

THE REPUBLIC OF SOMALILAND



MINISTRY OF WATER RESOURCES DEVELOPMENT

HORN OF AFRICA GROUNDWATER FOR RESILIENCE PROJECT (P174867)

RESETTLEMENT POLICY FRAMEWORK (RPF)

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ABBREVIATIONS AND ACRONYMS

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

DEFINITION OF TERMS

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

Term	Definition
Census	A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation and for preparing and implementing a Resettlement Action Plan (RAP).
Compensation	When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance may be necessary to help them improve, or at least restore, their standards of living or livelihoods.
Cut-off Date	The date the census and assets inventory of persons affected by the project begins. Persons encroaching on the project area after the cut-off date are not eligible for compensation and/or any other type of resettlement assistance.
Displaced Persons	The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
Eligibility	The criteria for qualification to receive benefits under a resettlement program.
Forced Eviction	Forced eviction is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in ESS5.
Grievance Redress Mechanism	The complaint mechanism is a locally based formalized way through which project affected people and communities may raise their concerns directly with the project when they believe the project has caused, or may cause, them harm. The Grievance Redress Mechanism ensures that complaints are being promptly received, assessed and resolved by those the responsible for the project.
Host Community	A host community is any community of people living in or around areas to which people physically displaced by a project will be resettled.
Household	The term household refers to a group of people who reside together and share in the functions of production and consumption. It is also the smallest unit of consumption, and sometimes production.
Household Head	For purposes of a census, the household head is considered to be that person among the household members who is acknowledged by other members of the household as the head and who is often the one who makes most decisions concerning the welfare of the members of the household.
Involuntary Resettlement	Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets, or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term “ <i>involuntary resettlement</i> ” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.
Land Acquisition	<i>Land acquisition</i> refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.
Livelihood	<i>Livelihood</i> refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.

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

EXECUTIVE SUMMARY

1. This Resettlement Policy Framework (RPF) is developed by the Republic of Somaliland for the Horn of Africa (HoA) Groundwater for Resilience (GW4R) Project. The project to be financed by the World Bank will be implemented by the governments of Kenya, Somalia, Somaliland, Ethiopia, Sudan, and Djibouti. The Intergovernmental Authority on Development (IGAD) will also be one of the implementing agencies. The Horn of Africa (HoA) is characterized by underdevelopment, resource scarcity, conflict and violence, economic shocks, food insecurity, and climate change impacts.
2. The Project Development Objective (PDO) is *to increase the sustainable use and management of groundwater by beneficiary groups in the Horn of Africa*. The project has three components: (a) **Component 1. Delivering inclusive groundwater services to priority areas**. This component addresses the urgent needs for investments in groundwater development, community management, and use of groundwater for human consumption and livelihood development; (b) **Component 2. Generating groundwater information and strengthening regional and national groundwater institutions**. This component will focus on establishing a uniform system for groundwater development and management across Somaliland; and (c) **Component 3. Project Management and M&E and Internalized Knowledge Management and Learning**. This component will finance the operational costs of the MoWRD-PIU at national level.
3. The Program's environmental and social risks have been classified as High. The environmental risk rating is Substantial as the direct environmental risks of the Program are expected to be predictable, reversible, site-specific and are not likely to be highly significant. The social risk rating is High given the contextual risks including the security situation in the HOA, the risk of conflict which can be unpredictable and factors such as access to land and inclusion. The SEAH risk is also categorized as Substantial since SEA/SH may occur as a result of the program activities notably those associated with labor influx where even relatively small numbers can lead to increased risks and towards female workers who may be at risk of SEA or SH in the workplace.
4. **The Project beneficiaries** will be communities that suffer from poor water conditions and that face increasingly difficult conditions relating to climate change, a rapidly growing population, and increasing conflicts over scarce resources. The total number of beneficiaries is estimated at 50,000. They will include rural communities, livestock owners, women and girl-children, and urban populations. Others include government institutions which will benefit from capacity strengthening and development of policies and legal frameworks. Indirect beneficiaries will include those who will use ground water information generated by the project and work under conducive policy and legal frameworks developed under the project.
5. The project will require land to implement the activities identified in component 1, specifically sub-component 1.B on *Investing in groundwater infrastructure development, including community engagement and improved water distribution and water usage*. Land will be required for the construction of new wells and boreholes. There may be need for land for the rehabilitation of old schemes (in case of expansion), and for enhancement of rainfall harvesting and collection of surface runoff. In addition, there may be land requirements for supporting the GoSL Ministry of water to construct suitable premises. The land requirements will be determined during scoping.
6. Issues relating to land, land tenure, and land utilization in Somaliland have always been delicate. The land tenure system in Somaliland is now governed by the Government of Somaliland, Islamic shariah, and customary Xeer law. While there are commonalities across Somaliland's land tenure systems, there are significant variances between rural and urban areas, particularly the major towns. Furthermore, there are substantial distinctions between pastoral lands, where collective ownership is predominant, and urban and cultivated fields, where individual land ownership has a long history. The Somaliland Government lack the authority to manage and administer land throughout the country and across all land classifications. A plethora

of ministries and entities with mandates to lead on various land-related issues are currently in place. In terms of land and gender, women's ownership remains a significant barrier, owing to practices and norms that deny women ownership rights. While Islamic Shariah doesn't discriminate women, habits frequently do. There is a gap between Somaliland laws and regulations and the World Bank's Environmental and Social Framework (ESF) and Standards (ESSs); hence the project will apply the WB standards on land as well as applying the Somaliland land, environmental and social policies to build national institutional framework. The Constitution of the Republic of Somaliland enshrines matters that relate to the environment and natural resource management thus, providing the keystone to the National Policy on Environment. Article 18 of the Constitution affirms that: The state shall give a special priority to the protection and safeguarding of the environment, which is essential for the well-being of the society, and to the care of the natural resources. In this regard, development projects have to comply with the Constitutional provision which obliges developers to ensure a clean and healthy environment.

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

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

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

10. The implementation methods, outputs, and impacts of the Resettlement Action Plan (RAP) and/or the Livelihood Restoration Plan (LRP) will be monitored and assessed. The goal will be to assess the efficacy of implementation, including resettlement progress, compensation disbursement, public consultation and involvement effectiveness, and the long-term viability (sustainability) of livelihood restoration and development initiatives among the PAPs. This will make it easier to identify problems and successes quickly and alter implementation plans as needed. The PAPs will be part of the monitoring and assessment process.

11. The RPF process will be managed by the social specialists at the national PIU level. They will be supported by land/valuation experts to be hired to provide leadership in all matters to do with the preparation and implementation of the subproject RAPs. The Project Coordinator at the Project Implementation Unit (PIU) will have the overall responsibility of ensuring the scoping, social assessment, valuation and compensation are done before the roll out of project activities. The GM system will be activated, and

communities sensitized on how to channel their complaints and to whom. Principles of inclusion, transparency and accountability will guide the RAP processes.

12. The estimated cost of implementing the proposed measures in this RPF is USD 81,900. This will cover sensitization activities, RAP preparation, compensation for land and other assets, livelihood restoration and monitoring and evaluation. It is notable that the GoSL is responsible for compensating individuals, households and communities for land that is acquired for use for the proposed groundwater investments.

1. INTRODUCTION

1.1 Background

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

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

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

1.2 Project Description

1.2.1 Project Development Objective (PDO)

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

1.2.2 Project Components

5. The project has three components as described below.

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

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

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

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

10. Component 2. Generating groundwater information and strengthening regional and national groundwater institutions. This component will focus on establishing a uniform system for groundwater development and management across Somaliland. This includes developing a groundwater governance system, capacitating professional staff and establishing appropriate groundwater offices at the GoSL MoWRD level, arranging access to required data and management, and developing a system and agree on how to develop and manage groundwater resources in the country. The component depends on and benefits from very close cooperation of the Government agencies in all levels and Civil Society Organizations.

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

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

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

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

15. Component 3. Project Management and M&E and Internalized Knowledge Management and Learning. This component will finance the operational costs of one Project Implementation Unit (PIU) at

Somaliland MoWRD level The component would also be responsible for M&E, knowledge management and learning, and evidence-based policy input.

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

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

1.3 Project Beneficiaries

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

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

19. At the *institutional level* project beneficiaries will include institutions responsible for groundwater management at the national, and district levels.

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

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

1.4 Project Implementation Arrangements

21. All project interventions will be led by the GoSL Ministry of Water Resource Development and overall coordination, tracking and reporting of project progress will happen at the MoWRD-PIU level.

22. **The Project Coordinator will be supported by a team of water engineers, senior groundwater specialists, and fiduciary specialists (Environmental and Social Safeguards, procurement and finance) and an M&E Specialist from the MoWRD.** All supporting staff will be selected on a competitive basis and

receive a responsibility allowance. If qualified staff cannot be found within government, then consultants may be contracted following the World Bank procurement policies and Capacity Injection Manual (CIM). Other specialists required for medium and short-term inputs will be appointed on an *ad hoc* basis.

23. Project Implementation Units. The Somaliland MoWRD will establish a national Level Project Implementation Unit (PIU). The objective of this PIU is to manage the implementation of project activities at the national level. The PIU will be staffed with civil servants who will receive responsibility allowances. Specialists will be contracted as needed. The specialists could include, but not limited to, project management personnel, fiduciary and M&E specialists, environmental, social, security and GBV/gender specialists, etc. Drawing from prior Bank projects where improved project implementation outcomes were realized due to increased key roles for women in PIU, the GW4R PIU will aim to be gender balanced. This will also help to develop a cadre of women engineers or water experts for Somaliland.

