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REPUBLIC OF YEMEN  
INTEGRATED URBAN SERVICES EMERGENCY PROJECT II Additional  
Financing (P178270)

# Resettlement Framework

**Final**

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## Abbreviations

AWD	Acute Watery Diarrhea
CDG	Core Donor Group
CERC	Contingent Emergency Response Component
CSO	Civil Society Organization
DFID	Department for International Development
DLAs	District Local Authorities
DNA	Damage and Needs Assessment
ECRP	Yemen Emergency Crisis Response Project
EHNP	Emergency Health and Nutrition Project
EPL	Environmental Protection Law (26/1995)
ESF	Environmental and Social Framework of the World Bank
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
FMFA	Financial Management Framework Agreement
FCV	Fragility, Conflict and Violence
GDP	Gross Development Product
GIS	Geographic Information System
GIZ	Gesellschaft für Internationale Zusammenarbeit
GM	Grievance Mechanism
ICRC	International Committee of the Red Cross
IDA	International Development Association
LC	Local Corporation
LED	Light Emitting Diode
LMP	Labor Management Procedures
LRC	Local Resettlement Committee
MoPIC	Ministry of Planning and International Cooperation
MoPWH	Ministry of Public Works and Highways
MoWE	Ministry of Water and Environment
NGO	Non-Governmental Organization
PAP	Project Affected Person
PCA	Project Cooperation Agreement
PV	Photovoltaic
PMU	Project Management Unit
PWP	Public Works Project
RoY	Republic of Yemen
RF	Resettlement Framework
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
SEP	Stakeholder Engagement Plan
SMP	Security Management Plan
TCC	Technical Coordination Committee
TPM	Third Party Monitoring
UNDP	United Nations Development Program
UNICEF	United Nations Children's Emergency Fund
UNOPS	United Nations Office for Project Services
UW-PMU	Urban Water Project Management Unit
WASH	Water, Sanitation and Hygiene

WHO	World Health Organization
WTP	Water Treatment Plant
WWTP	Wastewater Treatment Plant
YIUSEP II	Second Yemen Integrated Urban Services Emergency Projects

# Glossary of Terms Used

*Asset Inventory.* A complete count and description of all property that will be acquired.

*Census.* A complete and accurate count of the population that will be affected by land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation.

*Compensation* means payment in cash or kind or other assets given in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from Project activities. Compensation is at full replacement cost.

*Cut-off date* means the date after which PAPs will not be considered eligible for compensation, i.e., they are not included in the list of PAPs as defined by the socioeconomic survey. The cut-off date is determined in a manner acceptable to all parties, documented and widely disseminated. Normally this cut-off date is the date the census begins. The cut-off date could also be the date the subproject area was delineated prior to the census, provided that there has been an effective public dissemination of information on the area delineated and systemic and continuous dissemination subsequent to the delineation to prevent further population influx. All stakeholders including PAPs will be informed of the cut-off date and its implications during the stakeholder meetings.

*Encroachers* are those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.

*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.

*Economic Rehabilitation* consists of the measures taken so that the affected population can improve or at least restore its previous standard of living.

*Eligibility.* The criteria for qualification to receive resettlement benefits.

*Eminent Domain.* The right of the state to acquire land, using its sovereign power, for public purpose. National law establishes which public agencies have the prerogative to exercise eminent domain.

*Entitlements.* Resettlement entitlements are the sum total of compensation and other forms of assistance provided to displaced persons in their respective eligibility category. They might comprise cash or kind compensation, relocation costs, income rehabilitation assistance, transfer assistance, income substitution, and relocation

*Grievance.* An issue, concern, problem, or claim (perceived or actual) that an individual or community group wants a company or contractor to address and resolve.

*Grievance Mechanism* is a locally based, formalized way to accept, assess, and resolve community feedback or complaints from individuals or communities who believe they are adversely affected by the Project.

*Involuntary Land Acquisition* is the possession of land by the government or other government agencies for compensation, for the purposes of subproject activities against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

*Involuntary 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 is considered involuntary when affected persons or communities do not have the right to refuse the land taking or restriction of access. Resettlement is not restricted to physical relocation and can depending on the case include: (i) acquisition of land and

physical structures on the land, including businesses; (ii) physical relocation; and (iii) economic rehabilitation of displaced persons, to improve (or at least restore) incomes and living standards.

*Land* refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for subproject activities. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

*Land acquisition* 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* 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* consists of the entitlements (e.g., compensation, other assistance) for affected persons and/or communities who are economically displaced, in order to provide them with adequate opportunity and resources to at least restore, if not improve, their livelihoods.

*Market Value* is defined as the value required to allow PAPs to replace lost assets with assets of similar value.

*Project Affected Household* means the family or collection of PAPs forming a nuclear or extended family that coexists or lives within the same house or precinct that will experience effects from land acquisition regardless of whether they are physically displaced or relocated or not.

*Project Affected Person (PAP)*. Any person who, on account of the execution of the Project, or any of its components or subprojects would have their: (i) right, title or interest in any house, land (including residential, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, in full or in part, permanently or temporarily; (ii) business, occupation, work, place of residence or habitat adversely affected; (iii) standard of living adversely affected.

*Rehabilitation Assistance* means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable PAPs and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-Project levels.

*Relocation* means the physical moving of PAPs from their pre-project place or residence, place for work or business premises.

*Replacement cost* is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. 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

*Resettlement Plan* is the document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land.

*Resettlement Assistance* covers measures taken to ensure that PAPs and Displaced Persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals, trainings whichever is feasible and as required, for ease of resettlement.

*Resettlement Impacts.* The direct physical, economic, cultural and socio-economic impacts of resettlement activities in the project and host areas.

*Resettlement Framework* guides the preparation of Resettlement Plans for subprojects during Project implementation.

*Socioeconomic Survey.* A complete and accurate survey of the project-affected persons and households. The survey determines the socioeconomic status of each PAP (age, family status, number of dependents, level and sources of income, available material assets, debts) and focuses on income-earning activities and other socioeconomic indicators. Special attention is paid to the needs of vulnerable people among the PAPs.

*Squatter* is a person occupying land without legal claims to the land and/or permission from the concerned authorities to build; as a result of their illegal or semi-legal status, infrastructure and services are usually inadequate.

*Stakeholder.* Persons or groups who are directly or indirectly affected by a project as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. They may include locally affected communities or individuals and their formal or informal representatives, national or local government authorities, politicians, religious leaders, civil society organizations and groups with special interests, the academic community, or other businesses.

*Stakeholder Engagement* is a broad, inclusive, and continuous process between a project proponent and those potentially affected by the project that usually spans the project's life. It includes consultations, information disclosure and dissemination, and participation.

*Vulnerable* means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e.; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households; (iv) landless elderly households with no means of support; (v) households without security of tenure; and (vi) ethnic minorities.

# Executive summary

This Resettlement Framework (RF) was prepared by UNOPS for the second Yemen Integrated Urban Services Emergency Project (YIUSEP II), the parent project. This RF has also been updated to include the additional financing, IUSEP-II-AF (P178270) of US\$100 million to the parent project, whose number of target cities will increase from 11 to 15 within the same governorates targeted in YIUSEP II as the result of the additional financing.

The World Bank is financing the YIUSEP II to support Yemen's reconstruction and recovery, under the provisions of World Bank OP 10.00, paragraph 12, *Projects in Situations of Urgent Need of Assistance or Capacity Constraints*. The Project aims to restore access to critical urban services in selected cities within the Republic of Yemen in four target sectors: (i) tertiary municipal services and solid waste management; (ii) urban water and sanitation; (iii) urban roads; and (iv) electricity for critical services.

The Resettlement Framework was prepared and updated to meet the requirements of the World Bank's Environmental and Social Standard on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5), and Yemeni laws and regulations related to land acquisition and ownership, economic displacement, resettlement and compensation. World Bank requirements will be applied in the areas of: eligibility for benefits, public participation and disclosure, cut-off dates and resettlement assistance, and to address gaps between national and World Bank requirements. The use of a Framework is appropriate and necessary, given that the Project consists of a large number of sub-projects in many different localities, and that the specific location and activities of each sub-project will only be determined during implementation.

The United Nations Office for Project Services (UNOPS) is responsible for overall project implementation, in cooperation with three local Implementing Partners: the Public Works Project (PWP), the Road Maintenance Fund Implementation Unit (RMF-IU), and the Urban Water Project Management Unit (UW-PMU). UNOPS has recruited an Environmental and Social Safeguards Officer (ESSO) based in Sana'a, to oversee Project safeguards, as well as an international expert to support the ESSO and ensure the overall implementation of the Framework. Additional personnel may be recruited by UNOPS and its implementing partners to effectively manage the additional financing to the parent project because of the increase in the numbers of sub-projects in each target city under YIUSEP-II-AF.

Involuntary resettlement might be caused by the following project activities:

- Land take on temporary terms. Temporary taking of land for diversion of traffic during construction, stock piling of building materials, excavated soils and overburden. Additionally, temporary taking of land for workers' camps, engineers' offices and accommodation for night guards.
- Blocked/restriction of access. Construction activities might restrict access to houses, shops, businesses, gardens or other properties.
- Livelihood impacts. Includes temporary taking of land used for crops and horticulture, petty traders, market stalls, or the temporary exclusion of waste pickers from landfills.

Eligibility will be determined as required in ESS5, distinguishing persons:

- Who have formal legal rights to land or assets;
- 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;
- Who have no recognizable legal right or claim to the land or assets they occupy or use.

The entitlement matrix applicable for various categories of PAPs likely to be affected by the projects is

presented in the table below:

Asset Affected	PAP Category	Type of Impact	Compensation Guide
Land	Land owner	Temporary acquisition of land for works and construction	Rental for land based on market tariffs taking into account the rates as of the current period and land restoration and all assets located on the land in the previous condition, including compensation for removal and transportation of: <ul style="list-style-type: none"> <li>• movable assets, usable material;</li> <li>• state and municipal assets;</li> <li>• recovery of income sources for a period used.</li> <li>• any potential restriction on the use of land and civil works in the future as a result of works and construction under the project</li> </ul>
Land	Informal user	Temporary acquisition of land for works and construction	Restoration, replacement or compensation of all assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis
Land	Land Owner	Permanent acquisition of land for works construction*	Replacement land of equivalent market value as priority option within the acreage and fertility. In case of non-availability of land, cash compensation at market rate and replacement value will be paid, including fees for registration and re-registration of rights and the costs for recovery of land to ensure the condition of affected land. If the remainder of the plot is not economically viable the entire plot will be purchased.
Land	Informal User	Permanent acquisition of land for works, construction*	Land compensation is not envisaged. Compensation for the loss of structures and assistance with relocation is required: PAPs without legal title or claims receive compensation equivalent to replacement cost for structures and other nonland assets. Instead of compensation for land plots withdrawn from them, assistance rendered in resettlement to new residential area depending on certain conditions based on individual cases
Assets	Informal User	Permanent acquisition of land for works, construction. *	Compensation in cash for linked assets at replacement value. In case of income loss, compensation will be paid based on minimal wage for six months and the right to salvage usable materials.
Any structure including fence or sanitation structure	Owner of structure	Permanent acquisition of structure*	Replacement structure or cash compensation at replacement value and the right to salvage usable materials.
Section of residential compound temporarily affected or access to house affected by works	Tenant or House owner	Restriction of access to houses	<ul style="list-style-type: none"> <li>• Restoration of land to its initial condition.</li> <li>• Provision of alternative temporary access to house/compound</li> <li>• In kind compensation for affected needs such as alternative car parking.</li> <li>• Disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis (a specific formulation of the allowance would be established in the relevant resettlement plans).</li> </ul>
Business	Vendors or	Loss of business due to	Cash compensation of estimated business loss

	business entrepreneur	works.	assessed from records of preceding 3 months or equivalent business (if no records) during the time of works when business is interrupted. Disturbance allowance equivalent to 7 days of business profit
Business	Owner of business	Loss of business place*	Compensation for income loss during transition period, resettlement assistance to move business and economic rehabilitation assistance to ensure income is restored, as needed.
Crops	Owner	Loss of crops	In addition to land compensation, the owner would be allowed to take standing crop and cash compensation at highest market value for agricultural season. For temporary use of land, when swing time is lost, compensation will be paid for lost vegetation based on market value of previous crop.
Crops	Tenant	Loss of crops	Allowed to take standing crop and cash compensation for agricultural season. For temporary use of land, when swing time is lost, compensation will be paid for lost vegetation based on market value of previous crop.
Fruit tree	Owner	Trees	Price of a sapling and cash compensation for the value of the harvest multiplied by number of years it will take for the sapling to reach maturity.
Non-fruit trees	Owner	Trees	Timber of cash equal to timber value.
Residential and commercial assets/ Recovery of income sources	Vulnerable people identified on the basis of social assistance payments (disability payments, pensioners, widows, female-headed households, and households below the poverty level) as determine by consultations	Vulnerable people	<ul style="list-style-type: none"> <li>• 1. In addition to compensation for lands, assets, and livelihood lost as defined in the entitlement matrix, a supplemental social assistance payments to be determined in the Resettlement Plan.</li> <li>2. Support rendered in removal and transportation of materials.</li> <li>3. Special attention will be paid to income recovery and measures such as a) assistance in applying for unemployment status and b) other type of assistance required on case-by-case situation</li> <li>4.</li> </ul>
Buildings/ structures	Public assets	Permanent acquisition*	Compensation will be provided in kind in terms of construction of new structures or repair of structures partially affected by the project.
Loss of livelihood	All PAPs identified as having lost livelihood	Livelihood loss	In case of loss of livelihood, all PAPs losing livelihood, irrespective of possession of title to the land, will receive assistance.

\*Some of the impacts are indicative. They are not expected to occur under the current Project design

Resettlement Planning would involve the following key steps for any subproject that might cause involuntary resettlement:

- A comprehensive census of PAPs and an inventory of their affected assets. A cut-off date for eligibility will be determined in a manner acceptable to all parties, documented and widely disseminated
- Socioeconomic survey of affected individuals and households with special attention to the needs of vulnerable people among the PAPs, including the Al Muhamasheen<sup>1</sup>.
- An assessment of the affected assets, including trees and crops, documentation of the PAPs and verification of assets by UNOPS in collaboration with relevant parties

As necessary, UNOPS would prepare sub-project Resettlement Plans, with the support of the Implementing Partners. UNOPS would prepare, and agree upon, ToRs with the relevant implementation partner and submit them to the World Bank for review and clearance. External consultants would be recruited on the basis of consultants' qualifications and relevant resettlement experience. Resettlement Plans would be approved by UNOPS and the World Bank and disclosed on their respective websites.

Stakeholder Engagement will be a continuous process throughout the resettlement process. UNOPS's ESSO and ESSOs in the Implementing Partners would ensure that PAPs and any relevant stakeholder are sensitized to the types of compensation, valuation principles, and the project Grievance Mechanism.

The Project will apply the standalone Project Grievance Mechanism for resettlement related complaints. As part of implementation of the Stakeholder Engagement Plan, the ESSOs in UNOPS and its Implementing Partners will each handle complaints related to their activities.

UNOPS will monitor and report on the RPF implementation with inputs from implementation partners. The ESSO will ensure that safeguards monitoring is included in the Project's biannual reports to the World Bank.

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<sup>1</sup> The Al-Muhamasheen is a minority social group in Yemen. Although Arabic speaking, they are considered to be at the bottom of the now abolished caste ladder, are socially segregated, and are mostly confined to menial jobs in the country's major cities.

## Chapter 1.

# Introduction and Background

1. This Resettlement Framework was prepared and updated by UNOPS for the second Yemen Integrated Urban Services Emergency Project (YIUSEP II; P175791), to meet the requirements of the World Bank's Environmental and Social Standard on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5), as well as national environmental laws and regulations. YIUSEP II, the parent project with an additional financing of \$100 million (YIUSEP AF - P178270), is a follow up on YIUSEP (P164190), the main difference in terms of safeguards being that YIUSEP II instruments are prepared according to the World Bank's Environmental and Social Framework (ESF), whereas YIUSEP instruments were prepared according to the World Bank's Safeguard Policies.
2. The Project will have broad social benefits since it will finance labor-intensive small-scale economic and social infrastructures identified by the communities, and improve access to basic social services in selected cities. The key social challenges of the Project will be associated with the community's participation in the identification and implementation of activities financed by the Project due to the conflict context and security constraints. The Project will not involve any permanent land acquisition or physical displacement as it supports the rehabilitation and restoration of critical facilities, as well as the reconstruction of damaged infrastructures; all activities are planned to take place on existing footprints. However, Project activities may have an impact on livelihoods, by causing minor and temporary economic disruptions, mainly to informal businesses and waste pickers on landfill sites. The project will not fund subprojects if there are encroachers or squatters within the proposed area of any activities, who would need to be relocated. UNOPS has prepared an updated version of this Resettlement Framework as a precautionary measure to ensure that the Project-AF meets the requirements of ESS5.
3. UNOPS has in parallel prepared an Environmental and Social Management Framework (ESMF) to meet the requirements of ESS1, a Labor Management Procedure (LMP) to meet the requirements of ESS2, a GBV/SEA/SH Plan and a Security Management Plan (SMP) to meet the requirements of ESS4, and a Stakeholder Engagement Plan to meet the requirements of ESS10. All these documents have been updated to include the additional financing to the parent project.

