



# GAROWE MUNICIPALITY

# SOMALIA URBAN RESILIENCE PROJECT PHASE II (SURP II) P170922 RESETTLEMENT ACTION PLAN

**FINAL** 

June 2021

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# ACRONYMS AND ABBREVIATIONS

RAP	Resettlement Action Plan		
CERC	Contingency Emergency Response Component		
ESMF	Environmental Social Management Framework		
ESS	Environmental and Social Standard		
GM	Garowe Municipality		
GRC	Grievance Resettlement Committee		
GRM	Grievance Redress Mechanism		
IDPs	Internally Displace Persons		
PAP	Project Affected Persons		
PCU	Project Coordination Unit		
PIU	Project Implementation Unit		
RoW	Right of Way		
SUIPP	Somali Urban Investment Planning Project		
SURP	Somalia Urban Resilience Project		
WB	World Bank		

#### **DEFINITION OF TERMS USED IN THE REPORT**

- Assistance
   Support, rehabilitation and restoration measures extended in cash and/or kind over and above the compensation for lost assets.
   Census
   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
- *Compensation* benefits. *Compensation* 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.
- *Entitlement* The range of measures comprising cash or kind compensation, relocation cost, income restoration assistance, transfer assistance, income substitution, and business restoration which are due to PAPs, depending on the type and degree/nature of their losses, to restore their social and economic base.

Project AffectedAll members of a household, whether related or not, operating as a single<br/>economic unit, who are affected by a project.

**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** 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 RPF.

*Structures* All buildings including primary and secondary structures including houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructures, shops, businesses, fences, and walls, tube wells, latrines etc.

Vulnerable or<br/>disadvantagedRefers to those who may be more likely to be adversely affected by the<br/>project impacts and/or more limited than others in their ability to take<br/>advantage of a project's benefits. Such an individual/group is also more<br/>likely to be excluded from/unable to participate fully in the mainstream<br/>consultation process and as such may require specific measures and/or<br/>assistance to do so. This will take into account considerations relating to<br/>age, including the elderly and minors and including in circumstances<br/>where they may be separated from their family, the community or other<br/>individuals upon which they depend.

#### **EXECUTIVE SUMMARY**

With the support of World Bank through the Somalia Urban Resilience Project Phase II (SURP II), Garowe Municipality intends to construct five additional roads within the city and one bridge. This document, a Resettlement Action Plan (RAP), is a planning document that describes what the Municipality will do to address the direct social and economic impacts associated with possible involuntary displacement regarding the project. In accordance with Puntland laws and the World Bank's Environmental and Social Standard ESS5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement), thisRAP has been prepared. This project affects 11 households, comprising of a total complement of forty-three persons, including thirty-two children. Furthermore, this RAP does not cover any intended social and environment adverse impacts due to the bridgeworks, but the Project Implementation Unit (PIU) and the World Bank Task Team agreed in June 2019 to carry out Environmental and Social Impact Assessment (ESIA) for the bridge in Garowe. Where relevant, a RAP will be prepared for the bridgework.

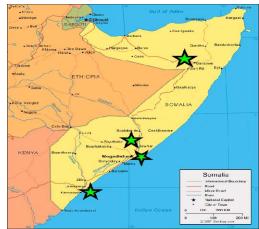
The RAP sets out the project goals and implementation schedule, eligibility criteria for project affected people (PAPs), legal framework and institutional involvement, determines valuation methodology, establish compensation entitlements, participation and consultation process, grievance redress mechanisms which will empower to compensate, and restore the livelihood and living stands of PAPs. To be eligible one must have been captured in the census and asset inventory by the close of the cut-off date January 10, 2020. This RAP shall be updated based on the detailed designs, in case of additional impacts are identified later on.

There are total of 25 project affected properties, among them two rooms, four kitchens, five fence walls, two *Barkeds* (traditional Somali water storage cisterns), fivetemporary kiosks, five pit latrines, and two septic tanks. The main mitigation measure is compensation for the affected properties. PAPs will be compensated for their losses at full replacement cost, prior to the commencement of project civil works. The assessed values for monetary compensation for PAPs (for structures and assistance for vulnerable persons) amount to US Dollar Twenty-Eight Thousand Two-Hundred Eighty-Seven (US\$28,287.00).

Regarding trees and electric poles positioned in the right-of-way, sites circumstances will be carefully considered. Trees will be conserved, while electric poles will be relocated from the right of way. No resettlement is envisaged and no livelihoods will be endangered in this phase of the project.

#### **1. DESCRIPTION OF THE PROJECT**

Situated in the Horn of Africa, Somalia is bordered by Ethiopia to the west, Djibouti to the northwest, the Gulf of Aden to the north, the Guardafui Channel and Somali Sea to the east, and Kenya to the southwest. With a total land area of 637,657 km<sup>2</sup> and situated between 2°S and 12°N latitudes and 41° and 52°E longitudes, Somalia has the longest coastline on Africa's mainland. The country's terrain consists mainly of plateaus, plains and highlands. Climatically, hot conditions prevail year-round, with periodic monsoon winds and irregular rainfall.



