



**SOMALIA URBAN RESILIENCE PROJECT PHASE II**

**(SURP II)**

**P170922**

**RESETTLEMENT POLICY FRAMEWORK**

**(RPF)**

**FINAL DRAFT**

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## ACRONYMS AND ABBREVIATIONS

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BRA: Benadir Regional Administration

ESCP: Environmental and Social Commitment Plan

ESF: Environment and Social Framework

ESS: Environmental and Social Standards

ESS5: Environmental and Social Standard 5 “Land Acquisition, Restriction on Land Use and Involuntary Resettlement”

GBV: Gender Based Violence

GRC: Grievance Redress Mechanism

GRM: Grievance Redress Mechanism

IDA: International Development Association

IDP: Internally Displaced Persons

LMP: Labor Management Procedures

MPF: Multi-Partner Fund

PCIP: Precast Concrete Interlocking Paving

PAP: Project Affected Persons

PCU: Project Coordination Unit

PIU: Project Implementation Unit

RAP: Resettlement Action Plan

RPF: Resettlement Policy Framework

ROW: Right of Way

SEF: Stakeholder Engagement Framework

SEP: Stakeholder Engagement Plan

SURP: Somali Urban Resilience Project

SURP II: Somali Urban Resilience Project Phase 2

WB: World Bank

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## DEFINITION OF TERMS USED IN THE REPORT

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Consistent with the World Bank Environmental and Social Standard 5 (ESS5: Land Acquisition, Restriction on Land Use and Involuntary Resettlement), the following terms shall have the following meanings:

- **Census** means a field survey carried out to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits.
- **Compensation** means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, income/profits including fixed assets thereon, in part or whole.
- **Cut-off date** is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
- **Environmental and Social Standard** - The Environmental and Social Standards 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. There are ten Environmental and Social Standards that establish the standards that the Borrower and the project will meet through the project life cycle.
- **Involuntary Displacement** means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
  - a) Loss of benefits from use of such land;
  - b) Relocation or loss of shelter;
  - c) Loss of assets or access to assets; or
  - d) Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
- **Involuntary Land Acquisition** 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.
- **Land** refers to agricultural and/or non-agricultural land, natural resources embedded in and any structures thereon whether temporary or permanent and which may be required for the Sub-project.
- **Land acquisition** means the taking of or alienation of land, buildings or other assets thereon for purposes of the sub-project.
- **Livelihood** refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.
- **Project-affected household**—All members of a household, whether related or not, operating as a single economic unit, who are affected by a project.
- **Project Affected Persons (PAPs)** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons

physically relocates. These people may have their: (i) standard of living adversely affected, whether or not the Project Affected Person must move to another location; (ii) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; (iii) access to productive assets adversely affected, temporarily or permanently; or (iv) business, occupation, work or place of residence or habitat adversely affected.

- **Rehabilitation Assistance** means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
- **Replacement cost** is 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.
- **Resettlement Assistance** means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.
- **Resettlement Action Plan (RAP)** is a resettlement instrument (document) to be prepared when development locations requiring resettlement are identified, *i.e.* where land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. A RAP is prepared by the party impacting on the people and their livelihoods. A RAP contains specific requirements for resettling and compensating the affected parties before implementation of the project activities causing adverse impacts.
- **Resettlement Policy Framework (RPF)** is a framework prepared to guide resettlement action and in particular the preparation of Resettlement Action Plans during Project implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project implementation. Resettlement Action Plans will be prepared consistent with the provisions of this RPF.
- **Subprojects** means individual investment projects which will be funded by SURP II.
- **Stakeholders**—Any individuals, groups, organizations, and institutions potentially affected by or interested in the project.
- **Vulnerable or disadvantaged Groups** refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. This will take into account considerations relating to age, including the elderly and minors and including in circumstances where they may be separated from their family, the community or other individuals upon which they depend.

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## EXECUTIVE SUMMARY

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### Introduction

The World Bank has been supporting the Federal Government of Somalia (FGS) with funding from the Somali Multi-Partner Fund (MPF) and the International Development Association (IDA) to implement various projects. The Somali Urban Investment Planning Project (SUIPP), a project to prepare a follow-on urban investment project – the Somali Urban Resilience Project (SURP) has been ongoing since early 2016. The SUIPP original financing targeted Hargeisa, Garowe, and Mogadishu and has now been scaled-up to Kismayo in Jubbaland State and Baidoa in South West State as of January 2019. The ongoing SURP supports infrastructure investments in Mogadishu and Garowe for which technical studies were prepared under the SUIPP.

### Project components

The SURP Phase II (USD 112 million) will build on both the ongoing SUIPP and SURP and support infrastructure investments across the four cities of Mogadishu, Garowe, Kismayo and Baidoa. These cities were selected based on their political, economic, and security relevance as well as their vulnerability (concentration of IDPs and urban population growth) relevance. Like SURP, the second phase will aim to strengthen urban resilience by: (i) providing capacity building support to municipalities and strengthening government systems at the sub-national level by channelling funds on-budget; (ii) financing prioritized urban infrastructure investments in cities; (iii) generating short-term income generation opportunities for vulnerable groups, such as women, the urban poor, IDPs and returnees; and (iv) strengthening institutions for urban development at the municipal level.

The following four components are proposed under SURP II: (i) Urban Infrastructure and Services; (ii) Institutional Strengthening and Analytics; (iii) Project Management; and (iv) Contingent Emergency Response. The approval date of SURP II by the World Bank is expected to be in October, 2019 with the expected closing date of October 2024.

### Resettlement Policy Framework (RPF)

The RPF is prepared for SURP Phase II, as the exact sub-project sites are not yet definitively identified and the exact location, demography and impact on assets and/or livelihood of the PAPs cannot be determined during project preparation. The RPF clarifies resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation. Once the subproject or individual project components are defined and the necessary information becomes available, the RPF will be expanded into a specific resettlement action plan (RAP) proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank.

### Potential land use and anticipated resettlement impacts

Because of the limited scale of individual subprojects and their moderate nature of rehabilitation/upgrading work on the existing Right of Way (ROW) of public roads, the need for land acquisition in SURP II subprojects will be minimum. However, subprojects under SURP II will cause the following types of potential resettlement impacts (mostly minor, temporary and economic displacement):

- Temporary economic loss of businesses or vendors during the construction, who operate along the project roads, including vulnerable groups;
- Damages to assets and structures such as walls, community latrines and septic tanks and graves that exist in the ROW;
- Physical displacement of informal dwellers (including IDPs and returnees) who reside in the ROW of the roads;
- Loss of vegetation and trees along the road alignment;
- Access restrictions and temporarily impeded pedestrian access.

**Relevant legal and regulatory framework**

World Bank's Environmental and Social Standard ESS5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement) is the applicable World Bank requirement for land matters related to the implementation of civil works under SURP II. For the SURP II, the Bank's ESS5 will take precedence over any other applicable national, state and municipal laws and regulations. More details are presented in Section 2.

**Mitigation of resettlement**

This RPF is intended to ensure that any possible adverse land-related impacts of subproject activities are addressed through appropriate mitigation measures. These risks will be minimized by:

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

More detailed principles and procedures to manage resettlement impacts are provided in Section 3.

**Eligibility criteria, entitlements and valuation of affected assets**

The following category of PAPs are eligible for relevant compensation/assistance for resettlement impacts of SURP II:

- Category (a): Affected persons who have formal legal rights to land or assets are those who have formal documentation under national law to prove their rights, or are specifically recognized in national law as not requiring documentation.
- Category (b): Affected persons who do not have formal rights to land or assets, but who have a recognized or recognizable claim under national law.
- Category (c): Affected persons who have no recognizable legal right or claim to the land or assets they occupy or use are eligible for assistance under ESS5. Affected persons in these groups are not eligible for compensation for land, but are eligible for resettlement and livelihood assistance and compensation for assets. Those who encroach on the project area after the cut-off date are not eligible for compensation/assistance under SURP II.

Affected disadvantaged/vulnerable groups and community assets are also eligible for compensation/assistance as specified in this RPF.

Where applicable, valuation exercise on lands and assets will be done to assess the loss to the affected persons. The basis of this valuation is derived from the ESS 5 and the RPF. More details on valuation methodology and the entitlement matrix are presented in Section 4.

**Screening and preparation of resettlement action plans (RAP)**

The preparation of sub-project RAPs will begin with identifying the land/ areas that may result in resettlement impacts, types and nature of potential impacts and to provide adequate measures to address them. The screening process will be led by the implementing municipalities and will be conducted with full participation and consultation with PAPs.

Forced displacement of IDPs, who fled from drought and violence and have settled on idle private or public lands in Somali cities, is rampant especially in urban centers including Mogadishu where land is scarce and land values are high. If unmitigated, there are risks that subprojects under SURP II inadvertently involve areas where such forced displacement of IDPs have been conducted. To avoid such risks, if forced displacement were conducted in the right of way (ROW) of project roads (or any other project-financed infrastructure) before board approval of SURP II and after March 31, 2019 (which is the official start date of SURP civil work), relevant ESS5 requirements will be applied retroactively. If the ESS5 requirements cannot be satisfied retroactively, the Bank will not be able to support the roads (or any other project-financed infrastructure) where forced displacement took place. More details are provided in Section 5.



Following the screening, a census of PAPs will be conducted to determine their number and record their socio-economic profile prior to the beginning of civil works. A cut-off date will be publicly announced to indicate the beginning of the census. The preparation and implementation of subproject-specific RAPs will be carried out by the PIU. Once the draft is completed, the RAP will be submitted to the implementing agency (municipality) and the World Bank for review and approval. Individual RAPs will be translated into local language (Somali), disclosed and implemented, following the review and clearance.

### **Institutional Arrangements**

SURP II will be implemented under the following institutional arrangements:

<b>Institution</b>	<b>Responsibility</b>
Mogadishu, Garowe, Kismaiyo and Baidoa municipalities	<ul style="list-style-type: none"> <li>• Overall coordination and supervision of SURP phase II</li> <li>• Payment of compensation</li> </ul>
Project Coordination Unit (PCU) at the federal level	<ul style="list-style-type: none"> <li>• Capacity support to the PIUs in safeguards implementation and monitoring</li> </ul>
PIUs in each municipality supported by engineering and supervision consultant	<ul style="list-style-type: none"> <li>• Stakeholder engagement in and near project sites</li> <li>• Supervision of all safeguard activities, including preparation and implementation of RAPs</li> <li>• Internal monitoring and Evaluation of resettlement and compensation activities</li> </ul>
Compensation Committees in each municipality	<ul style="list-style-type: none"> <li>• Determination of asset or income losses incurred by PAPs and their valuation</li> </ul>
Grievance Redress Committees (GRCs) in each municipality	<ul style="list-style-type: none"> <li>• Responsible for receiving and addressing project-level grievances, except for those under appeal or needing specific PIU intervention.</li> <li>• Reporting back to PIU and community on GRM performance</li> </ul>
Third party monitoring agent/auditor	<ul style="list-style-type: none"> <li>• External Monitoring &amp; Evaluation of resettlement and compensation activities including the preparation of completion audit.</li> </ul>

### **Budget for Implementation**

The RAP will include an itemized budget for the implementation of resettlement activities including compensation. The budgets will cover resettlement activities including compensation cost for affected assets such as buildings, fruit trees, and loss of access. Funds for the preparation and implementation of the RAP will be financed through SURP II while funding for compensation will be provided by the local government. Adequate budget for stakeholder engagement will be also allocated from the overall project cost of SURP II, which will include cost for organizing meetings, workshops and training, hiring of staff, field visits to subproject locations, translation and printing of relevant materials and operating GRMs. The cost for environmental and social mitigation measures at construction sites (other than cost for resettlement) will be integrated into the construction cost and will be borne by the contractor.

### **Stakeholder Consultation, Participation and Disclosure of RPF**

Stakeholders are involved closely in the RPF/RAP process, both in preparation and implementation through to monitoring. During the preparation of the RPF, stakeholder consultations were carried out in all municipalities. Stakeholder meetings involving both the Government stakeholders and community representatives were held in Kismayo and Baidoa on the 19th February 2019 and 24 February 2019 respectively with UNOPS and World Bank participation. The purpose of the meetings was to introduce SUIPP AF / SURP-II projects in these new municipalities, to discuss the roads selections for feasibility studies and engineering designs, environmental and social issues including resettlement, and to share

the plans for project activities implementation. The meeting participants included State Ministries and government institutions representatives, Municipality officials, community action group members, IDPs and local associations representatives including the members of women groups. In April and May, another round of public consultations was organized in Kismayo and Baidoa on the draft RPF and other instruments prepared for SURP II with a wide range of stakeholders including vulnerable groups.

Also, in the Month of July and August 2019, public consultations were conducted in Mogadishu and Garowe to discuss and validate the draft RPF and other instruments for SURP II. Stakeholders consulted in both cities included municipality staff, district officials and representatives from villages, women, youth, business groups, peace committee members and other vulnerable groups including IDPs. More details on these consultations are presented in Section 7 and annex 5. The final RPF and its translation will be disclosed in the country and at the World Bank website before appraisal.

### **Grievance Redress Mechanism (GRM)**

SURP II will establish a grievance mechanism that addresses concerns of stakeholders promptly and effectively and in a transparent manner. It should be culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. The mechanism will not prevent access to judicial or administrative remedies. Grievance Redress Committees (GRC) will be established in all the 4 cities (Garowe, Mogadishu, Kismayo and Baidoa) and its project districts to address grievances of the community and individuals. More details are presented in Section 8.

### **Monitoring and Evaluation**

During the implementation of the RAP, both an internal and an external resettlement monitoring and evaluation (M&E) will be carried out to ensure all PAPs are adequately compensated. The internal resettlement monitoring will be carried out by the M&E Specialist in the PIU. For external resettlement M&E, an independent agency will be contracted. A monitoring plan will be developed to assess whether the goals of the compensation plan are being met. The following parameters and verifiable indicators will be used to measure compensation plans performance. Where applicable, these parameters/indicators will be disaggregated to measure the relevance to women and other vulnerable groups:

- Collection and storage of census data into a database for comparative analysis;
- Number of PAPs physically or economically displaced by each sub-project;
- Number of impacted residents employed by the project;
- Timing of compensation in relation to commencement of physical works;
- Compensation amount paid to each PAP;
- Number of people raising grievances and reached resolutions;
- All relevant items in the entitlement matrix will be monitored; and
- Consultations held.

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## 1 PROJECT COMPONENTS AND ANTICIPATED RESETTLEMENT IMPACTS

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### 1.1 BACKGROUND

This document presents a Resettlement Policy Framework (RPF) for the Somalia Urban Resilience Project Phase II (SURP II). The RPF has been developed to address and manage resettlement impacts of SURP II as one of a set of environmental and social instruments.

SURP II objective is to strengthen public service delivery capacity at the municipal level and support the reconstruction of key urban infrastructure in Mogadishu, Garowe, Baidoa and Kismayo.

### 1.2 COMPONENTS OF SURP II

#### Component 1: Urban Infrastructure and Services

**Sub-Component 1.1: Support for Urban Infrastructure and Services (US\$ 4m)** This component will cover the preparation of any technical studies required prior to the construction of civil works to be supported through the project which includes: (i) technical studies, engineering designs and bidding documents for priority investments; (ii) environment and social due diligence work; (iii) institutional assessments of implementing agencies; and (iv) any other necessary analytical work. The preparation of these studies would be contracted out by the respective municipalities/district governments and a competitive procurement process would be followed.