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

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

1.5 Purpose of Preparing the RPF

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

27. The project has prepared this RPF to ensure that appropriate measures are in place to address any issues that might arise from potential land acquisition and/or economic displacement under the project. Given that exact site locations have not been determined, and the Project Affected Parties (PAPs) are not known yet, a RPF is the most appropriate instrument to guide resettlement activities under the project. Once subproject locations are defined, and necessary information becomes available, the project will prepare site-specific Resettlement Action Plans (RAPs) or Livelihood Restoration Plans (LRPs) and land agreements as required. No physical and/or economic displacement or construction will occur until plans and documentation required by ESS5 have been finalized and approved by the World Bank.

28. Each subproject needs to be screened for social impacts to determine if there are any impacts that require the preparation of a RAP/LRP. Based on the impacts likely to occur, an Entitlement Matrix (EM) has been

developed, which summarizes the types of losses and the corresponding nature and scope of entitlements. Compensation and rehabilitation assistance for various categories of losses based on the tenure and type of impact have been provided.

1.6 RPF Development Methodology

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

30. Targeted public consultations and stakeholder engagements were held on 11th December, 2022 jointly with the Somaliland Barwaaqo project involving all relevant stakeholders. The GoSL Ministry of Water Resource Development and the Ministry of Planning led the consultation process of the GW4R project. The consultations were with Government Ministries and Departments and Agencies (MDA) at national level and with civil society organizations (CSOs), NGOs and development partners. In addition, lessons learnt from the Water for Agro-Pastoral Productivity and Resilience Project (WARP-Biyooole project- P167826) informed the content of this RPF.

1.7 Possible project land requirements

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

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

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

2.1 Overview

33. Somaliland is a country with vast rangelands, pockets of cultivated agricultural land, and expanding urban areas, all managed by a complex land tenure system. The key legal instrument for environment management in Somaliland is the Constitution. The Constitution of the Republic of Somaliland enshrines matters that relate to the environment and natural resource management thus, providing the keystone to the National Policy on Environment. Article 18 of the Constitution affirms that: The state shall give a special priority to the protection and safeguarding of the environment, which is essential for the well-being of the society, and to the care of the natural resources. In this regard, development projects have to comply with the Constitutional provision which obliges developers to ensure a clean and healthy environment. A delicate blend of *sharia* and traditional Xeer law governs the land tenure system in Somaliland. Furthermore, there are notable contrasts between pastoral regions, where community ownership has predominated, and urban and cultivated farmland areas, where individual land ownership has a long history.

34. Somaliland's Ministry of Public works, Land and Housing is responsible for public works, land affairs and housing projects. The Ministry is also responsible government land, maintenance of government buildings and also for planning, designing, implementing, monitoring and coordinating development activities. Furthermore, the local government councils and municipalities have the mandate to implement the national urban development plans including land administration, but the overall land management, planning and setting the policies of land tenure management is the responsibility of the MoPWH.

2.2 Land-Related Legislation and Other Arrangements

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

2.2.1 Formal Statutes

36. Since the collapse of the Somali Democratic Republic central government in 1991, Somaliland have promulgated and enforced some formal laws on land administration. Today, as the GoSL institutional capacities are growing, the legislative and policy processes are also evolving. The Republic of Somaliland Constitution of 2001 declare that the land is a public property commonly owned by the state and the state is responsible for it. Article 12: Public Assets, Natural Resources and Indigenous Production states:

- i. The land is a public property commonly owned by the nation, and the state is responsible for it.
- ii. The care and safeguarding of property, endowments and public assets is the responsibility of the state and all citizens; and shall be determined by law.
- iii. The Government shall have the power to own and possess movable and immovable property; and to purchase, sell, rent, lease, exchange on equivalent value, or otherwise expend that property in any way which is in accordance with the law.
- iv. The central state is responsible for the natural resources of the country, and shall take all possible steps to explore and exploit all these resources which are available in the nation's land or sea. The protection and the best means of the exploitation of these natural resources shall be determined by law.
- v. Where it is necessary to transfer the ownership or the benefits of a public asset, the transfer shall be effected in accordance with the law.

37. However, legislation to operationalize constitutional provisions are still not comprehensive, and need to be updated. Also, the land administration mandate between the national government and local municipalities have to be set clearly.

2.2.2 Xeer Law

38. After the fall of the central government, customary *Xeer* law became the preferred choice of governing relations between clans including on matters related to land and other social economic dispositions. *Xeer* is an unwritten system of laws which is administered through consultations among elders and focuses on the rights and obligations of one clan to another. *Xeer* addresses numerous aspects of land management with a focus on pastoral land use. Although *Xeer* law can vary based on agreements between clans, it tends to view rangelands as a collective clan asset. However, clans are expected to allow other clans to graze on the land, particularly in times of need, for example during drought, although in practice most land related conflicts flare up during these times. *Xeer* also contains prohibitions on building enclosures or permanent settlements on pastureland.

2.2.3 Sharia Law

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

2.4 Gender and Land in Somaliland

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

41. In terms of protection under the formal law, the 1979 Constitution of the Somali Democratic Republic outlined social and cultural rights, including gender equality. However, the civil war deprived women of a central authority that could protect these rights and the slow disintegration of society and institutions, as well as the destruction and violence, eroded the rights of Somali women. However, while this can be true in many contexts, it is important to highlight that many Women headed households emerged during the civil war as many of these women lost their husbands and had to take the responsibility of providing for the family. If you look at the Micro level businesses in Somaliland in both rural and urban areas, you will realize that many are owned and run by women solely or with their family members. Many of these women also invested in land. The Republic of Somaliland's Constitution of 2001, under Article 11 on equality, provides that every person has the right to own, use enjoy, sell and transfer property.

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

43. Among IDPs, women-headed households in IDP camps are more likely to be evicted, according to a study by Norwegian Refugee Council. This is because customary practices remain key in the management of social issues and relationships. In the more urban settings, despite the daily struggle with the hardships of displacement, Somali women are nonetheless learning to navigate the opportunities and pitfalls of this upheaval in ways that will have a lasting impact on their conceptions of and access to housing, land and

property rights by raising their voices and seeking assistance of humanitarian organizations. More still needs to be done to protect women rights under such circumstances.

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

2.5 Social and Economic Context

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

2.5.1 Vulnerability and Social Exclusion

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

2.5.2 Clan Dynamics and Minority Groups

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

48. For the most part, Somaliland's minority are artisanal specialists (for example, the Tumaal). They are largely unarmed, and historically have experienced institutionalized marginalization, deprivation, and human rights abuses. The clan affiliation and the capture of resources and development gains impede marginalized groups' access to educational, employment, and sustainable livelihood opportunities. Minority groups confront deep discrimination, land expropriation, and a lack of the necessary networks to access other resources, including physical and political protection.

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

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

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

2.5.3 Gender and Inclusion

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

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

2.5.4 Forced Displacement

54. Forced displacement is a major local and regional obstacle to development, recovery, and resilience in Somaliland. Internally displaced persons constitute around 571,400 and are among the poorest in the country. IDPs in Somaliland continue to experience difficulties gaining access to housing, land, and property, and they are still at risk of being evicted many times. Displaced people lack access to safe and cheap accommodation and secure land tenure, which pushes them to the outskirts of cities and exposes them to evictions, marginalization, and exclusion. While recent legislative reforms have emphasized attempts to increase protections for IDPs, such as national standards laying out the criteria, safeguards, and processes for legitimate evictions, forceful evictions remain a persistent threat to displaced communities.

2.6 Land Grievances in Somaliland

55. Land conflicts in Somaliland have risen to be one of the key instability issues at the community and inter-community levels. This is partly due to the complex situation of land tenure. As Law No. 24/2003 organizes the judiciary of Somaliland into three levels, namely, the Supreme Court, the Court of Appeal and the Regional and District Court. The territory of Somaliland is composed of six Regions and 48 Districts. As a result, traditional land tenure has taken centre stage in land ownership and use. It is more concerned with clan relations and pastoral land use than individual ownership norms. Such issue of land conflicts in Somaliland related are negotiated by a meeting of elders (*Shir*), and the application of customary law (*Xeer*). They concern issues such as tree ownership and management, access to pastures and water, allocation and boundaries of agricultural land, etc. Issues are discussed until consensus is reached. Issues which cannot be solved at local level can be taken to court.

56. The mandate of the administrative land committees is restricted to the resolution of disputes concerning urban areas covered by city master plans. Its mandate does not extend to pastoral and agricultural land disputes. Administrative land tribunals have not been put in place partly due to problems in demarcation and the development of town plans. In addition to the mandate of ordinary courts/tribunals, customary, religious and public authorities are also involved in the resolution of disputes.

57. In the rural and more recently in the urban life, clan elders have been active in the dispute resolution. Practically, the dispute resolution role of religious leaders and particularly the elders is unlimited unless, it is taken over by the government. Respectful elders from clans or sub-clans of disputing parties come together to manage disputes of all types applying the customary law (*Xeer*).

3. POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS

3.1 Overview

3.1.1. The Constitution of the Republic of Somaliland

58. The Constitution is the supreme law of the country and declared the ownership of public property and includes the following clauses:

Article 12: Public Assets, Natural Resources and Indigenous Production

- i. The land is a public property commonly owned by the nation, and the state is responsible for it.
- ii. The care and safeguarding of property, endowments and public assets is the responsibility of the state and all citizens; and shall be determined by law.
- iii. The Government shall have the power to own and possess movable and immovable property; and to purchase, sell, rent, lease, exchange on equivalent value, or otherwise expend that property in any way which is in accordance with the law.
- iv. The central state is responsible for the natural resources of the country, and shall take all possible steps to explore and exploit all these resources which are available in the nation's land or sea. The protection and the best means of the exploitation of these natural resources shall be determined by law.
- v. Where it is necessary to transfer the ownership or the benefits of a public asset, the transfer shall be effected in accordance with the law.

59. **The Land Management Act 17/2001**, Gives local council cities in Somaliland their mandate: **Article 1 Power of Land Administration**: After the Almighty God, the entire territory of the Republic of Somaliland belongs to the Government of Somaliland (as stipulated in Article 12, Clause 1 of the Constitution) and therefore its administrative powers, transfers and legislative proposals belong to the Council of Ministers.

60. The President of the Republic of Somaliland, upon hearing the advice of the Council of Ministers and the National Urban Design Commission of the Republic of Somaliland, shall issue a Presidential Decree on the acquisition of land or buildings for the common good. The term Public purpose means: construction sites, New Roads, Broadway, bridges, power lines, telecommunications, government offices and other public buildings and shall be published in the Official Gazette of the Government.

61. **Article 2 Land Power:**

- a) The administration and provision of construction positions in the cities (districts) of the Republic of Somaliland, is owned by the local government (Executive Committee of the local government).
- b) The management of any public interest such as; the land of government offices, houses, diplomats, factories and all the former public places (public area) is owned by the central government.
- c) There shall be an office representing the National Commission for General Designs, located at the headquarters of the Ministry of Public Works at the District, Regional, and National.
- d) The office referred to in paragraph 3 of this Article shall verify that the land deeds completed by the land administration of the municipality are in accordance with the general design of the city.
- e) It is prohibited for the Armed Forces and other government agencies other than those mentioned in Clauses 1 and 2 of this Article to interfere in any way with the administration of land matters.

3.4. Somaliland Laws

62. Article 20 declares that any structures, whether permanent or temporarily constructed without being in accordance with the land allocation process will be considered to be illegal.

63. Article 21 addresses eviction and demolition of illegal property. Section 1 of this article indicates "The Municipal government while implementing the city urban plan will have the authority to demolish illegally

constructed structures be, they temporary or permanent”. In Section 2 of this article eviction from temporary structures can arise if the said land is part of a plan in which it is set aside and it is needed for purposes other than residential use and in which case the evicted parties will be settled in a suitable land and their eviction and settlement costs will be covered by the local government. As per Section 3 “Illegal structures cannot be constructed for the purpose of acquiring land and eviction of such structures will not be due for compensation”. Section 4 mentions that “Parties affected by eviction or demolition of single structures or whole estates will have priority in any land allocation resulting from such activity”.

64. Article 22 addresses demolition of legal property stating “When the demolition of a legal property results from needs arising due to City Planning, the following will apply: a) The affected party will be compensated for the value of their property. b) The affected party will be allocated with land not less than size to his evicted land and will be offered legal documents”.
65. Article 23 addresses expropriation of land for the purpose of common good pointing out: a) Following consultation with the permanent national planning committee and having gained their approval, the Mayor will have the authority to issue an order to take over legally allocated built land or otherwise for the purpose of common good. b) Any party affected by section 1 above will have a right to the following: I) compensation in value similar to the said property and II) be provided with similar property that is equal in value and size to the said property.
66. Article 28 of Law No. 17 establishes the Land Dispute Tribunals: quasi- judicial administrative bodies composed of seven members with knowledge and experience in land issues nominated by various ministries and appointed by the Minister of Interior.

67. Article 31: The Right to Own Private Property

1. Every person shall have the right to own private property, provided that it is acquired lawfully.
2. Private property acquired lawfully shall not be expropriated except for reasons of public interest and provided that proper compensation is paid.
3. The law shall determine matters that are within the public interest, which may bring about the expropriation of private property.

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

The World Bank Environmental and Social Framework and Standards

68. The World Bank Environmental and Social Policy for Investment Project Financing sets out the requirements that the Bank must follow regarding projects it supports through Investment Project Financing. The Bank’s Environmental and Social Framework (ESF) has ten (10) Environmental and Social Standards (ESSs) that set out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. The Bank believes that the application of these standards, will support Borrowers in their goal to reduce poverty and increase prosperity in a sustainable manner for the benefit of the environment and their citizens. Applicable ESS for the GW4R project are 8 out of 10. The ESS5 is applicable to matters related to land acquisition, restriction on land use and involuntary resettlement.
69. The overall objectives of the World Bank's ESS5 as provided by the WB ESF are:
 - i. To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement;

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

3.3 Gaps between Somaliland Laws and Policies and World Bank ESF/ESSs

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

Table 1. Comparative Gap Analysis of Somaliland Laws/Policies and World Bank ESF/ESS

Item	Somaliland Law / Policy	World Bank Requirements	Gaps	Gap filling measures
Valuation Methods	According to all reviewed Somaliland laws, eligible PAPs have a right to be compensated with the same value of the affected property. It is unclear how this value is set or determined by government agencies.	The World Bank requires full replacement cost for all lost assets.	The Government methods may not ensure full replacement value in line with the WB definition.	In line with the principles outlined in this RPF, each of the RAPs will incorporate specific mechanisms to ensure that PAPs receive the equivalent of the replacement cost for each of their impacted assets as well as other resettlement entitlements as prescribed in the policy.
Grievance Redress	Somaliland law mentions the right of the PAP to file their grievances with law courts, however, there is no clear redress mechanism.	World Bank policy calls for project-level grievance redress mechanism to cover resettlement and related compensation matters, construction phase grievances and operations phase grievances.	Law courts may be cumbersome, costly or intimidating remedy, especially for those with no formal land titles, IDPs, refugees, those unable to read or write, etc. Ideally, should be used only as last resort.	Traditional dispute resolution mechanisms will be employed as well as a free and accessible project Grievance Redress Mechanism will be established for the duration of the project. The details of which are outlined in the SEP and RAPs (which could also include subproject specific GRMs).
Information Disclosure	No specific requirement for disclosure of information	World Bank requires disclosure by Bank at external website and simultaneous public disclosure in-country disclosure by clients' line ministries websites or other readily accessible public disclosure means available in their jurisdiction. Information disclosed in language(s) understood by the PAPs and other stakeholders.	Somali law/policy provides insufficient measures to protect PAPs	World Bank ESS5, ESS10 and RAP guidelines to be followed

Item	Somaliland Law / Policy	World Bank Requirements	Gaps	Gap filling measures
Compensation Payment Schedule and Cut-off date	Not addressed in Somaliland law or policies	Cut-off date to be established at time of census and asset survey Compensation to be provided at replacement cost prior to taking over of assets or relocation.	Somaliland law / policy provides insufficient information guidelines on or compensation schedule and establishment of a cut-off date.	For each of the subprojects, the RAP will outline the census schedule which will include a cutoff date. This is recommended based on the date the census and assets inventory of persons affected by the project begins. Details on when this is established and disseminated in line with the roll out of the census for each of the subprojects will be provided as part of each of the RAPs.
Vulnerable groups	Not addressed in Somaliland laws	The objective of World Bank ESS5 is to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.	Somaliland law/policy provides insufficient guidelines on vulnerable groups affected by projects.	Additional measures to support vulnerable groups will be considered as part of the RAP development following consultations for each of the subprojects.

Hence, the Bank's standards will take precedence over GOSL laws, where require a higher standard. Compounded by gaps in legal and regulatory frameworks, compensation requirements for affected assets, land appropriation and asset valuation will be very challenging. Lessons learned from experience with other World Bank funded projects as well as the work of other international organizations will be used for reference with the understanding that flexibility and adaptability are needed.

While some municipalities have some form of land administration and management is fragmented and non-existent in most part of Somaliland. The country currently does not have an effective and adequate national land acquisition law, land tenure is likely to remain more collective than individual in nature, particularly in rural areas. When compared to requirement of ESS 5, the government of Somaliland laws has some limitation around consultation requirement, eligibility for compensation, valuation method, grievance redress mechanism, and disclosure of information and the timing of compensation payments.

As is noted throughout matrix above, in case of conflict between local laws/policy (Somali and World Bank), the higher standard which will provide greater benefits to the affected parties will prevail.

71. It's worth noting that the African Union (AU) adopted the Framework and Guidelines on Land Policy in Africa, which was approved and adopted by the Assembly of Heads of State and Government in July 2009 and can serve as a useful reference document for countries like Somaliland that are developing land laws and policies. The importance of sequencing; the need to be comprehensive while taking local conditions into account; reliance on local resources and making adequate budgetary allocations for implementation; public consultations; and the need to incorporate dispute resolution mechanisms, including Alternative Dispute Resolution, are all lessons learned from countries that have developed National Land Policies and Laws (ADR) (p. ii, IGAD 2018).