As Somalia emerges from nearly three decades of civil strife, the national road transport infrastructure, which is vital for the country's economic and social development, is in very poor condition. Due to a lack of railway infrastructure and limited coastal shipping, road transport is the principal mode of internal transport. Decades of conflict and fragility has prevented any significant investment in infrastructure, meaning that coverage of basic infrastructure and services in Somali cities is generally inadequate. The decrepit road infrastructure in Somalia not only prevents the delivery of humanitarian aid, it also presents a major constraint on the population's access to vital social services as well as a significant obstacle to the political integration of the country's territories.

Somalia is faced with two critical challenges of creating sustainable internal peace and constructing a path for shared economic growth and prosperity. Among other national priorities, there are substantial infrastructure needs in support of ongoing recovery and reconstruction efforts. Of the 21,933 km of roads in the country, it is estimated that only 2,860 km are paved (13 percent), with the majority (83 percent) being un-graveled dirt roads. Somali cities, which are currently characterized by poor road infrastructure, with consequently negative impacts on health and welfare of citizens as well as the economy, need urban regeneration for resilience.

The Somali Urban Resilience Project (SURP) II has aproject budget of US\$112 million (US\$62 million from the MPF and US\$50 million from IDA). The four cities, namely Baidoa, Garowe, Kismayo and Mogadishu, were selected based on their political, economic, and security relevance as well as their vulnerability (concentration of Internally Displaced Persons (IDPs) and urban population growth) relevance.

SURP II will strengthen urban resilience by:

- Providing capacity building support to municipalities and strengthening government systems at the sub-national level by channelling funds on-budget;
- Financing prioritized urban infrastructure investments in cities;

- Generating short-term income generation opportunities for the vulnerable such as women, urban poor, IDPs and returnees; and
- Strengthening institutions for urban development at the municipal level.

The theory of change underlying the proposed project interventions is that supporting municipal governments' capacity todelivering much needed urban infrastructure would lend legitimacy toSomali authorities. It would demonstrate to the general populace thegovernment's growing capacity to deliver visible and tangible improvements in the lives of its citizens, which is critical for sustaining social and political stability in the country.

#### 1.1 OBJECTIVE AND COMPONENTS OF SURP II

The main of objective of SURP II is to strengthen public service delivery capacity at the local government level and increase access to urban infrastructure in selected areas. The project consists of four components, as indicated below.

Component 1: Urban Infrastructure and Services. This component has two sub-components:

- Sub-component 1.1: Support for Urban Infrastructure and Services. The financing will be focused on technical studies, engineering designs and bidding documents for priority investments; environment and social due diligence work; and institutional assessments of implementing agencies. The preparation of these studies would be contracted out by the respective municipalities/district governments and a competitive procurement process would be followed.
- Sub-component 1.2: Investment in Urban Infrastructure and Services. Subject to a funding criterion established by the Bank, this sub-component will finance costs associated with the implementation and supervision of infrastructure investments in cities where the necessary implementation readiness criteria are met. The investments include critical investments that fill the existing urban infrastructure gaps in the four target cities, and strategic investments that contribute to urban resilience.

**Component 2: Institutional Strengthening and Analytics.** This component also has three subcomponents, fashioned as "Technical Assistance" or TA:

- TA on **Displacement and Durable Solutions** related to developing sustainable solutions for the displaced living in SURP II target municipalities and mitigating forced eviction;
- TA on **Operation and Maintenance (O&M) of Urban Infrastructure and Services**, focusing on existing roads and drainage, as well as supporting institutional and financial assessment of existing municipal O&M arrangements; and
- TA on Sub-national Infrastructure and Service Delivery, which facilitate cross learning and dialogue on key urban management issues.

**Component 3: Project Management.** This component will finance both the overall project management costs of the project as well as capacity building of 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.

**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.

Under the SURP II, in line with WB's selection criteria Garowe Municipality ("GM") identified and prioritized five secondary roads which are currently poorly surfaced and which require upgrading to bitumen standards. These roads cover an estimated length of 7.6km<sup>1</sup> and located within the city and inter-connecting the existing roads.

S/N	Road name	Length (km)	Description	Total Width (in m)
1	30-ka road (Street 30)	2.0	Dual carriageway: (road-width 20m including 1m median and 1 walkway each side)	20m
2	Street 3 (Injida)	0.7	Single carriageway: (road width 10 including 1.5m drainage and 1.5 walkway)	10m
3	Wadajir road (Roundabout)/Waberi road	1.4	Single carriageway: (road width 10 including 1.5 drainage and 1.5 walk way 1.5m)	10m
4	Gambol road	1.36	Single carriageway: (road width 10m including 1.5 drainage and 1.5m walk way)	10m
5	Towfiq	2.14	Single carriageway: (road width 10m including 1.5m drainage and 1.5m walk way	10m
Tota	ĺ	7.6		

Table 1.1: Selected roads under SURP II

<sup>&</sup>lt;sup>1</sup> This is an estimated total length of selected roads; however, changes might be experienced after detailed engineering designs are done in each site. In case of any changes identified in the detailed engineering design, the RAP will be updated accordingly.

