

FEDERAL GOVERNMENT OF SOMALIA



Ministry of Finance (MoF)

Somalia Crisis Recovery Project (SCRIP)

Resettlement Policy Framework (RPF)

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Contents

CONTENTS.....	2
ACRONYMS AND ABBREVIATIONS.....	5
DEFINITIONS.....	7
1. INTRODUCTION	9
1.1. Project Description.....	9
1.2. Beneficiaries.....	10
1.3. Project Management Structure	11
1.4. Purpose of the Framework.....	12
2. LEGAL AND POLICY FRAMEWORK	12
2.1. National Legal and Policy Framework.....	12
2.2. World Bank Environmental and Social Standards.....	13
2.3. Legal Gap Analysis.....	13
3. POTENTIAL IMPACTS	18
4. PRINCIPLES AND OBJECTIVES.....	19
5. PROCESS FOR PREPARING AND APPROVING RESETTLEMENT ACTION PLANS (RAP)	19
5.1. Screening	19
5.2. Resettlement Assessment and Census	20
5.3. Census of Project Affected Persons	20
5.4. Displacement Prior to Project Approval	24
5.5. Preparation and Implementation of RAPs/ARAPs	24
5.6. Review and Approval of RAPs	25

6.	ESTIMATED DISPLACEMENT IMPACTS AND NUMBERS AND CATEGORIES OF DISPLACED PERSONS	25
6.1.	Eligibility criteria	25
6.2.	Vulnerable Groups	26
7.	METHODOLOGY FOR ASSETS VALUATION AND COMPENSATION	27
7.1.	Entitlement Matrix.....	29
8.	IMPLEMENTATION PROCESS.....	33
9.	ARRANGEMENTS FOR FUNDING RESETTLEMENT	33
10.	MECHANISMS FOR CONSULTATION	34
10.1.	Consultations Held to Date.....	34
10.2.	Stakeholder Mapping and Analysis	35
	Directly or Indirectly Project-Affected Parties	35
	Other Interested Parties.....	36
	Summary of Project Stakeholder Needs	37
10.3.	Strategy for Consultations.....	41
10.4.	Proposed Strategy to incorporate the View of Vulnerable Groups	42
11.	GRIEVANCE REDRESS MECHANISM	43
11.1.	Assess and Clarify.....	43
11.2.	Intake, Acknowledge and Follow-Up	44
11.3.	Verify, Investigate and Act	44
11.4.	Monitor, Evaluate and Feedback.....	45
11.5.	Monitoring and Reporting of GRM	45
11.6.	GBV, Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)	45
11.7.	WB's Grievance Redress Service (GRS)	46
12.	INSTITUTIONAL ARRANGEMENTS.....	47

13. MONITORING AND EVALUATION.....48

REFERENCES.....50

ANNEX 1: VOLUNTARY LAND DONATIONS AND CONSENT FORM51

Acronyms and Abbreviations

ARAP	Abbreviated Resettlement Action Plan
BRA	Benadir Regional Administration
CERC	Contingency Emergency Response Component
CRW	Crisis Response Window
CRW ERA	Crisis Response Window Early Response Allocation
CSO	Civil Society Organization
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
E&S	Environmental and Social
ESMF	Environmental and Social Management Framework
ESS	Environmental and Social Standard
FAO	Food and Agricultural Organization
FMS	Federal Member State
GBV	Gender-Based Violence
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
HIPIC	Heavily Indebted Poor Country Initiative
IDP	Internally Displaced Person
IDA	International Development Association
IP	Implementing Partner
IVA	Independent Verification Agent
M&E	Monitoring and Evaluation
MDA	Ministries, Departments, and Agencies
MIS	Management Information System

MoAI	Ministry of Agriculture and Irrigation
MoEWT	Ministry for Environment, Wildlife and Tourism
MoF	Ministry of Finance
MOHADM	Ministry of Humanitarian Affairs and Disaster Management
MoEFR	Ministry of Energy and Water Resources
MoPIED	Ministry of Planning, Investment and Economic Development
NGO	Non-Governmental Organization
OCHA	Office of the Coordinator of Humanitarian Affairs
OPM	Office of the Prime Minister
PAP	Project-Affected Person
PIU	Project Implementation Unit
PSC	Project Steering Committee
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SEP	Stakeholder Engagement Plan
SEAH	Sexual Exploitation and Abuse and Harrassment
SIDA	Swedish International Development Agency
SCRP	Somalia Crisis Response Project
SOmREP	Somalia Resilience Program
SPT	State Project Team
UNOPS	United Nations Office for Project Services
UNICEF	United Nations' Children Fund
UNDP	United Nations Development Programme

Definitions

Census	A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation and for preparing and implementing RAPs/ARAPs.
Compensation	Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced. ¹
Cut-off Date	The date the census and assets inventory of persons affected by the project begins. Persons encroaching on the project area after the cut- off date are not eligible for compensation and/or any other type of resettlement assistance. ²
Displaced Persons	The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets ³ .
Eligibility	The criteria for qualification to receive benefits under a resettlement programme. ⁴
Grievance Redress Mechanism (GRM)	Complaints mechanism is a means through which PAPs and communities may raise their concerns or provide feedback to the Project when they believe the project has caused or may cause them harm. The GRM ensures that complaints are being promptly received, assessed and resolved by those the responsible for the project.
Host Community	A host community is any community of people living in or around areas to which people physically displaced by a project will be resettled.
Household	A Household refers to a group of people who reside together and share in the functions of production and consumption. It is also the smallest unit of consumption, and sometimes production.
Household Head	For purposes of a census, the household head is considered to be that person among the household members who is acknowledged by other members of the household as the head and who is often the one who makes most decisions concerning the welfare of the members of the household.
Involuntary Resettlement	Direct economic and social impacts that both result from investment projects, and are caused by: (a) The involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. ⁵
Involuntary	Actions that may be taken without the displaced person's informed consent or power of choice. ⁶
Land Acquisition	The process of acquiring land under the legally mandated procedures of eminent domain.
Livelihood	The measures required to ensure that PAPs have the resources to at least restore, if not

¹ IFC Handbook for Preparing a Resettlement Action Plan, Undated

² World Bank Operational Policies (OP 4.12)

³ Ibid

⁴ Ibid

⁵ Involuntary Resettlement Sourcebook, Planning and Implementing in Development Projects, 2004 World Bank

⁶ Ibid

Restoration	improve, their livelihoods. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels. Inventory of Losses means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.
Project Affected Person (PAP)	PAPs are persons on whom the project has a direct economic and social impact. The impact may be caused by the involuntary taking of land resulting in; <ul style="list-style-type: none"> a) relocation or loss of shelter; b) loss of assets or access to assets; c) loss of income sources or means of livelihood whether or not the person should move to another location; or d) by the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.⁷
Replacement Cost	<p>Full market value for replacing lost assets, plus transaction costs. For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.</p> <p>For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.</p> <p>In determining replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where Somali law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard.⁸</p>
Resettlement	Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. ⁹
Resettlement Action Plan	An abbreviated or full resettlement action plan [A/RAP] is the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land
Resettlement Entitlements	Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.

⁷Ibid.

⁸ Ibid

⁹Ibid.

1. Introduction

1.1. Project Description

The humanitarian situation in Somalia is deteriorating due to the multiple and simultaneous crises afflicting the country, including drought, floods, conflict, and locust infestations, all within the same time and space. Presently, 5.2 million Somalis need humanitarian assistance, while 1.3 million face severe hunger. Considered the most vulnerable country to climate change in the world, the intensity and frequency of climatic events facing Somalia is expected to increase in the coming years. Combined with other development challenges, such as poverty, inequality, and capacity constraints due to more than two decades of conflict, these crises are undermining the country's political and economic gains.

The FGS appealed for emergency assistance and investment in longer-term solutions to avert future crisis in October 2019, with the government-led response directed by a high-level inter-ministerial Flood Response Committee. This was followed by a request by the FGS to the World Bank to support a government-led Post Disaster Needs Assessment and Floods Recovery and Resilience Framework for the flood-affected areas in early December 2019, followed by a further request in January 2020 to the World Bank for funding from the International Development Association (IDA) Crisis Response Window (CRW) to support flood recovery and resilience-building. With the country's arrears recently cleared in March 2020 in the context of the Heavily Indebted Poor Country Initiative (HIPIC), Somalia is now eligible for international financing in line with the World Bank's re-engagement strategy for the country.

Project Components

The Somalia Crisis Response Project (SCRCP) will include the following components:

Component 1: Immediate basic services and livelihood support for early recovery to the flood affected states of Hirshabelle, South West, and Jubaland and locust-affected areas nationally through: (a) establishing a cash-for-work scheme for vulnerable households in Flood and/or Drought Affected Areas; (b) controlling the desert locust population through ground and aerial spraying operations and carrying related impact assessment and surveillance activities; (c) restoring and protecting farmers' capacity for agricultural production through the provision of inputs, the pro-positioning of feedstock, the control of vectors and vector-borne livestock disease; (d) revitalizing basic health provisions strengthening response services and referral pathways for survivors of GBV; and (e) supporting household hygiene promotion and treatment.

Component 2: Medium-term flood recovery to rehabilitate of critical public and community infrastructure¹⁰ in line with build-back-better and climate resilient standards. The component will rehabilitate water and sanitation systems, broken or non-functioning pre-existing flood control systems (e.g., embankments, drainage, irrigation canals and restoration of river channels through dredging),

¹⁰Community infrastructure could include: (a) small-scale community self-built and self-maintained infrastructure; (b) community infrastructure developed, financed, maintained, and operated through non-public means such as NGOs, bilateral funding programs, etc.; and (c) small-scale community infrastructure that may have been created through public financing but was handed over to or fell into community hands for maintenance and upkeep.

health facilities, bridges, and small feeder roads. It will also support local mitigation efforts for risk reduction such as slope protection and environmental rehabilitation.