3.5. Somaliland Laws, Policies, and Regulatory Frameworks

No.	Articles/sections	Legal and policy framework provisions
Somaliland		
1.	Both Sharia law and customary law (<i>xeer</i>) contribute significantly to land governance, particularly in rural areas where the government's capacity to implement legislation is low.	<ul style="list-style-type: none"> • Sharia law is recognized in Article 5 of the Somaliland Constitution as the primary source of law but is mostly applied in domestic matters and issues of inheritance. Furthermore, Sharia law recognizes the applicability of state laws in matters of public interest and accommodates collective land rights and user rights. • The Constitution includes specific clauses on land, which have since been supplemented by new laws. Consequently, there are, currently, a multitude of laws on land use and management with ambiguous and contradicting provisions, giving overlapping and competing mandates to different government institutions. Many of these laws envisage further regulations and decrees that have yet to be developed, thus limiting their implementation. • The fact that some previous laws have not been explicitly repealed also creates contradictions. Furthermore, because there is no clear demarcation between agricultural, pastoral and urban land, the domains of different ministries and state agencies overlap, creating further land management problems.
2.	Somaliland does not have a single authoritative body empowered to manage and administer land across the country and across all classifications of land. What is currently in place is a multitude of ministries and institutions with mandates to lead on various land related issues.	<ul style="list-style-type: none"> • The Ministry of Agriculture manages agricultural land while the Ministry of Rural Development and Environment oversees the management of pastoral lands in conjunction with the Ministries of Water, Mineral Resources and Livestock. • The Ministry of Rural Development and Environment is also tasked with the conservation of the environment. • The District and Regional Representatives of the Ministry of Public Works are responsible for urban land distribution, while the Ministry of Interior and the district courts are responsible for law enforcement and adjudication, respectively. • The conflicting roles and interests of line ministries constrains effective land management. • The lack of a clear institutional framework for land administration and management in Somaliland is a serious impediment to the country's development and is undermining sustainable land use. The existing fragmented and sometimes conflicting authorities need to be replaced by a single authority on land matters, that is a Ministry of Lands or a National Land Commission.

4. PRINCIPLES AND ELEMENTS OF INVOLUNTARY RESETTLEMENT

4.1 Land Acquisition Method - Government Mediated Land Agreements

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

73. For this project, the following process will be followed in Somaliland for community infrastructure:

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

74. This chapter provides the general framework which will ensure that any possible adverse impacts of involuntary resettlement are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. ESS5 provides that these risks can be minimized by avoiding physical and economic displacement, minimizing the number of PAPs to the extent possible, compensating for losses incurred and displaced incomes and livelihoods;

and ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their wellbeing. Further, this chapter provides briefs on key principles of involuntary resettlement.

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

4.2 Application of ESS5

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

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

77. The project may need to manage past land issues around unsettled/multiple claims to land and assets proposed for subproject level investments inside or outside the existing facilities occupied by private or public service providers. While some municipalities have some form of land administration and tenure systems in the cities and urban areas, land administration and management are fragmented and non-existent in most parts of Somaliland. Given that the country currently does not have a national land acquisition law, land tenure is likely to remain more collective than individual in nature, particularly in rural areas. Apart from gaps in legal and regulatory frameworks, the situation is further compounded by compensation requirements for affected assets, land appropriation and asset valuation.

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

79. The risk of forced displacement/eviction of IDPs, who fled from drought and violence and have settled on idle private or public lands in Somali cities, is rampant especially in urban centers where land is scarce and land values are high. While project-related economic and physical displacement will be managed through ESS5, there are risks that the project might inadvertently involve areas where such forced displacement of IDPs have occurred. To avoid forced displacement risks, if forced displacement were conducted in the location of project - financed infrastructure relevant ESS5 requirements would need to be applied.

80. In order to ensure that the process of verification does not lead to the exclusion of viable subprojects that would better serve vulnerable and disadvantaged populations, the project team would need to conduct thorough assessments of risks as part of the ESS5. It would be critical for the project team to assess risks associated with land and natural resource tenure and use, and as appropriate to the scope of the project, demonstrate use of fair criteria and functioning, transparent, and participatory processes for resolving competing tenure claims. If after such thorough risk assessments have been conducted and the subproject is still adjudged not viable, then the World Bank will not support such infrastructure.

4.3 Eligibility Criteria for Affected Persons

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

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

4.4 Determination of Affected Persons

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

- i. identify the persons who will be affected by the project including information on demographics, social economic conditions. This will provide information on age, sex, livelihoods options in the subproject area, and social characteristics including presence of vulnerable and disadvantaged group, institutions-community and formal institutions like NGOs that may be consulted;
- ii. determine who will be eligible for compensation and assistance, and discourage ineligible persons, such as opportunistic settlers from claiming benefits;

- iii. address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users like nomadic pastoralists; and
- iv. establish an inventory of land and assets to be affected by resettlement and information on applicable land tenure and transfer systems.

4.5 Cut-Off Date

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

4.6 Compensation and Entitlement

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

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

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

- i. Special considerations should be paid to the PAPs by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP process;
- ii. The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;

- iii. Consultation with these groups should ensure that resulting resettlement and compensation improves their pre-project livelihood-with preference going to their resettlement in the same settlement
- iv. The RAPs should be designed to ensure special attention is paid to the monitoring of the resettlement process in order to ensure that pre-project livelihoods are indeed improved upon;
- v. PAPs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required; and
- vi. Decisions concerning them should be made in the shortest possible time.

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

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

Table 2. Displacement Impact and Compensation Entitlement

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

Asset	Type of impact	Entitled person or group	Entitlement
	Displacement: Premise used for residence severely impacted, remaining area insufficient for use or smaller than minimally accepted	Owner	- Land for land replacement with land of equivalent size and market potential with an adequate security of tenure or compensation for full replacement value in cash – according to PAP's choice
		Tenant (incl. IDPs, PWDs and PAPs without land rights)	- Rent for affected months and deposit refund along with relocation assistance and moving costs - Assistance with finding new rental location. - Assistance provided with the social specialists to IDPs, PWDs and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation.
Agricultural or pastureland	Full use- loss of agriculture or pastureland	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project	- Pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. - The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.
	Seasonal use	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project	- Pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. - The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time.
Trees – timber	Cut/uprooted (loss of timber)	All PAPs	- Cash compensation for full replacement value of the tree including for the one time sale of timber.
Fruit trees	Cut/uprooted (loss of fruit)	All PAPs	- Cash compensation for full replacement market value of the produce of one tree for two years, assistance in establishing replacement trees. Present age and productive life the tree needs to be factored in.
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	All PAPs	- When possible PAPs will be given enough time to harvest existing crops to avoid economic loss to them. Where not feasible, cash compensation for crops at full market current value in the locality.

Asset	Type of impact	Entitled person or group	Entitlement
Business	Loss of access	All PAPs	<ul style="list-style-type: none"> - Cash compensation to 50 percent of net monthly income based on estimates from comparable businesses for length of time access is lost. Or up to three months income (if loss is permanent) - Assistance to help find alternative temporary or permanent locations to establish business - Right to salvage material without deduction from compensation - Livelihood restoration assistance if required (assistance with job placement skills training).
Community Building	Temporary loss of access	All PAPs	- Cash compensation to cover public transportation cost to the nearest same facility in the town/city for the period of loss
		Owner/Community	<ul style="list-style-type: none"> - Structure replacement or cash compensation at full replacement costs for the entire structure and other fixed assets without depreciation, or alternative structure which is acceptable to the PAP - Right to salvage material without deduction from compensation - Relocation assistance to cover moving costs - Assistance with finding new location
	Displacement	Tenant (incl. IDPs, PWDs and PAPs without land rights)	<ul style="list-style-type: none"> - Cash compensation at full replacement cost for any verifiable improvement of the property - Rent and deposit refund - Relocation assistance to cover moving costs - Assistance provided with the social specialists to IDPs, PWDs and other vulnerable and disadvantaged groups with access to documentation necessary for appropriate compensation. - Assistance with finding new location
Community Infrastructure	Temporary loss of access and use (e.g. during rehabilitation of existing boreholes)	All PAPs	<ul style="list-style-type: none"> -Alternative assets identified to ensure access and use during rehabilitation period. -Additional incentives including provision of water to the communities

4.6 Resettlement Action Plan Process

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

4.7 Stakeholder Engagement and Grievance Mechanism¹

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

4.8 Collaboration with Relevant Government Institutions and Capacity Strengthening

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

¹Detailed stakeholder engagement and Grievance mechanism will be provided in the next chapters.

5. RESETTLEMENT ACTION PLAN: PREPARATION AND APPROVAL

5.1 Overview

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

5.2 Screening for Involuntary Resettlement

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

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

5.3 Baseline Socioeconomic Data and Census

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

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

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

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

Table 3. Sample Resettlement Assessment Questionnaire

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

Table 4. Sample Household Interview Guide/Questionnaire

Background Information	
Questionnaire Code:	Survey Date:
Interviewer Name:	District and Street:
Family Members	

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

5.4 Displacement Prior to Project Approval

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

98. During the screening and the assessment phase, the District/local authorities and local communities will confirm that no such eviction has taken place. These findings will be subject to review by the Somaliland Ministry of Water Resources Development-PIU level, and the World Bank. Information on the illegality of such evictions will be disseminated prior and during the activity to allow for potential affected parties to file respective complaints. The information dissemination will be instituted following the approaches outlined in the SEP.

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

100. While the PIU will implement the assessment (through an independent consultant or company as necessary), the Government will budget for all mitigation measures identified in the RAP/LRPs and in the social audit conducted under the assessment including compensation costs, which shall not be part of the project funds. The commencement of activities in this case

will require approval of the audit findings and the identified corrective actions from the PMU and the World Bank. Where the provisions of ESS5 requirements cannot be met, the subproject will be screened out and cannot be implemented.