#### 2. POTENTIAL PROJECT RISKS AND IMPACTS

Based on the findings from both the site visits and interviews with the Project's Affected Persons (PAPs), show that SURP II sub-projects will not result in physical and economic displacement of any households. Only small portions of property will be affected with a total of 11project-affected households identified in the RAP census. The impact is thus considered as minimal and manageable.

# 2.1 Affected properties

The affected properties (structures or buildings) at certain areas of some of the selected roads occurred due to the encroachment on the right-of-way (RoW). Structures and buildings were established at the sides of specific roads. Therefore, in order to secure the RoW there is need demolish the structures or buildings that narrowedthe road width. The maximum size is 2m to secure 10m of required road width.

#### 2.2 Affected structures

SURP II will not result physical displacement of households though it will affect the following structures:

- Fences;
- Kiosks;
- Septic tanks;
- Pit latrines
- *Barkeds* (traditional Somali water storage cisterns);
- Electric poles; and
- Trees.

# 2.3 Affected property according to each PAP

All project-affectedhouseholds (PAHs) were interviewed during the household survey carried to record their socio-economic condition. The specifics of the affected properties according to each PAP are addressed in the table below:

#### Table 2.1: Details of affected property

No	Road name	Number of PAHs	Affected property
1	30-ka road (Street 30)	1	Approximately 2 rooms with a size
			of 3mX3.5m each with fencing
			wall, Barked and pit latrine).
2	Wadajir road	9	1 fence wall with 1 pit latrine;
	(Roundabout)/Waberi road		1 fence wall with 1 kitchen and 1
			pit latrine;
			2 fence wall with 2 pit latrine;
			3 temporary kiosks
			3 Septic tanks
3	Gambol road	1	2 temporary kiosks
			1 Barked
4	Towfiq road	0	No physical property is affected

5	Street 3 (Injida)	0	No physical property is affected

#### 3. RAP OBJECTIVES

The main objective of this RAP is to:

- Identify, assess and value the adverse social and economic impacts (involuntary resettlement) that may result from the implementation of the proposed works;
- Ensure fair and adequate payment of compensation to persons who will loseproperties due to the proposed works; and
- Assist the affected persons to restore and/or improve their income generation opportunity.

#### 4. CENSUS SURVEY AND BASELINE SOCIOECONOMIC STUDIES

After the selection of the five roads under SURP II, the identification of PAPs was undertaken. The PAPs were identified and considered as individuals or households whose assets are lost property (i.e., buildings and temporary structures), access to natural and/or economic resources respectively as a result of activities related to sub-projects, whether permanently or temporarily. Identification of vulnerable groups of people including those who are ill or old, households headed by women, disabled persons and unemployed youth will be given consideration and support.

The socio-economic study was done during December 14-19, 2019 and it mainly focused on the PAPs. A total of 11 project-affected households, comprising of a total number of forty-three persons, across the selected five roads were interviewed and consulted. There are five females among the PAPs.

Structures of the PAPs were sparsely scattered along the selected roads mainly the three roads of Wadajir-Waberi road (Wadajir Roundabout), road 30<sup>th</sup> (30-ka road) and Gambol road. However, there were no PAPs identified along Street 3 (Injida) road and there will be no physical displacement and economic/business loss that the project can cause at the junction where the proposed road meets with the existing Sheikh Abdulkadir road. Around this junction, there are group of vendors sellingvarious goods mainly milk, vegetables and charcoal. Out of the 25 properties identified, only one structure will be permanently removed (approximately two rooms which are residential) with a fence wall, one *Barked*, one kitchen and one pit latrine), four fence walls, four pit latrines, five temporary kiosks made of wood and iron sheets, one kitchen, two septic tanks, and one*Barked* will be affected by the proposed works of SURP II in Garowe City. As per the SURP II RPF, it was confirmed that no forced displacement was conducted in the RoW of project road before the Board's approval of SURP II on December 9, 2019 and after March 31, 2019.

#### 4.1 Socio-economic characteristics of the PAPs

This sub-section presents a summary of the findings of the socio-economic study of PAPs (Table 4.1). The study was conducted in December 2019. The majority of the PAPs (55 percent) reported incomes of less than US\$100 per month. According to the National Development Plan

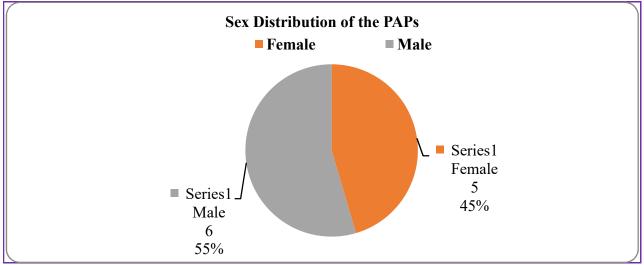
(NDP), the poverty line of Somalia is US\$1.58/day/person; therefore, these PAPs are living below the poverty line.