### 1.1 Background

4. After five years of escalating conflict, the Republic of Yemen (RoY) continues to face an unprecedented humanitarian, social and economic crisis. In May 2015, the United Nations (UN) placed Yemen at level 3 of humanitarian distress, the highest categorization of countries in conflict. Since then, Yemen has been described as the worst humanitarian crisis in the world<sup>2</sup>, with 24 million Yemenis requiring humanitarian assistance and 3.65 million internally displaced. More than 20 million people are food insecure, of which 10 million are suffering from extreme hunger. As per the UNDP estimates (2019), there have been 102,000 combat deaths and 131,000 indirect deaths due to lack of food, health services and infrastructure, and many more injuries. The country is also facing the worst cholera epidemic in modern history. The economy has been badly affected by the prolonged conflict, depriving millions of their livelihoods and jobs and driving poverty levels to over 80 percent. In 2018, Gross Domestic Product (GDP) was estimated at US\$23 billion, and although official statistics are no longer available, evidence suggests that GDP has

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<sup>2</sup> UN Secretary-General António Guterres in remarks to donor conference in Geneva on April 3, 2018

contracted by about 40 percent cumulatively since 2015<sup>3</sup>.

5. Yemen's cities have been very badly impacted by the conflict, with widespread destruction of urban infrastructure. In January 2020, damage in the 16 cities covered by the World Bank's Yemen Dynamic Needs Assessment (DNA) was estimated between US\$6.9 and US\$8.5 billion.<sup>4</sup> The housing sector has experienced the most damage, with costs ranging between US\$5.1 and US\$6.2 billion, followed by the health (US\$605–740 million) and power (US\$541–662 million) sectors. Estimated damage to WASH, transport, and education infrastructure is also immense, estimated to be in the hundreds of millions. Amongst the 16 DNA cities, Sana'a has suffered the greatest damage, followed by Taiz, with damages estimated at US\$2.4–3.0 billion and US\$1.4–1.7 billion respectively. Aden and Hodeidah have also been severely affected by the conflict.
6. The damage to Yemen's public institutions is causing widespread disruptions in basic urban services across the country. Agencies responsible for basic service delivery are disintegrating due to a lack of resources and arrears of civil servant salary payments for more than three years. Since the start of the conflict, waste collection services have been interrupted, urban roads have been wrecked, water, sanitation, and drainage infrastructure has been extensively damaged, and critical facilities have been left without electricity. Consequently, two-thirds of the population lack access to safe water and sanitation, and healthcare services are failing to meet the country's immense needs.
7. In addition, the country is affected by regular flash floods and heavy rainfall events that have compounded the severity of the situation in urban areas. From mid-April to August 2020, Sana'a, Hodeidah, Abyan, Marib, Amran, Sa'ada, Al Jawf, Ibb, Hajjah, Hadramout, and Al Dhale'e were badly flooded due to heavy rainfall. According to media reports, 172 people died, and many were injured<sup>5</sup>. In addition, an estimated 300,000 people in Yemen were reported to have lost their homes, crops, livestock and personal belongings.<sup>6</sup> Alongside drought and increased water stress, rainfall intensity and associated flooding, is projected to increase with climate change. There are high concentrations of risk and vulnerability in urban areas, particularly coastal cities, due to exposure to sea level rise and storm surge, flash floods, and epidemiological hazards enhanced by the flash floods and depletion of water resources for household consumption. Due to the ongoing multiple crises Yemen has very limited capacity to deal with the future impacts of a changing climate. The level of economic vulnerability to climate change is extremely high, as over 80% of the population are reliant on humanitarian assistance. Furthermore, the cumulative impact of conflict and climate change is exacerbating the health risks for vulnerable communities.<sup>7</sup>
8. The COVID-19 risk to Yemen is very high compared to other countries as the conflict has taken a heavy toll on the country's capacity to respond to crises. Lockdowns, quarantines and the closure of airports have been implemented sporadically, with unknown effect on containing the spread of COVID-19. According to the WHO's COVID-19 Dashboard, as of 23 November 2020, there were 2,073 confirmed cases and 605 COVID-19 related deaths in Yemen, suggesting a fatality rate as high as 30%<sup>8</sup>. While there is very little data available to quantify the problem, there is a general consensus among development agencies on the ground that the figures are underreported. COVID-19 is a threat multiplier as the Yemeni people are among the world's most malnourished,

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<sup>3</sup> World Bank Yemen Republic Overview, April 2018

<sup>4</sup> Yemen Dynamic Needs Assessment: Phase 3 (2020 Update) (English). Washington, D.C. : World Bank Group.  
<http://documents.worldbank.org/curated/en/490981607970828629/Yemen-Dynamic-Needs-Assessment-Phase-3-2020-Update>.

<sup>5</sup> More than 260 houses were damaged, including some in Sana'a's historic Old City which is a UNESCO World Heritage site.

<sup>6</sup> UNHCR, August 2020,  
<https://www.unhcr.org/en-us/news/briefing/2020/8/5f3e7faf4/300000-people-lose-homes-incomes-food-supplies-belongings-due-catastrophic.html>.

<sup>7</sup> <http://www.emro.who.int/pandemic-epidemic-diseases/cholera/outbreak-update-cholera-in-yemen-12-january-2020.html>

<sup>8</sup> <https://covid19.who.int/region/emro/country/ye>

and evidence shows that malnourished individuals are at much higher risk of contracting, becoming seriously ill and dying from COVID-19<sup>9</sup>. COVID-19 is also devastating for Yemen's struggling economy and is compounding the impacts of recent urban flooding and a declining global oil price, which is the only significant export of the country.

9. Women are disproportionately affected by the hardships in Yemen due to pre-existing inequalities related to patriarchal systems and norms. Gender disparities are extreme<sup>10</sup> and economic opportunities are extremely limited, with a labor force participation rate of only 6.2%, compared to 65.4% for men (ILO, 2015). The conflict and recent flooding have extensively damaged water and sanitation infrastructure, with a particularly heavy burden on women, who spend three to six hours fetching water in parts of Yemen. Children (girls especially) have reportedly missed school to help their mothers<sup>11</sup>. The World Health Organization (2017) have also found that of acute watery diarrhea (AWD) and cholera cases deaths, 49% were women, and 34% were children under five<sup>12</sup>. Because Yemeni women are also largely absent from political life, and have very low literacy rates at only 35%, compared with 73% of men<sup>13</sup>, their ability to influence resource allocation and decision-making is extremely limited.

## 1.2 Rationale

10. In line with ESS5, the Project uses a Resettlement Framework instead of a Resettlement Plan because the exact nature and location of sub-projects and their impacts are not fully known. With the additional financing to the parent project, the sub-projects will be selected after November 2021, once the Project team can carry out stakeholder consultations for investment selection.
11. The Framework sets out resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects to be prepared during project implementation, to ensure that persons affected by sub-projects are: i) informed about their options and rights pertaining to resettlement; ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives, and: iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. More specifically, the Framework defines the roles, responsibilities, procedures and agreed compensation methods and rates.

## 1.3 Lessons learned

12. The Resettlement Framework prepared for YIUSEP was never triggered, given the systematic exclusion of any activity that might trigger it. No legacy issue was identified. The same is expected with YIUSEP II. Nonetheless, there was one incident during the rehabilitation of the eastern road of Sana'a where the rehabilitation works caused inaccessibility to one car shop, resulting in a loss of income for two months. The contractor compensated the owner accordingly. The complaint was received, registered, and addressed by the YIUSEP GRM.

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<sup>9</sup> See 2020 Global Nutrition Report

<https://globalnutritionreport.org/reports/2020-global-nutrition-report/2020-global-nutrition-report-context-covid-19/>

<sup>10</sup> The country ranks last globally in the World Economic Forum's Global Gender Gap Index (153rd place). Yemeni women are also largely absent from political life, and have very low literacy rates at only 35%, compared with 73% of men, which further limits their opportunities to be beneficially and professionally employed, impacting their earning potential.

<sup>11</sup> 2019 World Bank-UNOPS qualitative study.

<sup>12</sup> They most likely have higher "occupational exposure" through greater amount of household work.

<sup>13</sup> This also limits their opportunities to be beneficially and professionally employed, impacting their earning potential. World Economic Forum, 2020, Global Gender Gap Report 2020

# Project Description<sup>14</sup>

13. The World Bank is financing the second Yemen Integrated Urban Services Emergency Project (YIUSEP II), under the provisions of World Bank OP 10.00, paragraph 12, *Projects in Situations of Urgent Need of Assistance or Capacity Constraints*. The Project will be implemented by the United Nations Office for Project Services (UNOPS), in partnership with local Implementing Partners.
14. The overall objective of YIUSEP II is to restore access to critical urban services of selected cities within the Republic of Yemen.

## 2.1 Project Components

15. Building on the success of YIUSEP, the Project will be financed through an IDA grant of SDR in an amount equivalent to US\$50 million with an additional financing of US\$ 100 million. The Project will finance the restoration of critical urban infrastructure damaged by the conflict and recent flooding (Component 1), whilst strengthening the capacity of local institutions to provide continuity and sustainability of urban service delivery (Component 2). The Pre-Appraisal mission (December 8-9, 2020) allowed for the preparation of the tentative first year investment pipeline, based on technical and sustainability criteria, including: (a) ability to address the unmet needs in targeted cities; (b) impact on COVID-19 response; (c) potential to build resilience to urban flooding; (d) feasibility (considering access to goods and supply, conflict, capacities) and potential of integration with other activities; and (e) potential for local job creation. A core Project principle is to prioritize investments which offer the greatest value for money and maximize the number of beneficiaries, including vulnerable groups. Based on the lessons learned from YIUSEP, this is best achieved through a spatially targeted and integrated approach to investments, with multisectoral coordination and participatory identification and planning of interventions. To retain flexibility and adaptability, sub-project selection will occur on an incremental basis to respond to changing needs on the ground<sup>15</sup>. Notwithstanding the above, fair distribution of resources across the different cities and sectors during the two years of Project implementation, is also a key consideration in Project design.
16. To respond to the crisis in Yemen, the World Bank approved Yemen Integrated Urban Services Emergency Project Phase Two ( YIUSEP II) in June 2021, .The hardships faced in Yemen’s cities due to the devastating combination of conflict, climate impacts, health, and economic stresses, has led to constant demands for additional assistance, resulting in this proposed AF covering all targeted cities under YIUSEP II in addition to the newly added cities (Ibb, Yarim, Sayoun, and Al Shahr), and focused heavily on building back better resilience principles to maximize their climate change adaptation potential.

### *Component 1: Service Restoration*

#### *Subcomponent 1.1: Tertiary Municipal Services and Solid Waste Management*

17. The objective of this subcomponent is to restore basic neighborhood-level infrastructure in the selected Yemeni cities, and to address the critically urgent needs that could not be met under YIUSEP. This subcomponent will finance<sup>16</sup>: i) flood management interventions in Aden, Amran, Sada’ah, Yareem and Taiz; ii) SWM initiatives in Al Shahr, Ibb, Sayoun, Sana’a, Dhamar,

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<sup>14</sup> This Chapter is based on the Project description in the Project Appraisal Document (P168682)

<sup>15</sup> Selection criteria will be further detailed in the Project Operations Manual (POM).

<sup>16</sup> Subproject selection will be finalized in coordination with the relevant District Local Authorities (DLAs) and local communities.

Mukhalla and Sada'ah (including supply contracts for equipment, rehabilitation of waste transfer stations, landfill rehabilitation measures); and iii) rehabilitation of neighborhood sanitation infrastructure in Amran, Aden, Hodeida, Taiz and Lahj. By rehabilitating drains and clearing blockages, this sub-component helps to mitigate flooding in urban areas in response to increasing occurrences of flash floods and heavy rainfall related to climate change. Complementary spatially targeted investments will further contribute to climate change adaptation and mitigation, including stone paving of neighborhood streets, and rehabilitation of local parks and green spaces to better manage stormwater runoff and help reduce the urban heat island effect.

#### *Subcomponent 1.2: Urban Water and Sanitation*

18. This sub-component aims to support the COVID-19 response and build gender-related resilience by restoring access to clean water and sanitation. This sub-component will finance small- to medium-scale goods and infrastructure works, including replacing pumps and repairing pipes, as well as critical supplies (such as fuel) to restore water and sanitation service delivery at the city level. The cities of Lahij, Ibb, Al Shahr, Sayoun, Yareem, Taiz, Amran, Sana'a, Dhamar, Al Dhale'e, Al Mukalla and Al Hodeida will benefit from support to urban water supply, whilst investments in wastewater and sanitation are proposed for Aden, Al Mukalla, and Al Hodeida.<sup>17</sup> To support public health improvements, rehabilitation of the water and sanitation laboratories are proposed for Sa'ada and Zinjibar. The WASH interventions designed under this sub-component will include climate-resilience measures such as flood drainage interventions to help reduce the impact of the flash flood events. Solar energy will also be used to operate key water facilities, providing safe and clear water, with lower emissions.

#### *Sub-component 1.3: Urban Roads*

19. The subcomponent will improve access and mobility within the target cities of Sana'a, Aden, Lahij, Ibb, Al Shahr, Sayoun, Yareem, Taiz, Al Mukalla, Dhamar and Amran, through rehabilitation and repair of selected major entrances and main streets in these cities, and neighborhood streets. Planned interventions include rehabilitation of road assets damaged by recent flooding in Sana'a and Amran. This sub-component will have wider economic benefits as it will help revive national contracting and consulting industries and supply chains, supporting local livelihoods by maximizing the use of manual labor and creating short-term employment opportunities. Lack of road access has also partially contributed to increasing deforestation as rural populations do not have access to fuel<sup>18</sup> - a trend that is undermining the country's climate change adaptation and mitigation efforts. Activities under this subcomponent include spot and pothole repairs, crack sealing, patch works, asphalt resurfacing, road safety improvement works and intersection rehabilitation. All rehabilitation works will consider the climate risks that the roads are exposed to and will adopt build back better resilience principles.

#### *Sub-component 1.4: Energy for Critical Services*

20. This component restores electricity supply to hospitals, clinics, and other medical facilities, in the cities of Sana'a, Dhamar, Amran, Sa'ada, Hodeida, Ibb, Al Shahr, Sayoun, Yareem, Zinjibar, Al-Dhale'e, Taiz, Lahij and Al Mukalla. The subcomponent will be closely coordinated with relevant UN agencies, local partners, and subcomponent 1.2 (which restores electricity for critical water and wastewater assets). To contribute to climate change mitigation, renewable and clean power generation will be encouraged as far as possible. This includes rooftop or ground-mounted solar photovoltaic (PV) based generation (with battery storage), diesel-solar PV hybrid systems. Wherever feasible, energy efficient LED lights in buildings and solar water heaters will be

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<sup>17</sup> For investments in sanitation the team will ensure the entire supply chain from collection to final treatment is made functional.

<sup>18</sup> <https://www.scidev.net/global/news/yemen-s-forests-another-casualty-of-war-amid-fuel-crisis/>

integrated with the electricity supply interventions. Although preference will be given to installation of solar PV and hybrid generation technologies, given the severity and urgency of the situation on the ground in Yemen, rehabilitation of existing conventional diesel generators may be unavoidable in some instances. For instance, diesel generation systems will be required for some hospital buildings and health facilities (and a small number of educational facilities). Notwithstanding it is expected that renewable energy solutions under the Project can showcase their feasibility and path the way forward for increased use of renewables in future private construction and energy efficiency in public buildings.