The ongoing SUIPP/SUIPP Additional Financing has supported technical studies for potential investments in Mogadishu and Garowe and is currently also supporting studies for Kismayo and Baidoa. In Mogadishu, studies are available for 17km of primary roads and 32km of secondary roads and associated drainage across 17 districts. In Garowe, studies are available for 2 bridges and 19 secondary roads. In Kismayo and Baidoa, feasibility studies are being undertaken for 50km of secondary roads and associated drainage and more detailed designs are being prepared for 10-15km of road in each city. This component will cover the preparation of any additional feasibility studies, engineering designs, safeguard instruments as well as other analytical work that may be required in any of these four cities.

**Sub-Component 1.2. Investment in Urban Infrastructure and Services.** This component will finance all costs associated with the implementation and supervision of infrastructure investments in cities where the necessary implementation readiness criteria are met. Cities can receive funding for priority infrastructure investments subject to the following:

- (i) A Project Implementation Unit (PIU) has been set up and continues to be maintained in the respective municipality/district government and is staffed with a Project Coordinator, Procurement Specialist, Financial Management Specialist, an Engineer and an Environment/Social Safeguard Specialist at a minimum<sup>1</sup> who are competitively selected.
- (ii) The necessary feasibility studies and preliminary designs for the prioritized infrastructure investments have been prepared and are to a standard acceptable to the World Bank.
- (iii) Any necessary safeguard documents have been prepared and are acceptable to the World Bank; and these have been publicly disclosed.
- (iv) There are no outstanding ineligible expenditures or any other fiduciary issues with prior investments implemented by the respective city.

<sup>1</sup> Other recommended staff in the PIU include Monitoring & Evaluation Specialists.

The list of infrastructure investments to be supported through this project have not been finalized but all investments would be selected by interfacing the top-down citywide technical assessment with a bottom-up participatory decision-making process using the criteria below:

- (i) *Critical investments that fill the existing urban infrastructure gaps.* The investments supported should be those that are critical needs in a city as identified by local governments and citizens and verified in feasibility assessments. The investments should help fill these existing basic infrastructure gaps.
- (ii) *Strategic investments that contribute to urban resilience.* The investment should be aligned with a broader strategic plan or vision of the city. This plan should focus on how to make the city more resilient.
- (iii) *Inclusiveness.* Investments identified should be as inclusive as possible, i.e. incorporate needs of the IDPs, returnees, refugees and host communities. The investments should be selected in a participatory manner in consultations with community representatives.
- (iv) *Maximizing development impact.* Investments should maximize development impact and return on investment, thus avoid small scale/piece meal investments.
- (v) *Coordination/complementarity with ongoing projects.* Investments should avoid overlap with ongoing government and development partner interventions and try to complement and build on these activities.
- (vi) *Labor intensiveness.* Investments should provide short term income generation opportunities for vulnerable groups.
- (vii) *Sustainability.* Investments should build in operations and maintenance measures to ensure that they were sustained over the long term.
- (viii) *Government visibility.* Investments should be visible to citizens and highlight the government's (both federal and state levels) lead in implementation so as to strengthen their legitimacy.

The exact infrastructure investments in individual subprojects will be determined during project implementation. However, based on the preliminary consultations with the Government, findings of urban assessments and feasibility studies undertaken in Kismayo, Baidoa, Garowe and Mogadishu, as well as the Drainage Masterplan and Road inter-connectivity study undertaken for Mogadishu, priority investments are likely to be (i) upgrading/rehabilitation of existing primary and secondary urban roads; (ii) drainage; (iii) pedestrian walkways; (iv) streetlighting; and (iv) bridges. Investments in roads are justifiable in that provision of basic services such as water supply are fully privatized in Somalia whereas private sector is unlikely to invest in roads, which are public goods. While the final list of infrastructure investments is not known across all four cities, there are some investments in Mogadishu and Garowe which can possibly be considered are the “quick win” subprojects as they can be implemented as the first batch of subprojects under SURP II. These candidate subprojects or have feasibility studies and preliminary designs already prepared, the detailed designs and site-specific environment and social instruments however have not yet been prepared as the final selection of subprojects is subject to change based on the final agreed funding allocations across the four cities. as the first batch of subprojects under SURP II.

## **Component 2: Institutional Strengthening and Analytics.**

This component will support various thematic TA and related analytics that will feed into the design of the TA. Possible TA activities include:

- **TA on Forced Displacement** – Any urban investments will result in increased land values. This in turn can trigger induced displacement of IDPs or informal settlers living in municipalities. To mitigate any such negative repercussions, the TA will support each

municipal/district government to develop sustainable solutions for the IDPs living in SURP II target cities. As local contexts vary across the 4 target cities, interventions will need to be tailored following close consultations with each local government and relevant stakeholders. Additional studies may also need to be undertaken depending on potential areas of support. In Mogadishu, idle public land is almost non-existent and there is a need to mobilize private land through creative means of land value capture or incentives for the private sector. In Baidoa, land is not an issue. The government has provided public land with security of tenure in peri-urban areas to resettle majority of the IDPs. The challenge is how to mobilize funds for services and social housing and encourage mixed use so as not to turn the area into a ghetto. The city is in the process of developing a Durable Solutions Strategy and will not know concretely what the priority needs are until it is finalized later in 2019. Kismayo faces a completely different challenge of accommodating a potential influx of a large number of returnees should the Kenyan government proceed to close the Dadaab camp. To this end, the project will undertake intensive consultations and necessary assessments during the first year of the project to define concrete activities that can be implemented in each of the target cities.

- **TA on Operation and Maintenance (O&M) of Urban Infrastructure** – Ensuring sustainability of project investments through proper O&M is essential yet rarely done well. Challenges are even greater in Somalia where the government has little capacity and resources. To this end, a TA to strengthen municipal government’s O&M from both technical and financial aspects will be supported starting with Mogadishu as a pilot. Specifically, the TA will help: (i) examine the status quo of major urban roads in Mogadishu and construct a road network inventory and condition database; (ii) examine BRA’s current budget allocated and spent on road maintenance and estimate the financing gap; and (iii) review and update the Mogadishu road maintenance plan prepared by BRA with innovative financing and technical measures and ensure the consideration of climate change impacts. Should the pilot prove successful, the TA will be scaled up to other target cities. This TA will pave the way for setting up a possible road maintenance fund in future phases of the project.
- **TA on Subnational Governance and Service Delivery** – Functional assignments pertaining to public service delivery across different tiers of government is ill-defined in Somalia. This is due to lack of clear legal frameworks as well as practical constraints where insecurity limits all levels of government’s sphere of control to urban areas. Added to this, lack of adequate capacity and resources constrain the local government to play any substantive role in public service delivery. Almost all services in urban areas are currently being provided by the private sector and the local government plays a nominal role if at all. This TA will take solid waste management as an entry point to help better define the role of the municipal government in service delivery and to help strengthen the local government’s ability to hold private service providers accountable. The benefits of helping the local government improve solid waste management are manifold: (i) better solid waste management prevents SURP II roads from getting damaged through clogged side drainage and excess water run-off; (ii) strengthening the local government’s capacity to monitor and hold the private service providers accountable can pave the way for the local government to better manage broader public services; (iii) solid waste is a highly visible problem in Somali cities, and the municipal governments seen as taking action will help boost their legitimacy; and (iv) it helps define what the role of the local government should be in public service delivery. The TA will be structured to include the support of facilitation of dialogue on climate change impacts between the city government, in order to achieve climate resilient cities, showing the climate change adaptation benefits. To further the discussion of inter-governmental functional assignment, the TA will also support the establishment of a “Mayors’ Forum” to provide a platform for bringing together mayors from different cities, allow for cross learning and facilitate a dialogue on key urban management

issues. This TA will be undertaken in close collaboration with the UN JPLG given the program's continued support to sub-national governance system strengthening.

### **Component 3: Project Management.**

This component will finance both the overall project management costs of the project as well as the capacity building of the project and municipal staff who will implement and manage the project. Specifically, this component will finance costs related to staffing of a Project Coordination Unit (PCU) located in a federal level line ministry such as the Ministry of Public Works as well as the PIUs at the municipal level in all target cities. The PCU will be staffed with an overall Project Coordinator, an Engineer, a Financial Management Specialist, an Environment/safeguard Specialist a Monitoring and Evaluation Specialist and other technical staff as needed. The PIUs will be co-located within the respective municipalities/district governments and will be staffed with a Project Coordinator, Financial Management Specialist, Procurement Specialist, Environment/social safeguard specialist, Engineer, and Monitoring and Evaluation Specialist. To ensure that the PIUs are fully integrated into the municipal/district government structure and to allow the civil servants to benefit from the project management experience as well as project-supported capacity building, each PIU staff will be partnered with counterparts from the municipal government.

Capacity building in engineering, financial management, procurement, environment/social safeguards, planning and budgeting, strengthening citizen engagement and any other capacities necessary will be provided to both PIU staff and municipal staff to fulfill their mandated roles to ensure appropriate project implementation. The contents of the capacity building will build on the institutional assessments of the municipalities undertaken under the SUIPP/SUIPP Additional Financing for Mogadishu, Kismayo, Garowe and Baidoa and will be provided through either a TA firm or Individual Consultants as deemed appropriate. The TA provision will focus on using on-the-job mentoring as well as classroom training.

This component will also support costs related to financial audits; social audits; implementation of a grievance redress and feedback mechanism (GRM) related to project activities; monitoring and evaluation of project activities including geo-enabled monitoring, Third-Party Monitoring, and impact evaluation.

**Component 4: Contingent Emergency Response.** This contingent emergency response component (CERC) would be included under the project in accordance with the World Bank Policy on Investment Project Financing dated November 10, 2017, Paragraph 12 and 13 for situations of urgent need of assistance, as a project-specific CERC. This will allow for rapid reallocation of project funds in the event of a natural or man-made crisis in the future, during the implementation of the project, to address eligible emergency needs under the conditions established in its operations manual. This component will have no funding allocation initially and will draw resources from the other expenditure categories at the time of activation. If an Immediate Response Mechanism (IRM) is established, this component will serve as an IRM CERC to allow the reallocation of uncommitted funds from the project portfolio to the IRM Designated Account (DA) to address emergency response and recovery costs, if approved by the World Bank.

### **1.3 Environmental and social benefits of SURP II**

SURP II is expected to bring about positive environmental impacts, such as: (i) improved air quality due to reduced traffic congestion; (ii) improved pedestrian safety with improved road surface; and (iii) reduced road flooding and reduced roadside erosion through drainage improvement. The project will also have positive social impacts, for example: (i) improved community accessibility to schools, health care centers, and other social amenities and livelihood activities; (ii) improved security and safety

through improved walkways and street lights; (iii) employment opportunities for the community through construction and maintenance of the municipal infrastructure; (iv) positive economic impacts on livelihood and local businesses; and (v) transfer of appropriate skills in urban infrastructure development and maintenance, benefiting both field workers and officers at the municipalities.

#### 1.4 Potential land use and anticipated resettlement impacts under SURP II

Because of the limited scale of individual subprojects and their moderate nature of rehabilitation/upgrading work on the existing Right of Way (ROW) of public roads, the need for land acquisition in SURP II subprojects will be minimum. However, due to the project's urban environment and Somalia's fragile socio-economic circumstances, it is likely that subproject will cause the following types of potential resettlement impacts (mostly minor, temporary and economic displacement with limited cases of physical displacement):

The Table below shows a description of the project components and activities in each municipality that have potential displacement impacts.

*Table 1: Project component and activities that may cause resettlement impacts*

Component	Activities likely to require land acquisition or restrict access to land	Potential Impact
Sub-Component 1.2. Investment in Urban Infrastructure and Services	<p>This sub-component will finance all civil works and consultancies associated with the implementation and supervision of infrastructure investments in cities where the necessary implementation readiness criteria related are met. Below is an overview of the proposed infrastructure investments across the four cities that have met the projects implementation readiness criteria and are eligible for funding for infrastructure.</p> <ul style="list-style-type: none"> <li>• <b>Mogadishu:</b> The construction of 11km of community roads in 10 districts of Mogadishu, and one urban road (Jaal Siyaad) about 3.7km has been prioritized as possible “quick win” candidate subprojects. Feasibility studies and preliminary designs for these roads have been completed under SUIPP and the community roads were selected through engagement with communities within the respective districts. To ensure proper road network and interconnectivity of the disjointed community roads within the city, BRA has also prioritized construction of additional 15.2km of interconnectivity roads. The preparation of feasibility studies, designs and bidding documents for these additional roads would need to be carried out under SURP II. Due to the perennial flooding problem in Mogadishu, BRA is also keen to implement the first phase of the Drainage Masterplan prepared through Bank support in December 2018 which would include the rehabilitation and construction of 6.5km of drainage.</li> <li>• <b>Garowe:</b> The construction of four urban roads has been prioritized as “quick win” candidate subprojects and feasibility studies and preliminary designs have been completed for the roads under SUIPP. These roads will serve areas where IDPs are living, the main Garowe</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary economic loss of businesses or vendors during the construction, who operate along the project roads, including vulnerable groups;</li> <li>• Damages to assets and structures such as walls, community latrines and septic tanks and graves that exist in the ROW;</li> <li>• Physical displacement of informal dwellers (including IDPs and returnees) who reside in the ROW of the roads;</li> <li>• Loss of vegetation and trees along the road alignment;</li> <li>• Access restrictions and temporarily impeded pedestrian</li> </ul>

	<p>hospital, and other social facilities. A multi-criteria analysis was used in prioritizing and ranking these roads using indicators such as road condition, traffic volume, access to socio-economic facilities, environmental and social impacts, and government/community priorities. Feasibility studies for the Garowe Hospital bridge was also completed under SUIPP but engineering designs are still required, this subproject will therefore be included in the second batch infrastructure investments supported under SURP II.</p> <ul style="list-style-type: none"> <li>• <b>Kismayo:</b> SUIPP AF is preparing feasibility studies and detailed designs for priority roads in Kismayo. Sixteen road sections of 32km have been prioritized in Kismayo based on a multi-criteria analysis. The analysis examined various indicators which included: road condition, traffic volume, number of beneficiaries, access to socio-economic facilities, benefits to IDPs, environmental and social impacts, and government/community priorities. Furthermore, roads that were identified as priority roads in the urban plan and those that link with other development partners' investments were prioritized. About 10 – 15km of prioritized roads depending on available funding can potentially be funded under SURP II. There are no “quick win” projects in Kismayo.</li> <li>• <b>Baidoa:</b> SUIPP AF is preparing feasibility studies and designs for priority roads in Baidoa. Eight road sections of about 22km have been prioritized in Baidoa based on the multi-criteria analysis as explained above. Given that Baidoa's population has almost tripled with the recent influx of IDPs, roads that contribute to the new IDP resettlement area and existing IDP settlements were given high priority. Furthermore, considerations have been given to ensure that SURP II financed roads are well aligned with the city's urban development plan and that they leverage other development partner funded roads to ensure inter-connectivity. About 10 – 15km depending on available funding can potentially be funded under SURP II. As in Kismayo, there are no “quick win” projects in Baidoa</li> </ul>	access
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Below are the resettlement impacts identified in the first subproject in Mogadishu under SURP, which will help understand the scale and nature of the economic and physical displacement to be anticipated under SURP II. This subproject in Mogadishu involves construction of 19 community roads (in total about 7.5km) in 7 districts for the period of 14 months. According to the abbreviated RAP, which has been prepared for this subproject covering all these community roads and currently under implementation, the resettlement impacts include:

- loss of 74 iron sheet structures that have encroached upon the ROW (48 kiosks, 15 homes, one kiosk cum home, 8 IDP latrines and 2 madrasas);
- loss of income for businesses and vendors operating along the roads (49 kiosks owners and 67 street vendors with portable wooden tables, selling mixed items including snacks, cigarettes and fizzy drinks). Overall income loss ranges from an average monthly income of USD 70 to USD 300.; and
- loss of 3 papaya trees.