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

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

5.5 Preparation of a Subproject RAP

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

103. Some FMS will not have the institutional capacity to prepare RAPs or studies during the start of the project and thus will be assisted and supported by consultants where necessary. The consultants will build the capacity of PIU at FMS on RAP development and implementation. The PIUs will be trained on the environmental and social frameworks and standards as well as supported to strengthen and/or set up systems for monitoring and implementation of the ESF instruments.

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

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

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

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

5.6 Review and Approval of Subproject RAPs

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

5.7 Database Management for PAPs

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

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

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

6. POTENTIAL RESETTLEMENT IMPACTS

6.1 Overview

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

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

6.2 Project Land Requirements

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

Table 5. Project Activities That May Require Land Acquisition and Restricted Land Use

Potential subprojects	Activities likely to require land acquisition or restrict access to land
Water infrastructure, for instance, boreholes, sand dams, shallow wells	For subprojects like boreholes, there will be need for land acquisition to protect the investment. The land may be fenced off for the security of the machines and supplies. This will restrict access as the borehole will only be opened for use as agreed by the users. For subprojects like sand dam and shallow wells, there will be restricted access to protect the catchment and underground water quality.
Water for irrigation	The subproject may involve already existing irrigation farms or new ones may be established. Land may be acquired for newly irrigated farms. There will be restricted use, especially for livestock, to protect the destruction of crops. Another impact could be change of use which may affect livelihoods, especially of pastoralists.
Town/urban water supply	Reticulation of water for urban supply may cause partial or full physical displacement. The main water supply lines may pass through people’s homes and depending on the size of the supply infrastructure, families may lose their homes and land.

Catchment protection or restoration	These subprojects may include tree planting, erosion control, and improved management and sustainable use of existing forest and vegetation resources among others. These subprojects may be implemented in areas that are already earmarked for such activities and/or new sites could be identified. For existing sites, there may be additional restrictions of use as the new activities are implemented. For new sites, land will be acquired, and there will be restricted use. The acquisition of new sites may affect livelihoods. It may have been a dry season grazing area or stock routes. The community will have to be compensated and livelihoods restored and/or new livelihood options introduced.
Construction of office premises	Sub-component 2.B provides for the construction of office premises for water departments/ministries. The need for this investment will be assessed and the necessary measures stipulated in this RPF will be followed for land acquisition.

6.3 Involuntary Resettlement Risks and Mitigation Measures

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

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

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

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

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

Table 6. Potential Social and Environmental Risks of Involuntary Resettlement

No.	Type of impact	Description of potential impact/issue and linkage to project component	Level of Risk	Proposed Mitigation measure	Category of PAP affected
1	Loss of fallow and agricultural land	<p>Subprojects that include civil works for rehabilitation and construction of new water infrastructure that include boreholes, shallow well sand and subsurface dams in dry river beds (wadis) may cause loss of land, as the back flow may lead to loss of farming land or reduction of flow to downstream water users. Given that land is a factor of production, it may lead to loss of livelihoods.</p> <p>Reduced flow to downstream users may cause community conflict as community blame each and the project for the loss.</p>	Moderate	<ul style="list-style-type: none"> • Community consultation to weigh the pros and cons of technological choices considering factors such as (a) equity of access to water resources and abstraction rights; (b) affordability constraints for different types faced by communities; and (c) upstream and downstream impacts on water use including environmental flows • Livelihood restoration and improvement programs will be implemented. • During environmental and social assessment such challenges will be assessed and appropriate measures defined. 	Farmers, Agro-pastoralists, Pastoralists

No.	Type of impact	Description of potential impact/issue and linkage to project component	Level of Risk	Proposed Mitigation measure	Category of PAP affected
2	Restriction on land use and access	<p>Catchment and aquifer restoration activities such as catchment restoration, aquifer recharge activities, tree planting may restrict use and access to allow for regeneration.</p> <p>Such investment may lead to change in condition and size of existing land due to adoption of new land use systems hence potentially leading to pastoralists losing grazing land resulting to resource use conflicts between pastoralists</p>	Moderate	<ul style="list-style-type: none"> • Meaningful and inclusive community consultation to ensure they are involved in the subproject identifications, prioritizations and mitigation measures. • Development of water and rangeland management systems including sharing agreements between communities. • increase awareness of the resource constraints within the community and considerations of equitable resource management across different stakeholder groups. • Productive livelihood development with priority investments in land management, cropping, and livestock to be supported by the project • Provide pastoralist with access to an equivalent area of replacement grazing lands of equal or greater potential productivity and locational advantages, and assistance in 	<ul style="list-style-type: none"> • Pastoralists • Farmers • Agro pastoralists

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

No.	Type of impact	Description of potential impact/issue and linkage to project component	Level of Risk	Proposed Mitigation measure	Category of PAP affected
5	Due to FCV context there is risk of further discrimination or marginalization of disadvantaged groups, for example, IDPs	Resettlement may exacerbate discrimination of marginalized groups like IDPs due to the context of Somaliland being a FCV where current occupiers may not have any legal rights to the land other than their physical occupancy due to conflict or political related displacement.	Moderate	<ul style="list-style-type: none"> • Ensure that resettlement does not cause any further discrimination, marginalization or displace IDPs. • Inclusive and meaningful engagement of IDPs in all involuntary resettlement and project processes. • Implement affirmative action where necessary. 	<ul style="list-style-type: none"> • IDPs

7. RAP IMPLEMENTATION ARRANGEMENTS

7.1 Overview

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

7.2 Institutional Arrangements

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

7.2.1 Project Implementation Units at GoSL MoWRD Levels

119. The project will establish project implementation unit at MoWRD national level. The overall responsibility of the project implementation is with Ministry of Water Resource Development. The National Project Coordination Unit (PIU) at GoSL MoWRD will be staffed with a project coordinator, fiduciary team, social and environmental specialists, gender specialist, communication specialist and M&E Specialist. Short term consultants, project engineers/supervision consultants and a Quality Enhancement Partner will be brought on board as needed.

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

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

7.2.2 Local Government Level Institutions

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

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

7.2.3 Community and Local Level Institutions

123. While the project will attempt to avoid and minimize involuntary resettlement, in case the scale of resettlement increases, additional committees, in addition to the VDC will be formed. This committee will be called Resettlement and Compensation Committee (RCC) who will draw membership from PIUs, relevant state ministries, district/local authorities, clan leaders/sultans/communities (should have representation from women and youth groups), resettlement experts/consultants. The role of VDC/RCC is to:

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

7.2.4 World Bank

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

7.3 RPF and RAP Implementation

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

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

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

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

Table 7. Resettlement Activities and Responsible Parties

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

7.4 Budget and Funding Arrangements

128. Budgeting and financing are critical steps in the resettlement planning and implementation process. Specific RAPs prepared for GW4R project must therefore provide an indicative budget which should clearly specify all activities in the resettlement implementation process, their estimated costs as well as the source of funds. It is expected that the budget for resettlement will be prepared by the PIU in collaboration with MoWRD PIU and Ministries of Finance at the national level will be determined during the RAP preparation exercise after the baseline data have been collected and all potential impacts have been identified.

129. The Government of Somaliland is responsible for financing of any land acquisition and resettlement. The payments can be made on specific resettlement activities/items after review and approval of the expenditure by the GW4R project staff with close oversight and supervision by the Ministry of Finance for the GOSL, FMS and the World Bank. Since there could be disputes during the compensation process, for instance, where a PAP rejects the compensation amount offered, it is proposed that an escrow account should be established to

deposit the offered amount, plus 10 percent for resolving the dispute concerning said offer of compensation in a timely and equitable manner.

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

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

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

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

Table 8. Sample RAP preparation and Implementation Budget

Activity		Estimated Cost (US\$)	Remarks
1.	Initial sensitization training/workshops	5,000	Preparatory workshops for stakeholders, and community awareness raising campaigns at national level and project intervention areas as well (including preparations, travel, allowances, meeting costs)
2.	Capacity building training workshops	10,000	Specifically for implementation and monitoring processes at PIU national level.
3.	Preparation of RAP	10,000	RAP whether in-house or outsourced
4.	Provision for compensation for land and structures	20,000	While components 2 &3 of GW4R Projects largely existing facilities, component 1 will require physical investments that may potentially cause displacements and disruption of livelihoods
5.	Cost of relocation people and assets	15,000	Given that people move to different locations and because it is not known at the time of preparation of RAP, this may be presented as a claim by each PAP as appropriate
6.	Livelihood Restoration / enhancement	10,000	This may include credit/financial grants, mentoring / investment advisory to beneficiaries, promotion of sustainable ecosystem activities, monitoring, etc.
7.	Validation training workshops for RAP	5,000	Individual RAPs require concurrence at all structures to be implementable
8.	Monitoring and auditing	3,000	Done during implementation of RAP and at completion as quality control measure
9.	Contingencies (10%) of total cost	3,900	
10.	Indicative total	81,900	

8. STAKEHOLDER CONSULTATIONS AND INFORMATION DISCLOSURE

8.1 Overview

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

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

8.2 Stakeholder Identification and Analysis

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

8.3 Stakeholder Engagement Processes and Strategy

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

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

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

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

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

8.5 Consultations Held to Date

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

9. GRIEVANCE MECHANISM

9.1 Overview

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

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

9.2 Grievances Sources in Resettlement

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

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

- i. Encourage registration, acknowledgment, and recording of all concerns or issues raised by aggrieved persons;
- ii. Identify the frequencies of issues raised: for instance, unpaid compensation, inadequate compensation, disregard for local ritual ceremonies, land acquisition, workplace concerns, etc.;
- iii. Ensure that complaints are properly registered, tracked and documented, with due regard for confidentiality;
- iv. Address the composition of a committee that would handle all grievances; Inform people of the public information center establishment and access;
- v. Establish procedures for the GM to enhance easy access, transparency and accountability, and tackle escalation of grievances beyond expectations;

- vi. Manage the concerns raised by aggrieved parties to achieve a win-win situation within a reasonable time frame that would comply with national and international best practices; and
- vii. Record all resolutions agreed upon by all parties involved and ensure that aggrieved persons are satisfied with every outcome of remedial resolution to foster harmony in subprojects.