1	Population	Number	Percentage	3	Social	Number	Percentage
1.1	Sex			3.1	Educational level		
	Female	5	45%		Illiterate	2	18%
	Male	6	55%		Primary	6	55%
1.2	Age Group	Number	Percentage		Secondary	3	27%
	29 – 38 years	4	36%	3.2	Residence tenure	Number	Percentage
					Permanent residence	10	91%
	39 – 48 years	1	9%		Residence absent	1	9%
	49 – 58 years	4	36%		Member of non-	0	0%
					resident		
	59 and above	2	18%				
1.3	Marital	Number	Percentage				
	Status						
	Married	8	73%				
	Single	1	9%				
	Divorced	2	18				
2	Economic	Number	Percentage				
2.1	Occupation						
	Driving	2	18%				
	Shopkeeper	3	27%				
	Cleaning	1	9%				
	Traditional elder/Chief	1	9%				
	Casual worker	2	18%				
	Housewife	2	18%				
2.2	Monthly	Number	Percentage				
	Income level						
	Less than \$100	6	55%				
	\$100-\$200	3	27%				
	Above \$200	2	18%				

# Table 4.1: Socio-economic characteristics of project-affected households

# 4.2 Sex

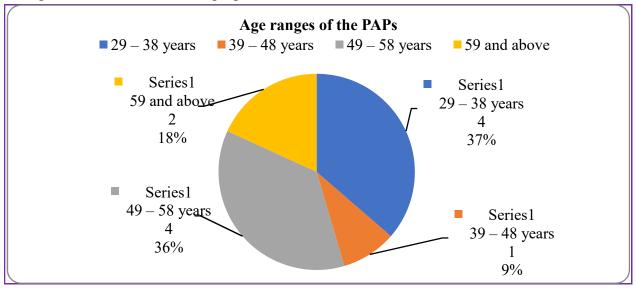
The sex distribution of the PAHs is 45% are female, while 55% are male.





# 4.3 Age range of the PAPs

Of the total number of 11project-affected households identified, majority of them are in theage range of 29-38. At the time of the census, the project-affected households had a total number of 21 children (under the age of 18). There are two elderly and two female-headed households among the project affected households, and they are considered as vulnerable groups who are eligible for additional assistance. The municipality will provide monetary assistance of a total amount of US\$800 for the two female headed households - Samsam and Faduma (US\$300 and US\$500) and the two elderly men – Mohamed A.Samatar and Qoje (US\$200 each) respectively during the rehabilitation of their properties.



# Figure 4.2

## 4.4 Marital Status

Most (73%) of the PAPs were married, 18% being single and only 9% widowed.

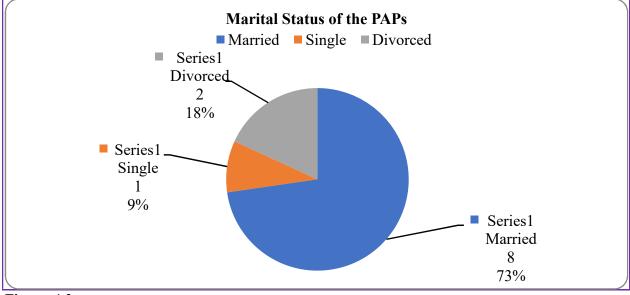


Figure 4.3

# 4.5 Educational level

55% of the PAPs had attended primary school education, while 27% had secondary and 18% had not gone to school, thus they can't read and write.

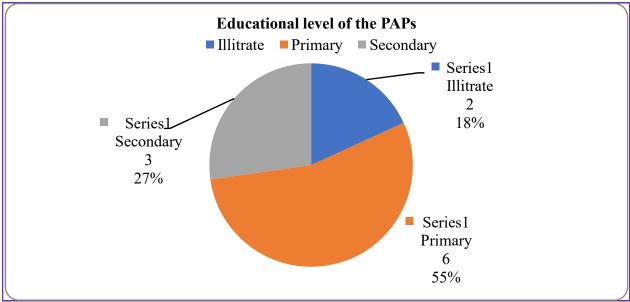
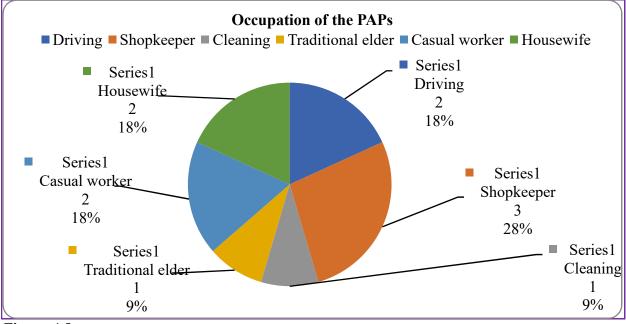


Figure 4.4

#### 4.6 Occupation

The occupation of 28% of the PAPs was shopkeeping, followed by drivers, casual worker and housewives (18%), while only 1% was traditional elder and cleaner respectively.



## Figure 4.5

# 4.7 Income earner

55% of the PAHs earn income less that US\$100 per month, 27% of them earn between US\$100-200, and 18% earn above US\$200.