## 2 RELEVANT LEGAL, REGULATORY AND INSTITUTIONAL FRAMEWORK

The Somali national laws are still being developed and at the moment there are many parts, including land related matters such as expropriation, which are going through the parliamentary processes. Notwithstanding this, in the current federal state system, the different levels of government (at federal, state and municipal levels) have developed laws that address land issues or reverted to laws that existed prior to the collapse of the Somali Democratic Republic.

### 2.1 NATIONAL LAWS

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

- Every person has the right to own, use, enjoy, sell, and transfer property;
- The state may compulsorily acquire property only if doing so is in the public interest;
- Any person whose property has been acquired in the name of public interest has the right to just compensation from the State as agreed by the parties or decided by a court.

The Constitution also addresses issues related to land in **Article 43**, which state:

- Land is Somalia's primary resource and the basis of the people's livelihood.
- Land shall be held, used and managed in an equitable, efficient, productive and sustainable manner.
- The Federal Government shall develop a national land policy, which shall be subject to constant review.
- No permit may be granted regarding the permanent use of any portion of the land, sea or air of the territory of the Federal Republic of Somalia. The Federal Parliament shall enact a law regulating the size, timeline and conditions of permits of land use.
- The Federal Government, in consultation with the Federal Member States and other stakeholders, shall regulate land policy, and land control and use measures.

### 2.2 MUNICIPALITY OF MOGADISHU LAWS

**Law Number 10<sup>2</sup>** of the Municipality of Mogadishu passed on 17/12/1980 deals with compensation related issues. **Article 15** states any building constructed without following the municipal due processes will be considered to be illegal. Section 1 of **Article 16** indicates in the fulfillment of community standards, the Mogadishu Municipality can order the demolition of illegally constructed structures, whether single structures or whole estates, once such a decision is reached by the District Councils' Permanent Committees. According to Section 2 of **Article 16** the demolition of illegally constructed structures can take place in the case of one or both of the following reasons:

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

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

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

<sup>2</sup>Presented in this document are translations of the Somali version

**Article 17**, Section 1 indicates the Mayor of Mogadishu has the authority to order the eviction of legally occupied land for the purpose of communal use. According to Section 2 of **Article 17** any party evicted as a result of section 1 of this Article is entitled to compensation of value similar to the property, and the same size of land shall be granted to the affected person. Section 3 of **Article 17** indicates that when compensation is offered, the following will be taken into account: whether the structure is in compliance with the law concerning land used for permanent or temporary purposes and if it is not built in accordance with the above law the structure will be considered illegal and the owner not qualified for compensation. Section 4 of **Article 17** states that the process to be followed in the acquiring of private property for communal purpose shall be in accordance with Section 12 of law number 28 of the Democratic Republic of Somalia passed on the 28<sup>th</sup> of May 1955. Section 5 of **Article 17** indicates the expropriation of property for the purpose of communal use, while taking Section 4 of **Article 17** into account, can only be used for communal purpose and not for private use.

### 2.3 PUNTLAND LAWS

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

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

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

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

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

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

- Where relocation cannot be avoided, displaced persons shall be meaningfully consulted throughout the entire project cycle individually and collectively, with a right to appeal, and receive the opportunity to participate in the project activities, and share the project benefits;
- The property or use rights of owners and users shall be registered;
- Compensation for any loss of private property, such as built structures, crops and trees, and for the type of any use rights, shall be determined at the time of relocation and paid before relocation commences;
- Compensation shall be according to the market value of the land and the property, or the interest therein of the claimant at the valuation date. The assessment of compensation is by an independent evaluator appointed by the Local Council or the General Works Sub-Committee; and
- The relocated persons shall be assisted in restoring their livelihoods and standards of living.

## 2.4 BAIDOA AND KISMAYO MUNICIPAL LAWS

In both project Municipalities, the main local legislation is the Local Government Law of the respective state as indicated by the State officials. However, the Local Government Law of South West State (for which Baidoa is the capital) has no reference to dealing with land ownerships or acquisitions<sup>3</sup>. The available information on this law includes local government responsibilities on land administration matters such as land registration, land taxes, conservation etc. Minor land disputes are usually resolved at locally established procedures administered through sharia or xeer law <sup>4</sup> If dispute is not resolved through local consultation, it is then escalated to the next levels, involving Land Committee, Mayor’s office and finally to the courts of Law.

## 2.5 WORLD BANK ESF REQUIREMENT ON RESETTLEMENT

World Bank’s Environmental and Social Standard ESS5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement) is applicable for land matters related to SURP II.

ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. It acknowledges that project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” 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.

The objectives of World Bank’s policy on project induced land matters are;

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.

<sup>3</sup> The details of the Local Government Law of Jubbaland (for which Kismayo is the capital) could not be identified during the RPF preparation process.

<sup>4</sup> Xeer addresses numerous aspects of land management with a focus on pastoral land use. 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.

- To avoid forced eviction.
- 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<sup>6</sup> 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.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- 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.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

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

- Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date;
- Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation<sup>5</sup>;
- 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.

## **2.6 GAP ANALYSIS BETWEEN COUNTRY LEGISLATIONS AND WORLD BANK SAFEGUARDS REQUIREMENTS**

This section compares the different laws from respective municipalities, Puntland, and the federal Government of Somalia with the World Bank's ESS5 on Resettlement. Specifically addressed are consultation requirements, eligibility for compensation, valuation method, grievance redress

<sup>5</sup> In some circumstances, it may be proposed that part or all of the land to be used by the project is donated on a voluntary basis without payment of full compensation. Subject to prior Bank approval, this may be acceptable providing the Borrower demonstrates that: (a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; (b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels; (d) no household relocation is involved; (e) the donor is expected to benefit directly from the project; and (f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land. The Borrower will maintain a transparent record of all consultations and agreements<sup>5</sup> reached. See ESS5, footnote 10.

mechanism, disclosure of information and the timing of compensation payments. For the SURP II, the Bank's ESS5 will take precedence over any of these other laws.

**Table 2: Comparative Gap Analysis of Somali Laws and Policies and World Bank Operational Policies**

Item	Somali Law/Policy	World Bank Requirements (ESS5)	Gaps	Gap filling measures
Consultation	Provisional Constitutions of Somalia (Article 43) call for consultation between the Mayor and the Planning Committee prior to the expropriation of private land.	Project Affected Persons (PAPs) facing physical or economic displacement persons must be meaningfully consulted to express their concerns and discuss ways to minimize impacts on affected communities. PAPs also should have opportunities to participate in planning and implementing resettlement programs	Somalia consultation mechanisms appear to prioritize government agencies, and may not adequately involve project affected persons	World Bank's ESS5 guidelines and RAP are to be followed
Compensation Eligibility	Provisional Constitution of Somalia states that 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 (Article 26).  Compensation is provided only for occupants of temporary structures.	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 (e.g.	Those without legal title to land, including squatters and encroachers, are eligible for only limited protection under Somali laws and policies	World Bank's ESS5 guidelines and RAP are to be followed

Item	Somali Law/Policy	World Bank Requirements (ESS5)	Gaps	Gap filling measures
	Affected persons are to be settled in suitable land and their eviction and settlement costs be paid for by the local government.	squatters, encroachers).  Types of losses to be compensated include physical and economic displacements and cover land, residential or commercial structures, and lost income caused by temporary or permanent economic displacement		
Valuation Method	According to Provisional Constitution of Somalia the affected persons have a right to be compensated as agreed by the parties or decided by a court (Article 26). However, it has no reference how the amount of compensation is determined. Discussion with Land Committee of Baidoa revealed that Community Action Plan prepared by project stakeholders will guide on land valuation.	Bank requires full replacement cost for all lost assets	Government methods may not ensure full replacement value.	World Bank's ESS5 guidelines and RAP are to be followed
Grievance Redress Mechanism	Somalia laws mention the right of the PAP to file their grievances with law courts, however, there is no clear redress mechanism	World Bank policy requires project-level grievance redress mechanism to cover resettlement and related compensation matters and operations.	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 and	World Bank's ESS5 guidelines and RAP are to be followed

Item	Somali Law/Policy	World Bank Requirements (ESS5)	Gaps	Gap filling measures
			should be used only as last resort.	
Information Disclosure	No specific requirement for disclosure of information	World Bank requires disclosure by Bank at its website, and simultaneous public in-country disclosure by clients' websites or other readily accessible public disclosure means. Information should be disclosed in language(s) understood by the PAPs and other stakeholders.	Somali law/policy provides insufficient measures to inform PAPs	World Bank's ESS5 guidelines and RAP are 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 information guidelines on or compensation schedule and establishment of a cut-off date	World Bank's ESS5 guidelines and RAP are to be followed
Vulnerable groups	Not addressed in Somali laws	The objective of World Bank ESS5 is to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.	Somali law/policy provides insufficient guidelines on vulnerable groups affected by projects.	World Bank's ESS5 guidelines and RAP are to be followed

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### 3 PRINCIPLES GUIDING RESETTLEMENT

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#### 3.1 Mitigation hierarchy to address resettlement under SURP II

This RPF is intended to ensure that any possible adverse land-related impacts of subproject activities are addressed through appropriate mitigation measures. These risks will be minimized by:

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

#### 3.2 Principles that guide resettlement under SURP II

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

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



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## 4 ELIGIBILITY CRITERIA AND ENTITLEMENTS

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### 4.1. General criteria for eligible PAPs

Paragraph 10 of ESS5 defines three categories of affected persons who are eligible for coverage under ESS5. While people in all three categories are entitled to assistance under ESS5, the nature of assistance may vary, as subsequent paragraphs of ESS5 clarify.

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

### 4.2. Disadvantaged/Vulnerable Groups eligible for special attention/assistance.

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

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

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

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

#### **4.3 Eligibility for Community Assets**

It is also important to note that the eligibility may be claimed collectively e.g. as a community or religious group and does not necessarily have to be individuals or families. Communities (on communal lands) that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, mosques, religious schools, cattle crushes/dips, weather stations, cottage/market places, off farm research demonstrations, community water pans.

#### **4.4. Methodology for Assets Valuation and Compensation**

Pursuant to ESS5, SURP II will provide timely compensation for loss of assets at replacement cost. Replacement cost 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. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons.

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

#### **4.5 Valuation of Compensation for Floricultural and Fruit trees**

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

**4.6 Entitlement matrix**

Table 3 below presents the matrix of entitlements for different types of resettlement or loss of incomes or assets. As appropriate, the matrix will be reviewed and updated during the project implementation to reflect the evolving fragile socio-economic local contexts of individual municipalities, while carefully maintaining the consistency with relevant requirements of ESS5.

**Table 3: Matrix of entitlements for different types of resettlement or loss of incomes or assets.**

<b>Asset</b>	<b>Type of Impact</b>	<b>Entitled Person (s)</b>	<b>Entitlement</b>
<b>Commercial<sup>6</sup> Land</b>	<b>No Displacement: Land used for business partially affected, limited temporary loss</b>	Owner	<ul style="list-style-type: none"> <li>• Compensation in cash at full replacement value for affected land</li> </ul>
		Tenant (including IDPs/Returnees)	<ul style="list-style-type: none"> <li>• Assistance with finding new rental/lease location if temporary or permanent move necessary.</li> <li>• Rent and deposit refund along with relocation assistance to cover moving costs.</li> </ul>
	<b>Displacement: Premise used for business severely affected, remaining area insufficient for continued use</b>	Owner	<ul style="list-style-type: none"> <li>• Land for land replacement with land of equivalent size and market potential; or compensation in cash at full replacement value according to PAP's choice.</li> <li>• Assistance in finding new location.</li> </ul>
		Tenant (including IDPs/Returnees)	<ul style="list-style-type: none"> <li>• Cash compensation equivalent to 1 month of net income based on estimates from comparable businesses.</li> <li>• Assistance in finding new rental/lease location.</li> <li>• Relocation assistance including 1-month rental assistance and coverage of moving costs to re-establish the business.</li> <li>• Livelihood restoration assistance if required (assistance with job placement, skills training)</li> </ul>
<b>Residential Land</b>	<b>No Displacement Land used for residence partially affected, and/or limited temporary loss, and the remaining land remains viable for present use</b>	Owner	<ul style="list-style-type: none"> <li>• Compensation in cash at full replacement value for affected land</li> </ul>
		Tenant	<ul style="list-style-type: none"> <li>• Assistance with finding new rental/lease location if temporary or permanent move necessary.</li> <li>• Rent and deposit refund along with relocation assistance to cover moving costs.</li> </ul>
	<b>Displacement: Premise used for residence severely</b>	Owner	<ul style="list-style-type: none"> <li>• Land for land replacement with land of equivalent size and market potential; or compensation for full replacement value in cash according to PAP's choice.</li> <li>• Assistance with finding new land.</li> </ul>

<sup>6</sup> Due to the nature and the urban environment of the project, no impact on agricultural land is anticipated. However, in the unlikely event where subprojects will cause any resettlement impacts on agricultural land, the RAP will address such impacts and provide appropriate compensation measures pursuant to ESS5 and applicable national requirements.

	<b>affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning law/s.</b>	Tenant	<ul style="list-style-type: none"> <li>• Rent for two months and deposit refund along with relocation assistance to cover moving cost.</li> <li>• Assistance with finding new rental/lease location.</li> </ul>
		Informal dwellers (including IDPs/Returnees)	<ul style="list-style-type: none"> <li>• No compensation for land (see below compensation/assistance for affected buildings and structures of informal dwellers)</li> <li>• Assistance with finding new rental/lease locations.</li> <li>• Relocation assistance to cover moving cost.</li> </ul>
<b>Buildings and Structures</b>	<b>No Displacement: Structure partially affected, but the remaining premise remains viable for continued use</b>	Owner	<ul style="list-style-type: none"> <li>• Like for like replacement or cash compensation for affected structure per PAP's choice.</li> <li>• Restitution work or cash assistance to cover cost of restoration of the remaining structure per PAP's choice.</li> </ul>
		Tenant	<ul style="list-style-type: none"> <li>• Cash compensation for affected assets (any verifiable improvement to the property) and disturbance compensation equivalent to 1 month's rent.</li> </ul>
	<b>Displacement Entire structure affected OR Structure partially affected but the remaining structure is not suitable for continued use</b>	Owner	<ul style="list-style-type: none"> <li>• Cash compensation at full replacement cost for the entire structure and other fixed assets without depreciation, or construction/provision of alternative structure which is acceptable to the PAP.</li> <li>• Right to salvage material without deduction from compensation.</li> <li>• Relocation assistance to cover moving cost</li> </ul>
		Tenant	<ul style="list-style-type: none"> <li>• Cash compensation for any verifiable improvement to the property, rent and deposit refund.</li> <li>• Relocation assistance to cover moving cost</li> <li>• Right to salvage material without deduction from compensation.</li> </ul>
		Street vendors	<ul style="list-style-type: none"> <li>• Cash compensation equivalent to 1 month of net income based on estimates from comparable businesses.</li> <li>• Right to salvage material without deduction from compensation.</li> <li>• Relocation assistance to cover moving cost.</li> </ul>
		Informal dwellers (including IDPs/Returnees)	<ul style="list-style-type: none"> <li>• Provide arrangements to allow them to obtain adequate housing with security of tenure.</li> <li>• Where these displaced persons own structures, compensation for the loss of assets other than land, such as dwellings and other improvements to the land, at replacement cost.</li> </ul>