Component 3: Longer-term disaster risk management and preparedness. This component will strengthen the institutional capacity and preparedness of governmental ministries agencies and departments to respond to flood and draught related emergencies through, *inter alia*: (a) piloting integrated flood-drought preparedness and response solutions including community level structural and non-structural interventions; (b) carrying out flood risk management strengthening enabling policy and institutional framework ,flood risk assessment and hazard mapping, and pilot for structural flood risk reduction interventions; (c) supporting hydromet and early warning systems for the generation and dissemination of hydromet data; (d) operationalizing the National Drought Recovery and Resilience Framework Secretariat in MoPIED, institutionalizing investment planning processes, aid tracking, inter-institutional coordination and programmatic monitoring and evaluation; (e) establishing the National Emergency Operations Center and developing and rolling out public-civil society collaboration models for crisis response and preparedness; (f) establishing a locusts early warning system; (g) strengthening the Integrated Disease Surveillance and Response System and enhancing laboratory capacity for the timely detection of pathogens (including for COVID-19); and (h) rehabilitating, developing, and equipping selected health facilities for the delivery of essential health services.

Component 4: Project Management. This component will strengthen the institutional capacity Project Implementation Unit (PIU) and State Project Teams for the implementation of the Project, including procurement and financial management activities and audits, preparation of subproject designs and construction supervision, implementation of environmental and social monitoring actions and mitigation measures therefor, quality assurance responsibilities, technical management and oversight, grievance redressal system (including protection from GBV/SEAH and incidents referrals), Project monitoring and evaluation (including independent verification agents [IVA]). and reporting requirements.

Component 5: Contingency Emergency Response Component. This Contingency Emergency Response Component (CERC) is included in the Project in accordance with Investment Project Financing (IPF) Policy, paragraphs 12 and 13. There is a moderate to high probability that during the life of the Project Somalia will experience natural or man-made disasters, and major disease outbreaks of public health importance which causes a major adverse economic and/or social impact, which will result in a request to the Bank to support mitigation, response, and recovery in the areas affected by such an emergency. In the event of such an emergency, the CERC will serve as a first-line financing option for response. Additionally, the CERC is flexible enough to incorporate the new Crisis Response Window Early Response Allocation (CRW ERA) criteria so that it can be mobilized as part of an early response to an eligible food security crisis or disease outbreak.

1.2. Beneficiaries

The Project will support people affected by the impacts of floods and drought, as well by locust infestations. This includes around 300,000 households, including a focus on female-headed households, and over 150,000 livestock, as well as rehabilitated assets for over 40 communities. On a ratio of five individuals per household, this amounts to over 1.6 million persons. The most vulnerable populations, farming communities, IDPs, and host communities will be supported through multiple interventions.

1.3. Project Management Structure

The Project builds on existing institutional structures to enhance coordination between Government agencies and state and federal levels and flood-affected communities, with an overarching objective to restore the legitimacy of the State and strengthen State-Citizen trust.

Project Steering Committee (PSC). The Project will be overseen by a Project Steering Committee chaired by senior staff from the Office of the Prime Minister (OPM), comprised of Director Generals of the Ministry of Finance (MOF), Ministry of Planning and Economic Development (MoPIED), and FMS MoPIED. The PSC will serve as an apex decision-making body responsible for broader strategic oversight, policy guidance, validation of broader resource allocation recommendations by the PIU, and other key decisions referred to it over time. The PSC will also approve state investment and procurement plans, conduct periodic implementation progress and compliance reviews, perform trouble shooting functions particularly in the event of disputes, liaise with high level law enforcement agencies to ensure project security, validate strategic course corrections recommended by the PIU and other project constituents, and validate PIU state performance assessments and performance-based allocations to states.

Project Implementation Unit. The Project PIU will be mapped to the MoF and co-managed and co-staffed by a combination of MoF and MoPIED personnel. It will be responsible for project management, coordination and implementation support to the FMS. These tasks will include quality and process oversight, financial management, procurement, reporting and certification, contract management, M&E, and on ensuring social and environmental safeguards compliance. MoPIED will lead the PIU functions on coordination between Federal and State Government to facilitate prioritization, sequencing, and investment planning and to ensure that different sectoral line agencies work together to implement the multi-sectoral project activities.

At the State level

FMS MDA. All implementation of medium-term recovery interventions will be delegated to the relevant FMS institutions. FMS MDAs will identify sub-project interventions under the investment plans and prepare subproject designs and bidding documents in consultation with FGS MDAs, as well as support the procurement of contractors. FMS MDAs will also be responsible for contractor and site supervision, technical quality assurance, certification, and payment of works. The Project will finance the operating costs of the respective project teams in these MDAs to ensure that existing capacity and organizational structures are used and enhanced where necessary.

State Project Teams. A State-level extension of the PIU, the SPT¹¹ is proposed as a “light” structure in each Project state, to be housed in FMS MoPIED, serving primarily as a ‘node of convergence’ at the state level. They are responsible for design review and compliance of proposed designs and supervision of works, consolidating FMS MDA procurement and work plans, and supporting the PIU to manage the FMS Grievance Redress Mechanism (GRM) and project M&E. The SPT will be led by FMS Project “focal points” that will coordinate the participation of relevant technical FMS MDAs. The SPT will review the final procurement plans to assure compliance with World Bank standards, including safeguards, GRM, building-back-better, etc., and consolidation, with onward transmission to the federal PIU for final

¹¹ May include E&S safeguards, procurement, and engineering expertise.

approval by the PSC. Importantly, the SPT will be responsible for district-level community consultations and raising awareness of the project in their communities through strategic communication.

1.4. Purpose of the Framework

This Resettlement Policy Framework (RPF) for the SCRP sets out how displacement impacts under the SCRP should be addressed and managed.

Given that exact activities and sub-project locations and therefore Project Affected Populations (PAPs) are not known yet, the Resettlement Policy Framework (RPF) was the most appropriate instrument to guide resettlement activities under the SCRP. Once specific activities become known, Resettlement Action Plans (RAP) will be prepared as appropriate. This RPF details the process of the preparation and implementation of activity and sub-project specific Resettlement Action Plan (RAP).

2. Legal and Policy Framework

2.1. National Legal and Policy Framework

Somali national legislation is drawing from a variety of different historical legal regimes. At present, many new laws or revisions are still in process. As for State-specific laws, while some States have developed legislations around land issues, such as BRA, Somaliland, and Puntland, other States only have fledgling laws in place that do not yet define land rights. This counts, in particular for the affected States, Jubaland, SWS and Hirshabelle.

Provisional Constitution of the Federal Republic of Somalia. Somalia passed its Provisional Constitution in 2012.

Article 12 of the Constitution addresses public assets and natural resources.

Article 26 states that 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 justice compensation from the State as agreed by the parites or decided by a court.

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

Institutional capacity for environmental management

A Directorate of Environment is integrated in the Office of the Prime Minister. It is mandated to draft relevant policies and legislation, including establishing of the Environmental Quality Standards, and

Sectoral Environmental Assessments, Environmental Impact Assessments (EIA). Laws on environmental governance in SWS, Jubaland and Hirshabelle are at infancy stages and environmental impact assessment capacity is nascent. Environmental decision-making arrangements includes the FGS signing international conventions, and parliament approving Environmental Acts and Laws. However, necessary laws have not been formulated yet.

Most States have Ministries of Environment, which manage environmental issues. The Ministries have passed regulations on Environmental and Social Impact Assessments (ESIAs), which include the licensing of project roads. The State Ministries of Environment are to be consulted before any infrastructure activities in their respective state with potential environmental and social risks and impacts. The Ministries are mandated to supervise all matters relating to the environment. They are mandated to review and approve ESIAs and RAPs.

Some States, such as South West State and Jubaland, have Land Authorities, which are responsible for land adjudication matters.

2.2. World Bank Environmental and Social Standards

ESS 5 – Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement. ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. 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.

Experience and research indicate that physical and economic displacement, if unmitigated, may give rise to severe economic, social and environmental risks: production systems may be dismantled; people face impoverishment if their productive resources or other income sources are lost; people may be relocated to environments where their productive skills are less applicable and the competition for resources greater; community institutions and social networks may be weakened; kin groups may be dispersed; and cultural identity, traditional authority, and the potential for mutual help maybe diminished or lost. For these reasons, involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented.

The ESS does not apply to voluntary land transactions, as will be relevant for the SCRP. Voluntary, legally recorded market transactions are those in which the seller has the opportunity to retain the land, and to refuse to sell it, and is fully informed about his options. Such voluntary transactions, however, cannot result in the displacement of persons as a result of the transaction.

