

**REPUBLIC OF YEMEN**

**UNITED NATIONS OFFICE FOR PROJECT SERVICES**

**YEMEN EMERGENCY HUMAN CAPITAL PROJECT-Parent (YEHCP)  
(P176570), First Additional Financing (EHCP-AF1) (P178665) and Second  
Additional Financing (EHCP-AF2) (P181317)**

**Updated**

# **Resettlement Framework**

**Final**

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## Abbreviations

AF	Additional Financing
AUs	Autonomous Utilities
CERC	Contingent Emergency Response Component
CHNV	Community Health and Nutrition Volunteer
CHW	Community Health Workers
CMW	Community Midwives
CSO	Civil Society Organization
ECRP	Yemen Emergency Crisis Response Project
EHS	Environmental, Health and Safety
EHNP	Emergency Health and Nutrition Project
ESF	Environmental and Social Framework of the World Bank
ESHS	Environment, Social (including labor), Health, and Safety
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
ESSO	Environmental and Social Safeguards Officer
FMFA	Financial Management Framework Agreement
FCV	Fragility, Conflict and Violence
GBV	Gender Based Violence
GDP	Gross Development Product
GM	Grievance Mechanism
IDA	International Development Association
IDP	Internally Displaced Person
LC	Local Corporation
LMP	Labor Management Procedures
LRC	Local Resettlement Committee
LWSC	Local Water and Sanitation Corporation
MHPSS	Mental Health Psycho-Social Support
MoPHP	Ministry of Public Health and Population
MSP	Minimum Service Package
NCD	Non-Communicable Disease
NGO	Non-Governmental Organization
OF	Original Fund
OTP	Outpatient therapeutic feeding program
PAP	Project Affected People
PHC	Primary Health Care
PMU	Project Management Unit
PWP	Public Works Project
RF	Resettlement Framework
Roy	Republic of Yemen
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
SEP	Stakeholder Engagement Plan
SMP	Security Management Plan
TCC	Technical Coordination Committee
TFC	Therapeutic Feeding Centers
TPM	Third Party Monitoring

UNDP	United Nations Development Program
UNICEF	United Nations Children's Emergency Fund
UNOPS	United Nations Office for Project Services
UWS-PMU	Urban Water and Sanitation Project Management Unit
WASH	Water, Sanitation and Hygiene
WHO	World Health Organization
WSLC	Water and Sanitation Local Corporations
WSS	Water Supply and Sanitation
WTP	Water Treatment Plant
WWTP	Wastewater Treatment Plant
YEHCP	Yemen Emergency Human Capital project
YIUSEP	Yemen Integrated Urban Services Emergency Project

## Glossary of Terms used in the Resettlement Framework

**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 in 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 in-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 government or other government agencies for compensation, for the purposes of subproject activities against the will of the landowner. The landowner will have 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 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** consist 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 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.

**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 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

## Background

This document is an update of the Resettlement Framework that was prepared by UNOPS for Component 2 of the Yemen Emergency Human Capital Project (YEHCP, P176570, the Parent Project). The update is in the context of the First Additional Financing (YEHCP-AF1, P178665 in April 2022 and the Second Additional Financing YEHCP-AF2, P181317 in July 2023). The updated Resettlement Framework was drafted to ensure that the AFs meet the requirements of the World Bank standard on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5), as well as Yemeni environmental laws and regulation and UNOPS' Environment, Health and Safety (EHS) procedures and practices. The updated Resettlement Framework will apply and guide UNOPS and Implementing Partners in ensuring that all subprojects under Component 2 of the parent project, AF1 and AF2 meet ESS5 requirements.

The updated Resettlement Framework incorporates the modified Project description in the AFs. However, the AFs do not impact the structure or the substance of the Parent Project Resettlement Framework. Instead, the changes were in response to requests from World Bank reviewers, and also to ensure consistency amongst the different Resettlement Frameworks prepared by UNOPS for World Bank funded projects in Yemen under the ESF.

The existing YEHCP financing to support the delivery of health and nutrition services will be depleted in September 2022, bringing health and nutrition service delivery to a standstill. Similarly, the existing WASH interventions will also be completed by April 2023 (i.e., fuel supply and water trucking will be depleted by May 2022, while all other rehabilitation work will be completed by April 2023). There is an urgent need to sustain the ongoing activities supported by the YEHCP and prevent them from collapsing. In addition, the AF will expand provision of essential health, nutrition and WASH services to additional facilities and further strengthen institutions to better enable service delivery.