9.3 Grievance Mechanism Structures

145. The project will have a GM that applies to all project processes and activities within the project life cycles. The grievances will be dealt with at various levels by GM committees at MoWRD/PIU and FMS/PIU levels, and at the community level by VDC/RCC. The Social Specialist have the primary responsibility to ensure that the grievances are received and attended to. The project will review the capacity of these structures to attend to GM related resettlement issues and if found necessary, a temporary special resettlement redress committee will be set up and/or a short-term consultants with expertise on land and resettlement will be hired to support the social specialist at PIU and PIU level. Given that District/local governments/municipalities have a role in land administration and management, they will play a big role in the resettlement plan development and implementation and related grievances. The districts will be co-opted into the local level grievance committees. See Figure 1 for the proposed structure of the project GM.

PROJECT GRIEVANCE MECHANISM

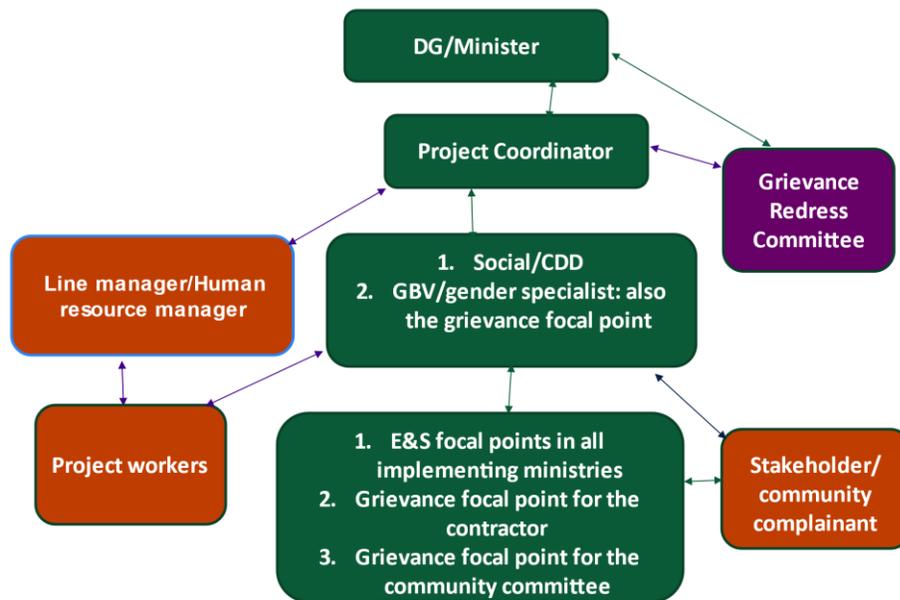


Figure 1. Project Grievance Mechanism Structures

9.4 Grievance Mechanism Processes

146. The key GM processes are: receiving of grievances by phone, in-person, text or email to publicized toll free mobile phone lines and email addresses at FMS, GOSL and the community level. The complaints will then be logged into the GM register, acknowledged within specified timeframe, reviewed and response provided/remedial measures taken, monitored and reported. The complainant is then informed about the outcome. When the complainant is not satisfied by the solutions provided, he/she shall escalate it to the next level including the World

Bank Grievance Redress Service (GRS). The complainant has the right to remain anonymous, and whistle-blower protection for complaints raised in good faith will be ensured. The GOSL social E&S specialist will carry out training of relevant Government staff involved with the project, and contractors. The project management will provide timelines upon which grievances will be addressed. The PAPs will be informed of the availability of judicial recourse and community and traditional dispute settlement mechanisms in addition to the project GM. See figure 2 for the summary of the GM processes.

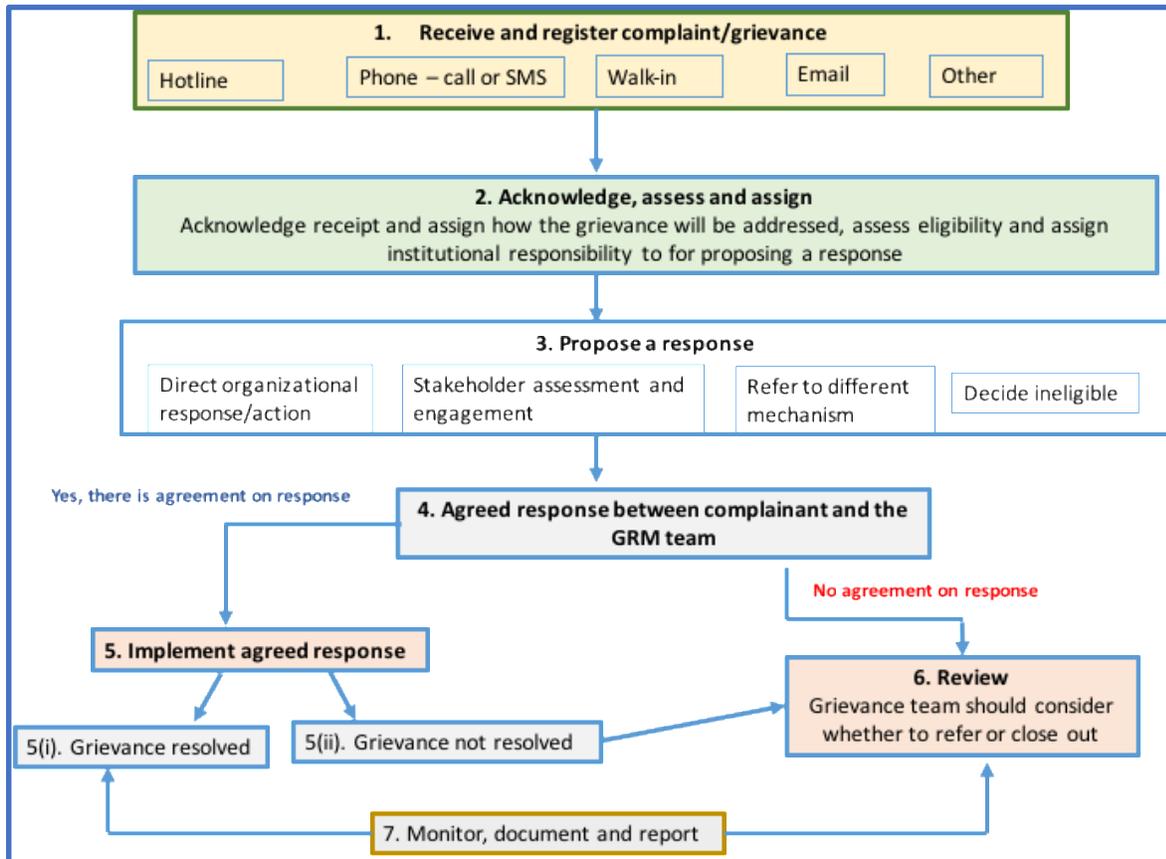


Figure 2. Project Grievance Mechanism Processes

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

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

- i. The first level in addressing grievances will be at the community level. The community will form a Community Resettlement Grievance Committee comprising of two members from the VDC/RCC, and three other respected community members who are not PAPs. The committee should be elected by the community in a transparent manner and after sensitization; and

- ii. The second level of grievance mechanism will involve the District Resettlement Implementation Committee (DRICs). The DRICs will consider grievance reports forwarded to it from the community grievance committee and make a determination. The DRIC will comprise of the District Commissioner, Environmental and Social Specialists, and District Land officer. If complainants are not satisfied by the decisions of the grievance's committees, they can seek escalate it FMS GRC then GOSL GRC, WB GRS or to the courts.

9.5 Monitoring and Reporting of GM

149. Overall, MoWRD PIU will be responsible for general monitoring and reporting on GM. Moreover, GM is monitored at community level by VDC/Resettlement and Compensation Committee and at FMS level by FMS PIU. Specifically, the Social Specialist, will be responsible for the monitoring the implementation of the GM by all implementing agencies/FMSs. The Social Specialist will include the GM in his/her supervision and monitoring missions to the field and conduct spot checks with regard to its implementation, or, where access is difficult the project will recruit a *Quality Enhancement for Institutional Strengthening Partner* if needed. The PIU Social Specialist will be overall responsible for:

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

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

10. MONITORING AND EVALUATION OF RPF AND RAPS

10.1 Overview

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

10.2 Monitoring

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

10.2.1 Monitoring Plan

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

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

155. **Impact Monitoring** measures the effectiveness of the RAP and its implementation in meeting the needs of the affected population. This may be conducted internally by PIUs/PIU or an IVA on quarterly basis. Where feasible, affected people should be included in all phases of impact monitoring, including the identification and measurement of baseline indicators.