2.3. Legal Gap Analysis

Legal Gap Analysis

Objective	National Laws and Requirements	Gaps	Recommended Actions
<p>The Objectives of ESS 5 are:</p> <p>To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.</p> <p>To avoid forced eviction.</p> <p>To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by providing timely compensation for loss of assets at replacement</p>	<p><u>Provisional Constitution of the Federal Republic of Somalia.</u> Article 26 states that every person has the right to own, use, enjoy, sell and transfer property.</p> <p>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.</p>	<p>There is a lack of detailed legislation governing land use and ownership</p> <p>Evictions are reported to be commonplace in Somalia</p> <p>ESS 5 recognizes three categories of Project Affected Persons, which are eligible for compensation:</p> <ol style="list-style-type: none"> 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. <p>Those without legal title to land, including squatters and encroachers, are eligible for only limited protection under Somali laws and policies</p>	<p>Where land is donated by private owners, a land donation agreement process is implemented.</p> <p>This Resettlement Policy Framework (RPF) guides the development of site-specific RAPs/ARAPs once the project footprint is known. The RPF follows ESS5 guidelines.</p>
<p>Compensation Eligibility</p>	<p><u>Provisional Constitution of the Federal Republic of Somalia.</u> Compensation is provided only for occupants of temporary structures. Affected persons are to be settled</p>	<p>ESS 5 further defines types of losses to be compensated to include physical and economic displacements and cover land, residential or commercial structures,</p>	<p>World Bank's ESS5 guidelines, RPF and RAPs to be followed</p>

	<p>in suitable land and their eviction and settlement costs be paid for by the local government.</p> <p>According to reviewed Somali laws eligible PAPs have a right to be compensated with the same value of the affected property. Unclear how this value is set or determined by government agencies</p>	<p>and lost income caused by temporary or permanent economic displacement</p> <p>While under Article 26, people have a right to be compensated, it is not clear how the amount for the compensation is determined. ESS 5 requires full replacement costs for all assets.</p> <p>Somali law does not determine compensation schedule and cut-off date.</p> <p>ESS 5 determines that improvements of the living situations of displaced vulnerable people should be undertaken, Somali Law does not provide for that.</p> <p>Government methods may not ensure full replacement value. Bank requires full replacement cost for all lost assets</p> <p>Law courts barely function, especially for those with no formal land titles, IDPs, refugees, those unable to read or write, etc.</p>	
Compensation Cut-Off	<p>Compensation Payment Schedule and Cut-off date not addressed in Somali laws</p>	<p>Cutoff date to be established at time of census and asset survey</p> <p>Compensation to be agreed upon with PAPs and provided prior to taking over of assets or relocation</p>	<p>World Bank's ESS5 guidelines, RPF and RAPs to be followed</p>
GRM	<p>Somali laws mention the right of the PAP to file their grievances with law courts, however, there is no clear redress</p>	<p>World Bank policy calls for project-level grievance redress mechanism to cover resettlement and related compensation</p>	<p>Project will implement Project GRM that will include resettlement related grievance redress</p>

	mechanism	matters, construction phase grievances and operations phase grievances.	
Consultation	Provisional Constitutions of Somalia (Article 43) call for consultation between the Mayor and the Planning Committee prior to the expropriation of private land.	Somalia consultation mechanisms appear to prioritize government agencies, and may not adequately involve project affected persons No meaningful consultations with project affected persons may take place, consultation mechanisms seem to make a preference in regards to governmental bodies rather than community stakeholders	World Bank's ESS5 guidelines, RPF and RAPs to be followed
Access to Information	The Provisional Constitution of the Federal Republic of Somalia defines access to information as a right. Article 32 on Rights of Access to Information spells out that every person has the right of access to information held by the state; as well as every person has the right of access to any information that is held by another person which is required for the exercise or protection of any other just right.		Stakeholder Engagements will ensure dissemination of information
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	World Bank's ESS5 guidelines and RPF/RAPs to be followed
Vulnerable groups	Not addressed in Somali	The requirements of	World Bank's ESS5

	laws	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.	guidelines and RPF/RAPs to be followed
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In case of conflict between the national laws of Somalia and the World Bank E&S Standards, the latter will apply.

3. Potential Impacts

The below table shows potential impacts as per planned type of activity.

Sub-component	Activities	Potential Impact
Rehabilitation of damaged transport infrastructure (small-scale road infrastructure)	<ul style="list-style-type: none"> - Small-scale road infrastructure critical for sustenance of lives and livelihoods (farm-to-market roads), including feeder and internal roads, earthen and gravel roads, and walkways and footpaths within the community providing access to the arterial or local road system - low-cost structures such as drainage structures, pipe culverts, box culverts, land footbridges; road protection works including, flood retaining walls, protection of slopes, jetties, gully reclamation, cross water drainage and embankments. 	<p>Road construction might require acquisition of land, houses, buildings and other physical infrastructure. This may have the following potential impacts:</p> <ul style="list-style-type: none"> - land may be required that is claimed or owned by project affected persons, - land may be required that is claimed by someone with the view of receiving reimbursement. - Land or infrastructure may be occupied by IDPs <p>Rehabilitation of community infrastructure may lead to:</p> <ul style="list-style-type: none"> - a loss of assets, - sources of income or means of livelihoods, where community members or IDPs have made use of the infrastructure or the location of the infrastructure to be rehabilitated. <p>Processes for land expropriation and compensation may not be in place or fully established. As a result, resettlement as well due diligence for establishing ownership for voluntary land donations may be challenging and may lead to disputes</p>
Restoration of irrigation schemes in support of agrarian livelihoods	<p>support to community-led restoration of damaged pre-existing irrigation schemes such as:</p> <ul style="list-style-type: none"> - the reconstruction of storm drains and waterways, - the reclamation of gullies and desilting of weirs, etc. 	<p>Rehabilitation of community irrigation schemes may lead to loss of assets, sources of income or means of livelihoods, where community members or IDPs have made use of the land or water sources</p>
Rehabilitation of damaged health facilities	<ul style="list-style-type: none"> - Rehabilitate and re-equip damaged primary and secondary health facilities, - provision of technical assistance for the restoration of primary and secondary health services 	<p>Key public amenities selected for rehabilitation may have been converted to formal or informal IDP camps, and would therefore necessitate the relocation of already displaced people</p>

4. Principles and Objectives

This RFP aims to ensure that appropriate mitigation measures are implemented that prevent any adverse land-related impacts caused by the project.

Key principles include:

- Avoid and minimize the impacts on the physical displacement of people and economic impacts on their livelihoods to the extent possible
- Compensate for all losses incurred and displaced incomes and livelihoods,
- Ensure resettlement assistance or rehabilitation to address impacts on people and their livelihoods
- The policy applies to everyone equally that is displaced or impacted by project activities, disregarding the severity of the impact or the socio- economic background of the PAP, and whether or not the person has a right to a legal claim on the land
- The policy also applies where already displaced persons have to be relocated or lose their shelter.
- All stakeholders, and specifically PAPs, shall be consulted with in the planning of the RAPs, as per the SEP.
- Displacement and restriction to access shall not occur before all necessary resettlement measures are in place or before compensation has been undertaken.
- Mitigation measures include compensation, assistance required for relocation, and provision of settlement sites with adequate basic facilities.
- Eligible PAPs should be assisted to restore their incomes and livelihoods to pre-settlement levels.
- Vulnerable groups shall receive further support in addition to compensation and resettlement support
- Compensation will be calculated at replacement value without deduction of depreciation and salvage value.

5. Process for preparing and approving Resettlement Action Plans (RAP)

5.1. Screening

The initial E&S screening process, as described in this ESMF (see section below) is conducted for site - specific Project activities. It helps determine if the activity has any potential impacts in regards to physical or economic displacement. If the screening shows positive results in regards to displacement, it will be determined that an activity- or site specific RAP or an Abbreviated Resettlement Action Plan (ARAP) will have to be prepared and implemented.

The screening process will also show whether a RAP or an ARAP is required for the activity. A RAP should be prepared if people will be physically displaced and more than 10% of their productive assets are lost, or more than 200 people are affected. For minor impacts, such as if affected people are not physically replaced, fewer than 10% of productive assets are lost, or less than 200 people are affected, an ARAP is sufficient.

5.2. Resettlement Assessment and Census

The identification of the required land or area will help show specific resettlement impacts, as well as the types and nature of potential impacts on assets. A socio-economic assessment will need to be conducted by the IP under close supervision of the SPT, in order to understand the nature of the PAPs, and specifically the nature of the particular vulnerable groups in the project area, power dynamics, land ownership norms and issues. This assessment should show the potential and concrete impacts of resettlement activities on the PAPs, specifically on vulnerable groups. The assessment should take historical dimensions of population movements into account, which often still contribute to the many land disputes and tensions over land use. Lacking understanding of those underlying tensions can result in open conflict through resettlement activities. Furthermore, different concepts and jurisprudence of land ownership, land use and land tenure have to be understood. Especially critical is to assess the differing land concepts of farmers versus pastoralists, or agro-pastoralists. For example, while some land under the law will be considered municipal, pastoralists may have a claim for its usage. In addition, the assessment should list assets/infrastructure impacted; investigate loss of income /livelihood resulting from project interventions; and assess economic / physical displacement/relocation. Also critical will be to ensure that where pastoralists with nomadic lifestyle exist, they are included and catered for specifically. The assessment will address the claims of communities who, for valid reasons, are not present in the project area during the time of the census, such as seasonal resource users or pastoralists with nomadic lifestyle.

All these issues will need to be considered in the resettlement assessment that should lead to the design of activity or locations specific RAPs.

Project Component 2 will focus mostly on Hirshabelle, Jubaland and South West State. Populations in these three states consist of different variations from farmers to pastoralists that still adhere to nomadic lifestyles.

5.3. Census of Project Affected Persons

The Assessment will further include a census of PAPs to determine their numbers and record their socio-economic profiles. Information includes personal details of PAPs including family members, and the current monthly income generated from activities before the consensus. This information will help determine the eligibility of PAPs to receive compensation, and help to identify their specific entitlements. The information will allow for a detailed development of the activity-specific RAP, and will support accurate budgeting of the activity in order to take all compensation measures into account. It will further create the basis for all monitoring activity on the resettlement issue.