## Description of the Additional Financing

The AFs will finance both the activities that are currently supported by the Parent Project as well as new activities that will be implemented collectively by UNICEF, WHO and UNOPS. This will: (i) sustain and expand health and nutrition service delivery under Component 1; (ii) scale up and expand the scope of WASH interventions and strengthen the capacity of WASH institutions under Component 2; (iii) enhance institutional capabilities for a stronger and resilient health system under Component 3; and (iv) through these interventions tackle the country's vulnerability to adverse climate impact.

Component 2 of the AF2 will continue to support improved access to water supply and sanitation (WSS) activities conducted under the Parent Project and to strengthen local systems. There will be an increased focus on the rehabilitation of WSS facilities and the development and utilization of solar panel, emergency support to the functionality of WSS system and health facilities in terms of emergency provision of fuel, and water trucking as well as strengthening the capacity of local institutions. The AF2 will cover new target areas (urban, pre-urban and rural) through provision of fuel, water trucking, and installation of solar panel and rehabilitation of WSS system. While key emergency interventions will continue to be supported, the component will ensure that emergency fuel and water trucking provisions are subject to the preparation and implementation of time-bound pragmatic exit strategies to avoid carbon lock-in, building on the results achieved and lessons learnt under EHNP and based on the Parent Project stakeholder engagement and consultation.

The United Nations Office for Project Services (UNOPS) is responsible for YEHCP-Component 2 implementation, in cooperation with two local Implementing Partners: the Public Works Project (PWP) and the Urban Water and Sanitation Project Management Unit (UWS-PMU).

The Environmental and Social Safeguards Officer (ESSO) based in Sana'a will continue to oversee environmental and social risk management, including the implementation of the Resettlement

Framework, with part-time support from an international expert.

## Eligibility

Involuntary resettlement might be caused by the following project activities:

- **Land takes 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	Landowner	Temporary acquisition of land for works and construction	<ul style="list-style-type: none"> <li>• Rental for land based on market tariffs taking into account ongoing rates</li> <li>• The cost of restoring the land, as well as all assets located on the land in their previous condition, including compensation for the removal and transportation of: <ul style="list-style-type: none"> <li>o movable assets, usable material;</li> <li>o state and municipal assets;</li> </ul> </li> <li>• Compensation for loss of income during the period of use</li> <li>• Compensation for any potential future restriction on the use of land as a result of works and construction under the Project</li> </ul>
Land	Informal user	Temporary restriction on land use for works and construction	<ul style="list-style-type: none"> <li>• Restoration, replacement or compensation of all assets damaged or removed.</li> <li>• 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</li> </ul>
Assets	Informal User	Permanent restrictions on land use for works, construction <sup>1,*</sup>	<ul style="list-style-type: none"> <li>• Compensation in cash for linked assets at replacement value.</li> <li>• In case of income loss, compensation will be paid based on minimum wage for six months and the right to salvage usable materials.</li> </ul>
Any structure including fence or sanitation structure	Owner of structure (formal or informal)	Permanent impact on structure*	<ul style="list-style-type: none"> <li>• Replacement structure or cash compensation at replacement value and the right to salvage usable materials.</li> </ul>
Section of residential compound temporarily affected or	Tenant or House owner (formal or informal)	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> </ul>

<sup>1</sup> Activities that involve private land acquisition by using the eminent domain are not eligible for Project funding.

Asset Affected	PAP Category	Type of Impact	Compensation Guide
access to house affected by works			<ul style="list-style-type: none"> <li>Disturbance allowance set based on 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 business entrepreneur (formal or informal)	Loss of business due to works.	<ul style="list-style-type: none"> <li>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.</li> <li>Disturbance allowance equivalent to 7 days of business profit</li> </ul>
Business	Owner of business (formal or informal)	Loss of business place*	<ul style="list-style-type: none"> <li>Compensation for income loss during transition period, resettlement assistance to move business and economic rehabilitation assistance to ensure income is restored, as needed.</li> </ul>
Crops	Owner (Informal given that the project excludes private land acquisition)	Loss of crops	<ul style="list-style-type: none"> <li>In addition to land compensation, the owner would be allowed to take standing crop and cash compensation at highest market value for agricultural season.</li> <li>For temporary use of land, when swing time is lost, compensation will be paid for lost vegetation based on market value of previous crop.</li> </ul>
Crops	Tenant	Loss of crops	<ul style="list-style-type: none"> <li>Allowed to take standing crop and cash compensation for agricultural season.</li> <li>For temporary use of land, when swing time is lost, compensation will be</li> <li>Paid for lost vegetation based on market value of previous crop.</li> </ul>
Fruit tree	Owner	Trees	<ul style="list-style-type: none"> <li>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.</li> </ul>
Non-fruit trees	Owner	Trees	<ul style="list-style-type: none"> <li>Timber of cash equal to timber value.</li> </ul>
Residential and commercial assets/ Recovery of income sources	Vulnerable people identified based on 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>In addition to compensation for lands, assets and livelihood lost as defined in the entitlement matrix, supplemental social assistance payments to be determined in the Resettlement Plan.</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*	<ul style="list-style-type: none"> <li>Compensation will be provided in kind in terms of construction of new structures or repair of structures partially affected by the project.</li> </ul>
Loss of livelihood	All PAPs identified as having lost livelihood	Livelihood loss	<ul style="list-style-type: none"> <li>In case of loss of livelihood, all PAPs losing their livelihood, irrespective of possession of title to the land, will receive assistance.</li> </ul>