			<ul style="list-style-type: none"> <li>Based on consultation with such displaced persons, relocation assistance in lieu of compensation for land sufficient for them to restore their standard of living at an adequate alternative site will be provided.</li> </ul>
<b>Trees</b>	<b>Cut/uprooted (loss of timber or fruit)</b>	All PAPs	<ul style="list-style-type: none"> <li>Cash compensation for full replacement market value of the produce of one tree for two years, assistance in establishing replacement trees</li> </ul>
<b>Standing crops</b>	<b>Crops affected by land acquisition or temporary acquisition or easement</b>	All PAPs	<ul style="list-style-type: none"> <li>Cash compensation equivalent to average of last 3 years of market value for the mature and harvested crops</li> </ul>
<b>Business</b>	<b>Loss of Access</b>	All PAPs	<ul style="list-style-type: none"> <li>Cash compensation equivalent to 50% of net monthly income based on estimates from comparable businesses for length of time access is lost (temporary loss of access) or up to three months' income (permanent loss of access).</li> <li>Assistance to help find alternative temporary or permanent locations to re-establish business.</li> <li>Right to salvage material without deduction from compensation.</li> <li>Livelihood restoration assistance if required (assistance with job placement, skills training).</li> </ul>
<b>Community building</b>	<b>Temporary loss of access</b>	All PAPs	<ul style="list-style-type: none"> <li>Cash compensation to cover up to one month public transportation cost to the nearest same facility in the town/city.</li> </ul>
	<b>Displacement</b>	Owner	<ul style="list-style-type: none"> <li>Like for like structure replacement or cash compensation at full replacement cost for the entire structure and other fixed assets without depreciation, or alternative structure which is acceptable to the PAP.</li> <li>Right to salvage material without deduction from compensation</li> <li>Relocation assistance to cover moving cost.</li> <li>Assistance with finding new location</li> </ul>
		Tenant	<ul style="list-style-type: none"> <li>Cash compensation at full replacement cost for any verifiable improvement to the property.</li> <li>Rent and deposit refund.</li> <li>Relocation assistance to cover moving cost</li> <li>Assistance with finding new location</li> </ul>

<b>Vulnerable Groups</b>	<b>Any of above impacts</b>	<p>May include:</p> <ul style="list-style-type: none"> <li>•Widows/Female headed households;</li> <li>•Single women dependent on sons, brothers, or others for support;</li> <li>•Elderly;</li> <li>•Persons with disabilities;</li> <li>•Persons living with HIV/AIDS or other debilitating illnesses;</li> <li>•Internally displaced persons (IDPs), refugees or returnees, living by themselves as a group or with host families;</li> <li>•Orphans and/or street children;</li> <li>•Socially or economically marginalized groups</li> </ul>	<p>Any of the following measures if needed:</p> <ul style="list-style-type: none"> <li>• Additional assistance for finding replacement land, housing, places of business and for moving (temporarily or permanently)</li> <li>• Additional assistance for new land to be cleared or structures to be built</li> <li>• Additional livelihood restoration support</li> <li>• Psychosocial counseling to adjust to physical or economic displacement</li> </ul>
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## **5 PROCESS FOR SCREENING, PREPARING AND APPROVING RAPS**

### **5.1 SCREENING**

The preparation of sub-project RAPS will begin with screening. This is done to identify the land/ areas that may result in resettlement impacts, types and nature of potential impacts and to provide adequate measures to address them. This process will ensure that PAPs are:

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

The screening process will be led by the implementing municipalities and will be conducted with full participation and consultation with PAPs. If the screening process indicates a need for resettlement, then a socio-economic survey, census and land asset inventory to determine the extent of resettlement required will be conducted and followed by the preparation of RAP for each sub-project.

### **5.2 DISPLACEMENT PRIOR TO PROJECT APPROVAL**

Forced displacement of IDPs, who fled from drought and violence and have settled on idle private or public lands in Somali cities, is rampant especially in urban centers including Mogadishu where land is scarce and land values are high<sup>7</sup>. If unmitigated, there are risks that subprojects under SURP II inadvertently involve areas where such forced displacement of IDPs have been conducted. To avoid such risks, if forced displacement were conducted in the right of way (ROW) of project roads (or any other project-financed infrastructure) before board approval of SURP II and after March 31, 2019 (which is the official start date of SURP civil work), relevant ESS5 requirements will be applied retroactively<sup>8</sup>.

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

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

If the ESF requirements cannot be satisfied retroactively, the Bank will not be able to support the roads (or any other project-financed infrastructure) where forced displacement took place.

### **5.3 CENSUS OF PROJECT AFFECTED PERSONS**

Following the screening, a census of PAPs will be conducted to determine their number and record their socio-economic profile prior to the beginning of civil works. This information will be used to measure the magnitude of the impacts on PAPs and for future monitoring. A cut-off date will be publicly

<sup>7</sup> The TA component of SURP II on Displacement and Durable Solutions will address this issue through building the capacity of municipal/district governments to develop sustainable solutions for the displaced. The TA could also contribute to the broader discourse on Durable Solutions in Somalia by exploring alternative means for tenure security as well as livelihood opportunities for the displaced. This TA would be implemented in close coordination with other programs focusing on forced displacement issues.

<sup>8</sup> This requirement forms part of the ESCP for SURP II.



announced to indicate the beginning of the census. The cut-off date will be announced in community centers; posters will be displayed in visible congregation areas (subject to overriding security concerns); and will be published in local newspapers. Information to be collected will at least include: personal details of PAPs including family members and the monthly income generated from the ongoing economic activities before the census. A sample census questionnaire is provided in Annex 2.

#### 5.4 CUT-OFF DATE

Cut-off date is the date of commencement of the census of PAPs within the project area boundaries. Cut-off dates are essential in the process of drawing up lists to ensure that ineligible persons do not take the opportunity to claim eligibility. The cut-off date for this project shall be determined by the PIU with in consultation with relevant traditional authorities, as appropriate. Those who encroach on the project area after cut-off date are not eligible for compensation and assistance under this RPF, provided that the cut-off date has been clearly established and made public.

#### 5.5 PREPARATION AND IMPLEMENTATION OF RAPS

The preparation and implementation of subproject-specific RAPS will be carried out by the PIU, and led by the PIU's safeguard specialist, who, depending on available funding, may rely on outside consultants for assistance. The schedule for the implementation of individual RAPS will be determined once subproject sites have been identified. The schedule will be prepared based on the principles of this RPF, and must be agreed between the PIU, relevant municipality and/or other government jurisdiction, and affected PAPs as outlined in the Somali laws and World Bank ESF requirements. 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 homestead affected. Table 3 below summarizes the content of a RAP (More details are provided in Annex1).

**Table 4: Contents of a RAP (ESS5)<sup>9</sup>**

- |  |
|--|
| <ul style="list-style-type: none"> <li>• Description of project and its potential impact</li> <li>• Objectives</li> <li>• Census survey and baseline socioeconomic studies.</li> <li>• Legal Framework</li> <li>• Institutional framework.</li> <li>• Eligibility</li> <li>• Valuation of and compensation for losses</li> <li>• Community Participation</li> <li>• Implementation Schedule</li> <li>• Costs and Budgets</li> <li>• Grievance Redress Mechanism</li> <li>• Monitoring and Evaluation</li> <li>• Arrangement for adaptive management</li> <li>• Additional planning requirements where resettlement involves physical displacement (transitional assistance, site selection, site preparation, and relocation, housing, infrastructure, and social services, environmental protection and management, consultation on relocation arrangements, and Integration with host populations)</li> <li>• Additional planning requirements where resettlement involves economic displacement (Direct land replacement, Loss of access to land or resources, Support for alternative livelihoods, Consideration of economic development opportunities, and transitional support)</li> </ul> |
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<sup>9</sup> This table is prepared consistent with ESS5 annex 1

## **5.6 REVIEW AND APPROVAL OF RAPs**

Once the draft is completed, the RAP will be submitted to the implementing agency (municipality) and the World Bank for review and approval. Individual RAPs will be translated into local language (Somali), disclosed and implemented, following the review and clearance.

## 6 IMPLEMENTATION SCHEDULE AND COSTS & ARRANGEMENTS

### 6.1 IMPLEMENTATION SCHEDULE

Each subproject will prepare an individual implementation schedule, which will be included in the RAP to ensure the consistency and the right sequence of investment activities and the resettlement process. The RAP will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, commencement of civil works and post relocation economic and social activities. The plan will include a target date when the expected benefits for resettled persons and host community, if relevant, would be provided. Arrangements for monitoring of implementation of the resettlement and evaluating its impact will be developed during the preparation of individual RAPs implementation schedules. Target dates for achievement of expected benefits to resettled persons and hosts will be set and the various forms of assistance to the resettled persons will be disseminated to them. While works may begin on portions of subproject sites where there is no resettlement or compensation, no works may begin on those portions where physical or economic displacement will occur until all relocation of people and structures and related compensation have been completed.

### 6.2 IMPLEMENTATION BUDGET

The RAP will include an itemized budget for the implementation of resettlement activities including compensation. At the project preparation stage where the RPF is prepared, the exact number of people who may be affected cannot be determined since all the sub-projects have not been fully identified. As such, it is not possible to provide an estimate of the budget required to cover the total cost of resettlement that will result from the implementation of SURP II. The budgets will cover resettlement activities including compensation cost for affected assets such as buildings, fruit trees, and loss of access. Funds for the preparation and implementation of the RAP will be financed through SURP II while funding for compensation will be provided by the local government. Adequate budget for stakeholder engagement will be also allocated from the overall project cost of SURP II, which will include cost for organizing meetings, workshops and training, hiring of staff, field visits to subproject locations, translation and printing of relevant materials and operating GRMs. The cost for environmental and social mitigation measures at construction sites (other than cost for resettlement) will be integrated into the construction cost and will be borne by the contractor. The costs of preparation of the RPF including capacity building and consultations are estimated to be 150,000USD. Table 5 provides a sample template for budgeting.

*Table 5: Sample Template Budget for a RAP*

	Amount or number	Total estimated cost	Agency responsible
<b>Asset acquisition</b>			
Land			
Structure			
Crops and economic trees			
Infrastructure			
<b>Land Acquisition and preparation</b>			
Land			
Structures			
Crops and other			
Community Infrastructure			
<b>Relocation</b>			
Transfer of possessions			
Installation costs			
<b>Economic rehabilitation/livelihood restoration</b>			
Training			
Capital Investment			
Technical Assistance			

<b>Stakeholder Engagement (consultation, disclosure, GRM etc.)</b>			
<b>Monitoring</b>			
<b>Contingencies</b>			
<b>TOTAL</b>			

### 6.3 IMPLEMENTATION ARRANGEMENTS

SURP II will be implemented on behalf of the FGS by Mogadishu, Garowe, Baidoa, and Kismayo municipalities in their respective cities. The Federal government will provide overall oversight through a dedicated Project Coordination Unit (PCU). The municipalities will have overall responsibility for project implementation in their respective cities. PIUs have already been established<sup>10</sup> within all municipalities under the SUIPP and they report to their respective Mayors. The PIUs are staffed with a Project Coordinators, Procurement Specialists, Finance Specialists, Project Engineers, Environment and Social Safeguard Specialists and M&E Specialists. The Environmental and Social Specialist will take the lead in management of resettlement issues. All these positions will be competitively recruited. The PIUs will have project management responsibility, coordinating overall project implementation, ensuring the timely availability of fund transfer to contractors, implementing the relevant safeguard instruments including the RPF and RAPs and ensuring continuous community outreach and consultation, monitoring and evaluating program implementation and impacts, developing and implementing the GRM and reporting results to various stakeholders. The PIUs will be supported by engineering supervision agents who will be responsible for monitoring the contractors of the civil works. The PIUs will also be supported by an independent Monitoring Agent to provide monitoring support of subprojects. Table 5 below presents the summary of institutions and their responsibilities for management of resettlement impacts.

*Table 6: Institutional Roles and Responsibilities*

<b>Institution</b>	<b>Responsibility</b>
Mogadishu, Garowe, Kismaiyo and Baidoa municipalities	<ul style="list-style-type: none"> <li>• Overall coordination and supervision of SURP phase II</li> <li>• Payment of compensation</li> </ul>
Project Coordination Unit at the federal level	<ul style="list-style-type: none"> <li>• Capacity support to the PIUs in safeguards implementation and monitoring</li> </ul>
PIUs in each municipality supported by engineering and supervision consultant	<ul style="list-style-type: none"> <li>• Stakeholder engagement in and near project sites</li> <li>• Supervision of all safeguard activities, including preparation and implementation of RAPs</li> <li>• Internal monitoring and Evaluation of resettlement and compensation activities</li> </ul>
Compensation Committees in each municipality	<ul style="list-style-type: none"> <li>• Determination of asset or income losses incurred by PAPs and their valuation</li> </ul>
Grievance Redress Committees (GRCs) in each municipality	<ul style="list-style-type: none"> <li>• Responsible for receiving and addressing project-level grievances, except for those under appeal or needing specific PIU intervention.</li> <li>• Reporting back to PIU and community on GRM performance</li> </ul>
Third party monitoring agent/auditor	<ul style="list-style-type: none"> <li>• External Monitoring &amp; Evaluation of resettlement and compensation activities including the preparation of completion audit.</li> </ul>

<sup>10</sup> The establishment of PIUs for Baidoa and Kismayo is currently underway. They will be fully staffed and adequately trained before the start of developing subprojects in respective municipalities.

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## **7 CONSULTATION AND DISCLOSURE ARRANGEMENTS**

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### **7.1 PREPARATION AND IMPLEMENTATION PHASE**

The PIU will ensure inclusivity of all targeted PAPs at all levels of the resettlement activities. The PAPs will be consulted through meetings at district level and neighbourhood level to provide preliminary accurate data relevant to resettlement. Information about the project, will be shared in a local language. Furthermore, data about socio-impacts of the sub-projects and the proposed mitigation measures to address resettlement and other key impacts will be disclosed to local newspapers and local radio stations and other media, where applicable.

During implementation, the PAPs will need to be informed about their rights and options for compensation/assistance, at which point they will have their say and discuss matters that need clarification. Where applicable, cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

### **7.2 MONITORING AND EVALUATION PHASE**

The PAPs representatives will participate in the project completion workshops (annual, mid-term and end term), to give their evaluation of the impacts of the project. They will also suggest corrective measures, which will be used to improve implementation of other sub-projects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise. More details of stakeholder engagement under SURP II, including consultation strategy and disclosure of information, are presented in the SEF.

### **7.3 SUMMARY OF STAKEHOLDER ENGAGEMENT ACTIVITIES**

For SURP I, stakeholder consultations were carried out in Mogadishu and Garowe where municipality staff, district officials and representatives from villages, women, youth, and business groups, and peace committee members were attended.

For SURP II, stakeholder meetings involving both the Government stakeholders and community representatives were held in Kismayo and Baidoa on the 19 February 2019 and 24 February 2019 respectively. The meeting participants included State Ministries and government institutions representatives, Municipality officials, community action group members, IDPs and local associations representatives including the members of women groups. The purpose of the meetings in these new municipalities was to introduce SUIPP AF / SURP II projects, to discuss the roads selections for feasibility studies and engineering designs, environmental and social issues including resettlement, and to share the plans for project activities implementation. The participants actively engaged in the project discussions and assured their support to the project development and implementation. In April and May, another round of public consultations was organized in Kismayo and Baidoa on the draft RPF and other instruments prepared for SURP II with a wide range of stakeholders including vulnerable groups.