## *Component 2: Implementation Support and Capacity Development*

### *Sub-component 2.1: Project Implementation and Management Support*

21. This sub-component will finance: (a) general management support (indirect) costs for UNOPS; (b) direct Project management and supervision costs required to support the implementation of the Project; (c) Project monitoring, evaluation and coordination at the city level; (d) operations and updates to the sub-project tailored, global information system (GIS)-based expenditure tracking and sub-project information dissemination platform created under YIUSEP to promote transparency and accountability; e) independent audits of Project activities, if required; and f) operation of the already existing Grievance Redress Mechanism (GRM) in the UNOPS Sana'a office to document any possible complaints and ensure follow-up.<sup>19</sup>

### *Sub-component 2.2: Enhanced Capacity Building*

22. YIUSEP focused on strengthening institutions' capacities to plan and implement the Project activities, including maintenance and sustainability of the infrastructure built. Responding to lessons from YIUSEP, this proposed operation will broaden the scope to include training on technical and non-project-related aspects to support local institutions<sup>20</sup> so they are better equipped to perform their service delivery functions beyond the scope of the Project. Training topics to be included are procurement and contract management, operational health and safety (OHS), social and environmental safeguards, low carbon and climate resilient infrastructure design approaches, grievance redress, gender-sensitive citizen engagement, and other critical capacity building needs which may be identified. Given the gap between men and women's labor force participation rates, and the absence of women from professional and technical roles within the local institutions, this component will also include gender-sensitive workplace training (including GBV) and capacity building and training on non-discriminatory hiring and recruitment, so as to create opportunities for prospective female employees.

23. Capacity building action plan. UNOPS is currently conducting a capacity building needs assessments for a variety of local partners, which will inform the development of a capacity building action plan under this subcomponent. In the water and sanitation sector, UNOPS has already conducted four rapid assessments on LWSCs to evaluate capacity needs. Additional rapid reviews will be conducted on the remaining seven LWSCs to review existing needs and propose suitable capacity building and training activities. Similar reviews will be conducted for PWP, RMF-IU, UW-PMU and selected local cleaning funds. Depending on availability of funds, these reviews will be completed before effectiveness or right after. Priority will be given to local partners that will be involved in the implementation of the first-year subprojects. Other international partners have also prepared a series of capacity assessments for local partners in Yemen, for example GIZ in the WASH sector in 2018 and 2019, which will support the

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<sup>19</sup> The GRM system will be focused on selection and implementation of subprojects under the Project.

<sup>20</sup> The beneficiaries of the training and capacity building include local Implementing Partners and agencies in the respective cities (e.g., local water and sanitation corporations (LCs), local offices of RMF-IU, DLAs, PWP, local CFs).

finalization of the capacity building action plan.

24. This subcomponent will include traditional training activities to be delivered in person and/or virtually, preparation of operation manuals, handbooks and brief guidelines to support the training. This subcomponent will engage local partners and targeted operators in workshops, group discussions, and hands-on simulations, and will provide the necessary IT equipment and/or software to perform each activity. The capacity building activities will also be made available to interested private sector actors and local research and academic institutions. The task team is currently identifying potential partnerships with local research institutions to explore how capacity building activities initiated under the proposed Project could be institutionalized to improve sustainability. The sub-component will be designed and delivered by international experts while tapping to existing local expertise. This subcomponent will also support citizen engagement, communication, and the Project Gender Action Plan (GAP), including facilitation of a bottom-up process for needs prioritization at the local level.
25. Beyond institutional capacity building, the Project will also provide training and support to local contractors, small and medium enterprises (SME's) and prospective entrepreneurs, including women owned businesses (WOB). The aim is threefold: i) reduce Project risks and improve local skills and competencies among local firms and contractors engaged in the Project, on topics such as OHS and GBV; ii) promote local economic development by providing training and support to prospective local businesses in the urban sector, including WOBs, on topics such as registering a business, procurement and financial management; and iii) reduce the gender gap by providing women with opportunities to start a business.

#### *Sub-component 2.3: Third Party Monitoring*

26. UNOPS will engage a Third-Party Monitoring (TPM) agent to undertake independent results verification of subprojects funded under the Project. The TPM agent will include female staff. On a quarterly basis, the TPM agent will report on the activity outputs, the restoration of services for the intended beneficiaries, and the fiduciary and safeguard processes followed by the local partners. The Terms of Reference (TORs) for the TPM agent will be developed by UNOPS and agreed upon with the World Bank. To ensure the independence of the TPM agent, it will share its monitoring reports simultaneously with UNOPS and the World Bank. UNOPS will also share a report with the World Bank on the actions taken to address any implementation issues identified by the TPM agent within 2 weeks from the date of submission of the monitoring report.

#### *Component 3: Contingent Emergency Response*

27. The objective of this component is to support the country's response capacity in the event of an emergency, following the procedures governed by OP 10.00 paragraph 12 (Rapid Response to Crises and Emergencies). There is a possibility that, during Project implementation, a natural disaster, epidemic or another emergency may occur, which would cause a major adverse economic and/or social impact. In anticipation of such an event, the Contingent Emergency Response Component (CERC) allows UNOPS to receive support by reallocating funds from other Project components or serving as a conduit to process additional financing from other funding sources for eligible emergencies to mitigate, respond to and recover from the potential harmful consequences arising from the emergency. Disbursements under this component will be subject to the declaration of emergency by the RoY, the international community, or the UN.

## 2.2 Project Beneficiaries

28. The Project was initially expected to reach approximately 1.0 million beneficiaries. With the additional financing to the parent project, the project is now expected to reach 3.0 million beneficiaries which include the residents and IDPs of cities where infrastructure investments are

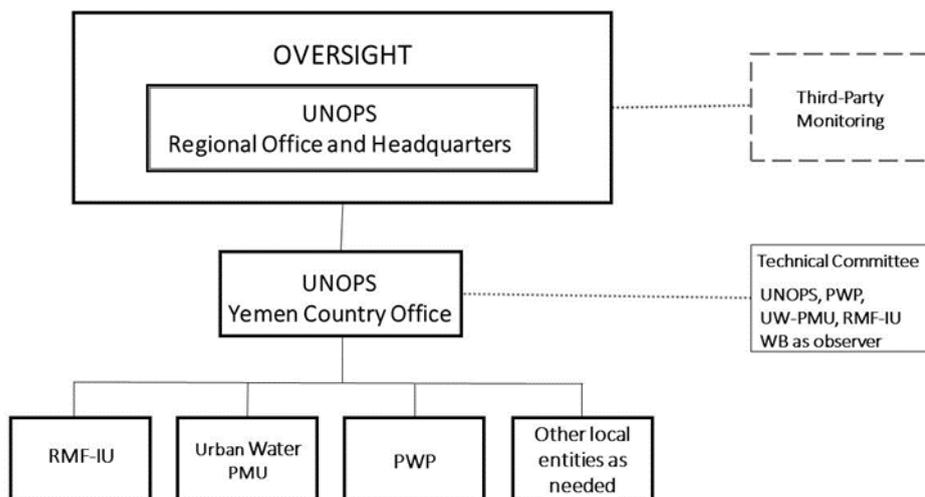
being implemented, where urban services are restored, and where the capacity of local institutions is being restored. The cities included in the project represent more than 60% of the urban pre-crisis population, and more than 20% of the total country pre-crisis population.

29. Of the above beneficiaries with access to urban services and assets restored, a subset of approximately 900,000 beneficiaries will be identified who are benefitting from enhanced resilience through interventions in the WASH, transport, and energy sectors in the same cities.

# Institutional and Implementation and Arrangements

30. The Project is an emergency operation processed under World Bank OP 2.30 and OP 10.00 paragraph 12. UNOPS is the recipient of IDA funds and the alternative implementation agency on an exceptional basis under the Financial Management Framework Agreement (FMFA) between the World Bank and UN agencies. Financial management arrangements will be governed by the FMFA provisions relative to the use of the UN's Financial Regulations. UNOPS will follow its own procurement procedures as Alternative Procurement Arrangements allowed by the World Bank's new Procurement Framework Policy Section III.F.
  31. The project was designed to complement existing WBG emergency operations in Yemen, and to become an integral part of the World Bank emergency response for Yemen. The project also complements the Yemen Emergency Crisis Response Project (ECRP: P159053) that focuses on improving livelihoods, infrastructure, and services primarily in rural areas. Moreover, the project will coordinate closely with the proposed Yemen EHNP Fourth Additional Financing (P175532), by complementing the infrastructure-heavy approach of the EHNP in the water and sanitation sector with targeted small- and medium-scale investments that aim to restore WWTPs at the city level.
  32. The Project is designed to work directly with independent local institutions, such as PWP, RMF-IU, UW-PMU, as implementers for the benefit of local communities and local service providers such as Local Water and Sanitation Corporations. Line Ministries (Central Government) in Sana'a or in Aden will not play a direct role in the design or the implementation of project activities.
- ### 3.1 UNOPS
33. The project will be implemented by UNOPS through direct implementation as well as project cooperation agreements between UNOPS and three Implementing Partners: PWP, RMF-IU, UW-PMU. UNOPS will: (a) take responsibility for project implementation; (b) monitor the project targets and results in coordination with the local partners; (c) handle relevant procurement, financial management, and disbursement management including the preparation of withdrawal applications under the project; and (d) ensure that all reporting requirements for IDA are met per the Project Financing Agreement. Figure 1 below describes the project governance and management structure to be put in place under the project.
  34. The Bank is currently exploring partnership modalities to implement Subcomponent 2.2. This subcomponent will be implemented by an experienced partner active in the field and with presence on the ground. This modality could involve subcontracting by UNOPS or direct engagement as a recipient of IDA funding. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) is being considered as the strongest candidate to implement such activities because of: i) their track record in delivering effective capacity building programs in Yemen, in particular in the WASH sector which will be prioritized under this operation to help address the flood and COVID-19 emergencies; and ii) their presence in Yemen and ability to travel and reach cities in the North and South of the country.

Figure 1. Project Governance and Management Structure



35. The UNOPS office in Sana'a hosts a project management and implementation support team consisting of international and national staff: project manager, procurement specialists, finance specialists, an environmental and social safeguards officer (ESSO), a Gender Mainstreaming Officer, a Health and Safety Officer, a logistics officer, and an administrative officer. Additional personnel may be recruited by UNOPS and its implementing partners to effectively manage the additional financing to the parent project. This office has already successfully implemented the YIUSEP and has a significant presence in Yemen. UNOPS has a regional office and hub in Amman, Jordan, that provides support and advice as needed. The hub also hosts a Regional Oversight and Management Advisor that oversees the operations in the region and provides management advice to the Regional Director. The Regional Office is also supported by the UNOPS headquarters based in Copenhagen, Denmark, which provides global corporate oversight and program support.

### 3.1.1 TPM

36. UNOPS has already recruited a Third-Party Monitoring agent (TPM) agent (composed of international audit firm and an experienced technical firm) to undertake independent results verification of sub-projects funded under the project, on the basis of ToRs developed by UNOPS and approved by the World Bank. With the additional financing to the parent project, UNOPS will need to amend the TPM contract to account for the increased number of sub-projects in target cities. The TPM will report to the WB and to UNOPS on the Project's technical achievements and the environmental and social performance of the Project.

### 3.1.2 Implementation of the Resettlement Framework

37. UNOPS is responsible for the overall implementation of the environmental and social instruments such as the Resettlement Framework. More specifically UNOPS will ensure that:

- site specific documents required by the Resettlement Framework are prepared in a timely manner, as needed
- tender documents and construction contracts include effective and enforceable contractual clauses to manage environmental and social risks
- no activities start before the required environmental and social risk management measures are in place

- the environmental and social performance of contractors at all times meets the Project's environmental and social requirements.

38. The ESSO will be supported by a part-time international expert, who will assist in the management, monitoring and reporting of environmental and social risk management aspects throughout project implementation.

39. In addition, the Implementing Partners (PWP, RMF-IU, UW-PMU) will each designate an ESSO and a Health and safety Office, who will monitor and control the on-site environmental and social performance at subproject level.

### 3.2 Local Implementing Partners

40. While retaining overall responsibility for implementation, fiduciary and safeguards aspects of the project, UNOPS will work with local partners for the implementation of project activities. These local partners have been created through World Bank and other international donor interventions, have years of experience in implementing IDA investments, and have a strong implementation record under YIUSEP. During the crisis, they have continued to support the implementation of donor-funded projects, leveraging their sector-specific knowledge, relationships with local entities, and on-the-ground experience. They have a good track record of successfully implementing safeguards requirements and compliance with World Bank policies. Despite the conflict, these project management units have improved their safeguards capacities through YIUSEP and several capacity building and training programs. Unfortunately, two fatalities related to the project occurred in 2018 and 2019. However, following these tragic incidents, Safeguards Corrective Action Plans (SCAPs) were put in place. These plans were followed and implemented to the satisfaction of the World Bank, and both UNOPS and the local partners were able to learn from these incidents and enhance their safeguard practices.

#### 3.2.1 Public Works Project (PWP)

41. The World Bank and other regional, bilateral, and international development agencies have funded and supported PWP since its inception in 1996. Between 1996 and 2015, PWP implemented 5,149 projects in about 11,200 villages and 1,300 urban neighborhoods, totaling an estimated US\$648 million. PWP has played a significant role in improving poor communities' access to education, water, sanitation, roads, and irrigation, among other services. Bank experience with PWP has shown that the organization has a good reputation for fiduciary due diligence, effective delivery of results and political neutrality. PWP, currently, is playing an important implementation role for implementing the Tertiary Municipal Services sub-component of the YIUSEP. Its performance has been very satisfactory. PWP is headquartered in Sana'a with nine regional offices and a current core staff of 53.

#### 3.2.2 Road Maintenance Fund Implementation Unit (RMF-IU)

42. The RMF-IU established as a special implementation unit responsible for most aspects of foreign-funded maintenance projects, in particular the fiduciary and safeguards as well as regular monitoring and reporting. Over the years, the RMF-IU has gained considerable experience in procurement and contract management. Created in 2005, it had implemented several road maintenance and road rehabilitation contracts with funding from the road maintenance budget as well as from various donors, including the World Bank. For these contracts, the unit had managed all procurement activities for goods, works and consulting services. It had accumulated extensive experience in preparing bids, requests for proposals from consultants, and tender documents. Currently, the RMF-IU is involved in implementing the Urban Roads sub-component of the YIUSEP. It is headquartered in Sana'a with a small office in Aden. Prior to the crisis, it maintained four regional offices in Taiz, Ibb, Lahj and Al Hodeidah.

### 3.2.3 *Urban Water Project Management Unit (UW-PMU)*

43. The UW-PMU has implemented several water supply and sanitation projects in Yemen. It was established in 2002 as a financially and administratively independent PMU to manage all activities related to the implementation of the World Bank Urban Water Supply and Sanitation Adaptable Program Loan (P057602). During the implementation of this project, the UW-PMU attracted funds from various donors. It had implemented projects including 1,000 km of water supply networks, 250 km of sewer lines, reservoirs with a total capacity of 40,000 m<sup>3</sup>, three wastewater treatment plants, drilling and construction of 65 production and investigation boreholes and several emergency rehabilitations works. The UW-PMU is the local implementing partner for the Urban Water and Sanitation sub-component of the YIUSEP. It is based Sana'a and Aden cities and has close working relationships with LCs.

### 3.3 The World Bank

44. The World Bank will closely coordinate with UNOPS for the implementation and overall oversight of the of site-specific environmental and social risk management instruments, e.g., ESMPs and Resettlement Plans to ensure that their scope and quality are satisfactory to the Bank.
45. The World Bank will also monitor the implementation of the different prepared instruments through regular supervision missions (which will include an environmental and/or social specialist) during which document reviews, and site visits and spot-checks by TPM will be conducted as needed.

### 3.4 Project Technical Coordination Committee (TCC)

46. The TCC shall be responsible for the overall project policy overview and monitoring. It is composed of technical representatives from the Ministry of Planning and International Cooperation (MoPIC), the Ministry of Water and Environment (MoWE), UNOPS, PWP, RMF-IU, UW-PMU, and the World Bank as an observer. TCC will provide insights to the implementing agencies as per the Financing Agreement and hold meetings every six months and during supervision missions. It will also facilitate project implementation, most particularly by facilitating the import and custom clearances of equipment and goods procured under the project, and their transportation from ports to target cities.

### 3.5 National Institutions dealing with Land Issues

#### 3.5.1 *General Authority for Land Survey and Urban Planning (GALSUP)*

47. The General Authority for Land Survey and Urban Planning (GALSUP) is responsible for all land related tasks, including planning, preparation, concession/ownership contracts, notarization and executing expropriation process. It includes:

- *Land Department.* This department is in charge of site inspection of the lands to be issued for sale, presentation of technical reports about the safety and borders of the site prior to reference to authentication department and finalization of all legal and financial measures.
- *Planning Department.* This department is chaired by an engineer and assisted by engineers who are responsible for preparation of layouts, their reference to the planning department, setting out in land and photogrammetric.
- *Notary Public Department.* Registration estate property on the owner's name, priorities, and facilities.
- *Control and Inspection Department.* This department follows up and controls any violations, whether infringement upon state land, building on unplanned land/without licenses. It imposes fines and refers the violators to the prosecution.