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

\*\* 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”.

## **Resettlement Planning**

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>2</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 will prepare subproject Resettlement Plans, with the support of the Implementing Partner. UNOPS will prepare, and agree upon, ToRs with the relevant implementation partner and submit them to the World Bank for review and clearance. External consultants will 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**

Stakeholder engagement will be a continuous process throughout the resettlement process. UNOPS' ESSO and the ESSOs in the Implementing Partner will 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 Project Grievance Mechanism provided under ESS10 for resettlement related complaints. As part of implementation of the Stakeholder Engagement Plan, the ESSO in UNOPS and its Implementing Partner will each handle complaints related to their activities in harmonized and coordinated manner and all complaints will be registered in one log of the project GM.

## **Monitoring**

UNOPS will monitor and report on the RF implementation with input 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>2</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 document is an update of the Resettlement Framework that was prepared by UNOPS for Component 2 of the Yemen Emergency Human Capital Project (YEHCP, P176570, and the *Parent Project*). The update is in the context of the Additional Financing (YEHCP-AF1, P178665 in April 2022) and the Second Additional Financing (YEHCP-AF2, P181317 in July 2023). The updated Resettlement Framework was drafted to ensure that the AFs meet the requirements of the World Bank standard on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5), as well as Yemeni environmental laws and regulation and UNOPS' Environment, Health and Safety (EHS) procedures and practices. The updated Resettlement Framework will apply and guide UNOPS and Implementing Partners in ensuring that all subprojects under Component 2 of the parent project, AF1 and AF2 meet ESS5 requirements.
2. UNOPS has in parallel prepared for the Parent Project: (i) an Environmental and Social Management Framework (ESMF) to meet the requirements of the World Bank standard on Assessment and Management of Environmental and Social Risks and Impacts (ESS1); (ii) a Labor Management Procedure (LMP) to meet the requirements of ESS2; (iii) an SEA/SH Prevention and response Action Plan, and a Security Management Plan (SMP) to meet the requirements of ESS4. A Stakeholder Engagement Plan was also prepared jointly with WHO, and UNICEF to meet the requirements of ESS10. Otherwise, WHO and UNICEF have prepared and disclosed their own environmental and social instruments.
3. The updated Resettlement Framework incorporates the modified Project description in the AFs. However, the AFs do not impact the structure or the substance of the Parent Project Resettlement Framework. Instead, the changes were in response to requests from World Bank reviewers, and also to ensure consistency amongst the different Resettlement Frameworks prepared by UNOPS for World Bank funded projects in Yemen under the ESF.

### 1.1 Background<sup>3</sup>

4. With a protracted and escalated conflict in Yemen, economic recession and institutional collapse, the health and nutrition status of the population remains dire. Currently only about 50 percent of the health facilities are functioning, and the health system is riddled with a severe shortage of human resources and supplies. Health indicators are among the worst globally, malnutrition impacts a large portion of the population, and women and children are disproportionately affected. Nearly 20 million people lack access to adequate healthcare services. The COVID-19 pandemic has further strained the already weak health system.
5. Even prior to the conflict, service utilization was low, due to both bottlenecks in access and quality, including lack of availability of services and inadequate supply of essential drugs in public facilities. Yemen's health service delivery system was fragmented and reliant on external funding. Health services in Yemen before the start of the conflict were organized at primary, secondary and tertiary health care levels with a small number of specialized centers in urban areas. Yemen's district health system, which spans across 333 districts, was also accompanied by vertical programs that focused on disease prevention and control. Challenges to service delivery, particularly in rural areas, included sporadic access to essential medicines, shortages of equipment and lack of access to basic utilities, including electricity, especially in rural areas.
6. These trends have only been exacerbated with the conflict, which has destroyed 50 percent of the health sector capacity thus far. The health system remains substantially fragmented, due to a plethora of vertical programs providing different interventions as well as disjointed governance structures. The volatile and unpredictable pattern of external funding has resulted in emergency