Also, in the month of July and August 2019, public consultations were conducted in Mogadishu and Garowe to discuss and validate the draft RPF and other instruments for SURP II. Stakeholders consulted in these cities included municipality staff, district officials and representatives from villages, women, youth, business groups, peace committee members and other vulnerable groups including IDPs. The final RPF and its translation will be disclosed in the country and at the World Bank website before appraisal.

### **7.4 ISSUES RAISED DURING RPF CONSULTATIONS**

During the consultation participants raised several concerns and wanted more elaboration on the information they were given. Issues discussed include (i) project design; (ii) project timelines; (iii) RAP

process; (iv) compensation and assistance measures (eligibility, valuation, timing of payment); and (v) grievance mechanism. Below is a summary of the issues raised on land acquisition and resettlement during consultations in the municipalities, which will be taken into consideration during the project implementation. For more details, see Annex 5.

- 1) Presence of utility lines haphazardly installed under the road with no mapping and causing hindrances to the progress of the road works. Water companies requesting cash compensation in addition to municipal tax and construction fee waiver already provided by BRA. Utility companies need to resolve the issue of water pipes beneath the roads immediately and prior to site possession by contractor and grant of proceed to work.
- 2) Compensation for loss of income and temporary roadside structures applauded by community members in SURP II district indicating it was first time they have experienced or heard of this measure.
- 3) District commissioners in SURP II districts made aware of Bank's Safeguards Standards as it relates to forced evictions and the consequences of such actions.
- 4) Mogadishu mayor highlighted the need to follow Bank's standards giving the example of Madbacada Road where things have been put on hold till the issue of residential iron sheet structures is resolved by finding alternative accommodation for the PAPs.
- 5) District commissioners volunteering to clear the roads (forced eviction) made aware of the Bank's Safeguards Standards and the consequences and risks associated with such activities.
- 6) Key stakeholders in Kismayo and Baidoa highlighted existing legal and institutional frameworks and local practices relevant to the management of land and resettlement issues, including land titling, valuation, compensation and grievance redress.

## 8 GRIEVANCES REDRESS MECHANISMS

### 8.1 GENERAL PRINCIPLES

SURP II will establish a grievance mechanism that addresses concerns of stakeholders promptly and effectively and in a transparent manner. It should be culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. The mechanism will not prevent access to judicial or administrative remedies. The project-affected parties will be informed about the grievance process in the course of its community engagement activities. The summary of registered grievances and actions taken will be also made public. Handling of grievances will be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed. Individuals who submit their comments or grievances may request that their name be kept confidential.

Grievance channel. Any comments and grievances regarding SURP II can be submitted through the following channels (the grievance channel for Baidoa and Kismayo will be determined, once the GRMs are established during the project implementation.):

Grievance Channel	Mogadishu	Garowe	Baidoa	Kismayo
Email address	<a href="mailto:SURPGRC@gmail.com">SURPGRC@gmail.com</a>	<a href="mailto:Mgure.suipp@plstate.so">Mgure.suipp@plstate.so</a>	TBC	TBC
Telephone number	+252-612357777	+252-(0)907-747496 +252-(0)907-790575	TBC	TBC

### 8.2 APPEAL PROCESS

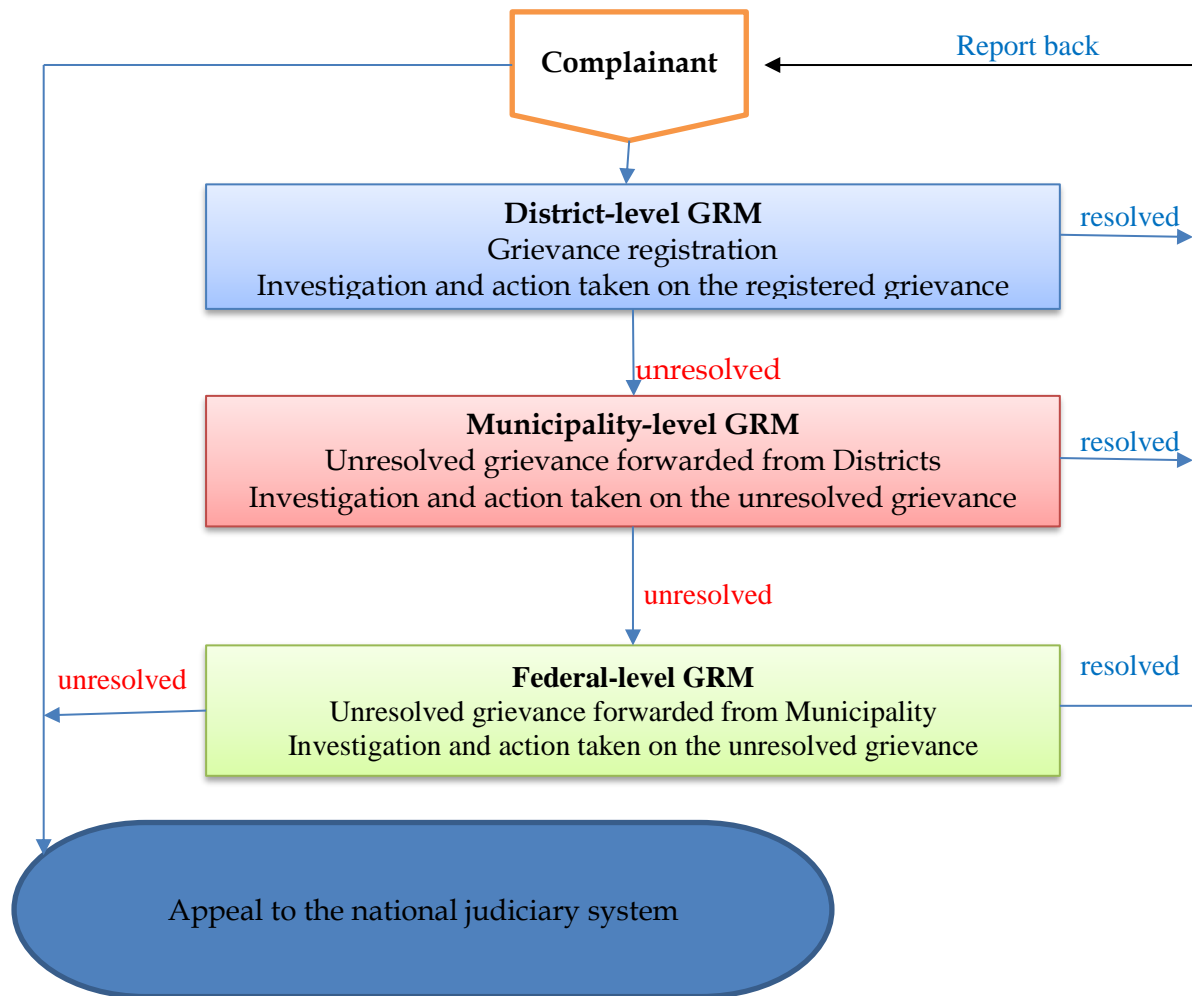
SURP II will have three-tier grievance systems in place at district, municipality and federal levels, as illustrated in the following flow chart. The indicative members of each grievance committee are presented below. The aggrieved person has always the option to resort to national judiciary system.

- a) District-level GRM (Tier 1 GRM)<sup>11</sup>: A grievance and resettlement redress committee (GRC) will be established in each project district of SURP II, which will consist of representatives from the district's women and youth groups, elders, religious leaders, representatives from the project affected persons, and the representatives of the municipality (For Mogadishu, the deputy district commissioner for social affairs. For Garowe, the director of social affairs department, director for public works departments and the executive secretary of the municipality). The mechanism will take into consideration the existing traditional practices which would be the most logical form of justice for the majority of Somalis. The district-level GRM will be attended by the contractor where relevant, and supported by PIU and the engineering and supervision consultant as appropriate.
- b) Municipality-level GRM (Tier 2 GRM): The municipal-level GRM will address unsolved grievances at the district-level GRM. The municipal-level GRC will be comprised of the representatives of each municipality (For Mogadishu, the Deputy Mayor for social services. For Garowe, the Mayor.), the PIU, the engineering and supervision consultant, and the representatives of the aggrieved persons/communities.
- c) Federal-level GRM<sup>12</sup> (Tier 3 GRM): The federal-level GRM will address unsolved grievances at the municipality level, which may require higher-level solution or common issues across municipalities participating in SURP II. The federal-level GRC will be formed by the Project

<sup>11</sup> Depending on the administrative structure of the municipality, the Tier 1 GRM may be established at municipality level and the Tier 2 GRM at state-level.

<sup>12</sup> The role of the PCU at federal level is still under consideration and subject to change. The establishment of the Federal-level GRM (Tier 3 GRM) will be determined during the project implementation.

Coordination Unit (PCU) at the Ministry of Public Work, representatives of relevant municipalities, and other relevant federal ministries and agencies.



### 8.3 GRIEVANCE MANAGEMENT PROCESS

SURP II will aim to address grievances with the following steps and indicative timelines:



	Steps to address the grievance	Indicative timeline*	Responsibility
1	Receive, register and acknowledge complaint in writing.	Within one day	District GRC supported by PIU/engineering and supervision consultant
2	Screen and establish the basis of the grievance; Where the complaint cannot be accepted (for example, complaints that are not related to SURP II), the reason for the rejection should be clearly explained to the complainant.	Within three days	District GRC supported by PIU/engineering and supervision consultant
3	GRC to consider ways to address the complaint.	Within three days	District GRC supported by PIU/engineering and supervision consultant
4	Implement the case resolution or the unsatisfied complainant can seek redress with the appeal process.	Within three days	District GRC or Municipal GRC/Federal GRC in case of appeal.
5	Document the grievance and actions taken and submit the report to PIU.	Within three days	District GRC supported by PIU/engineering and supervision consultant
6	Elevation of the case to a national judiciary system, if complainant so wishes.	Anytime	The complainant
* If this timeline cannot be met, the complainant will be informed in writing that the GRC requires additional time.			District GRC supported by PIU/engineering and supervision consultant

#### 8.4 MANAGEMENT OF RESETTLEMENT RELATED GRIEVANCES

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

The overall process of grievance handling is as follows:

- a) Compensation committees including representatives of PAPs will establish the compensation rates.
- b) During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances/sensitization of PAPs.
- c) The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases. See the SEF of SURP II for grievance redress form.
- d) The project will allow the use of a local mechanism, which includes peers and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost.
- e) The response time will depend on the issue to be addressed, but the indicative timeline will be provided.
- f) Compensation will be paid to individual PAPs only after a written consent of the PAPs is received, including both husband and wife (and children where relevant). Should a PAP decline the compensation suggested, he/she will have the option to register grievances to the grievance committee.
- g) A Compensation Committee (CC) and the grievance committee at the district level will first review his/her case.

- h) When these have failed to resolve the grievance, the individual PAP has the right to take his case to appeal the next level GRM (municipality/state level or federal levels, depending on the municipality) or the civil courts for litigation.

### **8.5 Lessons learned from SURP**

In order to deal with the grievance that may rise during the implementation of the RAP, it is important to include PIUs and PAPs representatives in the grievance redress processes. This will enable the project to promptly address the complaints and help provide solutions, and reduce unnecessary litigation by resolving disputes through mediations.

A few lessons learnt from GRMs under SURP in Mogadishu and Garowe include the need for addressing complaints raised by the contractor; the need for having a second grievance register at the PIU office to better track the progress of the grievance redressal; the need for utility companies to resolve the utility lines within ROW prior to site possession by contractor and grant of proceed to work and better management of grievances related to unexpected damages to community assets. These lessons will be used to improve the functionality of GRMs under SURP II.

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## 9 MONITORING AND EVALUATION

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During the implementation of the RAP, both an internal and an external resettlement monitoring and evaluation (M&E) will be carried out to ensure all PAPs are adequately compensated. The internal resettlement monitoring will be carried out by the Project M&E Specialist. For external resettlement M&E, an independent agency will be contracted. A monitoring plan will be developed to assess whether the goals of the compensation plan are being met. The local government will facilitate coordination of information collation such as surveys and supervise documentation in accordance with set procedures. Funds for external monitoring will be covered through Project budget. Financial records will be maintained by the Project Finance Specialist and the finance department of the local government. The following parameters and verifiable indicators will be used to measure compensation plans performance. Where applicable, these parameters/indicators will be disaggregated to measure the relevance to women and other vulnerable groups:

- Collection and storage of census data into a database for comparative analysis;
- Number of PAPs physically or economically displaced by each sub-project;
- Number of impacted residents employed by the project;
- Timing of compensation in relation to commencement of physical works;
- Compensation amount paid to each PAP;
- Number of people raising grievances and reached resolutions;
- All relevant items in the entitlement matrix will be monitored; and

Consultations held. Both internal and external monitoring reports will be used to assess whether any changes should be made to the implementation of the RAP. The sub-project team and the PIU should meet after each monitoring exercise to consult over M&E findings.

### 9.1 INTERNAL MONITORING

Internal monitoring will be conducted by the M&E Specialist member of the PIU to measure progress against milestones set in the RAP. The sub-project team will also be involved in conducting its own monitoring. The M&E Specialist will write monthly reports to monitor the impact of the Project. The following specific items will need to be monitored:

- PAP notification and holding adequate community consultation;
- Census of all PAPs and socio-economic survey have been carried out;
- RAP has been prepared, cleared and disclosed;
- Compensation has been carried out in accordance with the RPF; and
- All grievances have been recorded and addressed.

### 9.2 EXTERNAL MONITORING

Each local government will engage a third party to undertake regular audits and monitor to evaluate socio-economic conditions of the PAPs against the baseline data collected before RAP. This external independent monitoring, to be undertaken twice a year, will allow corrective actions to be carried out when/where it is necessary. The role of the external M&E will be defined in a ToR to be approved by the World Bank. At a minimum this ToR will include the following:

- Review and make recommendations on the gaps in RAP implementation;
- Track progress towards the completion of critical actions as defined in the RAP;
- Validate the internal monitoring data and make recommendations regarding internal monitoring;
- Track progress towards the completion of corrective actions arising from internal monitoring; and
- Complete and report on audits at defined intervals.

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## ANNEXES

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### ANNEX 1: RAP OUTLINE <sup>13</sup>

#### Resettlement plan

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.