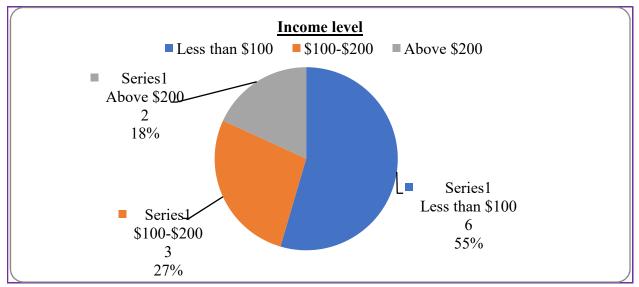


Figure 4.6

#### 4.8 **Residence tenure**

During the study, the PAPs interviewed statedthat their residence tenure is classified as permanent residence and each one of them has a title deed. During the survey, a representative from the municipality's Public Works Department was verifying the land ownership of the PAPs.

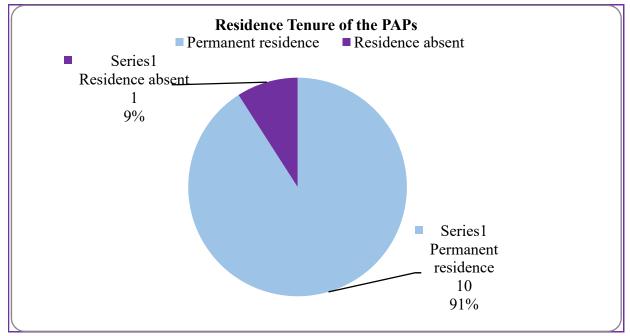


Figure 4.7

#### 4.9 Summary of individual PAHs

The table below summarizes the socio-economic and asset inventory details identified during the census survey form carried out by the team.<sup>2</sup>

#### Table 4.2 Summary of individual PAHs' socio-economic status

#### (omitted)

<sup>&</sup>lt;sup>2</sup>The table serves to highlight the heads of the eleven project-affected households. The total number of project-affected persons is forty-three.

# 5. LEGAL 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 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.

## 5.1 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; and
- 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; and
- The Federal Government, in consultation with the Federal Member States and other stakeholders, shall regulate land policy, and land control and use measures.

# 5.2 Puntland Laws

In Puntland State of Somalia, the legislative acts given below regulates the issues of obtaining State ownership rights to private owned lands based on the necessary public needs caused due to infrastructure constructions activities.

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 thisdraft 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, which 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 fulfillment 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 36addresses 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 Frameworkpassed 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.

#### 5.3 World Bank 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.
- 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 cost6 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;
- 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.

## 5.4 Gap Analysis between Country Legislation and World Bank Safeguards Requirement

This section compares the different laws from Puntland, 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 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 5.1: Comparative Gap Analysis of Somali Laws and Policies and World Bank Operational Policies

Item	Somali Law/Policy	World Bank	Existing Gaps	Gap filling
		Requirement		measures
Consultation	Provisional	Project Affected Persons	Somalia	World Bank's
	Constitutions of	(PAPs) facing physical or	consultation	ESS5

		• • •		· · · · · · · · · · · · · · · · · · ·
<b>Compensation</b> Eligibility	Somalia (Article 43) call for consultation between the Mayor and the Planning Committee prior to the expropriation of private land. Provisional Constitution of Somalia states that the state may compulsorily acquire property only if doing so is in the public	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 World Bank recognizes three classes of PAPs eligible for compensation: 1. Those with formal legal rights to land (including customary and traditional	mechanisms appear to prioritize government agencies, and may not adequately involve project affected persons Those without legal title to land, including squatters and encroachers, are eligible for only limited protection	guidelines and RAP are to be followed World Bank's ESS5 guidelines and RAP are to be followed
	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. Affected persons are to be settled in suitable land and their eviction and settlement costs be paid for by the local government.	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. 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	under Somali laws and policies	
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.	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,	World Bank policy requires project-level grievance redress mechanism to cover	Law courts may be cumbersome, costly or intimidating	World Bank's ESS5 guidelines and RAP are to be

	however, there is no clear redress mechanism	resettlement and related compensation matters and operations.	remedy, especially for those with no formal land titles, IDPs, refugees, those unable to read or write and should be used only as last resort.	followed
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

#### 6. INSTITUTIONAL FRAMEWORK

The institutions that have roles in the implementation of the RAP include:

- Department of Public Works;and
- PIU team.

#### 6.1 Department of Public Works

The Department of Public Works (DPW) at the municipal level is responsible for assessing and approving land tenure titles and deeds. Specifically, DPW has been involved in the preparation of the RAP process, including asset inventory and valuation of affected properties. This is to ensure that compensation is made to people who are adversely affected in accordance with laws.

#### 6.2 PIU Team

The members of the PIU also have a key role in the preparation and adaption, implementation and monitoring of RAP activities. Mostly, the Environment and Social Safeguard Specialist and M&E Specialist are assigned to lead, plan, coordinate and follow up the implementation of RAP activities.

# 6.3 ELIGIBILITY

Any person or household who will lose a property, as a result of the implementation of the proposed project was considered eligible for compensation and/or assistance. To be eligible one must have been captured in the census and asset inventory by the close of the cut-off date January 10, 2020. The cut-off date was decided by the municipality with the advice of the PIU team. While conducting census survey, PAPs were directly informed that the municipality is responsible for compensation of affected assets, but they should not do further encroachments of the RoW. The eligible list provided in the RAP (Annex 1) remains the basis for providing entitlements to the PAPs.