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<sup>3</sup> The Background section is borrowed from the Project Paper for the Additional Financing

interventions and made it difficult to invest in longer-term system strengthening efforts. Since service delivery has been significantly interrupted by conflicts and limited and unpredictable financing, it has been essential to transition towards an integrated service delivery mechanism. To facilitate this transition, an integrated Minimum Service Package (MSP) was launched in 2016 as part of the core activities of the Emergency Health and Nutrition Project (EHNP), funded by the World Bank through an IDA grant and implemented by WHO and UNICEF. The MSP includes the most critical interventions at each level of care (community, mobile, and district levels) pertaining to general services and trauma care, maternal and child health, nutrition, communicable and non-communicable diseases (NCDs), and WASH interventions. The combination of community-based mechanisms together with fixed and mobile facilities can serve to close the gaps in coverage and provide flexible service delivery in a challenging conflict context.

7. In addition, more than 80 percent of Yemen's population lacks clean drinking water, making it particularly vulnerable to diseases and jeopardizing human capital accumulation. The country has been suffering from the worst cholera outbreak in modern history, with over 2.5 million suspected cases, including nearly 4,000 related deaths. The Dynamic Needs Assessment found that the estimated recovery and reconstruction needs for the short- and medium-term in the water and sanitation sector are between US\$763 million and US\$932 million. About 38 percent of water, sanitation and hygiene (WASH) facilities were damaged, only 21 percent of the WASH facilities are fully functioning, 54 percent are partially functioning, and 25 percent are non-functioning. Furthermore, the suspension of civil service salary payments since 2015 and lack of fuel, electricity and operations and maintenance financial budget have further compromised the government's ability to deliver public services.
8. Yemen is experiencing one of the world's worst water crises, and WASH needs have significantly increased due to several factors including high vulnerability to climate change, destruction of infrastructure, large-scale displacements, water mismanagement, high population growth, a lack of law enforcement to regulate water use. Deteriorating WASH infrastructure has contributed to a cholera outbreak and the spread of COVID-19 and other communicable diseases. Lack of access to potable water is one of the underlying causes of malnutrition in the country, undermining economic and social stability, and expected to worsen due to climate change. Access to improved water sources is crucial in the prevention of waterborne and vector-borne diseases such as cholera. Water-borne diseases affected 75 percent of the population in Yemen, while three million people had hepatitis because of polluted water consumption. The cumulative number of suspected cholera cases reported in Yemen from October 2016 to April 2021 is 2, 538,677 including 3,997 related deaths with a Case Fatality Ratio (CFR) of 0.16 percent. During the second wave of this outbreak that started on 27 April 2017, the total number of suspected cholera cases was 2,512,850 including 3,868 related deaths with a CFR of 0.15 percent.

## 1.1 Rationale

9. The use of a Resettlement Framework was agreed during preparation of the parent Project. Its use is appropriate and necessary as a precautionary measure, given that the Project consists of a large number of subprojects in many different localities, and that the specific locations and activities of each subproject will only be determined during implementation. The same reasoning applies to the AF1 and AF2, particularly Component 2 which is implemented by UNOPS. However, **there is no expectation that the Resettlement Framework will be used**, as activities causing resettlement are **systematically excluded** during subproject screening (see the ESMF).
10. The Framework sets out resettlement principles, organizational arrangements, and design criteria to be applied to subprojects prepared during Project implementation, to ensure that persons affected by these subprojects 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.



## **1.2 Lessons learned**

11. The Resettlement Framework for the Parent Project was never implemented, given the systematic exclusion of any activity that might cause resettlement. Furthermore, no legacy resettlement issues were identified.
12. The following lessons were learned from other World Bank funded projects implemented by UNOPS in Yemen:
  - The due diligence done by UNOPS and its Implementing Partner when preparing the subproject ESMP must be comprehensive and definitive in identifying potential compensation physical and economic displacement. A deadline will be advertised for presenting claims before any activity is undergone. No sub-project's activity will be carried out until the compensation has been paid.
  - Contractors must not pay compensation without prior approval of the Implementing Partner and UNOPS (clause to be added to contracts).
  - Contractors must immediately report any compensation claims to the Implementing Partner, who must immediately relay the claim to UNOPS (clause incorporated in contracts).