#### Minimum elements of a resettlement plan

1. **Description of the project.** General description of the project and identification of the project area.
2. **Potential impacts.** Identification of:
  - a. the project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;
  - b. the zone of impact of such components or activities;
  - c. the scope and scale of land acquisition and impacts on structures and other fixed assets;
  - d. any project-imposed restrictions on use of, or access to, land or natural resources;
  - e. alternatives considered to avoid or minimize displacement and why those were rejected; and
  - f. the mechanisms established to minimize displacement, to the extent possible, during project implementation
3. **Objectives.** The main objectives of the resettlement program.
4. **Census survey and baseline socioeconomic studies.** The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions:
  - a. identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
  - b. information on vulnerable groups or persons for whom special provisions may have to be made;
  - c. identifying public or community infrastructure, property or services that may be affected;
  - d. providing a basis for the design of, and budgeting for, the resettlement program;
  - e. in conjunction with establishment of a cutoff date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and
  - f. establishing baseline conditions for monitoring and evaluation purposes. As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey:
    - g. land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local

<sup>13</sup> Extracted from ESS 5 annex 1

- recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- h. the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and
  - i. social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
5. **Legal framework.** The findings of an analysis of the legal framework, covering:
- a. the scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
  - b. the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
  - c. laws and regulations relating to the agencies responsible for implementing resettlement activities; and
  - d. gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps.
6. **Institutional framework.** The findings of an analysis of the institutional framework covering:
- a. the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
  - b. an assessment of the institutional capacity of such agencies and NGOs/CSOs; and
  - c. any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.
7. **Eligibility.** Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cutoff dates.
8. **Valuation of and compensation for losses.** The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.
9. **Community participation.** Involvement of displaced persons (including host communities, where relevant):
- a. a description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
  - b. a summary of the views expressed and how these views were taken into account in prepare the resettlement plan;
  - c. a review of the resettlement alternatives presented and the choices made by displaced person regarding options available to them; and
  - d. institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
10. **Implementation schedule.** An Implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The

schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

11. **Costs and budget.** Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
12. **Grievance redress mechanism.** The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
13. **Monitoring and evaluation.** Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.
14. **Arrangements for adaptive management.** The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes. Additional planning requirements where resettlement involves physical displacement
15. When project circumstances require the physical relocation of residents (or businesses), resettlement plans require additional information and planning elements. Additional requirements include
16. **Transitional assistance.** The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.
17. **Site selection, site preparation, and relocation.** When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering:
  - a. institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old site with an estimate of the time needed to acquire and transfer land and ancillary resources;
  - b. identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services;
  - c. any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
  - d. procedures for physical relocation under the project, including timetables for site preparation and transfer; and
  - e. legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.
18. **Housing, infrastructure, and social services.** Plans to provide (or to finance local community provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g.,

- schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.
19. **Environmental protection and management.** A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
  20. **Consultation on relocation arrangements.** The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households families or with pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e.g., places of worship, pilgrimage centers, cemeteries).
  21. **Integration with host populations.** Measures to mitigate the impact of planned relocation sites on any host communities, including:
    - a. consultations with host communities and local governments;
    - b. arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites;
    - c. arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and
    - d. any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites. Additional planning requirements where resettlement involves economic displacement
  22. If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihoods improvement plan. These include:
  23. **Direct land replacement.** For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value, or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.
  24. **Loss of access to land or resources.** For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.
  25. **Support for alternative livelihoods.** For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.
  26. **Consideration of economic development opportunities.** The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project- based benefit-sharing arrangements.
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27. **Transitional support.** The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period.



**ANNEX 2: SAMPLE OF LAND ASSET AND PHYSICAL INVENTORY CENSUS SURVEY FORM***Socio-Economic Household Datasheet of PAPs*

<b>Interviewer</b>		<b>Signature</b>
<b>Supervisor</b>		(After verification)
<b>Name</b>		
<b>Position of concession in coordinates</b>		
<b>Day / Month / Year</b>		
<b>1) Head of Extended Family</b>		
<b>2) No. of nuclei families in extended family residential group</b>		
<b>3) Head of household extended family</b>		

**a) Household Interview**

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

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

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

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

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

**ANNEX 3: SAMPLE ASSET VALUATION SURVEY FORM**

Household ID of Asset Inventory for Project Affected People

Date \_\_\_\_\_

HH ID	No. of persons in the HH	Total landholding of HH (m <sup>2</sup> )	Land to be acquired (m <sup>2</sup> )	Land <sup>14</sup> use type	Loss of % total	Loss of assets			Loss of crops			Loss of other assets	Other losses				
						Permanent structures (m <sup>2</sup> )	Temporary structures (m <sup>2</sup> )	Area of residence land lost (m <sup>2</sup> )	Fruit trees lost (type and number)	Agric. Land lost (m <sup>2</sup> )	Other (specify)		e.g. graveyard; wells, etc. (type and number)	Rented residence	Bush lost	Etc. (specify)	

**Entitlements of PAPs**

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

<sup>14</sup>Please fill in the type of land: 1. Communal; 2. Privately titled; 3. Public land; 4. Gazetted land; 5. Ranching/Group land; 6. Other (specify)

**ANNEX 4: SAMPLE SOCIO-ECONOMIC INDICATORS TO BE CONSIDERED FOR SURP II IMPACT**

<b>Indicator</b>	<b>Target</b>
<b>HEALTH</b>	
Incidence of poor health	Good health rate
Rate of contracted diseases especially malaria	Disease prevention especially malaria and HIV/AIDS
Infant mortality rate	Prevention of infant deaths
Water borne diseases	Non incidence of water borne disease
<b>SAFETY</b>	
Accident rate	Non increase in accidents due to project interventions
<b>EDUCATION LEVEL</b>	
Literacy rates	Increase in basic literacy rates of population targeted by intervention
Enrolment at school (primary, secondary, tertiary)	Increased rates of enrolment of both boys and girls at all schooling levels, to average international rates for those targeted by intervention
Number of school leavers	Reducing the number of school leavers to average international levels
<b>INCOME LEVELS/WEALTH</b>	
Levels of poverty	Elimination of poverty
Total HH income	Increase in HH income to levels that exceed expenditure and ensure livelihood security
Total HH expenditure	No change or decrease in average expenditure
<b>POPULATION DYNAMICS</b>	
Levels of inward migration	Manageable levels of inward migration according to carrying capacity (in terms of population, employment opportunities and land availability) of affected area
Levels of outward migration	Reduce the need for forced outward migration
Level of outward migration of young people (age 16-25)	Reduce the need for forced outward migration of young people (age 16-20)

## **ANNEX 5 : SUMMARY OF PUBLIC CONSULTATION IN THE FOUR CITIES**

### **1. MUNICIPALITY OF MOGADISHU SUMMARY OF STAKEHOLDER CONSULTATIONS HELD ON 04/08/2019**

#### **INTRODUCTION**

Consultations with project affected and interested parties in Mogadishu took place between 19/06/2019 and 04/08/2019 at the Municipality of Mogadishu (MoM) headquarters, district halls, contractor's office and over the phone. District level consultations targeted districts with ongoing construction or awaiting construction under SURP, and districts expecting implementation of SURP 2. Stakeholders consulted included district residents, project affected persons including IDPs, civil society organizations, civil servants, UN agencies staff, and project workers. In addition to creating awareness of the Bank's Environmental and Social Framework and elucidating feedback on the ESS instruments to be utilized in SURP2, the consultations also provided an opportunity to capture lessons learnt from the implementation of WB environmental and social safeguards policies in SURP. A summary of issues raised under different pertinent topics is provided below.

#### **PROJECT PERCEPTION**

- All stakeholders expressed positive reception and support for SURP and SURP 2 indicating their appreciation of the Projects' objectives.
- Community members in districts where works is ongoing reported their appreciation pointing to the currently completed Simad Road's positive impacts such as employment opportunities, improved mobility for those with disability and beautification of the neighborhood.
- Government officials indicate the Project gives the government an opportunity to showcase its efforts in infrastructure development.
- Dissatisfaction with delays in project implementation expressed in districts where the work has not begun.
- Preference for asphalt surface instead of PCIP for wide roads that are susceptible to flooding.
- District stakeholders raised concern on the wisdom behind paving only 6m width on a road that is nearly 20m wide or more.
- Desire to know the role of planned maintenance committees when it comes to ensuring the quality of construction.

#### **RESETTLEMENT AND COMPENSATION**

- The presence of utility lines haphazardly installed under the road with no mapping seen as a hinderance to the progress of the road works. Water companies request cash compensation in addition to municipal tax and construction fee waiver already provided by BRA.
- Utility companies need to resolve the issue of water pipes beneath the roads immediately and prior to site possession by contractor and grant of proceed to work.
- Compensation for loss of income and temporary roadside structures applauded by community members in SURP2 district indicating it was first time they have experienced or heard of this measure.
- District commissioners in SURP2 districts made aware of Bank's Safeguards Standards as it relates to forced evictions and the consequences of such actions.

- Mayor highlighted the need to follow Bank’s standards giving the example of Madbacada Road where things have been put on hold till the issue of residential iron sheet structures is resolved by finding alternative accommodation for the PAPs.
- District commissioners volunteering to clear the roads (forced eviction) made aware of the Bank’s Safeguards Standards and the consequences and risks associated with such activities.

#### URBAN PLANNING AND IDPs

- “There is a serious need to build capacity in urban planning, we are working backwards, all these constructions without proper urban planning is not sensible.”
- The city is rapidly expanding without appropriate planning measures in place.”
- If there is proper urban planning and land management many of the IDPs related issues could be resolved faster than the way things are going.
- IDPs need to be protected from forced evictions, the problem is bigger than forced evictions and has to be approached holistically. It is more than compensating a few people who are on the right of way on the roads being rehabilitated.
- “Immediate technical assistance is required in urban planning, maybe even political pressure from development partners.”

#### STAKEHOLDER ENGAGEMENT

- Members of the Benadir women group asked for more active participation in government projects and activities “... we don’t need to be rubber stamps, clapping and singing without having a meaning consultation and full participation, we have to be at the decision-making table...”
- Consultation fatigue reported in districts where construction is still pending under SURP “We are being consulted for three years now, yet we see no construction of roads”; “too many consultations without visible and tangible results, roads being constructed, demoralizes the community and makes people wonder if this is some form of entertainment.”
- Community members in districts which were not included in SURP pointed out they were not updated on the Project or informed their district would not be included in SURP, “It is nearly three years since we were consulted on this roads construction project and we never heard back from you till today”
- The community should be directly updated instead of updating the government officials only, this is important given the high turnover rate of district administration officials.
- Initial consultations during project design and pre-implementation should not be limited to government officials and ought to include more of direct beneficiaries from the districts.
- Proper community needs assessments will provide a true indication of needs and priorities, for instance drainage over roads rehabilitation in this case.

#### GRIEVANCE REDRESS

- Effectiveness of grievance redress mechanism in district where roads rehabilitation is ongoing appreciated by all stakeholders especially since it averts conflict.
- Refresher training covering examples of how grievances were addressed in districts where construction is ongoing requested in districts where construction under SURP is pending.
- Mechanism to address grievance by direct workers and contractors provided in the ESF appreciated.
- Grievance mechanism for addressing complaints from contractor initially not clear and only becoming apparent when residents along the road dumped waste on the road.
- Formal introduction between the GRC and the contractor management team suggested.

- More consultations between contractor management team and district administration suggested to address issues such as removal of road blocks by district police station staff.
- Fear of publicly posting contact details of GRC members due to security concerns raised. One telephone number to receive all grievances suggested

## **2. PUBLIC CONSULTATION MEETING IN GAROWE CITY HELD ON August 7-8, 2019**

### **Introduction**

Public consultation workshop on World Bank Environmental and Social Framework and Safeguard Instruments such as Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF), Stakeholder Engagement Framework (ESF) and Labor Management Procurement (LMP) was held in Garowe on August 7-8, 2019. The Mayor of Garowe City, Mr. Ahmed Said Muse officially opened the workshop by stating that the Garowe Municipality is committed to policies and requirements to safeguard environmental and social wellbeing in relation to urban infrastructure development. He emphasized the importance of community engagement of the current on-going SURP and ensured that the Municipality will continue to strengthen its relationship with the local people on safeguarding environmental and social facet.

### **Purpose**

The purpose of the workshop was to:

- Introduce the draft environmental and social safeguard instruments for SURP II; and
- Obtain community feedback on safeguards for consideration before the endorsement of World Bank.

### **Participants**

The workshop participants represented key members of the community to ensure the inputs of a wider range of stakeholders are obtained and taken into account when finalizing the instruments. A total of 43 participants (15 female and 28 male) participated the consultative meeting.

The participants represented:

- Government representatives: local government and line ministries;
- Representatives from local private companies;
- IDPs and vulnerable groups;
- Women and youth groups;
- Service providers
- Construction companies;
- Representatives of people residing along the road to be constructed under SURP II;
- Higher education institutions;
- Village level representatives;
- Disabilities association; and
- Religious and traditional elders.

### **Methodology**

The workshop was facilitated by the Environmental and Social Safeguard Specialist of Garowe PIU SURP. To facilitate focused discussions, the text of the draft instruments were classified in four parts:

- Discussion on Part 1 covered on Environmental and Social Management Framework (ESMF)

- In Part 2 covered – Resettlement Policy Framework (RPF);
- Part 3 covered – Stakeholder Engagement Framework (SEF);
- Part 4 covered – Labor Management Procedure (LMP)

Discussion on each part was preceded by a presentation providing information of the draft text, safeguard issues it addressed their implications on environment and social and other stakeholders. For optimum participation, the members held discussions in four small groups. The group work was shared during the plenary and the outcomes by the rapporteurs and facilitators.

Over two days of the workshop, the participants and the representatives of Garowe Municipality deliberated over each draft of the Instruments in group work and gave relevant feedback.

Participants were given opportunities to ask questions and raise any suggestions they may have for discussions. Generally, there was active involvement of participants and the sessions were interactive, although the materials were written in English language, but the discussion was all about Somali language in order to make participants understand the concepts better.

### **Feedback on the draft Instruments**

There was support for environmental and social safeguard, applicable across all road constructions under SURP II. Members noted that this would reduce risk and impacts of project activities and be of greater value to Garowe residents.

Members also broadly supported the content of the draft instruments noting that they were:

- Better focused on environment and social wellbeing;
- Relevant and meaningful
- Effectively structured in terms of requirements and outcome

Several members noted that while the draft instruments reflect the standards of World Bank that should be expected, but not all other projects/donors currently considering this level of Safeguard.

### **Overall comments on the draft instruments**

While comments on the draft instruments were varied and detailed, there were some consistent themes. Overall members:

- Strongly supported the focus of the draft instruments on expected environmental and social risks and impacts, mitigation measures, labour working conditions, resettlement and stakeholder engagement approaches.

### **Specific suggestions regarding the draft instruments**

Comments made by the members during the groups, and via submissions, generally fell into two categories:

- Suggestions regarding additional mitigation measures to be included in the draft instruments
- Translation of the instruments into Somali Language

Following is a summary of the key issues that were raised in relation to each of the above suggestions.

- Suggestions regarding additional mitigation measures to be included in the draft instruments  
In many cases members suggested highlighting additional mitigation measures to be added on standards. For example, various individuals suggested that draft ESMF should express tree plantation as means of replacement for any tree to be cut down due to earthwork of the upcoming project.

- Likewise, different members emphasized different issues that they thought should be dealt carefully. For example, it was variously suggested that the ESMF should provide mitigation measures to address accidents due to care.
- While these matters are important, there was strong support for the draft LMP's on child labour age limitation for hazardous work.
- Translation of the draft instruments into Somali Language. Majority of the members sought translated copies of all the draft instruments. Due to the limited time it was easy to translate all the documents, but we informed the members that when the documents are cleared we will translate executive summary of each instrument and disclosed through websites and ensure wider circulation.
- Conclusion and way forward. The consultation meeting was successful and participants had a chance to review and give feedback on the draft instruments. It advised that other aspects of the project such as engineering design and feasibility study to engage the local communities for better coordination and collaboration.

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### **3. KISMAYO PUBLIC AND STAKEHOLDER CONSULTATION**

#### **SUMMARY OF THE MEETING WITH IOM**

Date: 11/April/2019, Venue: International Organisation for Migration

- IOM undertakes the relocation of IDPs and returnees. This is done through their urbanisation docket.
- The key point of IOM is social cohesion, with this, they've managed to conduct conflict mapping with the help of the Interior ministry.
- They conduct cultural dances, sports, recreational activities and showcase their talents.
- In undertaking their projects, IOM engage the community to list identify at least 20 issues they would like to be addressed and then act on the more pressing issues on needs basis. They've so far constructed 3no. schools, community centres, sunk boreholes and latrines for the IDPs and returnees.
- The IOM representative noted that the benefit that come with road construction are immeasurable and the disadvantages can always be minimised through implementation of mitigation measures. The IOM highlighted the following as some of potential benefits of the project:
  - Social cohesion and integration
  - Increased plot value
  - Prosperity in businesses and livelihoods
  - Improved security including street lighting
  - Improved accessibility
  - Creating investing opportunities
  - Employment especially to the IDPs and returnees in Midnimo and Medino camps
  - Women's' accessibility to town to offer casual labour such as house helps and laundry services
- The IOM further made the following recommendations:
  - Giving largest share of unskilled labour to the IDPs and returnees during construction;
  - Hiring of labour should give priority local community as opposed to importing construction workers from elsewhere so as to prevent conflicts.