ESS5 defines three categories of affected persons who are eligible for compensation and assistance. The three categories include:

- 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.

**Property owners**: Includes any person, household regardless of their ownership status that will face their living adversely affected; and/or lose their assets due to the project implementation.

**Small scale business operators**: A person who owns a shop within the project-affected area, the operation of which will be disrupted by the project activities. She/he will receive assistance as per the Entitlement Matrix.

# Table 6.1: Entitlement matrix

Assets	Type of Impact	Entitled Person (s)	Entitlement
Buildings and structures	Structures are partially affected. Remaining structures viable for continued use.	Owner	• Cash compensation for affected building and other fixed assets.
Electric poles			Relocation of electric poles
Street vendors		Street vendors	<ul> <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>
Vulnerable groups			<ul> <li>Additional/special assistance (livelihood restoration support)during rehabilitation of their assets.Criterion for rendering additional assistance include people with no or limited incomes; female-headed households and elder-headed households. The additional assistance will be calculated based on the information provided by the PAPs as well as physical inspections and observations on the general livelihood conditions of the PAPs during the survey. The additional assistance is a top- up to compensations for property loss and it aims to help the person withadditional income for short period of time during the construction stage.</li> </ul>

# 7. VALUATION OF AND COMPENSATION FOR LOSSES

This section describes the method used for the valuation of affected physical assets (buildings and structures and electric poles) that are eligible for compensation in consistent with Puntland laws and/or WB's ESS5.

#### **Asset Valuation**

The valuation of losses in physical assets was carried out by assessing the market value of the assets and estimating the replacement cost. Replacement cost is simply calculated as the cost of replacing the lost assets. PIU's Engineer was requested to conduct a case by case rapid assessment on valuing of assets in line with the market price and the replacement cost. This was done in consultation with the PAPs. The asset inventory form provided by the RPF was used during the assessment.

In order to prepare for compensation and other benefits, it is imperative that a comprehensive asset and affected persons inventory in the sub-projects of SURP II in Garowewas carried out. Asset inventory form provided by the RPF was used during the valuation for assets affected by the project. PIU team (Environment and Social Specialist, Engineer and Project Coordinator) with village level Municipality representatives involved in the valuation process.

#### **Valuation Procedure**

At each affected person, the valuer took careful count of all properties. In addition, the valuer counted and measured all the affected structures in the presence of the affected person. The asset inventory form was used to record all the properties affected with the presence of the property owner.

#### Structure compensation

Compensation will be provided to all individuals whose assets or access to assets is affected or disturbed, as a consequence of securing the required sized of the RoW. The compensation for the loss of physical assets was different depending on the type of impact, and eligibility of the PAPs. Compensation will be given in the form of cash compensation and/or assistance.

#### Standing electric poles

Standing electric poles need relocation. There were seven electric poles which are likely to be affected by the project. These electric poles are scattered at different locations. The municipality will negotiate with the power supply company (NECSOM) prior to relocation of poles.

#### 8. COMMUNITY PARTICIPATION

Community participation in relation to the RAP occurs at all stages, starting with inception and planning stages. Community participation and consultation was done through individual group and community meetings. The role of community members from different project target areas, in the participation strategy was important.

During and after census survey (December 14-23, 2019) consultations at different levels, individual and group of people who were head of households, were conducted at their respective houses and office of the mayor respectively. Close consultation and collaboration with PAPs enabled the preparation of this RAP.

Notification of the cut-off date was made by Garowe Municipality through formal face-to-face meeting betweenthe PAPs, municipality officials, PIU members, and representatives of the residents in the areas traversed by the sub-projects as well as announcements made via local media. The announcements weremade via radio broadcasts by the public relations office of the municipality. In addition, communities were informed on the GRM through consultation meetings.

The main group of stakeholders was:

#### 8.1 Directly Affected People

These are the people who reside in the area or derive their livelihood from the affected asset (structures). These people will lose a limited quantity of their property to the project through acquisition of physical assets, trees and electric poles. Most of the directly affected people were informed and consulted on issues concerning property rehabilitation. They participated in the socio-economic survey.

#### 9. IMPLEMENTATION SCHEDULE

The implementation team within the Municipality was established to implement the RAP. All activities shown in the RAP are covered by Municipality funds and are to be completed prior to commencing of the road construction works. SURP II PIU is responsible for preparing and implementing approved RAP, under the support and supervision of the World Bank (WB) team. The RAP implementation schedule is described in the table below.

S/N <sup>·</sup>	Task	Timeline
1	RAP preparation, review and approval	January 2020 – January 2021
3	Public disclosure of the approved RAP	February2021
4	Implementation of RAP	February-March2021
5	Monitoring of RAP implementation	April-May2021

#### Table 9.1: Implementation schedule

#### **10. COST AND BUDGET**

The total cost for the implementation of the RAP is US Dollar Twenty-Eight Thousand TwoHundred Eighty-Seven(US\$28,287.00). The breakdown is provided in the table below.