48. The Authority will appoint an Estimation Committee (EC) to estimate the property value for those who have title. If public land is occupied without title, a special Technical Committee set up by the concerned ministry will assess its value.

### 3.5.2 *The Ministry of Public Works and Highways (MoPWH)*

49. Governmental rural land is administered by the Ministry of Public Works and Highways (MoPWH). It also oversees the administration of government-owned tribal land by tribal or village leaders. The office for Public Works and Highways (represented by the Ministry on the governorate level) plays a vital role in issuing building licenses according to the recognized legal procedures and measures. Therefore, building control and citizen's compliance with laws shall have positive impact on building safety, non-violation and avoidance of demolition in case of works on public roads (i.e., road pavement), city reorganization and its consequent layout changes, owners' exposure to certain damages and compensation methods undertaken according to ownership law.

### 3.5.3 *The Ministry of Finance (MoF)*

50. The Department of Public Domain maintains urban land records such as registers of transactions, sales, and purchase leases.

### 3.5.4 *Local Councils*

51. Local councils are the administrative body which have been elected by the local community for each governorate/ directorate. They cooperate with governmental offices in implementing, operating and supervision of projects. They approach donors for financing the demanded projects and facilitate handing over the different important infrastructure services projects to the related ministry office.

52. According to the Local Administration Law (4/2000), the local authority consists of:

- a Governor who is appointed by a Presidential decree) of the administrative unit
- the local council that is elected from local districts
- the local executive bodies of the governorate (Line ministries' executive local offices and independent local entities such as local corporations)

53. The local council of a governorate must consist of a minimum of 15 members, who are elected from local districts, including the President of the Council. Its roles and functions are mainly to:

- study and approve draft comprehensive plans at the governorate level such as economic and social development plans and the annual local budget
- supervise the implementation of these plans
- supervise the work of the executive bodies of the Governorate.

54. Although governors and local executive bodies play a major role in the control of resettlement processes, local councils have the power to review and endorse or disapprove the proposed process. Local authorities have played a significant role in organizing the resettlement process (involving IR) in many previous cases in Yemen. Examples include a case in Aden Governorate, where measures were adapted for the displaced persons of Caltex shipping village, and where the governorate paid compensation to affected persons. In Hadramout, the governor also formed a high committee headed by Mukalla local council in order to formalize the situation of squatter residents.

55. Local Resettlement Committees (LRCs) are mechanisms frequently used by some local authorities to deal with land compensation and resettlement. They encourage community participation in solving the resettlement issues in which local councils usually assume an important role. These

committees, to a large extent, comply with World Bank resettlement requirements.

# Legal and Regulatory Framework

56. This update of Resettlement Framework is prepared to:

- (i) meet the requirements of the World Bank’s Environment and Social Standard 5, Land Acquisition, Restrictions on Land Use and Involuntary Resettlement
- (ii) comply with national environmental and social laws and regulations.

## 4.1 World Bank Requirements

### 4.1.1 World Bank Environmental and Social Framework

57. The World Bank Environmental and Social Framework (ESF) sets out the World Bank’s Commitment to sustainable development. It includes a set of ten Environmental and Social Standards<sup>21</sup> that establish the mandatory requirements that the Borrower and the projects must meet through the project life cycle. Only the standard on *Land Acquisition, Restrictions on Land Use and Involuntary Resettlement* (ESS5) is relevant for this updated Resettlement Framework.

58. These Standards establish objectives and requirements to avoid, minimize, reduce and mitigate environmental and social risks and impacts, and to compensate for or offset any residual impacts. In the context of YIUSEP II, UNOPS shall address the Project’s environmental and social risks as part of the environmental and social assessment process, in accordance with ESS1. ESS2–10 set out the obligations of UNOPS in identifying and addressing environmental and social risks and impacts that may require particular attention.

### 4.1.2 Environmental and Social Risk Classification

59. The World Bank has classified the overall environmental and social risks of YIUSEP II-AF as high due to the anticipated social risks as well as the security situation. It will review the risk classification assigned to the project on a regular basis, including during appraisal and implementation, and will change the classification where necessary, to ensure that it continues to be appropriate. Any change to the classification will be disclosed on the World Bank’s website.

### 4.1.3 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

60. The objectives of ESS5, Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, are to:

- avoid involuntary resettlement<sup>22</sup> or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives. Avoidance is especially important to avoid physical or economic displacement of those socially or economically vulnerable to hardship as a result.

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<sup>21</sup> The 10 Environmental and Social Standards (ESS) are :

- ESS 1. Assessment and Management of Environmental and Social Risks and Impacts
- ESS 2. Labor and Working Conditions
- ESS 3. Resource Efficiency and Pollution Prevention and Management
- ESS 4. Community Health and Safety
- ESS 5. Land Acquisition, Restrictions on Land Use and Involuntary Resettlement
- ESS 6. Biodiversity Conservation and Sustainable Management of Living Natural Resources
- ESS 7. Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
- ESS 8. Cultural Heritage
- ESS 9. Financial Intermediaries
- ESS 10. Stakeholder Engagement and Information Disclosure.

<sup>22</sup> The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. It includes permanent or temporary physical and economic displacement resulting from land acquisition or restrictions on land use undertaken or imposed in connection with Project implementation.

- avoid forced eviction.
  - mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost<sup>23</sup> and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
  - 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.
  - 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.
  - ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.
61. In the context of YIUSEP II-AF, ESS5 requires that UNOPS offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.

62. ESS5 states that (paragraph 20 of ESS5):

*Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The social assessment will also 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. In conjunction with the census, the Borrower will establish a cutoff date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal.*

63. ESS5 requires the preparation of a Plan to address the issues identified in the environmental and social assessment that is proportionate to the risks and impacts associated with the project. The plan must include: (i) procedures to monitor and evaluate the implementation of the plan; (ii) consultations with affected persons during the monitoring process, and the preparation of periodic monitoring reports and affected persons will be informed about monitoring results in a timely manner. A template for the preparation of Resettlement Plans, based on Annex 1 of ESS5, is attached in Annex 1.

*Implementation of the Borrower's plan will be considered completed when the adverse impacts of resettlement have been addressed in a manner that is consistent with the relevant plan as well as the objectives of this ESS.*

64. Most YIUSEP II activities are likely to cause only minor restrictions on land use. In such cases ESS5 states that:

*For projects with minor land acquisition or restrictions on land use, as a result of which there will be no significant impact on incomes or livelihoods, the plan will establish eligibility criteria for affected persons, set out procedures and standards for compensation, and incorporate arrangements for consultations, monitoring and addressing grievances.*

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<sup>23</sup> "Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons.

65. ESS5 also states that:

*Where the likely nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown during project preparation, the Borrower will develop a framework establishing general principles and procedures compatible with this ESS. Once the individual project components are defined and the necessary information becomes available, such a framework will be expanded into one or more specific plans proportionate to potential risks and impacts. No physical and/or economic displacement will occur until plans required by this ESS have been finalized and approved by the Bank.*

66. The use of a Resettlement Framework for YIUSEP II was agreed with the World Bank during Project preparation, given that the Project consists of series of sub-projects, and their risks and impacts cannot be determined until the sub-project details have been identified during implementation.. However, the resettlement framework (RF) which was prepared for YIUSEP II has been updated to reflect the new cities and to provide general resettlement guidelines and for the management of potential social impacts at the sub-project level.

67. . Annex 1, B of ESS5 provides the following guidance:

*The purpose of the updated Resettlement Framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation (see ESS5, para. 25). Once the sub-project or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank.*

*The updated Resettlement Framework covers the following elements:*

- (i) a brief description of the Project and components for which land acquisition and resettlement are required, and an explanation of why an updated resettlement framework rather than a resettlement plan is being prepared;*
- (ii) principles and objectives governing resettlement preparation and implementation;*
- (iii) a description of the process for preparing and approving resettlement plans;*
- (iv) estimated displacement impacts and estimated numbers and categories of displaced persons, to the extent feasible;*
- (v) eligibility criteria for defining various categories of displaced persons;*
- (vi) a legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;*
- (vii) methods of valuing affected assets;*
- (viii) organizational procedures for delivery of compensation and other resettlement assistance, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;*
- (ix) a description of the implementation process, linking resettlement implementation to civil works;*
- (x) a description of grievance redress mechanisms;*
- (xi) a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;*
- (xii) a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and (m) arrangements for monitoring by the implementing agency and, if required, by third-party monitors.*

#### 4.1.4 Stakeholder Engagement Plan

68. As required by ESS10, UNOPS, has developed, update and implement a Stakeholder Engagement Plan (SEP) for YIUSEP II that is proportionate to the nature and scale of the project and its potential risks and impacts. The updated SEP:

- Describes the timing and methods of engagement with stakeholders throughout the life cycle of the project, distinguishing between project-affected parties and other interested parties.
- Describes the range and timing of information to be communicated to project-affected parties and other interested parties, as well as the type of information to be sought from them.
- Takes into account the main characteristics and interests of the stakeholders, and the different levels of engagement and consultation that will be appropriate for different stakeholders.
- Sets out how communication with stakeholders will be handled throughout project preparation and implementation.
- Describes the measures that will be used to remove obstacles to participation, and how the views of differently affected groups will be captured. Where applicable, the updated SEP will include differentiated measures to allow the effective participation of those identified as disadvantaged or vulnerable. Dedicated approaches and an increased level of resources may be needed for communication with such differently affected groups so that they can obtain the information they need regarding the issues that will potentially affect them.

69. When the stakeholder engagement with local individuals and communities depends substantially on community representatives, UNOPS will make reasonable efforts to verify that such persons do, in fact, represent the views of such individuals and communities, and that they are facilitating the communication process in an appropriate manner.

70. More specifically applicable to resettlement issues, Paragraphs 17 and 18 of ESS5 state that:

*The Borrower will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs referred to in paragraph 11, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process....*

*The consultation process should ensure that women's perspectives are obtained and their interests factored into all aspects of resettlement planning and implementation. Addressing livelihood impacts may require intra-household analysis in cases where women's and men's livelihoods are affected differently. Women's and men's preferences in terms of compensation mechanisms, such as replacement land or alternative access to natural resources rather than in cash, should be explored.*

71. The updated SEP for YIUSEP II-AF applicable to all additional Project activities is a standalone document that is disclosed separately.

#### 4.1.5 Grievance Mechanism

72. ESS10 requires that UNOPS propose and implement a grievance mechanism to receive and facilitate resolution of concerns and grievances of project-affected parties related to the environmental and social performance of the project in a timely manner.

73. The grievance mechanism required by ESS10 must *be proportionate to the potential risks and impacts of the project and will be accessible and inclusive. Where feasible and suitable for the project, the grievance mechanism will utilize existing formal or informal grievance mechanisms,*

*supplemented as needed with project-specific arrangements.*

- *The grievance mechanism is expected to address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. The mechanism, process or procedure will not prevent access to judicial or administrative remedies. The Borrower will inform the project-affected parties about the grievance process in the course of its community engagement activities, and will make publicly available a record documenting the responses to all grievances received*
- *Handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed.*

74. More specifically applicable to resettlement issues, ESS5 states that:

*The Borrower will ensure that a grievance mechanism for the project is in place, in accordance with ESS10 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.*

75. The Grievance mechanism applicable to all Project activities (including those related to the Project-AF) is part of the standalone Project Stakeholder Engagement Plan.

#### 4.1.6 Information Disclosure

76. The World Bank requires that all documents provided to it by UNOPS meet the requirements of the World Bank Policy on Access to Information.

77. The World Bank will require UNOPS to provide sufficient information about the potential risks and impacts of the project for UNOPS' consultations with its stakeholders. Such information will be disclosed in a timely manner, in an accessible place, and in a form and language understandable to project-affected parties and other interested parties as set out in ESS10, so they can provide meaningful input into project design and mitigation measures.

78. The World Bank will disclose documentation relating to the environmental and social risks and impacts of YIUSEP II with its additional financing prior to project appraisal. This documentation will reflect the environmental and social assessment of the project and be provided in draft or final form (if available). The documentation will address, in an adequate manner, the key risks and impacts of the project, and will provide sufficient detail to inform stakeholder engagement and World Bank decision making. Final or updated documentation will be disclosed when available.

## 4.2 National Requirements

79. The Republic of Yemen (RoY) has drafted policies, developed sectoral legislation and implementation procedures, established institutions responsible for environmental management, and joined international conventions. The ongoing conflict has considerably weakened the capacity of the assigned institutions to implement policies and existing laws. Consequently, the use of Yemen's environmental and social management framework is not considered for the Project.

#### 4.2.1 Resettlement and Land Acquisition<sup>24</sup>

##### *Land Ownership*

80. Civil, religious governs and customary laws govern land ownership in Yemen:

- Private land ownership is governed primarily by Islamic (Sharia) law, which stipulates that direct descendants inherit land upon the death of the owner. Under Civil Law, the Constitution forbids public appropriation of private property.
- State-owned or government land (*miri*) is land owned by the State or public entities. Public ownership is whatever by nature or what has been prepared for public use, after a fair possession for public interest. State ownership of land is addressed in the Constitution (Articles 18 and 19), Civil Law (Articles 118-120) and in Law no 21 of 1995.
- Communal land ownership is governed by customary laws and their management is entrusted to sheikhs. There is a growing trend towards private appropriation of communal land, primarily used for grazing and firewood collection, as land speculation has increased. Communal land ownership is governed by Republican Decrees no 170 of 1996 and Law no 21 of 1995.
- Other forms of land that are governed by law include: endowment (*waqf*) land, agricultural land, land for neighborhood rights.

81. Article 58 and 59 of Law no 21 of 1995 concerning State Land and Real Estate recognize the rights of squatters on public land to receive compensation.

##### *Land Acquisition*

82. Law 1 of 1995, “The Public Eminent Domain Law”, includes provisions that regulate the acquisition of land for public interest, provisions for expropriation and the definition of owners’ rights and the use of communal property:

- Article 1 of the Law authorizes Ministries, authorities and general institutions to carry out acquisitions for the public interest when justified by necessity in return for a fair compensation.
- Article 3 of the Law excludes the acquisition of private properties except when it is found that no property owned by the state satisfies the purpose for which the acquisition is carried out.

83. The Law defines four types of land acquisition in Yemen (see Figure 2 below):

- (i) *Administrative acquisition* (Article 4 of Law 1 of 1995) establishes the procedures for administratively acquiring real estate owned by public institution. A mutual agreement has to be reached between the two parties regarding compensation. If the parties come under the same ministry, the respective minister shall settle any disagreements. If they are under different ministries, the Council of Ministers will settle the disagreement and the ruling shall be final and binding.
- (ii) *Judicial acquisition* (Article 7-11 of Law 1 of 1995) involves making an application for acquisition to the court of appeal of the governorate in which the required property is located. The court is required to examine the application within 15 days of receiving the request. After undergoing due process as established by the law, which could take up to 6 weeks, the Court makes its ruling on the compensation and conditions of acquisition and the party applying for acquisition bears all the costs related to the application.
- (iii) *Amicable/Mutually Agreed Acquisition* (Article 6 of Law 1 of 1995) requires the property requester to agree with the owner of the property in an amicable manner on a form of compensation either in cash or kind. If more than one person owns the property, the approval of all the party owners is mandatory. If the party making the request for acquisition does not respect the terms of compensation for the requested property, within

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<sup>24</sup> This section is in large part based on Yemen Land Ownership and Agricultural Laws Handbook: Volume 1, Strategic Information and Regulations. International Business Publications Inc., 2013.

thirty days of the written agreement between all the concerned parties, the Department of Real Estate Registry can void the agreement upon notice from the original owner.

- (iv) *Temporary Acquisition* (Article 12-16 of Law 1 of 1995) allows authorities entitled by law to carry out acquisition of property in emergency and exceptional cases that necessitate quick response. The concerned authorities can carry out the temporary acquisition by issuing a decree stating the duration of the acquisition which should not exceed two years from the date that the decree is issued. The Law states the temporary acquisition procedures, including appropriate compensation. The authority acquiring the property temporarily must return it to the previous owner at the expiry of the acquisition period.

