.

These efforts are complemented by other policies, which seeks to mainstream environmental protection into all developmental activities. This project is intended to bridge the remaining gap by delivering a comprehensive legislative overhaul that replaces the 1972 Law with a modern National Water Law, providing the legal authority required to implement these national strategies and secure Somalia's water future.

2. ASSIGNMENT OBJECTIVES:

The primary objectives of this assignment are to:

- Conduct a comprehensive review of the existing water policy and previous water legislative framework in Somalia.
- Draft a revised, modern, and comprehensive National Water Policy that addresses current challenges, including climate resilience and transboundary water management.

- Develop a corresponding National Water Act to provide the legal basis for policy implementation, regulation, and enforcement.
- Facilitate a nationwide, inclusive stakeholder consultation process to ensure broad ownership and consensus.
- Support the presentation of the finalized documents to the relevant legislative and executive bodies for formal approval and enactment.

3. SCOPE OF WORK/EXPECTED OUTPUT:

The consultant is expected to undertake a comprehensive set of tasks to review and develop the **National Water Resources Management Policy** that defines the strategic vision for the country's water security and drafting a modern **National Water Law** to replace the obsolete 1972 highly-centralized legislation. The final output will be a detailed documents that addresses all aspects outlined below:

3.1 Inception and Desk Review

- a) Develop a detailed work plan, methodology, and assignment timelines.
- b) Conduct a thorough desk review of existing water and related sector policies, legislation, strategies, regional water strategies and commitments, and international conventions that Somalia has ratified or intends to ratify.
- c) Identify gaps, inconsistencies, and areas needing modernization within the current framework.
- d) Formulate recommendations for changes to the revised water policy and water Act and any additional strategies/guidelines needed to address existing ambiguities in the governance of the decentralized water sector and present to the Ministry and other key stakeholders for review and additional inputs.

3.2 Stakeholder Consultation and Validation

- a) Design and implement an inclusive consultation strategy involving all relevant stakeholders, including government line institutions (Federal and State levels), local authorities, CSOs, private sector entities, academia, traditional leaders, women and youth groups, partners and donor.
- b) Organize workshops and meetings across various regions of Somalia to gather input and validate findings.
- c) Organize and facilitate policy and act town hall meetings to seek inputs and as well facilitate broad-based engagements and consultations,
- d) Prepare and share a stakeholder consultation report summing up key outcomes and recommendations of stakeholders under the different policy areas.

3.3 Policy and Legislation Drafting

3.3.1 Review and Formulation of the National Water Resources Management Policy (NWRMP)

The consultant shall review and develop a strategic policy document that operationalizes on the basis of Integrated Water Resources Management (IWRM) as the core philosophy for Somalia's water governance and management. This involves defining clear policy pillars for the management of the nine major water basins, with a specific focus on the unique hydrological challenges of the Juba and Shabelle rivers. In addition, with other equally important aspects of water quality, hydro-met, desalination and water treatment, surface, ground water resources and other watershed management related initiatives.

In addition to that, the existing policy and legislative frameworks require review and updating to align with current national priorities, regional commitments and international best practices, and the evolving governance landscape in the country. Similarly, the policy must outline a roadmap for increasing water storage capacity and enhancing rainwater harvesting techniques to counteract high evapotranspiration rates in Arid and Semi-Arid Lands (ASAL). Furthermore, the policy and the water law shall establish the national position on transboundary water cooperation, ensuring that Somalia's interests are protected in the management of catchments shared with neighboring countries.

3.3.2 Legislative Review and Drafting of the National Water Law

A core component of the scope of work is a rigorous review of the 1972 Water Law and the unfinalized 1984 and 1990 drafts and the Cabinet and Parliament endorsed Water Law in 2018 to identify specific legal gaps that have hindered sector progress. The consultant shall draft a new, robust National Water Act that aligns with the 2012 Provisional Constitution and clearly delineates the administrative responsibilities of the Federal Government versus the Federal Member States. This legislation must introduce a national licensing and permitting system for groundwater extraction to prevent the overexploitation of deep aquifers and protect the quality of water sources. The law will also codify "Polluter Pays" and "User Pays" principles and establish enforceable water quality standards to address the high salinity and contamination levels that currently threaten public health.

3.3.3 Institutional Framework and Financing Mechanisms

The scope extends to the design of an institutional architecture that supports decentralized water management while maintaining national oversight and standardizations. The consultant shall propose legal mechanisms for the creation of an independent water management body (regulatory authority) to lead IWRM efforts and streamline the activities of various service providers. Crucially, the new legal framework must provide clear protocols for water rights and access to mitigate the frequent conflicts between farming and pastoralist communities. This includes creating formal dispute resolution channels and establishing a legal basis for Public-Private Partnerships (PPP) to improve the functionality and maintenance of water infrastructure across the country.

To ensure the long-term sustainability of the sector, the consultant will develop legal provisions for a Water Sector Development Funding mechanism aimed at pooling diverse funding streams for infrastructure investment. Finally, the consultant will draft a set of implementation regulations and a capacity-building strategy to ensure that the Ministry of Energy and Water Resources and its regional counterparts possess the technical and administrative skills required to enforce the new law effectively.

4. DELIVERABLES:

The consultancy is expected to be completed within a timeframe of six months, with deliverables structured to allow for iterative feedback from the Ministry of Energy and Water Resources and other key stakeholders. Each phase of the project must conclude with a formal report or draft document that builds toward the final legislative and policy package. These deliverables are designed to ensure that the transition from the 1972 legal framework to a modern system is evidence-based, technically sound, and socially inclusive.