The census of the PAPs will announce a cut-off date that indicates the beginning of the census. The announcement will be made following outreach modalities described in the SEP. The cut-off date will be announced by the state-PIU in consultation with local authorities, including informal authorities. Persons that encroach in the activity area after the cut-off date cannot be considered.

The table below shows key resettlement assessment questions and key data to be collected in the census:

Resettlement Assessment	
Date:	
Location:	
Planned Activity:	
Key Questions to be elaborated on through participatory research tools	
Which are the key PAPs?	
List the vulnerable groups among the PAPs, which are particular for this area	
Who are the formal and informal authorities at community, ward, district level?	
Which land disputes exist in the area?	
What are the different claims on land ownership and use?	
Are there historical population movements that still contribute to disputes over land?	
Which institutions and authorities in this area help solve land ownership and usage claims?	
Have any evictions taken place to clear land for this activity?	

Land Asset and Physical Inventory Census Survey	
Interviewer	
Supervisor	
Name	
Position of concession in coordinates	
Day/Month/Years	
1. Head of Extended Family	
2. Number of core families in extended family residential group	
3. Head of extended family	

Household Interview								
Relationship to Head of	Sex	Place of Birth	Age	Marital Status	Residence Tenure	Education Level	Income Earner	Economic Rating (Primary, secondary,

Family (Head, Spouse, Child, grandchild, parent)				(single, married, divorced, widowed)	(permanent, absent, non- resident, visitor, other)	(no formal education, primary, secondary, religious school, college, university)	(yes/no)	tertiary)

5.4. Displacement Prior to Project Approval

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

If such evictions for the purpose of implementing a Project activity have taken place prior to the preparation of the RAP, ESS 5 requirements will be implemented retroactively.

During the screening and the assessment phase, the local authorities and local communities need to state that no such eviction has taken place. These findings are subject to review by the SPTs, the federal PIU and the World Bank. Information on the illegality of such evictions will be disseminated prior and during the activity to allow for potential affected parties to file respective complaints or grievances. The information dissemination will be instituted following the approaches outlined in the Stakeholder Engagement Plan (SEP).

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

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

Where the provisions of ESS 5 requirements cannot be met, the activity will be screened out and cannot be implemented.

5.5. Preparation and Implementation of RAPs/ARAPs

The preparation of the activity or site-specific RAPs will be undertaken by the SPTs. It will be led by the SPT's social safeguards specialist. External assistance may be considered for the preparation, depending on the complexity of the activity and its resettlement impacts. The RAP will be prepared once the activity has been identified and screened, and after the resettlement assessment and census have been conducted – but before any commencement of activities on the ground. The schedule for the preparation and implementation of the activity-specific RAP will be based on the principles of this RPF, and must be agreed on by the PIU, the relevant government authorities and affected PAPs. This schedule must ensure that no individual or affected household is displaced due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided.

The activity-specific RAP should have the following contents:

1. Description of Project and its potential impacts
2. Key Objectives of the RAP
3. Results of Assessments, including census/survey and social audit where necessary
4. Applicable legal framework
5. Applicable institutional framework
6. Eligibility of PAPs
7. Quantification of project related impacts and their mitigation
8. Income/livelihood restoration where impacted
9. Valuation of and compensation for losses
10. Stakeholder and community participation
11. Implementation schedule
12. Costs and budgets
13. Grievance Redress Mechanisms
14. Monitoring and Evaluation
15. Additional Planning Requirements (where physical resettlement is undertaken, including transitional assistance, site selection, site preparation, relocation, housing, infrastructure, social services, environmental protection and management, consultation on relocation, integration with host populations)

The measures to be undertaken under the RAP will be budgeted and implemented by the respective IP that has been selected for the implementation of the activity. The SPT will monitor and supervise the implementation of the RAP.

RAPs and ARAPs will further outline the land acquisition process. For this project, only voluntary donations are planned. The RAPs / ARAPs will follow the voluntary land donation guidelines in annex 1.

5.6. Review and Approval of RAPs

RAPs will be presented to the federal PIU and to the World Bank for approvals. They will subsequently be publicly disclosed, as per SEP. Furthermore, the respective State Land Authorities will be consulted in matters around land acquisition and registration of transactions.

6. Estimated Displacement impacts and numbers and categories of displaced persons

This RPF will be updated with estimated displacement impacts once sufficient clarity and information on the Project exists.

6.1. Eligibility criteria

In line with ESS 5, criteria for affected persons that are eligible to receive assistance under this Project are as follows. The type of assistance may hereby vary. Under ESS 5, PAPs are classified as persons:

- a) Who have formal legal rights to land or assets
- b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law, or
- c) Who have no recognizable legal right or claim to the land or assets they occupy or use (this includes IDPs, refugees or returnees living by themselves or as a group or with host families; or other socially or economically marginalized groups, such as pastoralists with nomadic lifestyle)

6.2. Vulnerable Groups

ESS 5 emphasizes resettlement impacts on poor and vulnerable populations. Physical and economic displacement should be especially avoided where people are vulnerable. Vulnerable groups often have different land needs in comparison to other groups, or resettlement poses particularly adverse impacts on them.

Groups or individuals particularly vulnerable to physical or economic displacement under the SCRP include:

- Farming communities
- Internally Displaced People (IDPs) and host communities
- Women and girls
- Female headed households
- Households affected by the flood
- Elderly and disabled persons
- Marginalized or minority group members
- Pastoralist groups, especially those practicing nomadic lifestyles
- Socially and economically excluded groups (minority clans in specific areas, poor communities)

Intersectionality plays a significant role in making some individuals even more vulnerable, for example female or elderly IDPs. The degree of vulnerability of some groups or individuals can also depend on the respective locality. While a particular sub-clan may be a minority group in one area, its members may be part of the majority in another geographic location. Some groups may also be particularly vulnerable to specific land-related impacts (such as farmers), while others are more receptive to economic displacement (for example pastoralists).

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

- Socio-economic situation of different population groups, in particular those defined as vulnerable.
- All PAPs, but groups identified as vulnerable in specific, have to be informed of the activities and resettlement necessities, and have to be consulted in an appropriate manner (see SEP). They have to be able to participate in the decision-making process concerning the project activities and resulting physical or economic displacement.

- The input of PAPs, and vulnerable groups in specific, should lead to resettlement and compensation – where unavoidable – that actually improves their socio-economic status
- All PAPs, and vulnerable groups in specific, should receive sufficient information about the Project GRM (see section on GRM in this ESMF), and it needs to be ensured that they have access to address their concerns through the GRM.

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

7. Methodology for Assets Valuation and Compensation

The Project will provide timely compensation to all PAPs for loss of assets at replacement costs. ESS 5 defines ‘replacement cost’ as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement.

For property valuation, the set values will be representative of the market rates at that particular time.

Replacement cost is the market value established through independent and competent real estate valuation, plus transaction costs. However, since it is to be expected that functioning markets do not exist at the Project locations, replacement costs will be determined through 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.

Where physical displacement results in a loss of shelter, replacement costs must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety, including the same quality and safety standards or better.

Where specialized asset valuations are necessary, a valuation expert will be contracted by the PIU in the beginning of the project, to allow for the development of standardized procedures throughout the project. The World Bank needs to approve of such standardized procedure.

Market valuations must be adopted for all tree-based crops. Fruit trees, for example, 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. Their present age and productive life of the tree needs to be factored in. In cases in which households are physically resettled, they will be reimbursed for the labor invested in the trees that have to be left behind. Timber trees are reimbursed through a cash compensation for full replacement value of the tree including for the one time sale of timber.

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

For loss of income, rates will be based on daily profit averages for a particular type of business derived from random sampling in the Project areas. Loss of income compensation will depend on the number of days that access will be restricted or denied.

Particular attention will be paid to the needs of vulnerable PAPs such as, as explained above.

See Table in section 7.1 for a matrix of entitlements for different types of resettlement or loss of incomes or assets.

7.1. Entitlement Matrix

The below matrix will be updated as physical and economic displacement issues related to the Project become more clear and as activity locations will get known¹². Most importantly, the site-specific Resettlement Assessment are likely to show a variety of ‘entitled persons or groups’, as especially in the rural areas concepts of ‘owners’ or ‘tenants’ or ‘dwellers’ are not necessarily as clean cut. Some of the entitled persons or groups and the respective entitlements will therefore need to be developed in regards to specific findings in the site-specific assessments. However, it is essential that the federal PIU and the World Bank approve of those groups and entitlements, and that they are added to the below list as they are identified and approved. This will help standardize entitlements across the project for similar types of cases.

RAPs developed for specific Project activities will also be based on socio-economic surveys and other research and insights, which will feed into the updating and refining of this matrix.

Asset	Type of Impact	Entitled Person or Group	Entitlement
Commercial Land	No Displacement: Land use partially affected, limited temporary loss	- Owner	- Compensation in cash at full replacement value ¹³ - Where land use is partially affected or with temporary losses, replacement value will be determined for ‘loss of use of land’ and for temporary losses
		- Tenant (incl. IDP)	- Assistance with identification of new rental location if temporary or permanent move necessary - Rent and deposit refund along with relocation assistance
	Displacement: Premise used severely affected, remaining land not fit for use	- Owner	- Land for land replacement with land of equal size and market potential / compensation in cash at full replacement value. - Assistance in finding new location
		- Tenant (incl. IDP)	- Cash compensation equivalent to three months of net income based on estimates from comparable businesses - Assistance in finding new rental/lease location - Relocation assistance including one month rental assistance and moving costs to re-establish business - Livelihood restoration assistance if required

¹² The matrix is adjusted from the Somalia Urban Resilience Project Phase II (SURP II).