#### **SUMMARY OF THE MEETING WITH COMMUNITY (JUNSA)**

Date: 10/April/2019, Venue: Jubaland Chamber of Commerce Industry & Agriculture Multipurpose Hall.



Business Community

- This group was glad about the project and foresee immense positive impacts that will be realised with its implementation including;
  - Increased accessibility to different points in the city
  - Improved business
  - Expansion of Kismayo city especially with the “New Kismayo” master plan
  - Increased property value
- Main issue raised was; Disruption of business during construction, which they were willing to contend with.

Women

- The women in Kismayo indicated that the benefits that come with road construction cannot be quantified. There’s currently just one main road from the airport towards Mogadishu which is still of low quality. They said the benefits of the project will include:
  - Improved aesthetics of the city including easily managed city sanitation and hygiene
  - Reduced travel time to seek maternity medications.
  - The disabled and children will also benefit from the improved road network
  - Ease in master plan development and execution
- However, they were concerned with the following
  - Involuntary relocation – they preferred compensation for this impact
  - False promises to put mitigation measures in place – they request that a policy should be developed and shared with the local authority so that the contractor complies.
- Despite the above issues of concerns, the women indicated they support the project fully and are ready to offer any assistance whenever they are called upon.

Civil Societies (Jubaland Youth league, JUNSA, Kismayo Youth Council and Youth and Peace)

- The civil societies were in support of the project citing the following key benefits:
  - Improvement in waste management
  - Employment creation especially for the youth during project implementation
  - Elongated vehicles life
  - Reduced respiratory health issues due to reduced dust on the roads
- The youth indicated that there is minimal demolition expected since these are existing roads to be upgraded to engineering standards.
- They volunteered to create awareness about the project and its anticipated impacts to the community.

Religious leaders

- The leaders noted that Islamic religion supports the project since it’s geared towards the development of the community. They added that the project will boost the security of the city since landmines cannot be planted on tarmacked roads.
- They also noted that displacement is the main challenge in road construction however, they are ready for that and will help mobilise the locals in welcoming the project.

Jubaland advisor of state counsel

- He noted that the residents of Kismayo were so excited about the project and were even willing to overlook the negative impacts. He cautioned that such projects should not be rushed, but rather, thorough assessment should be done.
- He noted that every party should be given a chance to raise the issues including compensation issues. He further noted that awareness should be made to the community at large so that the process is smooth with everyone moving towards the same direction.

Open discussions

- Land conflicts occur from time to time especially outside the city and can be resolved through;
  - Community resolution commission
  - Local authority – Land dispute committee
  - Courts

- Land is owned and controlled by the government. If it's needed for community development projects, the government has mandate to take back and compensate the occupant. Otherwise, everyone is eligible to own land including women.
- The sources of livelihood in Kismayo include;
  - 70% of the population is supported by Small scale business (chairman Business community)
  - Livestock keeping
  - Fishing
  - Agriculture
  - Transport industry – public vehicles offering transport-
- Very minimal demolitions and displacement is expected because the project is a proposal to upgrade the existing gravel and murram roads to bitumen standards.

### **SUMMARY OF THE MEETING WITH JUBBALAND LAND AUTHORITY & MILESTONE DEVELOPMENT LIMITED**

Date: 8/April/2019, Venue: Land Authority Offices.

- Since Somalia lacked a government for more two decades, many bodies were solving land issues and disputes and this brought about confusion.
- The Land Authority therefore created committees in every district (Kismayo is well developed while the other districts are still underway). They use the land legislations (Land Acts) which has 49 clauses to govern them – it was passed in August 2016.
- During the political unrest, the Military camps were sandwiched inside the city, instead of displacing the residents, the government is now issuing title deeds upon application.
- The documents to be obtained from this office include;
  - Land Act laws.
  - A copy of the title deed
  - A copy of the allotment letter.
- The master plan of the city is to be approved by the Land Authority.
- The Land title deeds are coded for uniformity, awareness and classification as follows. Codes begin with;
  - 1- Belong to the Government.
  - 2- Belong to Charity (Hospitals. Schools, Mosques etc.)
  - 3- Belong to Private people (residents)
  - 4- Agricultural land owned by government
  - 5- Agricultural land owned by private entity.
- There are no set regulations on the land pricing by the government and its still on a willing buyer, willing seller basis.
- It emerged that no resettlements have been done so far but during land surveys, the people of Kismayo welcome the idea of roads in the city next to their plots.
- For minimum demolition, the road sizes (width) have been reduced and the military camps have been planned to have 3m, 6m footpaths.
- A trip around the lands office was taken by the team by Mr Hassan as he explained their processes.

### **SUMMARY OF THE MEETING WITH MAYOR AND KISMAYO MUNICIPAL COUNCIL TEAM**

Date: 8/April/2019, Venue: Mayors' Office.

- The participants were very supportive of the proposed project and were willing to work with the team to ensure all the information needed was shared.
- The meeting was informed that currently the roads ranges from 9metres being the narrowest to 18 metres being the widest road.
- The Mayor said they really need the roads to improve the status of the city and public will not have any problem since they need more accessible city
- The Mayor committed to organize and mobilize people for the meetings with Community and any community-based organizations.
- Since the land authority head was in attendance, a separate meeting with the land authority was scheduled for the afternoon.
- The private company (Milestone developers company) contracted to do a Master Plan for Kismayo was present and they agreed to do a presentation in the land authority's afternoon meeting –.
- It emerged that the city lands authority has:
  - Lands registration office
  - Lands vetting committee
  - Lands dispute resolution committee – meaning that dispute in the city is very systematic.
- The team was taken to all these offices and learnt of the process taken by each committee to handle their duties.
- The land vetting committee has 11 members who vet to determine the rightful owner of the land. The vetting process include:
  - Obtaining any documentations of ownership from the owners and also information from the local administration.
  - Verification of payment of government levies (land rent rates)
  - Checking the owner file and do detail analysis
  - Checking how land owner obtained the land. The questioned asked in this process is: did person inherit land from parents, allocated by government, just an open land or whether he bought it? If he bought land he is required to produce land purchase agreements and receipts of payment, two witnesses and swear an oath. For all the types of land acquisition and ownership two (2) witnesses must be brought to confirm ownership
  - Site visit is done on fact finding mission to see and confirm that the information provided is true and also consult with neighbours. The committee during site visit will confirm also that the land being vetted is free of government and public utilities and services. Once they are satisfied that the land belongs to certain individual, they then allow for land to be registered under that person after verification of documentations. Allotment letter will be given as one awaits the title.
- The Land vetting and dispute resolution committees have 11 people each and has gender representations.
- The Land Dispute resolution committee mainly handle disputed land to resolve the issues and ensure justice is served to the community members. The land dispute resolution process is summarized as follows:
  - Complainant has to register complain first
  - The committee develop schedule for hearing
  - Those in dispute are given time to explain themselves and the issues under dispute
  - Witnesses are called and given time to explain what they now about the disputed property
  - Site visit is then done by the committee independently for a fact-finding mission and information gathering where they ask neighbors about questions about the disputed land

- Detailed discussions are done, and decisions are made with at least 8 of 11 members are in agreement, if it is less than 8 then the case will have to be revisited hence it will not have been resolved.
- Where the committee have difficulty in resolving the case, then those in dispute can proceed to a court of law.
- Most areas within the city have minimal encroachment issues apart from Majengo that seems to be encroached so much.
- The lands authority has a transparent online system for registering new land owners and solving any land disputes.

### **SUMMARY OF THE MEETING WITH IDPS AND RETURNEES (MIDNIMO & MEDINO)**

Date: 11/April/2019, Venue: Midnimo Community Hall

- Midnimo is a resettlement estate of IDPs and Returnee refugees from Kenya, the meeting was attended by IDPs and returnees living in Midnimo and Medino which is an older resettlement estate approximately 200 metres from Midnimo.

#### Youth

- The youth in the camps welcomed the project noting that Midnimo and Medino would finally be connected to Kismayo. Their main issue was employment and it's their hope that they will be given an opportunity during the construction process.
- They requested involvement of the community and local authority in every step if possible for an easy transition.

#### Elders

- The elders indicated that support the project and are willing to assist in the road construction. They felt that the project will not affect them adversely since the land on which it will be constructed is public. They noted that during construction of the IDP houses, roads were put into consideration.
- They recommended consideration of safety in design to minimize accidents as the roads in the area are curvy.
- They indicated that the community needs a lot of help especially on basic needs, but they are glad that roads will be constructed to solve some of their problems.
- They requested for IDPs and returnees to be given first priority in hiring of construction workers since most of them rely on manual work.

#### Women

- The women in the camps walk or pay expensive fare to Kismayo to look for manual jobs in hospitality industry and also laundry services. They were so glad about the project since it will improve accessibility to Kismayo and reduce the public transport fares to levels they can afford.
- They indicated that the youth should be employed to reduce crime levels due to idleness.
- The community is very concerned about corruption and cheap talk. A number of projects have not gone past the public consultation stage and some promise big implementations only to deliver less of what was communicated. They urged for transparency.

#### Open Discussions

- It appeared that the key issues in these camps were;
  - Lack of enough potable and domestic water.
  - Electricity and especially security lights.
  - Lack of accessible health facilities.
- There has never been any land dispute in the camps but if one occurs, they are solved in steps; from the local community committee, then to the police station and later to their district commissioner.
- The houses are 1500 in number and approximately 734 households have received title deeds while the rest are still being processed.

- Despite the title deeds, the government still controls the land. The households are allocated 20 by 10 (footsteps) pieces of land.
- There's no demolition expected in the area since the roads are very wide and during the construction of the houses, the road reserves were considered.
- The source of livelihood in the area is mainly informal manual jobs including; quarrying of gypsum stones, charcoal burning, construction, water vending through carts.
- Decision making in the community is done by the elders.
- They youth also requested a playing field within the camps vicinity since it improves integration amongst them.

### **SUMMARY OF THE MEETING WITH MINISTRY OF YOUTH AFFAIRS & SPORTS AND MINISTRY OF GENDER, FAMILY AFFAIRS**

Date: 11/April/2019, Venue: Ministry of Public Works offices at the Ministers Complex.

#### Ministry of Youth.

- The youth policy is still on draft stage with the ministry using the federal governments laws which are written in the Somali language
- 75% of the Somalia population consist of the youth.
- The ministry works to empower the youth in Jubaland by;
  - Trainings and capacity building against terror groups
  - Engaging them in sports and entertainment
  - Creating awareness against drug abuse
  - Vocational skills training; carpentry, tailoring, beauty classes and hair dressing
  - Offering employment opportunities
  - Business creation and funding through donors.
- The anticipated effects of the project include;
  - Beautification of the city
  - Improved accessibility and business in town
  - Formation of new villages
  - Loss of property or demolition
  - Speedy vehicles – increased road accidents
  - More vehicles on the roads – increased pollution

#### Ministry of Gender, Family affairs and human rights.

- The laws and regulations to guide the gender and children affairs is still at the draft stage.
- According to the Ministry, women are more than men but the exact numbers were not shared.
- Women are given 30% participation in the election process and decision making. They work in police force, hospitals, education sector amongst others.
- The ministry is against FGM and has drafted a law against it. Local leaders have also formed a committee against FGM and solve disputes and issues around it. The traditional women offering the service have also been provided with alternative employment.
- The proposed roads will improve the lives of women, children and the disabled by ensuring easier accessibility to resources and services especially maternity health care.
- The ministry has established a school for orphans.
- There are very minimum HIV/AIDS cases in the community due to their strict religious culture with high levels of stigma leading to victims excommunicating themselves.
- Also, the society does not suffer from sexual advances given to men and women by project workers due to their religious culture.

#### Open Discussions

- Identification of vulnerable groups;
- This is done by a committee. Every village has 2 chairpersons (male and female). In each village, there are 5 men and 5 women who help in identification and registration of the vulnerable groups. Further, the Ministry has representatives in the hospitals and police force to help identify the vulnerable groups in case they have reported there.

- The local and international NGOs working close with these ministries include;
  - ARC
  - UNHRC
  - Sadura
- The main issue according to the ministries is increased accidents especially to children and requested safety measures to be put in place including bus stops, roundabouts and zebra crossing points.

**SUMMARY OF THE MEETING WITH MINISTRY OF ENVIRONMENT, MINISTRY OF PUBLIC WORKS, MINISTRY OF LABOUR AND MINISTRY OF MINING, WATER & ENERGY**

Date: 9/April/2019, Venue: Ministry of Public Works offices at the Ministers Complex.

Ministry of Environment.

- The ministry was established in 2016 with 26 staff currently.
- It does not have the capacity and equipment to conduct a number of environmental assessments
- There is no past experience on roads EIA, just one done on solid waste management, so they have guidelines and regulations on EIA that ensures licencing.
- Monitoring is done on ongoing projects to ensure compliance
- The town uses 2 solid waste dumpsites with no segregation going on, there are plans for the best dumpsite options; landfills or incinerators and the best solid and liquid waste management.
- There are forests, but their main challenge is deforestation for charcoal and firewood. To curb this, the government has banned cutting down of trees and is distributing energy saving stoves to reduce amount of charcoal needed by the community.
- There are no parks for wild animals, wild animals are in the jungle towards the Kenyan border.

Ministry of mining, water resources and energy.

- The ministry was established in May 18th, 2016
- There is no documentation on available minerals.
- Energy is supplied by a private company which generate from thermal sources. The electricity very expensive and is sold at \$.89/kilowatt.
- Solar power for street lighting is also supplied by another private entity.
- Water is provided and supplied by private companies; Afi Water Company and Juba which is still under installation. Some residents are supplied by private donkey owners who draw water from shallow wells.
- Future plans include enacting of water laws and establishment of water quality labs
- There is no sewer system in the city.

Ministry of Labour and Employment.

- The ministry is 5 months old with their policies still on draft stage.
- There are no legal instruments governing labour issues at the state level and they currently use the ones from the federal government.
- ILO frequents Kismayo in order to check on gender, minimum wage and age issues. There are no domestic labour groups.
- The minimum wage for unskilled labourers is \$20-30 dollars, minimum working age is 18 years and women are given equal employment opportunities as well as men.
- Working days are Saturday-Thursday with schools running from Saturday to Wednesday.

Ministry of Public works.

- The ministry was established in 2016 with 30 staff currently.
- The ministry expects minimum resettlement issues since all the proposed roads are existing gravel roads to be improved to engineering standards
- There are construction materials locally available with a quarry 2km from the city but for 30km roads, they might not be enough.

- Compensation has always been done by being given an alternative land with similar dimensions elsewhere or financial help.
- Eng. Hussein noted that drainages are an integral bit of the road construction failure to which the city will be prone to a number of challenges especially during rainy seasons.

#### Open Discussions

- The master plan includes a 13.8 km ring road that will hopefully be executed later.
- There are ongoing feasibility studies to enable extraction of water from Juba river flowing 13km from the city towards the ocean.
- After the draft policy of Ministry of labour has been passed, all organizations will be required to look for workers through the Ministry.
- To avoid stigmatization, the returnee refugees and IDP settlements are within the city since they form an integral part of Kismayo community.
- The ministries promised to share the following documents with the ESMF/RFP consultants:
  - Organogram from all the ministries present except Environment who have shared one.
  - Maps to show pipeline networks from Mining ministry to ensure protection of the current pipelines.
  - Regulations on EIA from the Environment ministry.
  - The draft regulations policy and Federal Government laws from the Ministry of Labour.