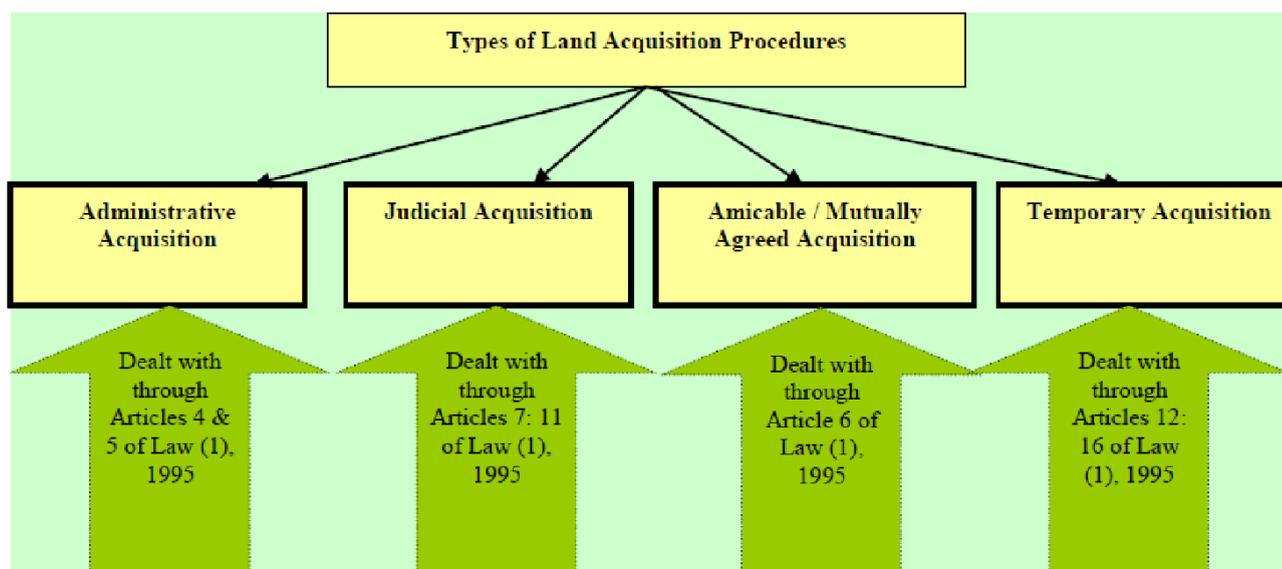


Figure 2. Types of Land Acquisition Procedures

#### *Resettlement and compensation*

84. Fair compensation is a constitutional condition for lawful expropriation according to Article 1166 of the Civil Code (19/1992), which states that the acquisition of property should be in accordance with the law and in exchange for fair compensation.

85. Under Articles 18 to 20 of the Law of State Lands Real Estates of 1995, the Minister of Justice establishes a permanent or temporary Estimation Committee (EC) in every governorate (or for each individual case) that comprised a judge, who takes the role of chairman, an engineer, a representative of the expropriating authority, and the owner(s) of the expropriated real estate or their representative. If there are many owners and they cannot agree on a representative, he/she shall be chosen on a majority basis, taking into account the percentage ownership, or selected by the Chief Justice of the Court of Appeal.

86. When assessing compensation, the EC takes account of:

- Prevailing real estate values within the project area.
- The condition of plants, buildings and installations, dates of construction, and the damage to be imposed.
- Any resulting improvement in the location of, or benefit from, the remaining parts of the real estate, or an increase in its value as a result of partial expropriation.
- Other factors identified by the EC.
- If the remaining portion of a partially expropriated estate becomes useless, the court should order the expropriation and appropriate compensation of the whole estate.

87. In accordance with Article 59 of the Real Estate Law, the EC must recognize the rights of

squatters on public land to receive compensation for involuntary settlement. Legal guidelines of compensation differ between the different types of expropriation. All compensation payments must be made prior to commencement of project works.

88. Local authorities in some governorates, such as Hadramout and Aden, have also initiated local resettlement committees (LRCs), focusing on individuals who have no legal documents (squatters). These LRCs included, inter alia, representatives of the local authorities, owners' representatives and some community leaders. Efforts were made to compensate squatters by providing them with access to appropriate sites with basic services.

#### 4.3 Comparison between World Bank Requirements and Yemeni Requirements

89. The following table 1 compares the World Bank environmental and social requirements with Yemeni Requirements, identifies gaps and suggests recommended actions.

Table 1. Comparison of World Bank Objectives and Yemeni Requirements regarding Resettlement, Stakeholder Involvement and Disclosure

<i>World Bank Requirements</i>	<i>Yemeni Requirements</i>	<i>Recommended Action</i>
<b>ESS5. Land Acquisition, Restrictions on Land Use and Involuntary Resettlement</b>		
<ul style="list-style-type: none"> <li>To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives</li> </ul>	Included in Yemeni laws, e.g., urban planning law	Both ESF and national requirements will be applied
<ul style="list-style-type: none"> <li>To avoid forced eviction</li> </ul>	Included in the Yemeni Constitution, and Civil Law.	Both ESF and national requirements will be applied
<ul style="list-style-type: none"> <li>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</li> </ul>	Public Eminent Domain Law addresses involuntary land taking resulting in relocation or loss of shelter and loss of assets or livelihood and fair and timely compensation.  There is no measure for livelihood restoration in Yemeni law.	UNOPS will follow ESF requirements
<ul style="list-style-type: none"> <li>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.</li> </ul>	Payment is made for disturbance, loss of accommodation, loss of profit and transport allowances. Compensation is on monetary basis only.  Yemeni law does not recognize any vulnerable groups, but it does recognize squatters.	UNOPS will follow ESF requirements
<ul style="list-style-type: none"> <li>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.</li> </ul>	The Civil Law and Local Administration Law requires the prompt and fair payment of compensation on monetary basis to replace the lost land within a distance not more than 20 km from the project site.  The governments in Sana'a and Aden provide adequate housing, access to service facilities, and security of tenure, to improve living conditions of poor and vulnerable persons who are physically displaced.	UNOPS will follow ESF requirements
<ul style="list-style-type: none"> <li>To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.</li> </ul>	Yemeni law, PAPs must be informed about resettlement decisions through the compensation committees that negotiate with them and gather information about asset inventory, number of family members, etc.  Ps are to be informed about their rights, consulted on, provided FULL, FAIR and PROMPT compensation based on market value of the Property for lost	UNOPS will follow ESF requirements

	<p>assets attributable directly to the project. PAPs can dispute the amount to the Land Tribunal through the district commissioner to choose alternatives</p> <p>Ps can first seek satisfaction through local customary practices for resolving conflicts. They can then initiate legal proceedings in accordance with national law.</p>	
<b>ESS10. Stakeholder Engagement and Information Disclosure</b>		
<ul style="list-style-type: none"> <li>To establish a systematic approach to stakeholder engagement that will help Borrowers identify stakeholders and build and maintain a constructive relationship with them, in particular project-affected parties.</li> </ul>	<p>Article 35 of the Yemeni Constitution declares that Environment protection is the responsibility of the state and the community and that it is a duty for every citizen. Community and NGO participation are considered an essential part of consultation while planning proposed projects, and is a continuous process before, during and after project implementation (EPA EIA Guideline). Furthermore, NGOs and individuals can directly sue any person or entity who causes harm to the environment and natural resources or participate in its deterioration and pollution (EPL Article 4, para 4 and Article 82).</p>	<p>UNOPS will follow ESF requirements</p>
<ul style="list-style-type: none"> <li>To assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in project design and environmental and social performance.</li> </ul>	<p>Included in the Local Administration Law</p>	<p>UNOPS will follow ESF requirements</p>
<ul style="list-style-type: none"> <li>To promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them.</li> </ul>	<p>Included in the Local Administration Law</p>	<p>UNOPS will follow ESF requirements</p>
<ul style="list-style-type: none"> <li>To ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format.</li> </ul>	<p>ESIAs should include a reference list and a non-technical summary for public use and disclosure in a form and language understandable to general public (EPA EIA guideline).</p>	<p>National requirements and ESF objectives are aligned, and no significant gaps are noted. Both World Bank ESF objectives and National requirements will apply to the Project.</p>
<ul style="list-style-type: none"> <li>To provide project-affected parties with accessible and inclusive means to raise issues and grievances, and allow Borrowers to respond to and manage such grievances</li> </ul>	<p>Article 51 of the Constitution allows for recourse to the courts. The Public Eminent Domain Law and the Local Administration Law provide for the right of grievance before the Estimation Committee/courts.</p> <p>To address grievances, PAPs can first seek satisfaction through local customary practices for resolving conflict. They can then initiate legal proceedings in accordance with provincial national law.</p>	<p>National requirements and ESF objectives are aligned, and no significant gaps are noted. Both World Bank ESF objectives and National requirements will apply to the Project.</p>

The following Table 2 below provides a detailed comparison on specific resettlement issues between World Bank and Yemeni Requirements

**Table 2. Detailed Comparison of World Bank and Yemeni Requirements on specific resettlement issues**

Issue	World Bank Requirements	Yemeni Requirements	Agreed Measures for Bridging the Gaps
Land Owners	<ul style="list-style-type: none"> <li>● Recommends land-for-land compensation</li> <li>● Cash compensation is at replacement cost</li> </ul>	<ul style="list-style-type: none"> <li>● While legislation requires fair compensation, in practice valuation is often lower than full market and replacement values because of the lack of capacity to carry out valuation</li> </ul>	<ul style="list-style-type: none"> <li>● PAPs would be given opportunity to choose preferred form of payment: cash or in-kind at other location</li> <li>● Compensation of structures at replacement cost</li> <li>● Build capacity of concerned authority to meet Bank's requirements on valuation</li> </ul>
Land Tenants	<ul style="list-style-type: none"> <li>● Are entitled to some form of compensation regardless of the legal recognition of their occupancy</li> </ul>	<ul style="list-style-type: none"> <li>● No provision under Yemeni Law</li> </ul>	<ul style="list-style-type: none"> <li>● Compensate replacement cost of non-movable property installed with consent of the property owner</li> </ul>
Persons who have no recognizable legal right or claim to the land or assets they occupy or use (Squatters)	<ul style="list-style-type: none"> <li>● Economically displaced persons who are without legally recognizable claims to land will be compensated for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at replacement cost. Additionally, the Borrower will provide assistance in lieu of land compensation sufficient to provide such persons with an opportunity to reestablish livelihoods elsewhere.</li> </ul>	<ul style="list-style-type: none"> <li>● Yemeni Law recognizes squatters</li> </ul>	<ul style="list-style-type: none"> <li>● UNOPS will follow ESS5 requirements</li> </ul>
Cut-off date	<ul style="list-style-type: none"> <li>● The Borrower will establish a cutoff date for eligibility (Paragraph 20)</li> <li>● The Borrower is not required to compensate or assist those who encroach on the project area after the cutoff date for eligibility, provided the cut-off date has been clearly established and made public. (Paragraph 30)</li> </ul>	<ul style="list-style-type: none"> <li>● No provisions for cut-off date or encroachers</li> </ul>	<ul style="list-style-type: none"> <li>● UNOPS will follow ESS5 requirements</li> </ul>
Livelihood restoration	<ul style="list-style-type: none"> <li>● Resettlement activities are to restore standard of living and preferably improve livelihoods. Compensation for</li> </ul>	<ul style="list-style-type: none"> <li>● Under Yemen law, payment is made for disturbance, loss of accommodation, loss of profit and transport allowances.</li> </ul>	<ul style="list-style-type: none"> <li>● UNOPS will follow ESS5 requirements</li> </ul>

	lost assets can be monetary, in-kind or both.	Compensation is on monetary basis only. However, there is no measure for livelihood restoration.	
Resettlement option and alternatives	<ul style="list-style-type: none"> <li>Inform PAPs about their options and rights, offer choices, provide technically, economically feasible resettlement alternatives, provide prompt, and effective compensation at full replacement cost for lost assets attributable directly to the project.</li> </ul>	<ul style="list-style-type: none"> <li>PAPs are to be informed about their rights, consulted on, provided FULL, FAIR and PROMPT compensation based on market value of the Property for lost assets attributable directly to the project. PAPs have chance to dispute the amount to the Land Tribunal through the district commissioner to choose alternatives</li> </ul>	<ul style="list-style-type: none"> <li>Compensation in Yemen laws gives PAPs the opportunity to choose alternatives. However, in the majority of cases it is on a monetary basis. This provides equal opportunity to all PAPs to restore the assets lost; but compensation in-kind would assure that permanent assets will replace those lost.</li> </ul>
Forms of payment	<ul style="list-style-type: none"> <li>Preference should be given to land-based resettlement for PAPs whose livelihood is land-based.</li> </ul>	<ul style="list-style-type: none"> <li>Prompt and fair compensation is paid on monetary basis only to replace the lost land within a distance not more than 20 km from the project place.</li> </ul>	<ul style="list-style-type: none"> <li>Prompt and fair compensation give room for PAPs to buy alternative land at their most preferable places; resettlement in-kind helps ensure livelihoods from land use are not lost.</li> </ul>
Replacement of lost assets	<ul style="list-style-type: none"> <li>Resettlement activities required for the project implementation should be completed before the affected land, asset or resources is taken for project use.</li> <li>Provide prompt and effective compensation at full replacement cost for lost assets attributable directly to the project</li> </ul>	<ul style="list-style-type: none"> <li>Construction work can start after all PAPs receive their money and given time to vacate the compensated land and assets.</li> </ul>	<ul style="list-style-type: none"> <li>Both recognize the importance of prompt and fair compensation before implementation of the project</li> </ul>
Absentee property owner	<ul style="list-style-type: none"> <li>In case of absentee owner, make effort to contact the owner and negotiate with them on the terms, type and amount of compensation. For absentee owners not contacted, reserve sufficient funds to cover the future payments</li> </ul>	<ul style="list-style-type: none"> <li>Valuers and local leaders must make a sincere and necessary effort to contact the landowner or the representative during the valuation.</li> <li>Local government leaders will represent the interests of the unknown owner and the payments will be retained by district executive director while effort is taken to find the owner</li> </ul>	<ul style="list-style-type: none"> <li>Both procedures recognize the importance of contacting landowner. Interest will be paid to the owner if the time lag will be more than six months from the date of acquisition or revocation.</li> </ul>
Unknown owner	<ul style="list-style-type: none"> <li>For unknown owners, sufficient funds to cover the future payments should be reserved</li> </ul>	<ul style="list-style-type: none"> <li>Local government leaders will represent the interest of the unknown owner and the payments will be retained by district</li> </ul>	<ul style="list-style-type: none"> <li>Same as above: Interest will be paid to the owner if the time lag will be more</li> </ul>

		executive director while effort is taken to find the owner	than six months from the date of acquisition or revocation.
Public participation, consultation and disclosure	<ul style="list-style-type: none"> <li>Displaced persons should be meaningfully consulted and should have opportunities to participate in planning, implementing and monitoring resettlement programs.</li> <li>Disclosure of WB-approved resettlement instruments by Bank and Government</li> </ul>	<ul style="list-style-type: none"> <li>PAPs should be informed about the resettlement decisions through the compensation committees that negotiate with them and gather information about asset inventory, number of family members.</li> <li>District Commissioner/public body required to serve public notices of land likely to be acquired for any public purpose,</li> </ul>	<ul style="list-style-type: none"> <li>Where LRCs exist, they can play a role in organizing public participation and consultation. Where they do not exist, World Bank guidelines for consultation will be applied.</li> <li>Apply WB regulations on consultations and disclosure.</li> </ul>
Grievance mechanism	<ul style="list-style-type: none"> <li>Appropriate and accessible grievance mechanisms should be established in order to ensure PAPs clearly spell out grievances and that actions are taken to respond to these grievances.</li> </ul>	<ul style="list-style-type: none"> <li>Article 51 of the Constitution allows for recourse to the courts. Law 1 of 1995 provides for the right of grievance before the Estimation Committee/courts.</li> <li>To address grievances, PAPs can first seek satisfaction through local customary practices for resolving conflict. They can then initiate legal proceedings in accordance with provincial national law.</li> </ul>	<ul style="list-style-type: none"> <li>Establish accessible mechanisms with initiation and with full cooperation from various stakeholders.</li> <li>Grievances should be heard prior to resettlement</li> </ul>
Vulnerable groups amongst displaced persons	<ul style="list-style-type: none"> <li>Considers needs of vulnerable groups amongst the displaced - those below poverty line, landless, elderly, women and children, indigenous peoples, ethnic minorities.</li> </ul>	<ul style="list-style-type: none"> <li>Does not recognize any vulnerable groups.</li> </ul>	<ul style="list-style-type: none"> <li>Apply World Bank guidelines and work with local authorities and resettlement committees to address the needs of the vulnerable groups.</li> <li>Consult vulnerable groups throughout project cycle and assist in improving their socio-economic condition</li> </ul>

## Chapter 5.

# Eligibility

90. This Chapter describes eligibility criteria for defining various categories of displaced persons and methods of valuing affected assets or livelihoods.