¹³ Where market prices are used to estimate the ‘replacement value’, market prices are ‘current market prices’

Residential Land	No Displacement: Land used for residence partially affected, and/or limited temporary loss, and the remaining land remains viable for use	Owner	<ul style="list-style-type: none"> - Compensation in cash at full replacement value for affected land - Where land use is partially affected or with temporary losses, replacement value will be determined for 'loss of use of land' and for temporary losses
		Tenant	<ul style="list-style-type: none"> - Assistance with finding new rental / lease location if temporary or permanent move necessary - Rent and deposit refund along with relocation assistance to cover moving costs
	Displacement: Premise used for residence severely impacted, remaining area insufficient for use or smaller than minimally accepted	Owner	<ul style="list-style-type: none"> - 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
		Tenant	<ul style="list-style-type: none"> - Rent for two months and deposit refund along with relocation assistance and moving costs - Assistance with finding new rental location
Agricultural or pasture land	Full use	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project	<ul style="list-style-type: none"> - pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. - The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.
	Seasonal use	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project	<ul style="list-style-type: none"> - pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. - The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.
Buildings and Structures	No Displacement : Structure partially affected, but	Owner	<ul style="list-style-type: none"> - Like for replacement or cash compensation for affected structure per PAP's choice

	the remaining premise remains viable for continued use		<ul style="list-style-type: none"> - Restitution work or cash assistance to cover cost of restoration of the structure – according to PAP’s choice
		Tenant	<ul style="list-style-type: none"> - Cash compensation for affected assets (any viable improvement to the property) and disturbance compensation equivalent to one month rent
	Displacement: Entire structure affected / structure partially affected but the remaining structure is not suitable for use	Owner	<ul style="list-style-type: none"> - Cash compensation at full replacement cost for the entire structure and other fixed assets without depreciation, or construction of alternative structure – acceptable to the PAP - Right to salvage material without deduction from compensation - Relocation assistance to cover moving costs
		Tenant	<ul style="list-style-type: none"> - Cash compensation for any verifiable improvement to the property, rent and deposit refund - Relocation assistance to cover moving costs - Right to salvage material without deduction from compensation
		Street Vendor	<ul style="list-style-type: none"> - Cash compensation equivalent to one month of net income based on estimates from comparable businesses - Right to salvage material without deduction from compensation - Relocation assistance to cover moving costs - Where there is ownership of asset/infrastructure, compensation is provided, in addition to compensation or loss of income/livelihood covered
	Informal dweller (incl. IDP)	<ul style="list-style-type: none"> - Provide arrangements to allow dwellers to obtain adequate housing with security of tenure - Where dwellers own structure, compensation for the loss of assets other than land, such as dwelling and other improvements to the land, at replacement cost - Based on consultation with affected persons, relocation assistance in lieu of compensation for land sufficient for them to restore their standard of living at an adequate alternative site 	
Trees - timber	Cut/uprooted (loss of timber)	All PAPs	<ul style="list-style-type: none"> - Cash compensation for full replacement value of the tree including for the one time sale of timber,
Fruit trees	Cut/uprooted (loss of fruit)	All PAPs	<ul style="list-style-type: none"> - Cash compensation for full replacement market value of the produce of one tree for two years, assistance in establishing replacement trees. Present age and productive life the tree needs to be factored in
Standing Crops	Crops affected by land	All PAPs	<ul style="list-style-type: none"> - Cash compensation equivalent to average of last three years of market

	acquisition or temporary acquisition or easement		value of mature and harvested crops
Business	Loss of access	All PAPs	<ul style="list-style-type: none"> - Cash compensation to 50% of net monthly income based on estimates from comparable businesses for length of time access is lost. Or up to three months income (if loss is permanent) - Assistance to help find alternative temporary or permanent locations to establish business - Right to salvage material without deduction from compensation - Livelihood restoration assistance if required (assistance with job placement skills training).
Community Building	Temporary loss of access	All PAPs	<ul style="list-style-type: none"> - Cash compensation to cover public transportation cost to the nearest same facility in the town/city for the period of loss
		Owner/Community	<ul style="list-style-type: none"> - Structure replacement or cash compensation at full replacement costs for the entire structure and other fixed assets without depreciation, or alternative structure which is acceptable to the PAP - Right to salvage material without deduction from compensation - Relocation assistance to cover moving costs - Assistance with finding new location
	displacement	Tenant	<ul style="list-style-type: none"> - Cash compensation at full replacement cost for any verifiable improvement of the property - Rent and deposit refund - Relocation assistance to cover moving costs - Assistance with finding new location

8. Implementation Process

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

No civil works are allowed to commence on sites where RAP implementation has not been undertaken and completed.

The RAP will further include an itemized budget for its implementation, including all amounts of compensation for affected assets, and resettlement costs. Costs for stakeholder engagements, as per SEP, as per ESMF, have to be included in the budget. All other construction and safeguards-related costs (including Project GRM) should be budgeted separately on the PIU or IP budgets.

The RAP budgets should contain costs related to the following items:

- Asset acquisition (land, structure, crops and economic trees, infrastructure)
- Land Acquisition and preparation (land, structures, crops and other items, community infrastructure)
- Relocation (transfer of possessions, installation costs)
- Economic rehabilitation / livelihood restoration (training, capital investment, technical assistance)
- Stakeholder Engagement
- Monitoring and Supervision
- Contingencies

9. Arrangements for Funding Resettlement

The RAPs will be prepared by the SPTs, with assistance from the federal PIU. They will be approved by the PIU and the World Bank. The Social Specialist in the state-PIU will be mainly responsible for the preparation of the RAPs, as well as for the monitoring and supervision of its implementation. The SPTs will be responsible for project management and timely transfer of activity funds to the IP.

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

Below table shows the specific responsibilities of different actors in the resettlement process.

Institution	Responsibility
World Bank	Approval of RAPs

Federal PIU	Assistance to SPTs in the preparation of screening processes, assessments and preparation of RAPs; approval of RAPs; general reporting on RAPs to the World Bank as part of E&S reporting requirements
State-PIU	Implementation of screening process and assessment; preparation of RAP; monitoring and supervision on the implementation of the RAP; reporting on the implementation of the RAP to the PIU
IPs	Costing and budgeting for the implementation of the RAP in the bidding process; deployment of social officer with capacity to implement the RAP; full implementation of the RAP; reporting on the implementation of the RAP to the SPT
IVA	Independent verification on the preparation and implementation of the RAPs.

10. Mechanisms for Consultation

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

Most crucial is that during the implementation phase of the RAP, all PAPs have access to all relevant information, including their rights to resettlement, compensation, payment and RAP activity schedules, identity of leading authorities and implementers etc.. They must be given the opportunity to provide their inputs and feedback on the planned activities. Furthermore, they must receive all information in regards to the Project GRM, and the GRM must be available to all PAPs to file potential complaints. PAPs will be presented with the concrete amount of cash compensation or land offered for compensation for their consideration and endorsement before the actual payment can be effected.

10.1. Consultations Held to Date

Two types of consultations on the general Project have been held to date. Engagements and consultation on the project design and the planned activities and implementation arrangements have been conducted with key institutional stakeholders including the relevant Government agencies, development partners such as UN agencies. Engagements and consultations have been held with key stakeholders. Furthermore, community consultations have taken place through community representatives, such as CSOs and NGOs, as per World Bank guidance under the COVID-19 pandemic. Broader consultations have been hampered, one by the lack of time given that this is an emergency project, and second by the outbreak of the COVID-19 pandemic, which has made community consultations impossible at this stage.

Both types of consultations were general in nature, and it was not possible to consult on specific resettlement questions, as to this date the specific activities that may require involuntary resettlement

are unknown. As soon as locations, implementing partners and specific activities have been decided on, tailored community consultations around resettlement issues will be conducted.

10.2. Stakeholder Mapping and Analysis

Stakeholder engagement is the interaction with, and influence of project stakeholders to the overall benefit of the project and its advocates. ESS 10 recognizes two broad categories of stakeholders: 1) those likely to be affected by the project because of actual impacts or potential risks to their physical environment, health, security, cultural practices, well-being, or livelihoods (project affected parties), and 2) other interested parties.

In view of this RPF, affected parties will likely be in the three States selected for project implementation, namely Hirshabelle, Jubaland and Southwest State. In these three States households have generally been affected by floods, and most of Component 2 activities will be implemented here.

Directly or Indirectly Project-Affected Parties

Effective consultations and other stakeholder engagements with the project affected communities will be conducted by the PIU and IPs throughout the Project’s life cycle. Resettlement specific consultations will be conducted prior to the development of RAPs or ARAPs.

Stakeholder	Description
Small farmer and agro-pastoralist households	Most affected by locust invasions and have suffered loss of crops and livelihoods. Project interventions such as spraying, and livelihoods support have significant impacts on them. They will need to be effectively consulted to mitigate E&S risks and enhance project benefits.
Small pastoralist households	Natural and man-made shocks have impacted households based on pastoralist livelihoods, especially as their traditional routes for tending livestock have been impacted. The drought in 2017 has cost pastoralists in Somalia 70% of their average annual cash income (while agro-pastoralists only lost 30%). ¹⁴
IDPs, in particular, those who are persons with disabilities, from ethnic/other minorities, women, and IDPs that have faced multiple displacements	The Somalia Humanitarian Needs Overview estimates a total of 1.72 million IDPs in need nationally ¹⁵ .
Host communities	Often tension is reported between IDPs and their host communities. In the three respective States there are several locations where IDPs meet host communities. It is therefore important to also attend to the needs of host communities.