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

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

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

158. In addition, the **Quality Enhancement Partner** that will be contracted by the PIU will also monitor the implementation of the RPF and RAPs. This activity will be integrated into

the IVA's general TOR. Once the IVA is deployed, a monitoring schedule for the RPF/RAPs will be developed jointly with the PIU and PIU. The PIUs, jointly with local government representatives will facilitate the coordination of information collection, such as surveys and supervise documentation in accordance with the procedures.

10.2.2 Monitoring Indicators

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

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

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

Table 9: RAP Monitoring indicators

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

Activities	Indicators
	<ul style="list-style-type: none"> • Number or percentage of encumbrances entered on PAP titles

10.3 Annual Audit

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

- i. A summary of the performance of each subproject vis-à-vis its RAP;
- ii. A presentation of compliance and progress in the overall implementation of the RAP;
- iii. Verify results of internal monitoring;
- iv. Assess whether the subprojects RAP are in compliance with ESS5;
- v. whether the resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced;
- vi. Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation; and
- vii. Ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions.

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

10.4 Socioeconomic Monitoring

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

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

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

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

10.5 Completion Audit

167. An audit will be carried out to determine whether the efforts to restore the living standards of the affected population have been properly designed and executed. This completion audit will verify that all physical inputs earmarked in the RAP have been delivered and all services provided. The audit will also evaluate if the mitigation actions prescribed in the RAP have had the desired effect. The baseline conditions of the affected parties before the

relocation will be used as a measure against their socioeconomic status after the resettlement. The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced.

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

10.6 Evaluation

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

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

10.7 Frequency of Monitoring and Evaluation Process

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

ANNEXES

Annex 1: Stakeholder consultations on the E&S instruments for the Somaliland Groundwater for Resilience Project, 11th December 2022, 8:00 am -12.30

The Approach and Objective

As guided by the World Bank ESS10, the borrower or the recipient of the World Bank grant should provide stakeholders with timely, relevant, understandable and accessible information. Consultations should be conducted in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.

The Stakeholder Consultation Meeting process began with a discussion of potential stakeholders who would like to attend this meeting. Then, one week before the consultation meeting, a joint team from both the GW4R and Barwaaqo PIUs began inviting potential stakeholders. Throughout the process, the team relied on the World Bank team for support and guidance. The Somaliland Ministry of Water Resource Development PIU team held a stakeholder consultation meeting on the E&S instruments for the Somaliland Ground Water for Resilience Project on December 11th, 2022, at the Baraar Hotel in Hargeisa, Somaliland. The consultation meeting was held in collaboration with the Ministry of Planning and National Development, Barwaaqo project team. The projects, however, were presented separately, as were the discussion points.

Objective: The objective of this stakeholder consultation meeting was to collect ideas, opinions, suggestions and insights from the relevant stakeholders of the project to use their inputs on improving the stakeholder engagement plan, and the environmental and social management framework instruments.

Participants: water sector representatives from government agencies, MoWRD bilateral partners, NGOs (both local and international), and various parts of the community and civil society organizations, including minorities and people with disabilities. 17 participants attended including 5 women.

Time	Session	Lead
8:00 – 8:30 am	Arrival & Welcoming	MoWRD/GW4R PIU MoPND/Barwaaqo PIU
8:30 -8:45 am	Opening Remarks	Eng. Abdirahman Farah Bele Director General Ministry of Water Resource Development (MoWRD)
8:45 – 9:00 am	Introduction on Barwaaqo Project	Eng. Mahamoud Qawdhan, Barwaaqo Project Coordinator
9:00 – 9:15 am	Introduction on Somaliland Ground Water for Resilience Project	Eng. Hamse Hussein, MoWRD GW4R Project Coordinator
9:15 – 10:15	Social risks and mitigation measures and Stakeholder engagement plan and discussion Inclusion plan and Resettlement Management Framework and discussion SEAH prevention and response	Ramla Ali, Hibo Mohamed, Social Specialist & Abdirasheed Ahmed, SLGW4R Environmental Specialist
11:15 -11:30am	Health break	
11.15-11.45 am	Environmental risks and mitigation measures	Abdirasheed Ahmed, Environment specialist
11.45-12.40 Pm	Discussion and close	Eng. Mahamoud Qawdhan, Barwaaqo Project Coordinator. Eng. Hamse Hussein, MoWRD GW4R project Coordinator

Participants

Name	Role, Organization	Email
Filsan Hussein Khalif	Somaliland Ministry Employment, Social Affairs and Family (MESAF)/Director of Planning & Coordination	filsanxkh@hotmail.com
Hibaq	Voice of Somaliland Minority Women (VOSOMW)	vosomwomonitors@gmail.com
Hibo Mohamed Suleiman	MESAF/Protection officer	hibomaxamed86@gmail.com
Abdi Duale Ali	Representative from Candlelight for Environment, Education and Health	a.duale@candlelight.org
Abdoulkarim Mohamed Mostafe	Daami Youth Development Organization (DYDO), Somaliland minorities/ Social Safeguard Consultant	abdoulkarim.moh45@gmail.com
Mohamed Aden	Horn of Africa Voluntary Youth Committee (HAVOYOCO)	mohamed.aden@havoyoco.org
Ahmed Mohamed Adan	Society for Animal and Range Development (SARD)/Representative	sarabay23@gmail.com
Ahmed Abdillahi Mohamed	Society for Animal and Range Development (SARD)/Representative	ahmed.abdulahi@sardorganization.org ,
Abdi Jama Elmi	Representative from Ministry of Livestock, Fishery Development (MoLFD)	abdixaafid009@gmail.com
Daud Ali Salad	Representative from Ministry of Water Resource Development (MoWRD)	Daudali332@gmail.com
Abdirahman Adan	YOVENCO	abdirahman.adam08@gmail.com
Ibrahim Omer Osman	Representative from Ministry of Livestock, fishery Development (MoLFD)	gulaidtn@gmail.com
Abdihakim	Somaliland Human right Commission	indhayare1020@gmail.com
Ramla Ali Ismail	Ministry of Water Resource Development (MoWRD)/ Social GBV Specialist	ramla77700@gmail.com
Huda Ibrahim Hassan	Ministry of Water Resource Development (MoWRD)/ Community Development Specialist	hudaibraahim36@gamil.com
Hodan Hassan	Islamic relief	hodan.Hassan@islamic-relief.or.ke
Aisha Roobleh	BAHIKOOB	aroobleh@hotmail.com

Summary of E&S issues and mitigation measures

The opening remarks were done by the Director of General of the Ministry of Water Resource Development encouraging the participants to closely follow the presentations and discussions on Environmental and Social Management Framework, and other relevant project ESF instruments. He expressed pleasure that the projects will continue to draw from the accumulated knowledge and wisdom of the meeting. The Barwaaqo project coordinator followed by giving an introduction and scope of the Barwaaqo project. Then, GW4R project coordinator presented the project background, scope and the main intervention areas which the GW4R project will focus on.

The Ministry of Water Resource Development (MoWRD), GW4R PIU Project Environmental Specialist provided a detailed presentation on the Social and Environmental issues in the GW4R project as well as the proposed mitigation measures outlined in the ESMF, Stakeholder Engagement Plan and the Resettlement Planning Framework (RPF) to the stakeholders.

Some of the key frameworks, issues, policies and tools discussed in detail included:

- The overall objectives and rationale of the Environmental and Social Management Framework (ESMF);
- An in-depth presentation of the relevant World Bank Standards, Somaliland legislative and policy frameworks available and gaps with respect to environmental and social safeguards;
- An overview of the World Bank’s Environmental and Social Safeguards for the stakeholders understanding and know-how to relate with the project.
- The potential social and environmental risks of the project were presented in detail. The risk identification, planning for the mitigation measures and communication with the relevant stakeholders were well articulated by the GW4R Environment specialist. The continuous engagement of the stakeholders of the project was also communicated.
- Potential environmental risks such as oil & chemical spillage, loss of vegetation and soil erosion due to un managed vehicle & heavy equipment movement were discussed. The participants showed their commitment to protect environment from any damage. Also, they shared their experience on how to minimize these negative impacts by enforcing the existing laws and engaging the local authorities to safeguard the natural habitat.
- The participants on their side actively participated and suggested mitigation measure for both social and environmental risks discussed. Participants gave much emphasis on water resource sharing, site selection process, and land ownership registration to avoid potential conflicts between the community and government following the completion of the project.
- The GBV related risks were discussed and participant suggest grievance mechanism specific to the project at village level other than the Village Development Committees (VDCs) that are already in place.
- Also, the Grievance Redress Mechanism (GRM) and ways of raising / redressing and resolving complaints were presented and discussed. This included confidential treatment of sensitive matters, including GBV.
- The participant from Hargeisa Group Hospital shared their experience on GBV case handling and how they provide the emergency medical and psycho-social care to GBV survivors.
- The overview of land dispute challenges, mitigation measures for managing resettlement and compensation, prevention of any negative project effects, and transparent involvement of relevant stakeholders were all thoroughly discussed.
- In addition, the participants emphasized the importance of raising awareness among the communities in the project area about social and environmental risks, as well as the procedures to follow if they have a complaints about these issues.

	Issues Raised	How will it be addressed in the project
1.	Selection of implementation sites, and water points site selection.	Conduct an assessment of the site residents and land ownership. Map out the different groups of the community including the disadvantaged people. Community consultations meetings and signing land agreements.