Impact	<b>Compensation cost, US\$</b>	Source of fund
Rehabilitation of buildings & structures	US\$27,087.00	Garowe
Vulnerable persons affected by the project	US\$1,200.00	Municipality
Total	US\$28,287.00	

#### Table 10.1: Estimated costs for RAP Implementation

#### **11. GRIEVANCE REDRESS MECHANISM**

The implementation of the RAP could generate complaints and grievances. A Grievance Redress Mechanism (GRM) provides the means for any person or household aggrieved or dissatisfied with any activities related to the RAP implementation or project activities. The core of GRM is therefore to ensure PAPs have the avenue for seeking redress to a concern.

This is in line with the requirement of the WB's Environment and Social Framework (ESF)that all project resettlements incorporate a GRM that is accessible, free, easily understood, transparent and effective. The PAPs were not only informed of the formation or existence of a GRM for the stated purposes, but were involved in selected people to represent them, at the consultation and negotiation meetings.

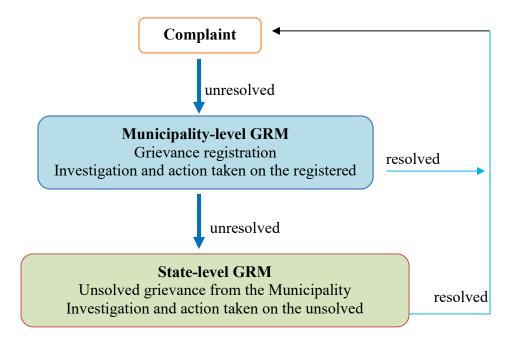
Grievances and/or comments related to SURP II can be submitted through grievance channel details that are shown below. Anonymous grievances will be allowed to be raised and addressed.

Email address:	mgure.suipp@plstate.so
Telephone number (s):	+252 (0) 907 790575
	+252 (0) 907 747496

In regard to appeal process, SURP II will adopt two-tier grievance systems in place at the municipal and state levels, as illustrated in the following chart. The members of Grievance Resettlement Committee (GRC) are revealed below.

- **Municipality-level GRM (Tier 1GRM)**: A grievance redress committee (GRC) will be established at municipallevel which will consist of representatives from the PAPs, women and youth groups, elders, religious leaders and representatives of the municipality (especially the director of the social affairs department, director of public works department and the executive secretary of the municipality). The PIU and the engineering, contractor and supervision consultants where relevant can support and attend meetings.
- **State-level GRM (Tier 2 GRM)**: The state-level GRM will address unsolved grievances at the municipality-level GRM. The state-level GRC will be comprised of the

representatives of municipality (esp. the Mayor), the PIU, the engineering and supervision consultant, and the representatives of the aggrieved PAPs or communities.



GRCs across the levels will manage and process grievances by following the steps shown below with timeframe.

#	Steps to address grievance	Suggested Timeline	Responsible body
1	Register and acknowledge the complaint in written format	Within one day	Municipality-level GRC supported by PIU/engineering and supervision consultant
2	Screen the basis of the registered grievance	Within three days	Municipality-level GRC supported by PIU/engineering and supervision consultant
3	GRC to consider ways to address the complaint	Within three days	Municipality-level GRC supported by PIU/engineering and supervision consultant
4	Implement the case resolution or the unsatisfied complainant can see redress with the appeal process	Within four days	Municipality GRC or State-level in case of appeal
5	Document the grievance and actions taken and submit the report to PIU	Within five days	Municipality-level GRC supported by PIU/engineering and supervision consultant
6	In case of no resolutions reached, the complainant has the right to take his/her case to the State-level judiciary system (civil court for litigation)	Anytime	Complainant

#### **12. MONITORING AND EVALUATION**

In order to ensure that the compensation plan is smoothly carried out and the interest of the affected persons are well undertaken care of, the implementation of the RAP will be under monitoring throughout the entire process. Monitoring will be categorized into two levels (i.e.,

internal and external monitoring). The efficiency of the assistance to the vulnerable people will be monitored via the external monitoring activities.

# 12.1 Internal Monitoring

The internal monitoring will be performed by GM-PIU team with the lead of M&E Specialist in order to measure progress against milestone set in the RAP and will prepare monthly reports on monitoring of impacts of the project. In addition, at this level of monitoring would focus on compensation allocation schedule and implementation of the laws and policies specified in the RAP.

# 12.2 External Monitoring

External monitoring will be carried out through a contracted independent qualified consultant. The consultant will visit project areas in Garowe. She/he will evaluate socio-economic conditions of the PAPs against RAP, review and make recommendation on the gaps in RAP implementation, efficiency of the setup for rendering assistance to vulnerable people affected by the project. In addition, the external monitor will also follow up actions taken during internal monitoring, and prepare and submit timely report to GM and WB.

Annex 1: List of eligible PAHs with estimated compensation cost

(Omitted)

#### Annex 2: Minutes of the Meeting with PAPs along Waberi road

On December 23, 2019, the Municipality of Garowe called for a meeting withthe PAPs along the selected roads for SURP in Garowe City. Five out of the 11identified PAPs attended the meeting, while the other sixhad informed that they could not attend consultative meeting due to their personal prior arrangements. The objective of the meeting was revealed by the PIU team (Environmental and Social Safeguard Specialist and Project Coordinator. The meeting was chaired by the Mayor of Garowe.