¹⁴ The World Bank Group, Somali Poverty and Vulnerability Assessment, April 2019.

¹⁵ OCHA Humanitarian Needs Overview Somalia 2020.

Women	There are gender-specific protection and inclusion concerns particularly among displaced populations. In terms of livelihoods, women dominate in all aspects of sheep and goat production, and the sale of processed milk. While men sell for export, women sell for local consumption. Although women play a critical role in the maintenance of household livelihoods, they generally have less access to productive resources, services and employment opportunities, contributing to a significant gap between men and women's productivity.
Youth	Being the largest demographic in Somalia and facing significant vulnerability owing to the country context, the effects of crisis and shocks disproportionately impact the youth. This calls for their targeted inclusion and involvement in the project activities through consultations and information disclosures
Children	In some cases, girls are pulled from school to allow women to earn an income, and boys are vulnerable to recruitment by armed actors for use as child soldiers.
Minority groups	Key minority groups in the three selected states are Bantu (15% of the total Somali population; small scale farming and laborers); Bajuni (0,2% of Somali population, mainly fishers); Galgale/Samale (0,2% of Somalia population, pastoral); Midgan or Gaboye (0,5% of Somali population); etc... ¹⁶
Disabled persons	Persons with disabilities are particularly marginalized in Somalia. There is a lack of data on disability in Somalia, but it is presumed that it is higher than the global average (15%), given the protracted conflict situation, ¹⁷ and that persons with disabilities are more likely to be excluded from participation and benefitting from public services.
Female headed households	Given that more men die in the protracted conflict in Somalia, a continuous increase in female-headed households is taking place. This has resulted in changes of the intra-household roles.

Other Interested Parties

Stakeholder	Description
Community leaders	With formal administration systems only developing and non-existent in some areas, community leaders including clan and religious leaders play a vital role in community entry and the attainment and social license to operate .
National level Ministries (MoF, MoPIED, OPM, MOHADM, MoAI, MoLFR, MoEWR, MoWHRR, MoPWRH, MoTCA,	<ul style="list-style-type: none"> - MoF will house PIU; - MoPIED will be part of the PIU; will provide coordination support across line Ministries; will be responsible for M&E, and will lead prioritization of activities; - OPM will provide overall strategic guidance to the PIU - MOHADM, MoAI, MoLFR, MoEWR, MoPWHR, MoTCA, will receive

¹⁶ UNCU/UNOCHA, A Study on Minorities in Somalia, 2002, accessed at: <https://reliefweb.int/report/somalia/study-minorities-somalia>

¹⁷ DFID, Disability in Somalia, K4D, 2018, accessed at: https://assets.publishing.service.gov.uk/media/5a744dbded915d0e8bf188ec/Disability_in_Somalia.pdf

	capacity building support; and will be consulted in regards to project activities
FMS governments and line Ministries (FMS Ministry of Planning and International Cooperation, Ministry of Investment and Economic Development, etc..)	- FMS Ministries for Planning, and Ministries for Economic Development will receive capacity building support, and will be consulted on project activities
Local District-Level Administrations	- District Administrators are usually the authorities that handle day-to-day needs and grievances; community development, community consultations
UNOPS	- UNOPS will provide project management support to the PIU
UNICEF	- UNICEF is likely to work on COVID-19 activities
FAO	- FAO works on flood risk management, livelihood support and locust response
BRICS	- BRICS may potentially play a role in livelihood support
UNDP	- Potential collaboration on strengthening government system for disaster recovery
WHO	- WHO has been engaged in flood response in other projects, and may become involved in the COVID-19 response
OCHA	- OCHA has been engaged in flood response generally
SomREP	- SOMRep has been working on flood response generally
DFID	- DFID has been funding significant humanitarian interventions in Somalia, next to key development and stabilization programming
SIDA	- Potential collaboration on strengthening government system for disaster recovery
Local and national CSOs and NGOs operating in the health, education, livelihood sectors	With most having invaluable experience in the successful delivery of a wide range of humanitarian services, their networks, delivery systems and knowledge of intricate community dynamics will need to be tapped for use by the project.

Summary of Project Stakeholder Needs

Community	Stakeholder Group	Key Characteristics	Language needs	Preferred notification means (email, radio, phone, letter)	Specific needs (accessibility, child care, large daytime meetings etc.)
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Community Level	Communities in Hirshabelle, Jubaland and South West State where beneficiaries are selected from and where community infrastructure activities will be implemented	Local communities in rural environment	Somali	Radio, telephone ¹⁸ , community meetings	Literacy in Somalia is low, with 50% male literacy and only 26% female literacy
	Small farmer households	Local communities in rural environment	Somali	Radio, telephone, community meetings	Rapid information dissemination on spraying activities, hotlines and GRM mechanisms for inquiries and grievance lodging
	Small pastoralist households	Possible nomadic movement patterns	Somali	Mobile phone, radio, telephone	May require communication means that are independent of locality (e.g. mobile phone or radio)
	IDPs (including IDPs that have faced multiple displacement)	Residing mostly in IDP camps, which may be controlled by gatekeepers	Somali	Mobile phone, radio, community meetings, banners	Security concerns, e.g. hold meetings during day time. Consultations including FGDs
	Host communities	Local communities in rural or urban environment	Somali	Mobile phone, radio, community meetings, banners	Involvement in community engagement and information dissemination
	Women	Often not integrated in communal decision-making processes	Somali	Mobile phone, radio	Gender disaggregated consultations, Inclusion in project benefits and access to GBV services as required

¹⁸ For example, BRiCS maintains a database with profiles and phone numbers of all beneficiaries.

Youth	Often not integrated in communal decision-making processes	Somali	Mobile phone, radio	Meaningful inclusion in consultations and project benefits
Children	Not included in communal decision-making and vulnerable to child labor and recruitment as child soldiers.			Protection from project risks and impacts such as child and forced labor.
Minority groups	Not represented in local authority structures, generally discriminated against by majority clans, and therefore often not considered in decision-making processes, and difficult to access services	Somali	Mobile phone, radio, community meetings	Depending on the group, some live in one location, whereas others are spread throughout communities, including living in IDP camps/settlements.
Persons with disabilities	Often not included in decision-making processes, and more likely to be excluded from public services and participation.	Somali	Mobile phone, radio, community meetings, and other media, depending on accessibility needs	Consider working with NGOs focusing on disabilities to ensure full reach of disabled persons in the affected States, including through use of media (e.g. Braille, sign language, etc.,) and locations that are accessible and appropriate to ensure their participation
Female-headed households	Often not integrated in communal decision-making processes	Somali	Mobile phone, radio	Gender disaggregated consultations, Inclusion in project benefits and access to GBV services as required

	Community leaders (elders, sheiks, imams)	Their authority will depend on the presence and strength of community leaders of other groups; they can have significant influence in the communities	Somali	Community meetings, individual meetings	They can also be used as a means to reach the broader public
District Level	Local District-Level Administrations	Usually have to deal with all concerns of the communities	Somali	Individual meetings, Newspapers, emails, Phone calls	Roles and responsibilities including support in stakeholder engagements, information dissemination and grievance redress
FMS-Level	FMS governments and line Ministries		Somali	Individual meetings, email, internet usage, emails, Phone calls	Roles and responsibilities including support in stakeholder engagements, information dissemination and grievance redress
	Local NGOs and CSOs	Can originate from different backgrounds	Somali	Individual meetings, mobile phone, internet / email, Newspapers,	Ensure that NGOs and CSOs from different backgrounds are considered for engagement
National Level	National level Ministries (MoF, MoPIED, OPM, MOHADM, MoAI, MoLFR, MoEWR, MoWHRR, MoPWRH, MoTCA)		Somali	Individual meetings, internet/email	Roles and responsibilities including support in stakeholder engagements, information dissemination and grievance redress

UN agencies, international NGOs, bilateral donors		English	Internet/email	Preparation and implementation support as well as training and capacity building
National CBOs, CSOs, NGOs		Somali/ English	Internet/email, individual meetings, telephone	Preparation and implementation support as well as training and capacity building

10.3. Strategy for Consultations

Sub- Project Stage	List of information to be disclosed	Methods proposed	Timelines: locations / dates	Target Stakeholders	% Reached	Responsibilities	
Project Design	Subproject and potential resettlement plans	Stakeholder meetings	Prior to development of RAP/ARAP	District level	10%	PIU	
		Email		National Level	50%	PIU	
		websites		National level	20%	PIU	
		email		National level	50%	PIU	
		websites		National level	20%	PIU	
	GRM	Stakeholder meetings	District level	10%	PIU		
		email	National level	50%	PIU		
		websites	National level	20%	PIU		
	Sub-Project Initiation and Implementation	RAP / ARAP	Community meetings	Continuous	Community level	20%	IP
			email	Continuous	National level	50%	IP/PIU
website			Continuous	National level	20%	IP / PIU	
Stakeholder meetings			Continuous	Districts and State level	20%	IP	
	Any project-related information (on activities,	Community meetings	Continuous	Community level	20%	IP	

	beneficiary selection etc...)	radio	Continuous	Community, district and State level	20%	IP
		Mobile phone	Continuous	Community, district and State level	20%	IP
		Email/website	Continuous	National level	50%	IP
	GRM	Community meetings	Continuous	Community level	20%	IP / PIU
		radio	Continuous	Community, district and State level	20%	IP / PIU
		Mobile phone	Continuous	Community, district and State level	20%	IP / PIU
		website	Continuous	National level	30%	IP / PIU

10.4. Proposed Strategy to incorporate the View of Vulnerable Groups

Each IP will ensure that women, persons with disabilities, ethnic minorities and other members of vulnerable groups are participating effectively and meaningfully in consultative processes and that their voices are not ignored. This may require specific measures and assistance to afford opportunities for meetings with vulnerable groups in addition to general community consultations. For example, women may be more outspoken in women-only consultation meetings than in general community meetings. Similarly, separate meetings may be held with young people, persons with disabilities or with ethnic or other minority groups. Further, it is important to rely on other consultation methods as well, which do not require physical participation in meetings, such as social media, SMS, or radio broadcasting, to ensure that groups that cannot physically be present at meetings can participate.