### 5.1 Conditions that could lead to Involuntary Resettlement

91. The Project is not expected to involve any permanent land acquisition or physical displacement as it will support the rehabilitation of damaged infrastructure, and all activities are planned to take place within existing footprints. The Project will not fund sub-projects if there are encroachers or squatters within the proposed area of any activities, who would need to be relocated. It will also work with local authorities and leaders to avoid involuntary resettlement, as is currently the practice of the Implementing Partners.

92. Project activities might cause:

- (i) Temporary taking of land for the diversion of road traffic during reconstruction, the stock piling of building materials, excavated soils and overburden, for worker camps, engineer's offices, and accommodation of night guards.
- (ii) Restriction of access to houses, shops, businesses, gardens or other properties.
- (iii) Livelihood impacts. Includes temporary taking of land used for crops and horticulture, petty traders, or market stalls.

93. For these reasons, the Resettlement Framework will apply as a precautionary measure to the entire Project, including its AF.

94. It is not possible at the time of preparing the updated Resettlement Framework to estimate the potential number of PAPs given that sub-projects that might trigger resettlement have not been designed. The number of PAPs will be established when preparing the Resettlement Plan for any sub-projects causing involuntary resettlement.

### 5.2 Eligibility Criteria

#### 5.2.1 Principles

95. Eligible PAPs include those whose land or other physical assets would be acquired or impacted by this Project's AF, causing:

- Relocation or loss of shelter
- Loss of assets, or involuntary restriction of access to assets or natural resources
- Loss of income sources or means of livelihood dependent on the affected land, including crops and horticulture, petty trade, or market stalls, whether or not the affected persons are required to move.

96. Based on ESS5, Paragraph 10, the Project classifies Project Affected Persons (PAPs) in one of the following three groups:

- (a) Persons who have formal legal rights to land or assets;
- (b) Persons 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, including claims derived from customary or traditional tenure arrangements;
- (c) Persons who have no recognizable legal right or claim to the land or assets they occupy or use.

97. Persons covered under (a) and (b) will be provided compensation for the land they lose, and other assistance as required by ESS5. Persons covered under paragraph (c) will be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to a cut-off<sup>25</sup> date established by UNOPS and its Implementing Partners. All people included in (a), (b), or (c) would be provided compensation for loss of assets other than land.
98. All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, will be eligible for some kind of assistance if they occupied the land before the cut-off date. UNOPS will not compensate or assist those who encroach on the project area after the cutoff date, nor for assets created after the cut-off date. UNOPS will ensure that affected persons and communities are informed about the cut-off date and its implications as soon as it is set.
99. UNOPS and its Implementing Partners will classify PAPs according to the three above-mentioned groups based on a review of tenure documents owned by occupants, interviews with households and groups in the affected area as well as input from community leaders. PAPs that have legal rights to the land or a valid claim to Project impacted land would be:
- (i) Informed about their options and rights pertaining to resettlement.
  - (ii) Consulted on or offered choices among and provided with technically and economically feasible resettlement.
  - (iii) Provided prompt and effective compensation at full replacement cost for the loss of assets attributable directly to the project.

#### 5.2.2 *Eligibility for resettlement/relocation*

100. Eligibility for compensation and/or resettlement will consider:

- Affected households whose family land and/or assets, business, services and buildings are located within a sub-project site that has to be expropriated, temporarily or permanently, for effective implementation of the Project.
- Households that occupy land that will be permanently acquired by the Project and the remaining piece is considered economically unviable.

#### 5.2.3 *Eligibility for Community Compensation*

101. Eligibility might also be claimed collectively, for example by a community or religious group, when the assets lost are of communal property or use. Groups that own communal land and properties thereon would be eligible for compensation if expropriated or if their access to assets or resources under customary rights is blocked by the project. This measure would ensure that the socioeconomic status of impacted communities would be restored to the level before the Project.

#### 5.2.4 *Loss of Income and Livelihood*

102. Persons who might lose their income due to the Project, and workers who might lose their employment because of the Project would be entitled to transitional income support. Compensation would be equivalent to lost income for the duration of the impact. In addition, PAPs would be entitled to transitional assistance, which might include moving expenses, support for acquisition/making of temporary residences (if necessary), and employment by the sub-project.

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<sup>25</sup> Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal. (Paragraph 20 of ESS5).

#### *5.2.5 Assistance to Vulnerable Groups*

103. The Project will provide assistance to vulnerable affected persons, such as female headed households, the elderly, orphans, disabled persons, critically ill persons, and the poor. Such PAPs will be entitled to compensation and resettlement assistance to help restore their livelihoods to at least, pre-Project standards.

#### *5.2.6 Entitlement Matrix for Various Categories of PAPS*

104. The following entitlement matrix of table 3 provides guidance for eligibility and entitlements under YIUSEP II and its AF. As necessary, UNOPS might amend it to adapt to sub-project circumstances and incorporate discussions and agreements with affected stakeholders. UNOPS will inform the World Bank if such amendments are required.

**Table 3. Entitlement Matrix for Various Categories of PAPs**

Asset Affected	PAP Category	Type of Impact*	Compensation Guide
Land	Land owner	Temporary acquisition of land for works and construction	Rental for land based on market tariffs taking into account the rates as of the current period and land restoration and all assets located on the land in the previous condition, including compensation for removal and transportation of: <ul style="list-style-type: none"> <li>• movable assets, usable material;</li> <li>• state and municipal assets;</li> <li>• recovery of income sources for a period used.</li> <li>• any potential restriction on the use of land and civil works in the future as a result of works and construction under the project</li> </ul>
Land	Informal user	Temporary acquisition of land for works and construction	Restoration, replacement or compensation of all assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis
Assets	Informal User	Permanent acquisition of land for works, construction.	Compensation in cash for linked assets at replacement value. In case of income loss, compensation will be paid based on minimal wage for six months and the right to salvage usable materials.
Any structure including fence or sanitation structure	Owner of structure	Permanent acquisition of structure*	Replacement structure or cash compensation at replacement value and the right to salvage usable materials.
Section of residential compound temporarily affected or access to house affected by works	Tenant or House owner	Restriction of access to houses	<ul style="list-style-type: none"> <li>• Restoration of land to its initial condition.</li> <li>• Provision of alternative temporary access to house/compound</li> <li>• In kind compensation for affected needs such as alternative car parking.</li> <li>• Disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis (a specific formulation of the allowance would be established in the relevant Resettlement Plan.</li> </ul>
Business	Vendors or business entrepreneur	Loss of business due to works.	Cash compensation of estimated business loss assessed from records of preceding 3 months or equivalent business (if no records) during the time of works when business is interrupted. Disturbance allowance equivalent to 7 days of business profit
Business	Owner of business	Loss of business place*	Compensation for income loss during transition period, resettlement assistance to move business and economic rehabilitation assistance to ensure income is restored, as needed.
Crops	Owner	Loss of crops	In addition to land compensation, the owner would be allowed to take standing crop and cash compensation at highest market value for agricultural season.

			For temporary use of land, when swing time is lost, compensation will be paid for lost vegetation based on market value of previous crop.
Crops	Tenant	Loss of crops	Allowed to take standing crop and cash compensation for agricultural season. For temporary use of land, when swing time is lost, compensation will be paid for lost vegetation based on market value of previous crop.
Fruit tree	Owner	Trees	Price of a sapling and cash compensation for the value of the harvest multiplied by number of years it will take for the sapling to reach maturity.
Non-fruit trees	Owner	Trees	Timber of cash equal to timber value, and based on the life, present age and size of the tree.
Residential and commercial assets/ Recovery of income sources	Vulnerable people identified on the basis of social assistance payments (disability payments, pensioners, widows, female-headed households, and households below the poverty level) as determined by consultations	Vulnerable people	<ul style="list-style-type: none"> <li>• In addition to compensation for lands, assets and livelihood lost as defined in the entitlement matrix, a supplemental social assistance payments to be determined in the Resettlement Plan (RP).</li> <li>• Support rendered in removal and transportation of materials.</li> <li>• Special attention will be paid to income recovery and measures such as a) assistance in applying for unemployment status and b) other type of assistance required on case-by-case situation</li> </ul>
Buildings/ structures	Public assets	Permanent acquisition *	Compensation will be provided in kind in terms of construction of new structures or repair of structures partially affected by the project.
Loss of livelihood	All PAPs identified as having lost livelihood	Livelihood loss	In case of loss of livelihood, all PAPs losing livelihood, irrespective of possession of title to the land, will receive assistance, including ragpickers (where relevant).

\*Some of the impacts are indicative. They are not expected to occur under the current Project design

### 5.3 Asset Valuation

105. In the event of involuntary resettlement, UNOPS would contract an evaluation expert to develop a standardized procedure for asset valuation, which can then be applied by the ESSOs in UNOPS and its Implementing Partners. The procedure would include a series of look-up tables for estimating asset value by type according to the approximate size and condition of the existing asset. The tables would be developed using legally acceptable valuation procedures accepted by acceptable to UNOPS and the World Bank, and compliant with Yemeni laws and regulations.

106. Lost assets would be valued at their replacement cost. This approach is based on the premise that the costs of replacing productive assets should be based on damages caused by Project. The approach covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs. Depreciation and salvage value of the asset would not be deducted while computing the compensation. The following table 4 summarizes the replacement cost approach:

**Table 4. Valuation of the affected assets**

Affected Property		Valuation Method
Land	Agricultural	Full replacement value equals: <ul style="list-style-type: none"> <li>the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land</li> <li>plus the cost of preparing the land to levels similar to those of the affected land</li> <li>plus the cost of any registration and transfer taxes</li> </ul>
	Urban	Equals the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
Crops and trees	Crops	Based on prevailing market value
	Fruit tree	Market price of a sapling and cash compensation for the value of the harvest multiplied by number of years it will take for the sapling to reach maturity.
	Non-fruit trees	Cash equal to market value of timber, based on the life, present age and size of the tree.
Houses/Structures		Full replacement cost based on: <ul style="list-style-type: none"> <li>size of affected structures (full or partial loss)</li> <li>market cost of the materials used (similar or better quality)</li> <li>transportation costs to deliver materials to construction site</li> <li>cost of any labor and contractors' fees</li> <li>cost of any registration and transfer taxes</li> </ul>
	Vulnerable people	In addition to compensation for assets lost: <ul style="list-style-type: none"> <li>disturbance allowance - one year of supplemental social assistance payments.</li> <li>Support rendered in removal and transportation of materials.</li> <li>assistance in applying for unemployment status and b) other type of assistance required on case-by-case situation</li> </ul>
Community asset/resource		In kind reconstruction at a site agreed upon with the affected community. The alternative community asset will be at least of the same standard as or better standard than the affected asset.
Loss of business income		Lost income and production during the transition period (the time between losing the business and full re-establishment of livelihood). This will be estimated based on the daily or monthly income of the affected parties.
Inflation		Considered when computing compensation costs.

# Resettlement Planning and Implementation

107. UNOPS and its Implementing Partners would oversee all resettlement planning and coordinate all issues related to compensation.
108. This section details the procedures and accountability for the preparation of subproject Resettlement Plans. As necessary, UNOPS would select consultants to address involuntary resettlement impacts, who would work under the direct supervision of the ESSO. The ESSO would prepare ToRs for such consultancies, which would be submitted to the World Bank for prior review.
109. While no physical or economic displacements are currently expected, UNOPS will prepare and implement a Resettlement Plan using the procedures described in this Resettlement Framework for any activities that might cause permanent or temporary physical or economic displacement, or loss of income. In such cases, UNOPS will ensure that these activities will only start after the Resettlement Plan is developed, deemed acceptable by the Bank, and fully implemented.

## 6.1 Census of PAPs and Inventory of their Assets

110. For every sub-project that might cause involuntary resettlement, the ESSO in UNOPS of the concerned Implementing Partner, working together with local leaders, would prepare a comprehensive census of PAPs and an inventory of their affected assets.

### 6.1.1 Socioeconomic Survey of PAPs

111. The ESSO in ESSO or the concerned Implementing Partner would conduct a socioeconomic survey of affected individuals and households to determine the socioeconomic status of each PAP (age, family status, number of dependents, level and sources of income, available material assets, debts). Special attention would be paid to the needs of vulnerable people among the PAPs.
112. The cut-off date for the determination of eligibility will be determined in a manner acceptable to all parties, documented and widely disseminated. Normally this cut-off date is the date the census begins.

### 6.1.2 Asset Inventory

113. The ESSO in UNOPS or the concerned Implementing Partner:
- (i) count, measure and value all affected buildings and structures, as well as trees and crops, in the presence of the PAP and a local leader
  - (ii) prepare a location map of affected assets
  - (iii) prepare a Compensation Assessment Form for each PAP, recording affected assets and the total compensation
  - (iv) ensure that all the participating parties verify the contents of the Compensation Assessment Form before signing it; signature by each PAP would be witnessed by a spouse, a child above 18 years, or any other person as chosen by the PAP
  - (v) provide each PAP with a copy of the signed Compensation Assessment
  - (vi) take a photograph of each PAP to ensure that the right persons are compensated. The photograph would be attached to each PAP's file that is kept by UNOPS
114. The ESSO in UNOPS or the concerned Implementing Partner would verify ownership of land and other assets with the help of local authorities, neighbors, clan members, family members and documents like land titles and land sale agreements.

## 6.2 Consultations for Resettlement Planning

115. Despite the emergency situation and the current COVID-19 pandemic, UNOPS consulted with public authorities and the Implementing Partners (PWP, RMF-IU, and Urban PMU), to ensure that YIUSEP II-AF responds to the needs identified during the implementation of YIUSEP II. The local authorities consulted include the governors, the Water and Sanitation Local Corporations, local Cleaning Funds, local public works offices, and local health and education offices in target cities. In addition, UNOPS consulted with the Yemen Women Union and Women (YWU), Owned Businesses (WOB), local NGOs for Children with autism in Aden, Sana'a, and Mukalla cities, as well as with the Ministry of Planning and International Cooperation, Ministry of Health, and Ministry of Public Works.

116. Throughout the resettlement process, the ESSO in UNOPS or the concerned Implementing Partner will engage with affected communities<sup>26</sup>, including host communities, through the process of stakeholder engagement described in the Project updated Stakeholder Engagement Plan (SEP). The engagement will cover all phases of the resettlement process, including the consideration of alternative project design, as well as the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and any relocation process. In particular, the ESSO in UNOPS or the concerned Implementing Partner will:

- Consult and sensitize PAPs and any relevant stakeholder to the types of compensation, valuation principles, and the Project Grievance Mechanism.
- Disclose relevant information
- Present resettlement and livelihood restoration options and alternatives from which affected persons may choose.
- Ensure the meaningful participation of PAPs and stakeholders in meetings, including the possibility to raise any queries, concerns or questions. All concerns raised will be taken into consideration when preparing the Resettlement Plans.
- Obtain the perspectives of women to ensure that their interests are factored into all aspects of resettlement planning and implementation.
- Conduct intra-household analysis of livelihood impacts, if there is reason to believe that women's and men's livelihoods might be affected differently.
- Explore women's and men's preferences in terms of compensation mechanisms, such as replacement land or alternative access to natural resources rather than in cash,

117. More specifically:

- (i) Following sub-project identification, the ESSO in UNOPS or the concerned Implementing Partner will visit potential PAPs to inform them on the sub-project, its scope and impacts, their options and rights, and to receive their opinion. This might result in changes to subproject scope that would minimize the need for resettlement.
- (ii) Once the inventory and valuation of assets is complete, the ESSO would present and discuss the details with PAPs, to confirm accuracy and acceptability, while ensuring that technically and economically feasible choices and alternatives are offered
- (iii) PAPs would be provided with copies of the completed Resettlement Plan in a language and format acceptable to them.
- (iv) Compensation packages would be discussed with each eligible PAP for their endorsement before compensation is done.
- (v) PAPs would be entitled to have a third party (such as community leader) during the steps leading to compensation.
- (vi) PAPs could instigate a complaint using the Project's Grievance Mechanism.

118. Consultations will take into account factors such as literacy and cultural obstacles to the

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<sup>26</sup> Arabic will be the language for engaging with stakeholders

participation of certain PAPs. PAPs would be advised both in writing and verbally of their rights throughout the resettlement process, through meetings, information booklets, and announcements published on information boards at public places. This would include the grievance procedures, and the entitlement matrix. Verbal information would be provided to illiterate people. PAPs would be provided with the opportunity to express their feedback and concerns. Efforts would be made to inform absent PAPs through relatives or neighbors.