After introductions, PAPs were asked to raise any issues or questions on the findings of the study and issues related to affected properties, rehabilitation and compensation requirements.

Name of the PAP	Issue/Question	Clarification/Response
Khalif Mohamud Yusuf	When will the project start?	The project is on-going and will continue, the second phase will finance additional roads including the Wadajir-Waberi roundabout. Therefore, we expect that the actual work of phase II will start August 2020. However, we have been advised that we need to complete all issues related to compensation of PAPs.
Fardawsa Abdullahi Yusuf	Is it allowed that temporary kiosks will be used until the start date of the project is reached?	Temporary kiosks which are located along the road will be used for the time being, but when the civil works is about to start, you will be informed to remove and expected to receive your allocated compensation value.
Faduma Aden Ali	How will I be compensated for my structures such as kitchen, fencing wall and pit latrines	Based on the identified properties and values made by the Engineers you will receive full replacement compensation cost with quality assured by the Municipality

There were no any other questions and the meeting adjourned successfully. The Municipality will arrange another meeting with the rest of the PAPs who may not able to come to the meeting.

Due to the COVID-19 pandemic, we couldn't manage to meet with six members of the PAP. However, we had reached them through phone calls on March 28-30, 2020 and discussed with RAP. Frequent asked questions by these PAPs include: when will the road construction starts; compensation of their properties and give them time to prepare for RAP implementation. Overall, PAPs endorsed the RAP and expects its implementation.

Annex 3: Attendance List

	SOMALIA URBAN R	ROWE MUNIC ESILIENCE PROJ LITATION MEETIN DECEMBER 23	ECT PHASE TWO	) (SURP II)
NO.	ATTENDANCE LIST			
<u>INU.</u>	FULL NAME	LOCATION	TELEPHONE	SIGNATURE
1=	Faadumo Aadan Caci	Waberi	6550299	- Rock
2	Sam sam Cabdiraxman (	abli Waben	,7709776	Semi
3	Khalif Cluachi M	laxamuluc her	1774662	Ma
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Annex 4: Pictures taken during *Wabari* PAPs consultation meeting and RoW assessment



#### Annex5: Sample of Land Asset and Physical Inventory Census Survey Form

#### **Socio-Economic Household Datasheet of PAPs**

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

#### a) Household Interview

Relationship to Head of family	p Sex		Place of Birth	Age	M	Marital status	Residence tenure	Ethnic group	Religion	Education level	Inco earn		Economic	rating	
·	Μ	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

\_\_\_\_\_

#### Sample Asset Valuation Survey Form

Household ID of Asset Inventory for Project Affected People

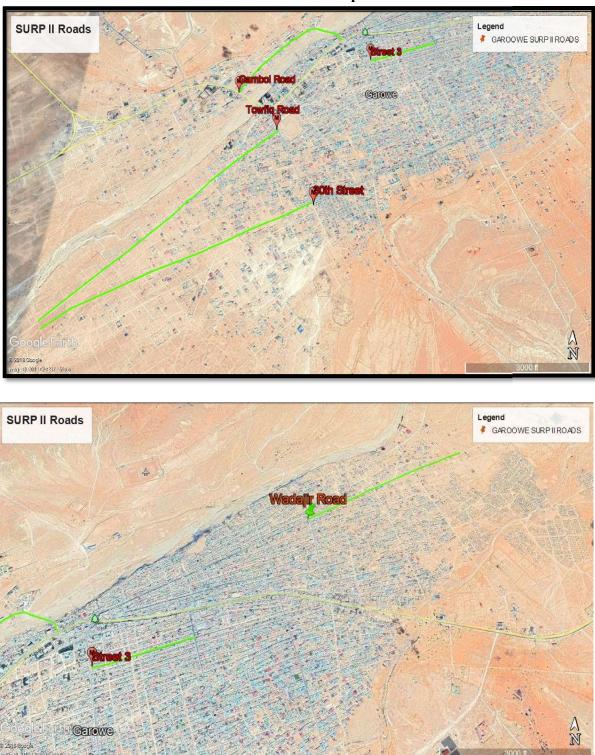
Date\_\_\_

HH ID	No. of persons in the HH	Total landholdin g of HH (m <sup>2</sup> )	Land to be acquired (m <sup>2</sup> )	Land <sup>3</sup> use type	Loss of % total	Loss of assets			Loss of crops			Loss of other assets	Other losses		ses
						Perman ent structur es (m <sup>2</sup> )	Temporar y 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)	Rente d reside nce	Bus h lost	Etc. (specif y)

#### **Entitlements of PAPs**

HH ID	Compensati	ion for land		Compensation	for structures	Compensatio	on for crops an	d trees		n for other assets an vells, businesses, etc	
	Quantity (m²)Unit price per m²Entitlemen 		Unit price (usd per m <sup>2</sup> )	Entitlemen t (usd)	Quantity unit	Unit price Entitlement (usd) (usd)		Quantity unit	Unit price (usd)	Entitlement (usd)	

<sup>&</sup>lt;sup>3</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 6: Map