In view of promoting gender equality, it is most important to engage women's groups on an ongoing basis throughout the lifetime of the project. Women voicing their concerns and contributing in the decision-making process on issues such as community infrastructure should be encouraged, especially in various fora that predominantly consist of men.

IPs are similarly encouraged to deploy female staff, in particular where staff interfaces with community members.

GRMs are designed in such a way that all groups identified as vulnerable have access to the information and can submit their grievances and receive feedback as prescribed.

11. Grievance Redress Mechanism

Under the new World Bank ESSs, Bank-supported projects are required to facilitate mechanisms that address concerns and grievances that arise in connection with a project.¹⁹ One of the key objectives of ESS 10 (Stakeholder Engagement and Information Disclosure) is ‘to provide project-affected parties with accessible and inclusive means to raise issues and grievances, and allow borrowers to respond and manage such grievances’.²⁰ The Project GRM should facilitate the Project to respond to concerns and grievances of the project-affected parties related to the environmental and social performance of the project. Given its broad spread, it will also apply for resettlement issues. The SCRP will provide mechanisms to receive and facilitate resolutions to such concerns. This section lays out the grievance redressal mechanisms (GRM) for the SCRP.

As per World Bank standards, the GRM will be operated in addition to a GBV/SEAH and Child Protection Prevention and Response Plan, which includes reporting and referral guidelines (see GBV/SEAH and Child Protection Prevention and Response Plan). It will also operate in addition to specific workers’ grievance redress mechanisms, which are laid out in the LMP.

The GRM aims to address concerns in a timely and transparent manner and effectively. It is readily accessible for all project-affected parties. It does not prevent access to judicial and administrative remedies. It is designed in a culturally appropriate way and is able to respond to all needs and concerns of project-affected parties.

11.1. Assess and Clarify

Through radio, mobile phones, community meetings, email and websites information about the Project and its sub-component activities will be publicly disclosed (see above).

The type of information disclosed includes details about the Project structure, activities, budgets, consultation and information disclosure plans (SEP), and in this case particularly any community infrastructure plans, RAP or ARAPs.

Based on the information made available, aggrieved parties can decide whether they have a case to report or whether the available information clarifies their concern. This will allow the aggrieved party to decide on the appropriate next step in order to report a grievance, comment, or provide feedback to the Project.

The provision of multiple grievance channels allows an aggrieved party to select the most efficient institution, accessibility, circumvent partial stakeholders, and creates the ability to bypass channels that are not responsive.

¹⁹ Under ESS 2 (Labour and Working Conditions), a grievance mechanism for all direct or contracted workers is prescribed, which will be laid out in a separate Labor Management Procedures (LMP). The World Bank’s Good Practice Note on ‘Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works’ spells out requirements for a GBV grievance redress mechanisms, which will be defined in a separate GBV/SEAH and Child Protection Risks Action Plan.

²⁰ World Bank, Environmental and Social Framework, 2018, p. 131.

11.2. Intake, Acknowledge and Follow-Up

Grievances received through the GRM will be taken in by the respective IP/contractor. The Hotline Operator will be overseen by the PIU, and reviews information received and transfers it to the respective IP; Community Project facilitators will file grievances and pass them to the respective IP at state or national level. Community facilitators will also man the help desks or be responsible for suggestion boxes. All cases received through these, the community facilitator reports to the IP. All cases will thereby be treated confidentially.

Where grievances are of sexual nature and can be categorized as GBV/SEAH or child protection risk, the IP has to handle the case appropriately, and refer the case to the GBV reporting protocols and referral system, defined in the GBV/SEAH and Child Protection Prevention and Response Plan. Dedicated training on how to respond to and manage complaints related to GBV/SEAH will required for all GRM operators and relevant project staff.

For all other grievances, the respective IP will decide whether the grievance can be solved locally, with local authorities, implementers, NGOs, CSOs or contractors, and whether an investigation is required. The first ports of call will have in-depth knowledge of communal socio- political structures and will therefore be able to address the appropriate individuals, if the case can be solved at the local level.

At all times, the IP will provide feedback promptly to the aggrieved party, for example through the phone or through the community facilitator. Feedback is also communicated through stakeholder meetings and beneficiary meetings during Project activities. For sensitive issues, feedback is given to the concerned persons bilaterally.

Records of all feedback and grievances reported will be established by the IP. All feedback is documented and categorized for reporting and/ or follow-up if necessary. For all mechanisms, data will be captured in an excel spreadsheet. The information collected, where possible, should include the name of the person provided feedback, district, State, cooperating partner where applicable, project activity, and the nature of feedback or complaint.

11.3. Verify, Investigate and Act

The IP will investigate the claim within 5 working days and share findings with relevant stakeholders. Where an incident was reported, the IP will, in addition, follow the incident management protocol. Verification and management of GBV/SEAH related grievances will follow specific, differentiated processes outlined in the GBV/SEAH and Child Protection Prevention and Response Plan.

Where a negotiated grievance solution is required, the IP will invite the aggrieved party (or a representative) and decide on a solution, which is acceptable to both parties and allows for the case to be closed – based on the agreement of both parties.

After deciding a case, the IP has to provide an appeals mechanism to the aggrieved party, which is constituted through the PIU. This is important in cases in which the aggrieved party is dissatisfied with the solution provided by the IP. In these instances, the PIU will step in and provide an appeals

mechanism. The appeal should be sent to the PIU directly (a phone number will be provided), where it will be reviewed by the PIU Risk Management Unit and will be decided on jointly with the Head of the PIU. Where aggrieved parties are dissatisfied with the response of the PIU, they can report cases directly to the World Bank (see below).

11.4. Monitor, Evaluate and Feedback

The IP will provide first feedback on the case to the aggrieved party within one week, if the case was not filed anonymously. Further feedback and action will depend on the nature of the case, and whether cases are decided upon within the respective IP. The IP will show to the PIU that action has been taken within a reasonable amount of time.

Most importantly, all cases filed need to be logged and monitored by the IP. The IP will analyze all complaints and feedback on a quarterly basis, and share a synthesis report of the analysis with the PIU.

11.5. Monitoring and Reporting of GRM

The PIU, specifically the Social Specialist, will be responsible for the monitoring of the availability and implementation of the GRM by all IPs. The Specialist will include the GRM into his supervision and monitoring missions to the field and conduct spot checks in regards to its implementation, or, where access is difficult recruit IVA to do so.

IPs will provide analytical synthesis reports on a quarterly basis to the PIU, which include the number, status and nature of grievances. These reports will form the basis of all regular reports from the PIU to the World Bank.

IPs will further provide an excel sheet summary of the feedback and grievances reported, which will be linked to the Project's Management Information System (MIS) and to the M&E Results Framework. They will further maintain a documented record of stakeholder engagements, including a description of the stakeholders consulted, a summary of the feedback/grievances received during community consultations.

The PIU will further extract lessons learnt from the GRM and implement analysis on the overall grievances, and share them with all IPs.

11.6. GBV, Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)

Cases of GBV/SEAH can be reported through the general Project GRM. However, additional channels for reporting GBV/SEAH complaints will be identified and integrated into the GRM GBV/SEAH and Child Protection Risk Action Plan. The GBV survivor has the freedom and right to report an incident to anyone: community member, project staff, GBV case manager. Given to the sensitive nature of GBV complaints, the GRM will provide different ways to submit grievances such as phone, text message and email. All relevant staff of the PIU and IPs will receive training on receiving GBV complaints and referral systems, ideally during the project initiation phase and as part of the staff welcome package. The GRM Operators

will be trained on key protocols including referral, reporting and informed consent protocols to receive those cases in an appropriate manner and immediately forward it to the GBV/SEAH referral system. The GRM Operator will ensure appropriate response by 1) providing a safe caring environment and respect the confidentiality and wishes of the survivor; 2) If survivor agreed, obtain informed consent and make referrals, 3) provide reliable and comprehensive information on the available services and support to survivors of GBV.

The GRM should consider to include key features on prevention of GBV: 1) Establish quotas for women in community level grievance management to facilitate safe reporting, 2) provide multiple channels to receive complaints (channels to be determined after community consultation) 3) Resolving complaints at the point of service delivery to reduce information and transaction costs and gender sensitive independent channels for redress. 4) Communicate GRM services at the community level to create GBV awareness and enable project-affected people to file complaints.

Beneficiaries and communities should generally be encouraged to report all GBV/SEAH cases through the dedicated GBV/SEAH referral system and complaints resolution mechanism. This will be made explicit in all community awareness sessions, as well as be part of the publicly disclosed information. The GBV/SEAH referral system will guarantee that survivors have access to necessary services they may need, including medical, legal, counselling, and that cases are reported to the police should the survivor choose to do so. Formal processes for disclosing, reporting, and responding to cases of GBV/SEAH will be articulated within the GBV/SEAH and Child Protection Risk Action Plan.