		Provide compensation for the land lost and resettlement plan to prevent from involuntary displacement. Community land identification to prevent land conflict.
2.	Inclusivity and ensuring that all community benefit from the project	The project ensures equitable access and resource sustainability. Throughout the project implementation process, the project PIU team will ensure that the community and all relevant stakeholders are engaged in accordance with the World Bank ESS and Somaliland government policies and legal frameworks.
3.	Project intervention	The project will benefit from regional cooperation and is designed to initially focus on borderland needs for improved water supply and transboundary cooperation, before addressing the numerous urgent needs that exist for improved water supply in inland areas, as identified by the MoWRD and project management. Investments in borderland areas, which has a potential transboundary effect on deep ground water requires careful discussions and cooperation across borders.
4.	Water sharing between animal livestock herders and women, children	The water points and animal water trough will be designed to separate the animal and public water provision.
5.	Land ownership registration before commencing developing any water source.	After identifying the potential site, the project team will follow the required procedure for land deed/entitlement registration. As per the World Bank ESSs and Somaliland laws.
6.	How is the project to implement activities?	All project activities implementation will be led by Somaliland's Ministry of Water Resource Development (MoWRD), and overall coordination, tracking and reporting of project progress will happen at the national MoWRD PIU level.
7.	Natural recourse exploitation and destruction restrictions should be put in place	Rangeland, and conservation areas should be protected in all stages during of project implementation. Restriction on taking or trading stones and minerals in the project area. Furthermore, biodiversity should not be harmed in any way.
8.	How will the project manage social risks?	Social and Environmental Risks to be identified, mapped and mitigated to minimize adverse effects on the project or the project stakeholders. Project to have dedicated social and environmental expertise to support the implementation of the relevant social and environmental instruments. The project will prioritize capacity building and support to implementation agencies and departments. Stakeholder information sharing and mechanisms for expressing views and grievances will be established and communicated to the project stakeholders for effective utilization. There will also be confidential handling of sensitive grievances and complaints like GBV. The project will carefully emphasize social risk mitigation.
9.	How to strengthen the GBV/SEAH prevention and response?	<ul style="list-style-type: none"> - Educate women and children on gender based violence and abuses. - Train school teachers and parents on how to detect an abuse or exploitation.

		<ul style="list-style-type: none"> - Community awareness on the existing services for GBV survivors and legal justice. - Train project workers and contractors on SEAH and GBV. - Child marriage restriction on the project workers and contractors. - Community training on constitutional rights and violations - Capacity building for the local security actors on GBV/SEAH registration, and reporting mechanisms. - Empower legal services in the selected sites to overcome the barrier of clan based and traditional resolutions. - Service mapping and referral mechanisms - The project workers and contractors should sign and abide to the code of conduct of the project.
10.	Labor risks with local contractors and how to mitigate them	<p>Paying special attention to the documentation done by the sub-contractor candidates and to creating a good risk prevention and response plan.</p> <p>Follow the LMP of the project and enforce the relevant Somaliland policies, laws and legal frames.</p>
11.	How the community will benefit from this project?	The community will be provided with a better water services, they will also be trained to run their water points.
12.	Will the project be implemented in cities and rural areas?	The project will conduct a feasibility study on areas in which the project can be implemented; also the project carry out community engagement throughout the project implementation.
13.	How will the project solve the land dispute issues? Land is a major source of disputes and conflicts in the country, and the scramble for the few water resources and points too.	<p>Residents and users of land will mapped and agreements will be secured from all groups including local government and mayors.</p> <p>Transparency and equity in the selection criteria of water points to be supported.</p>

Comments/Discussion

Participants actively participated in the meeting, sharing their concerns and suggestions. Some participants were concerned about land ownership and how the project would be implemented in a rural area without inciting tribal conflict. Some of the other issues raised can be summarized as per the following:

- Site selection process
- Inclusivity: Participants advocated for inclusion of all community groups (disadvantaged people, minority, women, IDP's and people with disabilities).
- Land ownership and compensation processes
- Participants also recommend establishing a GRM committee in village specifically to deal with the GBV/SEAH cases.
- The meeting participants recommended that the project information should be communicated to the communities on the site selection process before the implementation.
- Consider including the Minister of Employment, Social Affairs, and Family on the list of major partners on how to report, resolve and deal with the grievances related to GBV and SEAH case

Annex 2. Screening Checklist

Sub project:

Location:

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

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

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

Will the Project?	Yes	No	Explanation
17. Result in human health or safety risks during construction or later?			
18. Involve inward migration of people from outside the area for use of services or other purposes?			
19. Is an area where there has been insecurity incidents in the past 12 months?			
20. Is an area where there has been conflict over water or land in the past?			
21. Require sharing or regulation of use between different groups or communities?			
22. Result in a significant change/loss in livelihood of individuals?			
23. Adversely affect the livelihoods and /or the rights of women?			
24. Cause increased settlement or degradation of surrounding areas?			
25. Disposal of bush clearance residue may cause spreading of invasive species?			
26. Introduce a non-native animal or plant species?			
27. Maintenance and management responsibilities have not been defined and accepted by users/local government?			
28. Any limitations for the livestock movement crossing gabions and rehabilitated rangelands			
29. Boundaries of the water sources are clearly demarcated to a void creation of adjacent settlements			
30. Water source fenced/protected to avoid risks and contamination			
29. Will result in Transmission diseases from region to region or boundaries			
30.Result in transmission of zoonotic disease			
32.Will require use and application of inorganic fertilizers/pesticide/herbicide or fumigation?			

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

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

.....

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

.....

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

.....

.....
.....

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

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

Annex 3. Summary safeguards report for subprojects

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

Proposed sub-project: _____

Village/district/state: _____

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

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

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

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

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

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

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

Initial discussions								
Safeguards screening meeting								
Other – meetings (specify)								

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

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

6. Has a safeguards field visit been undertaken to the site? Y/N Date of visit: _____ Title of visiting officer: _____

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

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

a. Government land	Title deed/confirmation document attached?	YES/NO/EXPLANATION
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Requirements for voluntary land donation	Explanation and evidence
1. The land required to meet technical project criteria must be identified in conjunction with the affected community?	
2. What are the likely impacts of proposed activities on donated land and how were these explained to the community?	
3. Area of land compared to area owned (no more than 10 % of the area of any holding can be donated). %	
4. How will the users and occupiers of the land benefit from this sub-project?	
5. What are the conditions of benefiting from this sub-project – connection fees, service charges etc.	
6. How was the community made aware that refusal was an option and confirmed in writing that they are willing to proceed with the donation? (e.g. at the consultation and in the voluntary land donation document)	
7. What evidence is there that the act of donation was undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities (e.g. photos/videos of community consultation etc.)?	
8. Do all the users and occupants of this land understand that by donating this land it may be gazetted as public land	
9. How was it explained that they have a right to compensation for land and the available compensation options (in-kind compensation, land for land compensation or cash compensation, and the implications of cash compensation)?	
10. Were monetary or non-monetary benefits or incentives requested as a condition for the donation and were these provided?	
11. How do you know that the land being donated will not reduce the remaining land area to a level below that required to maintain the donor's livelihood at current levels and will not require the relocation of any household?	
12. Will the land take negatively impact on disadvantaged and vulnerable individuals and groups people (such as female headed households, extreme poor, PWDs, nomadic pastoralists, etc.)?	
13. Will any structures be moved or any access to land be limited as a result of the sub-project (describe structures and locations)?	
14. If so, how will they be compensated/facilitated and/or their livelihoods restored?	
15. How was consent provided by all individuals occupying or regularly using the land?	
16. Was there anyone who did not give agreement and why?	
17. How was it established that the land to be donated was free of encumbrances or encroachment and was it registered in an official land registry?	
18.	

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

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

Annex 4. RAP Elements/Contents as per ESS5

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

Additional planning requirements where resettlement involves physical displacement

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

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

Additional planning requirements where resettlement involves economic displacement:

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

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

Annex 5. Community Land Agreement and Consent Form

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

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

TERMS OF THE AGREEMENT

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

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

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

No.	Name	Role	Phone number	Date	Signature

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

1. VDC leader

Name	Phone number	Date	Signature

2. District Administration

Name	position	Phone number	Date	Signature

3. Project representative

Name	Phone number	Date	Signature

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

Name	Position	Phone number	Date	Signature and R/Stamp

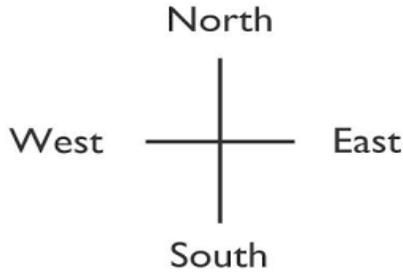
Annex 6. Voluntary Land Donation Form

Land Agreement Form

Date: _____

Subject: Donating Land for Public Use

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



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

Undersigned are names of deed owners in sound mind.

Name _____
ID. NO......
Sign.: _____
Tel. No: _____

Name _____
ID NO.
Sign: _____
Tel. No:;.....

Acknowledgment

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

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

Name _____
ID. NO. _____
sign: _____
Date: _____

Witnesses

Name _____

ID.NO......

Sign: _____

Tel: _____

Date: _____

Name _____

ID.NO......

Sign: _____

Tel: _____

Date: _____

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

Undersigned is the name of the notary officer in sound mind.

Name _____

ID.NO......

Sign: _____

Tel: _____

Date: _____

Requirements for voluntary land donation:

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

10. The amount of land to be donated must not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels.
11. The Borrower must maintain a transparent record of all consultations and agreements reached all times.

Annex 7. Grievance Record Form

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

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