119. 12 New public consultation workshops with stakeholders were held in different governorates (Sana'a, Aden, Ibb, and Mukalla) covering all targeted cities under YIUSEP II including the newly added cities (Ibb, Yarim, Sayoun, and Al Shahr) as the result of the additional financing to the parent project between 9 June and 11 November 2021 to ensure effective stakeholder participation relevant to targeted urban cities. Various stakeholder representatives were invited and 974 participants; of whom 339 females (38%), attended the consultation workshops. The main outcome of the consultations were that the proposed funding for WASH and roads interventions are not sufficient to meet local priority needs, the need for additional gender-sensitive engagements and consultations to enhance their awareness of project's institutional arrangements, needs selection and prioritization and the importance of the project GM and its confidentiality.
120. Inclusive consultations were conducted between the period April 17-29, 2021 with the PWP, UW-PMU, RMF and 10 Civil Society Organizations about the IUSEP-II and with particular emphasis on the environmental and social risks management instruments. PWP expressed concerns regarding the complexity of the ESF instruments particularly the requirements for GBV/PSEA awareness raising stipulated in the SEA/SH action plan, the Security management Plan (SMP), and the Labor Management Procedures (LMP). UW-PMU concerns about the "long list" of requirements and the "need to build UW-PMU's capacity" to comply with these requirements. The RMF conveyed the concerns regarding the complexity of the ESF requirements, and the need for RMF-IU to have adequate human resources to be able to comply with these requirements. The CSOs main outcome of the consultations included the enforcement of policies and guidelines on the extent of capacity support provided by donors. CSOs also hope that UNOPS can implement the project as planned because of the increasingly challenging situation in Yemen. All CSOs expressed their "huge interest" to participate in capacity training and stakeholder consultations that mutually benefit them and local communities under YIUSEP II. UNOPS indicated that it would notify these CSO (and others) regarding any upcoming ESF training opportunities, as well as stakeholder consultations in the different target cities.
121. In light of the FCV context, the ESSO will ensure that PAPs are not exposed to risks as part of their participation in sub-project consultations, for example by avoiding large meetings, and not disclosing personal information/photos.

### 6.3 Grievance Mechanism

122. UNOPS will apply the Project Grievance Mechanism detailed in Section 5 of the updated Project Stakeholder Engagement Plan for the AF, to all resettlement activities to be undertaken. Each Resettlement Plan will include a sub-project specific Grievance Mechanism, with procedures relevant to its specific context.
123. Resettlement related grievances can be brought up by affected people in case of: (i) non-fulfillment of contracts or agreements; (ii) compensation entitlements; (iii) types and levels of compensation; (iv) disputes related to destruction of assets or livelihoods; or (v) disturbances caused by construction activities, such as noise, vibration, dust or smell. Anonymous complaints will be admissible.
124. The UNOPS Program Manager based in the Sana'a Office has the overall responsibility to address Project activity-related complaints and inquiries from Project affected communities or individuals regarding any environmental or social impacts due to subproject activities. The UNOPS

ESSO in its Sana'a Office will handle Project activity-related complaints, who will be assisted by UNOPS' City Engineers in the target cities. The ESSO in each Implementing Partners will serve as the GM focal point. UNOPS will coordinate with the local Implementing Partners and will set a unified timeframe for reporting grievances. UNOPS and the Implementing Partners will present and explain the mechanism to all sub-project affected persons during sub-project preparation.

125. UNOPS is providing multiple access points to the UNOPS ESSO for beneficiaries to voice their concerns. These access points will be advertised at sub-project level, and include complaint box at Project activity sites, at UNOPS' offices in Sana'a, Aden and Mukalla, and by mail, telephone, email, and UNOPS' website:

Address	Haddah Street, former European Union Office Building, Sana'a
Hotline	8000-190
Email	<a href="mailto:gm-yemen@unops.org">gm-yemen@unops.org</a>
Website	<a href="http://www.unops.org">www.unops.org</a>

#### 6.4 Development of the Resettlement Plan

126. This section details the procedures and accountability for the preparation of sub-project Resettlement Plans.

127. Following the census of PAPs and the inventory of affected assets, the ESSO in UNOPS or the concerned Implementing Partner shall initiate for each sub-project the preparation of a Resettlement Plan. The Resettlement Plan will document the eligibility criteria, including the entitlement matrix, and the asset valuation principles (Chapter 5), as well as the socioeconomic census, the identification of affected assets, the socioeconomic profile of PAPs, and the consultations conducted for the specific subproject (7.1 and 7.2 in this Chapter).

128. As necessary, UNOPS would select consultants to address involuntary resettlement impacts, who would work under the direct supervision of the ESSO in UNOPS or the relevant Implementing Partner. The selection of external consultants would be made on the basis of consultants' qualifications and relevant resettlement experience. The UNOPS ESSO would prepare ToRs for such consultancies, in coordination with the relevant Implementing Partner ESSO. The UNOPS Program Manager would then submit the ToRs to the World Bank for prior review and approval by the Project Manager. The ESSO will oversee the preparation of the Resettlement Plan by the selected consultant, in collaboration with the ESSO at the relevant Implementing Partner.

129. UNOPS shall prepare Resettlement Plans according to the detailed outline in Annex 1 of ESS5.

130. While household-level data is essential to the preparation of Resettlement Plans, for the purposes of privacy, information identifying individuals or households would not be publicly disclosed.

#### 6.5 Disclosure and Approval of Resettlement Plans

131. The following steps would be followed once the subproject Resettlement Plan is available:

- (i) The ESSO would share the draft Resettlement Plan with the PAPs and no less than one week later would meet with the PAPs to collect their comments and proposals
- (ii) The ESSO would reflect comments and proposals from PAPs into the Resettlement Plan.
- (iii) The ESSO would provide the Resettlement Plan to the Project Manager, who will formally submit it to the World Bank for review and clearance.
- (iv) Following clearance by the World Bank, the Resettlement Plan will be publicly disclosed in the World Bank's website. UNOPS will disclose it on its website and to stakeholders in a

manner and language culturally appropriate. For any changes to these documents, the same process of clearance and disclosure will be followed

## 6.6 Compensation

132. Once the Resettlement Plan has been cleared by the World Bank and disclosed, the ESSO in the relevant Implementing Partner will notify the PAPs regarding compensation procedures.

133. Individual and household compensation would be made in cash, in kind, or through any other means agreed by the PAP, and with the knowledge and presence of both man and wife and adult children where applicable. The type of compensation would be an individual choice. For payment of compensation in-kind, the timing and alternative locations would have to be decided and agreed upon by each PAP. Compensation could be done in the following forms:

- *Cash Payment.* Compensation would be calculated at new replacement value, adjusted for inflation.
- *In-kind compensation.* Compensation might include items such as land, houses other buildings, of equal or better value. If building materials were provided then their transport and labor costs would also have to be provided.
- *Additional assistance.* Resettlement assistance would comprise a disturbance allowance valued at 5% of the value of the land and of the assets thereon.
- *Economic Rehabilitation Assistance* may include training, capacity building as well as provision of assistance to facilitate reestablishment of livelihood activities.

134. Following compensation, the ESSO would update the PAPs database of PAPs accordingly, indicating where and when compensation was completed, with supporting documents.

## 6.7 Implementation schedule

135. No individual or affected household would be displaced (economically or physically) due to civil works funded by the Project before compensation is paid to PAPs, and if necessary, before resettlement sites with adequate facilities are prepared and provided for sub-project affected individuals or homesteads. Each Resettlement Plan will include an implementation schedule to address resettlement, from the preparation to completion of works, with indications of specific terms for achievement of intended benefits both for PAPs and local population.

# Monitoring and Reporting

136. The ESSO shall monitor the overall implementation of the Resettlement Framework by UNOPS and its Implementing Partners, most particularly the:

- (i) timely preparation of environmental and social screening forms for all sub-projects
- (ii) timely preparation and clearance of sub-project Resettlement Plans (list of instruments with dates)
- (iii) management of prior review requirements of the World Bank (non-objection requests with dates)
- (iv) monitoring of Resettlement Plan implementation, including monitoring of compensation, and any livelihood restoration measures (indicators)
- (v) training of project staff and Implementing Partners (list of persons, dates and places)

137. The ESSO shall prepare:

- (i) bi-annual reports summarizing monitoring results, to be included in the Project's bi-annual reports to the World Bank
- (ii) reports that aggregate and analyze monitoring results ahead of regular "reverse" World Bank implementation support missions with UNOPS
- (iii) an annual evaluation of all environmental and social monitoring activities, which will be submitted to the World Bank as part of overall project implementation reporting

138. Environmental and social risk management is also part of the scope of the Third-Party Monitoring (TPM) services TPM contracted by UNSO. More specifically, TPM will report on the compliance with environmental and social requirements and on the implementation of environmental and social mitigation measures.

## 7.1 Environmental and Social Database

139. The ESSO shall establish, maintain and regularly update a database of sub-projects that will be shared with the Implementing Partners. The database will include for each sub-project:

- (i) type of sub-project, name of sub-project, Implementing Partner
- (ii) environmental and social risk level
- (iii) timeline (clearance of screening form, clearance of ToRs, clearance of environmental and social risk management instruments)
- (iv) supervision reports by ESSO in UNOPS and the Implementing Partners during implementation
- (v) contractor reports
- (vi) noncompliance by contractors
- (vii) cross references to the Grievance Mechanism's log of complaints.

## 7.2 Monitoring of Resettlement Plan Implementation

140. The ESSO shall also establish, maintain and update a database on the sub-projects requiring the preparation of a Resettlement Plan, including the following statistics for each sub-project:

- (i) number of affected households and individuals (women, men and children)
- (ii) length of time from sub-project identification to compensation of all PAPs
- (iii) timing of compensation in relation to commencement of physical works
- (iv) amounts of compensation paid to PAPs (if in cash), or the nature of compensation (if in kind)
- (v) number of people raising grievances in relation to each sub-project

(vi) number of unresolved grievances

### 7.3 Socioeconomic monitoring of PAPs

141. The UNOPS ESSO shall:

- establish and maintain a database of affected households and individuals for each sub-project, using the data collected through the socioeconomic survey of PAPs (Section 7.1.1).
- update the PAPs database once sub-project compensation is completed, to indicate amounts paid (if in cash), or the nature of compensation (if in kind).
- provide each affected individual or household with a signed dossier recording the initial situation and the compensation agreed on and received.
- in cooperation with the ESSOs in the Implementing Partners, conduct a second socioeconomic survey of PAPs for each sub-project within a year after compensation, to evaluate that the income and standard of living of PAPs have been fully restored
- bring cases where the income and standard of living are not fully restored to the Project Manager's attention for further action.

# Capacity

142. This chapter reviews the capacity and skills available within UNOPS and its Implementing Partners to implement and monitor the ESMF and proposes measures to enhance this capacity.

## 8.1 UNOPS

143. UNOPS' Environmental and Social Standards Officer (ESSO) based in the UNOPS Sana'a Office will oversee the management of environmental and social risks for the Project. The ESSO will:

- Review and clear environmental and social screening forms for all sub-projects
- Draft ToRs for any Resettlement Plans required as part of sub-project preparation
- Submit to the World Bank, through the Project Manager, draft ToRs for sub-project Resettlement Plans, for their prior review
- Supervise the preparation of Resettlement Plans prepared for UNOPS or its Implementing Partners
- Provide draft sub-project Resettlement Plans to the World Bank for review and clearance
- Monitor subproject compliance with their Resettlement Plans, including field visits and spot checks
- Work closely with UNOPS engineers and procurement officers to incorporate environmental and social requirements into sub-project design, appraisal and resource mobilization
- Oversee and coordinate the ESSOs in the Implementing Partners.
- Compile quarterly, biannual and annual reports on safeguards performance of the Project that will be incorporated into the Project's M&E report
- Provide assistance and deliver capacity building trainings to UNOPS staff and Implementing Partners
- Organize and oversee the preparation, production and distribution of training manuals and awareness materials

144. UNOPS will also deploy a Gender Mainstreaming Officer and a Health and Safety Officer based in its Sana'a office.

145. UNOPS will also recruit a part-time international expert to be available - on a need basis - to oversee the overall implementation, monitoring, and reporting of environmental and social risk management aspects. With the additional financing to the parent project, UNOPS may recruit additional personnel as needed.

## 8.2 Public World Projects (PWP)

146. PWP currently employs an environmental expert and a social expert who cover environmental and social issues in PWP's current portfolio of projects. These two experts will jointly serve as the ESSO for the sub-projects implemented by PWP, including the preparation of environmental and social screening forms, the preparation of proportionate ESMPs for sub-projects that do not require a full ESIA and ESMP, and the monitoring of contractor compliance with sub-project ESMP requirements. As necessary, PWP will recruit additional staff or employ local consultants.

## 8.3 RMF-IU

147. RMF-IU currently employs two environmental and social experts. The Project will provide them with on-the-job training and guidance to raise their capacity and serve as the ESSO within RMF-IU. The ESSO will prepare the environmental and social screening forms for all sub-projects and monitor on-site contractor compliance with subproject ESMP requirements and any Resettlement Plans.

## 8.4 UW-PMU

148. The environmental and social officer in UW-PMU will serve as its ESSO. The ESSO will prepare the environmental and social screening forms for all sub-projects implemented by UWS, and monitor on-site contractor compliance with subproject ESMP requirements, including the Environmental and Social Requirements for contractors.

## 8.5 Capacity Development

149. UNOPS will ensure that the ESSO, the Gender Mainstreaming Officer, and the Health and Safety Officer within UNOPS, as well as the ESSOs and Health and Safety Officers of the Implementing Partners receive training on the ESF and its implementation.

150. The UNOPS ESSO, jointly with the ESSOs in the Implementing Partners, will organize training for the people involved in Project implementation, including:

- A launch workshop to operationalize the ESMF and agree on roles and responsibilities moving forward
- A workshop with UNOPS engineers and technical staff to explain the ESMF and its implementation.
- Environmental and social risk management training and capacity enhancement for the Implementing Partners, participating contractors, and Local Councils.
- Toolbox talks for contractors to explain the ESMF and the ESHS requirements, including the grievance mechanism for workers, sexual exploitation and abuse (SEA)/sexual harassment (SH) and the associated grievance management, and worker OHS, including:
  - On-site risk identification and mitigation
  - Use of PPEs
  - Emergency Prevention and Preparedness
- Sessions to sensitize the local councils to the ESMF and its implementation
- Training of UNOPS staff and Implementing Partners on land acquisition and resettlement management

151. UNOPS will also finance the production of training manuals and awareness materials as needed, per table 5 below.

Table 5. Indicative costs of capacity building activities

Capacity Building Measures	Unit Cost (USD)	Costs (USD)
15 X 2-day environmental and social training for Implementing Partners and their consultants	2000/session	30,000
15 X 1-day consultation with local councils and key stakeholders	1000/session	15,000
140 X 1-day training on ESHS requirements for contractors	1000/session	140,000
Production of environmental and social awareness materials (brochures, posters, fliers)	15000	15,000
<b>TOTAL</b>		<b>200,000</b>

## 8.6 Budget

- UNOPS is fully covering, as part of the fee that it will charge the Bank, the cost of the ESSO, the Gender Mainstreaming Officer, and the Health and Safety Officer, as well as any associated operational costs and the cost of additional personnel needed as the result of the new additional financing to the parent project.
- The Implementing Partners are covering the cost of their respective ESSOs and Health and Safety Officers as part of their respective Project Cooperative Agreement (PCA) with UNOPS. However,

these ESSOs might not work full time on YIUSEP II or its additional financial activities, as each Implementing Partners has partnered with several projects.

- The cost of due diligence for specific sub-projects (preparation of the screening form, consultations, GM, preparation of ESMPs and Resettlement Plans, implementation of resettlement plans and compensation, and monitoring) are included in the costs/budget for each sub-project. These costs are scalable to the level and scope of the potential risks and impacts and might include the costs of consultants recruited by UNOPS or an Implementing Partner to assist on specific tasks. Specifics will be required for the two larger solid waste management activities that were prepared under YIUSEP but will be implemented under YIUSEP II and its additional financing, given that they will require full ESAs and ESMPs.
- While all resettlement impacts will be avoided wherever possible, the cost of compensation and other assistance necessary for unavoidable cases will be borne by local authorities in line with the entitlement matrix.
- 

## Consultation

12 New public consultation workshops with stakeholders were held in different governorates (Sana'a, Aden, Ibb, and Mukalla) covering all targeted cities under YIUSEP II including the newly added cities (Ibb, Yarim, Sayoun, and Al Shahar) as the result of the additional financing to the parent project between 9 June and 11 November 2021 to ensure effective stakeholder participation relevant to targeted urban cities. Various stakeholder representatives were invited and 974 participants; of whom 339 females (38%), attended the consultation workshops; including:

- The MoWE Minister, Vice Minister, and Deputy Ministers;
- The MoHP Minister and Deputy Ministers;
- Water and Sanitation Local Corporations (WSLCs) representatives;
- Public Project Works -PMU and its local branches teams.
- Road Maintenance Fund -PIU, and its local branches teams
- The Urban Water PMU and its local teams;
- The MoPIC Deputy Minister and General Directors of local offices;
- The SCMCHA General Secretary, Deputies, and General Directors of local offices;
- The MoE Vice Minister and Deputy Ministers
- The MoLA Deputy Minister;
- Governors and their Deputies;
- Local council members and local district General Directors;
- Representatives of local authority, civil society, and women associations; and
- Local IDPs and beneficiaries.