If such cases are reported through the Project GRM, the GRM Operator needs to report the case within 24 hours to the PIU, as the PIU is obliged to report any cases of GBV/SEAH to the World Bank within 24 hours following informed agreement by the survivor. Furthermore, cases of SH should be reported through the workers' GRM, if it concerns a direct worker or a worker from a sub-contractor, NGO partner or even a community worker following a survivor-centered approach. IPs are in charge of monitoring that the courses for contractors regarding the Code of Conduct obligations and awareness raising activities to the community are in place. The information gathered would be monitored and reported to the PIU and the World Bank. All reporting will limit information in accordance with the survivor's wishes regarding confidentiality and in case the survivor agrees on further reporting, information will be shared only on a need-to-know-base, avoiding all information which may lead to the identification of the survivor and any potential risk of retribution.

11.7. WB's Grievance Redress Service (GRS)

Communities and individuals who believe that they are adversely affected by a World Bank supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress->

[service](http://www.inspectionpanel.org). For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

12. Institutional Arrangements

Implementation of Component activities approved by the PSC at the federal level will be led by the PIU, which is located in the MoF. The PIU, under instruction from the PSC and in consultation with state-level Ministries of Planning, and with technical support from the World Bank and UNOPS, will contract out the detailed design and implementation of Component activities.

FMS MDAs will identify sub-project interventions under the investment plans and prepare subproject designs and bidding documents in consultation with FGS MDAs, as well as support the procurement of contractors. FMS MDAs will also be responsible for contractor and site supervision, technical quality assurance, certification, and payment of works.

Implementing Partners (IPs) will be contracted by the PIU and/or MDAs to lead the detailed design of the sub-projects or activities, mainly in Component 2, including engineering design for some works. The PIU will be responsible to assist with the E&S screening process where necessary and to approve screening results and subsequent E&S plans, and to monitor and supervise the implementation of all E&S risk mitigation measures. In view of the RPF, the PIU will be responsible to assist SPTs and IPs to develop RAPs/ARAPs where required, including the planning and budgeting for resettlement related actions. The PIU will further approve RAPs/ARAPs, and monitor and supervise the implementation of all risk mitigation measures.

The IPs and SPTs will also implement all consultation related activities in relation to resettlement and land acquisition issues. The overall responsibility for monitoring and supervision of this ESMF will lie with the PIU (see section on monitoring below).

The PIU will consist of one environmental specialist, one social specialist, and one GBV specialist, both with at least 8 years of experience in the implementation of safeguards in their respective fields. The PIU will also include a GBV specialist to address GBV/SEAH risk management requirements under the project. The three will staff the Risk Management Section within the PIU, and will report directly to the Project Coordinator of the PIU. The Social Specialist will have the key tasks to handle all ESS 5 related issues, including assistance with screening processes, development of RAPs/ARAPs, recommendation for approvals of the Action Plans, overseeing the implementation of the Plans. The Social Specialist will further facilitate and monitoring of stakeholder engagements, including the GRM. He or she will also make recommendations on how analytical and consultation outcomes should be taken up.

The overall responsibility for the implementation of the RPF instruments lies with the Project Coordinator of the PIU. The PIU will further support stand-by consultant expertise on resettlement issues.

The PIU will be reinforced by UNOPS that will provide support to the approval of E&S screening processes and subsequent E&S planning and documentation, as well the monitoring, supervision and reporting of the implementation of specific E&S instruments and this ESMF. UNOPS will thereby act in

an advisory function to the PIU, and will assist with capacity development for the PIU staff and all relevant project implementation partners (PSC, PIU, SPTs, MDAs, CSOs) in regards to the activity-specific E&S screening processes, the development of activity-specific E&S instruments, and the implementation of the ESMF with all its related E&S instruments. UNOPS will not have decision making powers over the approval of E&S screening results or any other related activities, as well as sanctions for non-compliance.

This will be part of UNOPS assistance in intensive project management support in the first year to build the capacity of the PIU and then gradually phase out over the lifetime of the project. UNOPS shall be expected to provide the PIU with intensive 'on the job' training during the first phase of the project.

All IPs receiving funding for project implementation must demonstrate sufficient capacity among its staff in order to design and implement the necessary RPF measures. The PIU will approve demonstrated staffing capacity of the respective IP, together with approval of general project activities.

13. Monitoring and Evaluation

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

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

- PAPs were notified and adequate community consultations held
- Census of all PAPs and socio-economic survey was conducted
- RAP/ARAP was prepared, cleared and disclosed
- Compensation was carried out in accordance with RAP/ARAP
- All grievances have been recorded and addressed in a timely manner

In addition, the Independent Verification Agent that will be contracted by the PIU will also monitor the implementation of the RAPs/ARAPs. This activity will be integrated into the IVA's general TOR. Once the IVA is deployed, a monitoring schedule for the RAPs/ARAPs will be developed jointly with the PIU that assesses whether the goals and compensation plan of the RAPs/ARAPs are met. The SPTs, jointly with local government representatives will facilitate the coordination of information collection, such as surveys and supervise documentation in accordance with the procedures.

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

- Collection and storage of census data into a database for comparative analysis
- Number of PAPs physically or economically displaced by each activity
- Timing of compensation in relation to commencement of physical construction work

- Compensation paid to each PAP
- Number of people raising grievances, reached solutions, and number of unsolved grievances
- All relevant items in the entitlement matrix will be monitored

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

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

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

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Annex 1: Voluntary Land Donations and Consent Form

The Voluntary Land Donation Guidelines will be adjusted pending the final menu of projects and what kind of land requirements emerge. A limit of voluntary land donations will be included.

As individual land ownership and respective land titling is not widely established, the Project will consider any household using lands prior to disclosed activity commencement as having legitimate land use rights and such rights can be donated freely to the project according to the above provisions, if noted land is considered necessary for subproject implementation. Thus, in the following paragraphs “owner” refers to the owner of land-use-rights.

Voluntary land donations should only be authorized for activities if they can clearly document (a) the potential donor or donors have been appropriately informed and consulted about the project and the options 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. Procedures must be put into place to ensure that the donation is indeed voluntary, that the donor is the legitimate owner of land-use-rights on such lands, and that the donor is fully informed of the purpose of the donation and of the implications of donating the property. If the land is donated on a conditional basis, the terms and conditions for the temporary use of the property must be clearly documented. Land acquisitions on a “willing buyer/willing seller” basis should also be properly documented in order to ensure that fair compensation has been paid and to avoid future conflicts over land due to lack of transparency. These transactions are only valid if the seller was given a genuine opportunity to retain the land and refuse to sell it. If there are occupants of the land, other than the seller, they qualify for involuntary displacement when the seller sells the land (see RPF).

Voluntary land donation is strictly defined in international practice as the ceding of a property by an owner who is: a) fully informed; and b) can exercise free will, i.e., can refuse to sell or to donate. “Fully informed” means that the owner has complete information regarding the proposed activity and its impacts, its land requirements and its alternate activity sites, as well as his or her rights to compensation. The owner has also been provided with sufficient time to consider his or her disposition of the property, and the owner has knowingly rejected the right to renege on his or her initial decision. “Free will” means that the owner can reject the possibility of giving up his or her land, because: a) there are viable alternatives available (such as rerouting of a water main if an owner refuses access to his or her property), or b) where no viable alternatives are available, the donation will be to his or her benefit (such as a road rehabilitation project that will also benefit the owner of a small piece of land to be donated for the road works).

The following basic provisions must be complied with:

- Land to be donated must be identified by the community through a participatory approach (this approach should include the Chiefs, however, Chiefs will not be able to decide alone on land donations)

- Impacts of proposed activities on donated land must be fully explained to the donor
- The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign
- The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities
- The donor may request monetary or non-monetary benefits or incentives as a condition for donation
- The proportion of land that may be donated cannot exceed the area required to maintain the donor's livelihood or that of his/her household
- Donation of land cannot occur if it requires any household relocation
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land; land donations by communal authorities is not sufficient.
- Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses)
- The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry
- Any donated land that is not used for its agreed purpose is returned to the donor.

Each instance of voluntary land donation for an activity must be documented. This requires written notification indicating the location and amount of land that is sought and its intended use for the activity, and requires a formal statement of donation, establishing informed consent and signed by each owner or user involved. Taxes to be paid by the land donor for registration of the land transfer, if applicable, should be covered in full by the IP. The IP maintains a record with documentation for each instance of land donation. The documentation is made available for review in any grievance that may arise, and is provided to the World Bank upon request.

Land donations also will be subject to rigorous consultation strategies, as required under ESS 10, to ensure that people are fully informed and consulted on all project modalities and donate land in a fully informed way. Information dissemination and consultations will be conducted as defined in the SEP, and will ensure free, prior and informed consent (FPIC) from the affected groups.

The project must specify means by which land donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised. Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process. Alternatively, grievances may be referred to grievance mechanisms established for project purposes. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of Somalia.

It is possible to distinguish between "pure" donations without any compensation or support given to the person affected, vis-à-vis "partial" donations which involve some monetary or non-monetary benefits or incentives provided to the affected person. Both can be broadly classified as "voluntary donations" in the sense that the transfer of assets is done without involving the payment of compensation at replacement value. The Project will apply the "partial" donation approach for vulnerable households, to avoid that even small donations lead to livelihood impacts and provide additional support to ensure no impact of the land donation. Voluntary land donation may be allowed even if no viable alternative exists, as long as the donation is to the benefit of the donor (such as a road rehabilitation project that

2. _____
(Signature, name and address)