#### **SUMMARY OF THE MEETING WITH NORWEGIAN REFUGEE COUNCIL**

Date: 10/April/2019, Venue: NRC – Norwegian Refugee Council office.

- The Norwegian Refugee Council in Kismayo deals with resettling Internally Displaced Persons (IDPs) and returnee refugees from Kenya. They have 5 key competencies;
  - Education; Provision of vocational training, construction of schools, training of teachers, distribution of educational materials and assistance.
  - Shelter; construction of shelters for the IDPs and returnees & so far they've constructed more than 734 shelters with 79 new shelters currently under a UN-Habitat project.
  - WASH; Drill boreholes, shallow wells and latrines and also take part in hygiene promotion activities.
  - ICLA (Information Council and Legal Assistance); trainings on HLP (housing, land and property), relocation and facilitations including allowances and preparation of legal documents such as land tenure documentation and title deeds.
  - LFS (Livelihood and food security); support farming (ploughing, distribution of farm inputs such as seeds and fertilizers) provide solar power, high breed irrigation systems, restocking for the pastoral communities, promoting income generating activities.
- The Norwegian Refugee Council is positive about the project and are welcoming it due to the challenges the community goes through due to poor roads.
- Mr Mohamed advised that plans should be prepared, then shared with the ministry of planning to provide guidance to the local authority and lastly direct contact with the community.
- Being a vulnerable community, project awareness should be done to the IDPs and returnees and its anticipated impacts extensively explained to them with their concerns taken into consideration.
- Committee action meetings between the IDPs/ Returnees and NRC they have always pointed out the need for motorable roads in Midnimo and Medino villages
- The community has been complaining of the vehicle getting stuck in the sand because the roads are too sandy and impassable.
- NRC noted that people will definitely welcome the roads project.

- NRC developed the resettlement plan for the new site and they provided room and adequate space for road network, schools, water boreholes and health facilities, but nothing much has been done for the road.
- The acting manager noted that Kismayo is currently quite peaceful hence the need to spur economic and infrastructural development.
- The office of NRC is in support of the project and are very thankful for the thought.

### **SUMMARY OF THE MEETING WITH UN HABITAT**

Date: 11/April/2019, Venue: UN-Habitat Office.

- The UN Habitat office in Kismayo works on youth programs and tackle urbanization and displacement with the Refugee returnees and IDPs.
- The urban development plan promotes social cohesion by incorporating IDPs, returnees and the host community in their settlements.
- The other program gives basic skills to the youth like ICT, entrepreneurship, construction skills and employment opportunities.
- The officers listed a number of positive and negative impacts they expect from the proposed project and also how they will affect the returnees and IDPs. They included:
- Accessibility; There will be improved accessibility to town from Medino and Midnimo. The roads will help reduce transport fee and save time since he returnees and IDP walk long distances to town to seek daily manual labour.
- Cheaper and accessible rental space for the youth in the outskirts of town.
- Security; The security of the area will be improved since the Improvised Explosive Devices cannot be planted on tarmacked roads
- Constructing roads will also enable installation of streetlights improving security at night in various areas.
- Improved livelihoods; during the construction period, the IDPs could get employment and this will earn them income. There could be however, insecurity due to improved livelihood standards
- There will be increased land rates due to increased value of land hence improvement of the economy.
- Crimes; Roads will facilitate crimes due to improved flight speed.
- From the discussions, it emerged that open drainages beside the roads could be a security hazard used for planting IEDs or hiding point for the militants. To curb this, it was suggested that drainages should be covered with only few and marked open points.

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## **4. BAIDOA PUBLIC AND STAKEHOLDER CONSULTATION**

### **SUMMARY OF THE MEETING WITH GOVERNMENT OFFICIALS**

Date: 8th April 2019, Venue: Ministry of Public Works & Housing, Baidoa Municipality

- The Baidoa regional Governor stated that the Baidoa municipality is under the South West State- Only 4 years old since its formation.
- No proper waste water management in place, septic tanks done at household levels. There is no sewerage treatment plant in Baidoa.
- Cutting of trees for exportation in Baidoa stopped early 2019, trees used to be moved from Baidoa to Mogadishu, this was stopped.
- Fine imposed on any one cutting trees, depending on the trees cleared the fine could range from \$100.
- Any tree affected due to unavoidable circumstance must be replaced- there is no policy/act in place in relation to this.



- Invasive trees can be removed; indigenous trees should not be removed.
- Permits/License given by the local administration under the Mayor's office
- There is no proper regulation in place safeguarding the environment
- Document on classes of roads were to be shared later with the consultants
- The town plan of the town developed by UN-Habitat, the document to be shared through mail.

### **SUMMARY OF THE MEETING WITH THE LAND COMMITTEE**

Date: 9th April 2019, Venue: District Commissioner & Mayor's office (Land Committee)

- The Committee chair briefed the consultants on :
  - the available land ownership systems in place, compensation, valuation and relocation of IDPs.
  - Relocation process and effective ways of settling the returnees, refugees and IDPs.
  - Roles played by the committee in enhancing environment: waste management, tree planting, fines set to those destroying the environment, community mobilization in enhancing clean environment.
- Extraction of construction materials should follow the set procedure, permit given at the mayor's office.
- Quality check off the materials to be used in construction done by the community
- Plans under way to set laws and regulation to protect the environment at the municipal level.
- Resettlement of IDPS, Returnees done systematically at the department. No compensation provided for eviction from private land, contribution from the local clan's members, business community and the public done organized by the land committee to facilitate resettlement
- The Mayor's office engages Danish Refugee Council (DRC), Norwegian Refugee Council (NRC), IoM, UN-Habitat and NGO's on relocation process of IDPs
- Tittle deed in place as proof of land ownership
- Eviction will be minimal, communities sensitized on need to move back to allow for road expansion
- If there is need for compensation, office of the mayor and Land commission does valuation
- Average of \$40 to process land ownership documents
- Minimum of 2 months' notice given to those on the road reserve, minimising effect on involuntary resettlement. Communities willing to move back on their own
- Through sensitization, the community have learnt the importance of road expansion/construction
- The lands committee through the support of the Mayor's office mobilise women groups to do cleaning of town.

### **SUMMARY OF THE MEETING WITH OFFICIALS OF THE MINISTRY OF ENVIRONMENT AND WILDLIFE**

Date: 9th April 2019, Venue: Ministry of Environment and Wildlife's Office

- The Director Generl briefed the consultants on the ministries plans on environmental management. The ministry is newly formed since the collapse of the federal government (4 Months old)
- No proper laws in place, Draft Laws of Environmental Management 2019 in parliament for approval.

- The laws compose EIA requirements, Health and safety of projects to be implemented, fire safety and annual auditing/inspections.
- No EIA licenses requirements in place,
- Community sensitization on waste handling has been done
- Use of plastic bag ban by the former minister, however it is still ineffective
- The ministry covers 3 regions. New strategic plan to be ready in 3 months. Mission, vision and structure to be formed
- Training of workers to boost the MoE capacity in solving environmental issues to be done
- No waste collection, transportation and disposal procedures in place- the MoE.
- Landfill in consideration at the ministry level to handle waste issues in town
- Targeting to increase 5% forest cover by 2021, Nursery with 10,000 trees have been established
- Water is a challenge in Baidoa. Borehole water over reliance without regulation, posing depletion of aquifers
- Water abstraction from boreholes needs to be regulated- UNDP water catchment project in Baidoa.
- Road expansion in urban areas will reduce property destruction cases by fire outbreak
- Drainage channels should be key in road projects to avoid redoing roads destroyed by floods.
- There should be waste collection centres along the roads, at the construction camps, spillages should be controlled to avoid underground water pollution and the surface water
- Proper drainage in place will reduce cases of waterborne disease outbreak
- Road signage should be in place to reduce accidents, marking should be done clearly to guide motorists and the general public
- The deputy MoE raised below points on environmental management;
- Capacity building for environmental staffs to make protection of environment effective and law enforcement accurate
- Voluntary workers at the department should be trained and motivated to help in safeguarding the environment
- Technical advice should be given by professionals and international NGOs on plastic bag ban to make the ban effective
- Environment is key and in a way all other ministry connects to environment and should play part in its protection
- Advise should be given on the draft environmental management law to make it effective

#### **SUMMARY OF THE MEETING WITH NORWEGIAN REFUGEE COUNCIL (NRC)**

Date: 9th April 2019, Venue: NRC Office

- The NRC officer briefed the consultants on the general roles NRC plays; focus on returnees, IDPs and vulnerable groups.
- The returnees, IDPs and vulnerable groups are not affected by the projects, they are based in public land provided by the local authorities
- Security, Water Sanitation and Hygiene (WASH) services organised for the groups. Roads plans underway by the council.
- Vulnerable groups identified by the help of local leadership.
- With eviction from private land increasing, NRC is working alongside the local government who provide public land, the council plays key role in resettling the groups

- Draft land laws developed by UN-Habitat and IoM. The 1970 Land law by former regime not used anymore.
- Under previous regime, people were forcefully evicted, upon collapse, people moved back to the land;
- The municipal government does not have financial capacity to deal with land issues-or compensate
- Collaborative Dispute Resolution established in camps
- Case of road passing through ADC1 camp, the dispute solved. 15 Households were affected. NRC stepped in to support the affected Household where a \$100 was given for a start-up of livelihood boost activities
- Land title issuance is done through the help of the municipal council. \$12 paid to facilitate for land ownership documents- eviction mitigation purpose
- IDPs settling on private land could be evicted with increase in land value due to infrastructural development- The local government should negotiate for notice with the private owners as they wait for relocation process
- Awareness is necessary to avoid forcefully eviction and not settling on road reserves
- Free access to justice for the IDPs
- The IDPS raising eye brows on eviction only, the council and the government not involved when settling on private lands
- Housing, land and property are focal points of the council
- Major gaps in dealing with environmental issues
- Environment not valued as such in Bay area:- leaders not leading as expected and therefore sensitization needed.

### **SUMMARY OF THE MEETING WITH UN HABITAT**

Date: 10th April 2019, Venue: Horyal Hotel

- The officer briefed the consultants on the general roles of UN-Habitat; focus on urbanisation, human settlements, looking for durable solution for returnees, IDPs and vulnerable groups
- UN-Habitat work closely with IoM and the government- mostly Mayor's office
- Land acquisition done through the mayor's office to settle the IDPs
- Midnimo project form the of economic foundation and stabilization of the area
- Youth opportunities have been expanded through jobs and skills development
- Baidoa community action plan formed under Midnimo
- The organisations have plans for upgrading roads to the resettlement site from the point the World bank stops
- The roads will help connect settlement site to the urban area
- Foreigners to use proper channel when seeking job opportunities as Xenophobia cases can arise if no precaution measures are taken- working closely with the Mayor and other government officials can reduce chances of occurrence
- Displacement of some people will occur and therefore proper sensitization; enough notice and proper procedures should be used in the event of relocation.
- UNOPS representative, Mayor/s office undertook sensitization exercise on road construction at the presidential palace
- Land dispute resolution committee formed by UN-Habitat & IoM and United Nations Assistance Mission in Somalia (UNSOM)

- Road construction will lead to private land owners evicting the settlers on their land- preparation for this should be in place prior to construction
- Draft land law takes care of the vulnerable group fully
- UN-Habitat have successfully implemented waste management projects, eyeing the same for Baidoa
- There is need to enlighten the community on the importance of environment
- No law/policy in place protecting the environment or impacts from projects

**Recommendation:**

- The organisations/bank should follow up with contractors on implementation of ESMF and RPF
- Waste management should be done properly
- Health and safety issues should be fully facilitated. There is need for sensitization as the locals might take safety issues lightly.

**SUMMARY OF THE MEETING WITH THE OFFICIALS OF MINISTRY OF WATER AND ENERGY**

Date: 9th April 2019, Venue: Horyal Hotel

- The Minister briefed the consultants on the ministries plans on water resources management. The ministry is newly formed since the collapse of the federal government, has water act as final draft
- The draft Law of 2019 in parliament pending approval.
- The ministry regulates water abstraction.
- The ministry working closely with the Mayor's office to protect water resources
- There 43 boreholes in place, but 7 are functional. Bonkey borehole provides water to the town.
- There is water shortage in Baidoa
- UNICEF helps the ministry in rehabilitation of boreholes, treatment and sinking new boreholes
- There are government boreholes are in private hands. A process has been kick started to reclaim them back
- 1 unit of water costs \$1.3
- Water abstraction procedures: Registration with ministry of commerce for foreign companies, permit to be obtained from the ministry, location details should be shared with the ministry, area selection criteria followed, recommendation from the ministry required before abstraction of water.
- Plans: - Negotiations ongoing with Turkey Government for implementation of project to supply water to the locals
- Energy/electricity supply done by Beco. 1kw at \$0.9- Beco is private company. Public Private Partnership (PPP) in place for service delivery to residents
- Negotiations are ongoing with the Norwegian Government for power generation. Solar energy is the target. Funds are place but implementation phase pending

**SUMMARY OF THE MEETING WITH THE MEMBERS OF THE PUBLIC**

Date: 11th April 2019, Venue: Municipality Hall

Potential impacts: The participants support the project and anticipate positive impacts which include:

- Knowledge and skills transfer will be provided to the workers (skilled, semi-skilled and unskilled).
- Materials for the Project will be sourced as much as possible from the area.
- It will help the community to be back on its feet as several years of civil war
- Road construction increases hope for the locals, investors will be attracted
- Improved security
- Beatification of the town improved
- Accessibility to services like health services
- Business growth in town
- Traffic congestion easement
- Confidence boost to investors- can invest in town
- The city life will improve due to livelihood sources: - employment, business
- Potholes slowing vehicles will be fixed
- Similar project executed successfully with positive impacts that are visible
- Increase in land value
- Accidents will be less due to good roads in place
- IDP camps will be accessible, aid will reach the camps efficiently due to access road availability
- Narrow roads pose danger of accidents, with expansion road users will be safe
- Fire emergency response will improve
- Public transport will be available due to good roads.
- Security in the area will improve with road
- Trash carelessly dumped on dilapidated roads, with good roads wastes will be handled properly
- Social cohesion comes with good roads

However, the recommended that:

- Contractor should be held accountable for the work done- shoddy job should be punished
- There should be no delay in execution of the project as this will cause psychological effects to people who move voluntarily to pave way for projects
- Compensation done through communal support system- contribution of materials, fundraising.

Grievance Resolution Mechanisms

- Grievance resolution is systematic
- Section/ward chairman -> Customary law/Traditional-> Police & local authority-> District court. \*Most cases solved at traditional level
- Project Affected Persons (PAP) identification- done at the community level through youth groups, civil society groups, women groups and IDPs and their leaders
- Office of the mayor plays a role in PAPs identification as well

Compensation

- Participants among them: Women groups, mayor, municipality, traditional leaders, monitoring committee

Information passed through:

- Communal networks, ward administrators, youth groups, students groups, council of elders, village committees, police, radio and telephone

Environment protection:

- It is crucial, locals playing roles of conservation and cleaning. Waste management at camps through present groups mobilization
- Community awareness needs to be done more to enhance clean environment
- Contractors should be sensitized on the local cultural set up, the Mayor and the stakeholders lead from front
- Social safeguards at community level in place- not documented, led by leaders/elders.