All consultation workshops were designed to encourage stakeholder feedback and to support active and inclusive engagement with project-affected parties in a documented way free of external interferences in which:

- Arabic language was used with more emphasis on verbal and visual methods.
- Large public and easily accessible venues were used with a gender-sensitive setting with sufficient security requirements.
- Transportation allowances were provided to participants from remote locations.
- Participants were maintained a proper social distance and given masks and hand sanitizers as COVID-19 preventive measures.
- A number of UNOPS qualified female and male staff were presenting and facilitating the consultation.

- Project information was distributed to all participants in a form of hardcopies (Booklets) of the PAD, ESMF, RF, SEP, LMP, and GBV Prevention and Response Plan
- Leaflets containing the Project GM information were also distributed to all participants.
- Evaluation surveys were used during the sessions to get participants' feedback, suggestions and remarks as well, with attendees' contact details, organization and title.

UNOPS is keen to ensure interactive participation during the consultation sessions. Therefore, participants were given enough time to raise their concerns. UNOPS has also consulted its local implementing partners; namely, the Public Works Project (PWP), Road Maintenance Fund –IU (RMF-IU), and the Urban Water and Sanitation Project Management Unit (UW PMU) on the proposed investment plan for YIUSEP II AF and the need to amend the UNOPS Partnership Cooperation Agreements (PCAs). The below table shows list of participants and date of consultations for the AF.

Date	Session	City	Venue	Number of Attendees
Wednesday - June 09, 2021	Session 1	Sana'a	Bustan Hotel - Sana'a	220
Thursday - June 10, 2021	Session 2	Sana'a	Bustan Hotel - Sana'a	
Tuesday - June 15, 2021	Session 1	Aden	Coral Hotel - Aden	199
Wednesday - June 16, 2021	Session 2	Aden	Coral Hotel - Aden	
Thursday - June 17, 2021	Session 1	Abyan	Coral Hotel - Aden	89
Monday - June 21, 2021	Session 1	Lahj	Coral Hotel - Aden	74
Wednesday - June 23, 2021	Session 1	Al Dale	Coral Hotel - Aden	62
Thursday - June 24, 2021	Session 1	Taiz City	Coral Hotel - Aden	52
Thursday - August 12, 2021	Session 1	Taiz Alhawban	Grand Ibb Hotel - Ibb	70
Thursday - August 12, 2021	Session 1	Taiz Alhawban	Grand Ibb Hotel - Ibb	68
Tuesday - November 9, 2021	Session 1	Ibb & Yarim	Grand Address Hotel, Sana'a	67
Wednesday - November 10, 2021	Session 1	Mukalla ,Sayounn , Al-Shahir	Ramada Hotel - Mukalla	73
<b>Total</b>				<b>974</b>

### 152. *Main Consultation Outcomes:*

- The YIUSEP II AF (P178270) proposed funding and interventions for WASH and roads were not sufficient to meet the local increasing priority needs (i.e. the WASH infrastructure of Sana'a Old City and road conditions in Yarim).
- Project-affected parties needed additional gender-sensitive engagements and consultations to enhance their awareness of the project's institutional arrangements, needs selection and prioritization and the importance of the project GM and its confidentiality.
- Stakeholders appreciated the prior disclosure and dissemination of relevant project information and requested more consultations that support active and inclusive engagement with project-affected parties. UNOPS implementing partners (PWP, RMF-IU and UW-PMU) reaffirmed their understanding of the ESF objectives and their plans to have adequate resources to implement them (for example by recruiting a full-time Gender Officer). However, they also expressed concerns regarding: the complexity of these instruments, particularly the requirements for GBV/PSEA awareness raising stipulated in the SEA/SH Prevention and Response Action Plan, the Security management Plan (SMP), and the Labor Management Procedures (LMP). The “long list” of requirements and the “need to build implementing partners’ capacity” to comply with these requirements.

- The main outcomes of the CSOs' consultations were:
  - The CSOs have a good understanding and experience in adopting and implementing safeguard plans and engagements.
  - The CSOs' capacity to comply and deliver environmental and social requirements, including consultation, is subject to donors' (or main partners') enforced policies and guidelines, and on the extent of capacity support provided by donors.
  - They hoped that UNOPS could implement the project SEP as planned because the increasingly challenging situation in Yemen (i.e., ground fighting, limited access, and the pandemic) could hinder its smooth implementation.
  - They recommended that UNOPS organize SEP consultations based on the WASH sector and CSO specialization, to ensure relevant productive discussion and feedback during SEP consultations. UNOPS has taken this recommendation into consideration.
  - All CSOs expressed their "huge interest" to participate in capacity training and stakeholder consultations that mutually benefit them and local communities under YIUSEP II-AF. UNOPS indicated that it would notify these CSO (and others) regarding any upcoming ESF training opportunities, as well as stakeholder consultations in the different target areas.
- Feedback forms were distributed to 903 participants to capture the views and suggestions from persons who may have refrained from expressing their views or concerns in public.
- The main outcomes suggested that they were generally in favor of the project with:
  - 97.5% of the participants were satisfied with the participatory approach in the project and,
  - 2.5% of the participants were not satisfied and recommended the inclusion of per diems to enhance stakeholder participation and it was agreed to pay different transportation rates according to the distance where participants are coming from.



## Annex 1

# Outline for Preparing Resettlement Plans

The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures.

### Minimum Elements of a Resettlement Plan<sup>27</sup>

*Description of the project.* General description of the project and identification of the project area.

*Potential impacts.* Identification of:

- The project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;
- The zone of impact of such components or activities;
- The scope and scale of land acquisition and impacts on structures and other fixed assets;
- Any project-imposed restrictions on use of, or access to, land or natural resources;
- Alternatives considered to avoid or minimize displacement and why those were rejected
- The mechanisms established to minimize displacement, to the extent possible, during project implementation.

*Objectives.* The main objectives of the resettlement program.

*Census survey and baseline socioeconomic studies.* The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions:

- Identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- Information on vulnerable groups or persons for whom special provisions may have to be made;
- Identifying public or community infrastructure, property or services that may be affected;
- Providing a basis for the design of, and budgeting for, the resettlement program;
- In conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and
- Establishing baseline conditions for monitoring and evaluation purposes.

As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey:

- Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;

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<sup>27</sup> This template is extracted from ESS5, Annex 1.

- Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

*Legal framework.* The findings of an analysis of the legal framework, covering:

- The scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project;
- Laws and regulations relating to the agencies responsible for implementing resettlement activities; and
- Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps.

*Institutional framework.* The findings of an analysis of the institutional framework covering:

- the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;
- an assessment of the institutional capacity of such agencies and NGOs/CSOs; and
- any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.

*Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

*Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.

*Community participation.* Involvement of displaced persons (including host communities, where relevant):

- a description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
- a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and
- institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

*Implementation schedule.* An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

*Costs and budget.* Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in

areas outside the jurisdiction of the implementing agencies.

*Grievance redress mechanism.* The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

*Monitoring and evaluation.* Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

*Arrangements for adaptive management.* The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

### Additional planning requirements where resettlement involves economic displacement

If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihoods improvement plan. These include:

*Direct land replacement.* For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.

*Loss of access to land or resources.* For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.

*Support for alternative livelihoods.* For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.

*Consideration of economic development opportunities.* The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.

*Transitional support.* The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period.



## Annex 2.

## Template for Sub-project Screening

### Screening Form for Potential Environmental and Social Issues

UNOPS will use a single form to screen for the potential environmental and social risks and impacts of a proposed subproject, rather than have separate screening forms for each instrument. The form will allow UNOPS to: (i) identify the relevant Environmental and Social Standards (ESS); (ii) establishment an appropriate Environmental and Social risk for the subproject, and; (iii) specify the type of environmental and social assessment required, including specific instruments or plans.

*The Screening Form is not a substitute for subproject-specific environmental and social assessments or specific mitigation plans.*

Subproject name	
Subproject location	
Implementing Partner	
Estimated Investment	
Was the site visited beforehand	
Estimated Start/Completion Date	
Observations/Comments	
Signature of ESSO	
Signature of Program Manager	

Question	Answer		ESS relevance	Due diligence/ Actions
	Yes	no		
Does the subproject involve civil works including new construction, expansion, upgrading or rehabilitation of existing infrastructure?			ESS1	ESIA/ESMP, SEP
Does the subproject involve land acquisition, restrictions on land use, or physical/economic displacement?			ESS5	Resettlement Plan, SEP
Is the subproject associated with any external waste management facilities such as a sanitary landfill, incinerator, or wastewater treatment plant?			ESS3	ESIA/ESMP, SEP
Does the subproject have an adequate system in place (capacity, processes and management) to address waste?			ESS1, ESS3	ESMP
Does the subproject involve the recruitment of workers including direct, contracted, primary supply, and/or community workers?			ESS2	LMP, SEP
Does the subproject have appropriate OHS procedures in place, and an adequate supply of			ESS2	LMP

PPE (where necessary)?				
Does the subproject have a GM in place, to which all workers have access, designed to respond quickly and effectively?			ESS10	SEP
Does the subproject involve use of security or military personnel during construction and/or operation of healthcare facilities and related activities?			ESS4	ESIA/ESMP, SEP
Is the subproject located within or in the vicinity of any ecologically sensitive areas?			ESS6	ESIA/ESMP, SEP
Is the subproject located within or in the vicinity of any known cultural heritage sites?			ESS8	ESIA/ESMP, SEP
Does the subproject affect any vulnerable or marginalized group?			ESS4	ESIA/ESMP, Resettlement Plan, SEP
Does the project area present considerable Gender-Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) risk?			ESS1	ESIA/ESMP, SEP

*Conclusions of the screening:*

1. Indicate the proposed environmental and social risk ratings<sup>28</sup> (High, Substantial, Moderate or Low), and provide justifications.
2. Indicate the proposed environmental and social risk management instruments that must be prepared.

<sup>28</sup> **High Risk** subprojects are likely to generate a wide range of significant adverse risks and impacts on human populations or the environment, because of the complex nature of the Project, their large to very large scale, or the sensitivity of the subproject locations. Impacts are likely to be long term, permanent, irreversible, and impossible to avoid entirely due to the nature of the Project

**Medium Risk** subprojects are likely to generate some significant adverse risks and impacts on human populations or the environment, because of their large to medium scale. They are not located in a highly sensitive area. Impacts are likely to be mostly temporary, predictable and reversible.

**Moderate Risk** subprojects have adverse risks and impacts on human populations and/or the environment that are not likely to be significant, because the subproject is not complex or large, do not involve activities that have a high potential for harming people or the environment, and are located away from environmentally or socially sensitive areas.

**Low Risk** subprojects have potential adverse risks to and impacts on human populations or the environment that are likely to be minimal or negligible. These subprojects do not require further ES assessment following the initial screening.

## Annex 3

# Sample Household Survey Form

**1: Household Survey Questionnaire Identification**

- 1.1 Survey Control Number.....
- 1.2 Date of Interview.....
- 1.3 Place of Interview.....
- 1.4 Name of Interviewer.....
- 1.5 Checked by Supervisor.....

**2. Basic Profile of PAPs**

- 2.1 Name of Interviewee:.....
- 2.2 Physical Address of the Interviewee
  - i. District.....
  - ii. Community.....
- 2.3 Relation to Head of Family (Choose one)  
i.) Myself [ ] ii) Wife [ ] iii) Child [ ] iv) Parents [ ] v) Other (Specify) [ ]
- 2.4 How Many Years have you been living here?

**3. Profiles of Head of Affected Household**

- 3.1 Name of head of Family
- 3.2 Sex 1. Male, 2. Female
- 3.3 Age .....
- 3.4 Marital Status: Married [ ] Unmarried, [ ] Widow [ ] Widower [ ]
- 3.5 What is the highest educational level you attained?  
i. Never schooled [ ] ii. Primary school [ ] iii. Secondary school iv. College/ University [ ]
- 3.6 What other skills did you learn after school?.....
- 3.7 Head of affected household's major economic activities (spend more time)
  - i. Farming (cultivation, husbandry) [ ]
  - ii. Wage employment [ ]
  - iii. Business [ ]
  - iv. Petty trader [ ]
  - v. Others (specify)
- 3.8 Head of affected household's secondary economic activities (spend more time)
  - i. Farming (cultivation, husbandry) [ ]
  - ii. Wage employment [ ]
  - iii. Business [ ]
  - iv. Petty trader [ ]
  - v. Others (specify)
- 3.9 Head of affected household's major source of income
  - i. Farming (cultivation, husbandry) [ ]
  - ii. Wage employment [ ]
  - iii. Business [ ]
  - iv. Petty trader [ ]
  - v. Others (specify).....
- 3.10. Head of affected household's major source of income
  - i. Farming (cultivation, husbandry) [ ]



commercial

5. Livestock keeping

Tenure; 1. Owner 2. Tenant

How did you acquire: 1. Purchased 2. Inherited 3. Resettlement programme 4. Allocated by government

Structure type: 1. Permanent 2. Temporal

Tenure: Owner 2. Tenant 3. Non-paying resident

Use: 1. Resident 2. Commercial 3. Other use (specify)

5.1 Did you have alternative land?

(Yes/No)..... location.....

5.2. PAPs housing condition

Type	Walls	Roof	Toilet facilities	Energy	No. of rooms
1. Mud	1. Poles and mud	1. Corrugated iron sheets	1. Flush toilet	1. Kerosene	1. 1-2
2. Cement	2. Sun dried bricks	2. Tin or metal sheets	2. Pit latrine	2. Solar	1. 3-4
3. Tiles	3. Burnt bricks	3. Thatches	3. None	3. Electricity	2. More than 4
4. Timber	4. Concrete bricks	4. Others			
5. Cement and tiles	5. Others				
6. Others					

نموذج آلية التظلمات والشكاوى

## Annex 4.

# Grievance Complaint, and Suggestion Form

استمارة توثيق ومتابعة شكاوى المستفيدين من المشروع الطارئ للخدمات الحضرية المتكاملة المرحلة الثانية

"Documenting and Monitoring Complaints Form of Beneficiaries of Yemen Integrated Urban Services Emergency Project"  
YIUSEP II

		الاسم الثلاثي للمستفيد: Beneficiary Name	
Tel No. for رقم الهاتف للمتابعة للمتابعة follow up		رقم البطاقة الشخصية: .ID No	
		العنوان الدائم: Permanent Address	
		اسم النشاط المنفذ (مركز/وحدة) Name of activity under implementation	
المحافظة: Governorate	المديرية: District	القرية: Village	مكان تنفيذ النشاط: Place of activity under implementation

أخرى Other	مالية Financial	فنية Technical	إدارية Administrative	نوع الشكوى Complaint Type

موضوع الشكوى:

Complaint Subject

		الوضع الحالي: Current Situation	
		أسباب المشكلة: Reason of the problem	
توقيع صاحب الشكوى: Complainant Signature		التاريخ: Date	

UNOPS/Sana'a – Tel: 01 504914/915 - SMS:739888388 Email: GRM.yemen@unops.org.: الجهة التي يجب أن يقدم لها الشكوى:

.....  
:The entity which the complaint should be forwarded to

.....  
-الرأي في جدية الشكوى:

Opinion on the seriousness of the complaint

.....  
-الجهة المحول لها الشكوى:

The complaint transferred to

.....  
- المدة الزمنية اللازمة للبت في الشكوى:

Time required for response

.....  
-مدى رضى المستفيد عن الاستجابة لحل شكواه:

Satisfaction of beneficiary in responding to his/her complaint

		الإجراءات المتخذة: Action taken	
التاريخ: Date		ما ترتب عليها من نتائج: The results of the action taken	

.....  
اسم مستلم الشكوى ووظيفته:

Name of person received the complaint and his/her position

توقيع الموظف المختص/ Signature

..... : Date التاريخ