The key deliverables expected from this assignment includes:

- 1) An Inception Report with a detailed work plan and methodology.
- 2) A comprehensive Gap Analysis Report on the existing water sector framework.
- 3) Zero Draft and subsequent refined drafts of the reviewed National Water Policy and National Water Act.
- 4) Stakeholder consultation meetings organized at Federal and FMS levels to have their ideas and views included in the new policy and strengthen their buy-in and ownership of water governance as a result of this participatory consultation meetings.
- 5) A comprehensive report on the stakeholder consultation process, summarizing inputs and feedback.
- 6) The final, high-quality National Water Policy and National Water Act documents (both English and Somali), ready for submission to the Federal Government of Somalia.
- 7) Stakeholder validation meetings conducted in Mogadishu and validated policy and water documents along with the minutes of validation discussions produced one week after the validation.
- 8) A summary presentation/briefing pack for government officials.

5. DURATION OF ASSIGNMENT, DUTY STATION & EXPECTED PLACES OF TRAVEL:

This assignment will take 4-6 months inclusive of any travels as well as consultation and validation workshops. It will be effective from the date of signing the contract. Note that; a detailed timeline will be agreed upon during the inception phase. And the duty station is within Somalia.

6. PROVISION OF MONITORING & PROGRESS CONTROL:

The successful applicant will report directly to the Ministry of Energy and Water Resources (MoEWR). The Consultant/Firm will be required to attend and report the progress to the bi-weekly project progress meetings. MoEWR will provide support to the successful applicant, organize meetings and workshops, and arrange field visits if needed.

7. PROFESSIONAL EXPERIENCE AND QUALIFICATIONS:

The complexity of reforming Somalia's water sector requires a multi-disciplinary team of experts capable of navigating intricate legal, technical, and socio-political landscapes. The consultancy firm or individual experts must demonstrate a profound understanding of the unique challenges posed by the Juba and Shabelle river basins, as well as the technical requirements for managing deep, saline aquifers in Arid and Semi-Arid Lands.

The team must possess a proven track record of developing national-level policies in fragile or post-conflict states, ensuring that the proposed frameworks are not only theoretically sound but also practically enforceable within the Somali context.

The technical team should ideally comprise national and international experts with proven experience in water governance, environmental law, policy formulation, and institutional capacity building in fragile contexts. Key expertise required includes:

7.1 Lead Water Policy and Governance Specialist

- The team leader must hold an advanced degree in Water Resource Management, Environmental Policy, or a related field, supported by a minimum of fifteen (15) years of professional experience in water sector reforms and governance.
- This expert is expected to have extensive experience in the operationalization of Integrated Water Resources Management (IWRM) frameworks,
- Must demonstrate previous success in leading high-level policy dialogues with government ministries and international donors.
- Specific experience in the Horn of Africa or similar transboundary river environments is highly desirable to ensure the consultant can effectively address the nuances of water sharing and regional resource competition.

7.2 Legal and Legislative Expert

- The legal specialist must possess a degree in Law with a specialization in environmental or natural resource legislation and should have at least ten (10) years of experience in drafting primary legislation.
- This individual must demonstrate a deep familiarity with the Somali legal system, including the 2012 Provisional Constitution and the interplay between federal and state-level mandates.
- The expert will be responsible for translating policy objectives into enforceable legal clauses, requiring a sophisticated understanding of water rights, Public-Private Partnership (PPP) regulations, and the "Polluter Pays" principle.

- Proficiency in both English and Somali is essential for this role to ensure the accuracy of legal translations and the inclusion of local legal terminology.

7.3 Hydrogeologist and Technical Advisor

- To address the technical barriers related to groundwater quality and access, the team must include a senior hydrogeologist with at least ten (10) years of experience in arid region hydrology.
- This specialist will provide the technical evidence base for the new law, particularly regarding the regulation of deep-well drilling and the management of high-salinity aquifers.
- The advisor must be capable of analysing complex hydrological data sets to establish sustainable extraction limits and water quality standards that align with international health guidelines.
- Experience with the technical assessment of non-functional water infrastructure and supply chain management in rural settings is also a critical requirement for this position.

7.4 Socio-Economist and Conflict Resolution Specialist

- Given the recurring conflicts between farming and pastoralist communities, the team requires a specialist with expertise in the socioeconomics of natural resource management.
- This expert should have a background in facilitating community-based consultations and must be experienced in designing inclusive governance models that protect the rights of nomadic populations and vulnerable groups.
- This specialist will ensure that the drafted policy and law include practical mechanisms for local dispute resolution and that the financial models proposed, such as the National Water Sector Development Fund, are equitable and accessible to all segments of Somali society.

8. TABLE OF TIMELINES AND SCHEDULE OF PAYMENTS:

No	Deliverable	Description	Timeline	The Percentage of contract payment
1	Inception Report	Detailed methodology and stakeholder mapping.	End of Week 2	10%
2	Diagnostic Report	Legal audit of 1972 Law and hydrological gap analysis.	End of Month 2	30%
3	Draft NWRP	Narrative policy document for strategic water management.	End of Month 3	20%
4	Draft Water Bill	Legal text for the new National Water Act.	End of Month 5	30%
5	Final Governance Package	Validated Law, Policy, and Implementation Roadmap.	End of Month 6	10%

9. APPLICATION PROCEDURE AND DEADLINE

Please submit the applications with an updated CV, copies of transcripts, financial proposal, 2 samples of previous work related to this assignment and a technical proposal (maximum 5 pages). The technical proposal should include (i) a brief explanation about the consultant with emphasis on previous experience in this kind of work (ii) understanding of TOR and the task to be accomplished (iii) proposed methodology of how the work will be done and (iv) draft implementation plan.

Application should be submitted on or before 22th December 2025 via email to: procurement@moewr.gov.so and CC to: Dg@moewr.gov.so & hydrometeorology@moewr.gov.so