## Chapter 2

# Project Description<sup>4</sup>

13. As for the Parent Project (P176750), the World Bank is financing the Additional Financing 1 (P178665) and the Additional Financing 2 (P181317) for the Emergency Human Capital Project under the provisions of World Bank OP 10.00, paragraph 12, *Projects in Situations of Urgent Need of Assistance or Capacity Constraints*. The YEHCP-AF 2 will be implemented by the United Nations Office for Project Services (UNOPS), the World Health Organization (WHO), and the United Nations Children’s Fund (UNICEF), in which UNOPS will implement Component 2 of the project, in partnership with its local Implementing Partners.
14. The Project development objective as indicated in the AF2 Project Paper is *to provide essential health, nutrition, water and sanitation services to the population of Yemen*.

### 2.1 Rationale for Additional Financing

15. The existing YEHCP financing to support the delivery of health and nutrition services will be exhausted by September 2023, which will cause a significant disruption in health and nutrition service delivery from October 2023 onward. Similarly, funding for the critical WASH interventions, such as fuel supply to WASH facilities and water trucking to health facilities will be fully committed by September 30, 2023, which will cause adverse impacts on sustained availability of clean water for beneficiaries and health facilities. Therefore, there is an urgent need to sustain the ongoing activities supported by the YEHCP and prevent them from collapsing. In addition, the AF2 will expand provision of essential health, nutrition and WASH services to additional facilities and further strengthen institutions to better enable service delivery.

### 2.2 Description of Additional Financing

16. **The proposed EHCP AF2 will continue to finance all eligible activities under the current original Project (OF and AF1) to sustain essential health, nutrition, population, and WASH services for additional 12 months.** The PDO, implementation arrangements, including fiduciary and disbursement arrangements will remain the same. However, the end-targets of the Result Framework will be revised, reflecting expected impacts from the additional funds. The closing date of the project will remain unchanged.

#### **Component 1: Improving Access to Healthcare, Nutrition, and Public Health Services (implemented by UNICEF (US\$67.58million equivalent) and WHO (US\$41.98 million equivalent))**

17. **The proposed AF will finance the same activities that are currently supported by the Project (both OF and AF1).** UNICEF and WHO will continue to implement the activities under this component, using same operational arrangements. Component 1 aims to help sustain essential health and nutrition services at currently supported health facilities (including over 2,200 primary health care facilities and approximately 80 hospitals, laboratories, and other facilities in Yemen). The component will also contribute towards national health system preparedness capacity and support building of individual and institutional capacity in health information and quality of care. The project equipment that are electricity-based operation devices will be determined by their power efficiency to ensure lower electricity input and costs. The Project will consider the use of solar energy as a power

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<sup>4</sup> This Chapter is based on the Project description in the AF Project Paper dated 20 May 2022 that was shared by the World Bank. It is not the final version.

supply alternative for operating equipment procured by the Project. Furthermore, equipment must be water-use efficient for cleaning.

*Subcomponent 1.1: Improving Access to the MSP at Primary Healthcare Level (UNICEF - US\$47.61 million equivalent, WHO - US\$1.5 million equivalent)*

18. **This subcomponent will continue to ensure uninterrupted delivery of health services to meet escalating climate-related health needs through Minimum Service Package (MSP) service delivery at the primary level.** Specifically, the following will be provided: (i) critical inputs for the operation of primary health care centers (PHCs) (permanent and temporary fixed sites), including provision of operational costs and essential supplies, health worker per-diems for regular outreaches by health workers, and for conducting integrated support supervision; (ii) integrated outreach (outreach and mobile teams for the population in remote areas and IDPs); (iii) service delivery at community level through community health workers (CHWs); and (iv) four basic services including integrated management of childhood illnesses, immunization, nutrition and maternal and newborn services.
19. **Under this subcomponent, UNICEF will continue to work with WHO to provide support through development of protocols, basic medical supplies and training of healthcare workers in WHO packages to ensure that NCDs prevention and care are available at the primary care level.** The project continues to support minor refurbishment to create the required space/room to conduct deliveries. The availability and retention of a general practitioner in selected health centers will be supported through per-diem payments for conducting clinical mentoring and on job training to health workers in health facilities and neighboring facilities where the general practitioners are based. Task shifting of basic and lifesaving care for mothers and children to community level service providers such as CHWs and CMWs is being undertaken. Treatment of possible serious bacterial infections is also being introduced at the community level. *Subcomponent 1.2: Improving Access to Essential Preventive and Curative Nutrition Services (UNICEF - US\$19 million)*
20. **UNICEF will continue implementing activities to preserve the health system and provide essential nutrition specific services at all EHCP supported HFs, ensuring availability of malnutrition screening, monitoring and treatment, referral, infant and young child feeding (IYCF) and micronutrient supplementation services.** The AF2 will continue to finance procurement of nutrition supplies and micronutrient powders to address malnutrition. In the absence of mass polio campaigns, standalone Vitamin A and multiple micronutrient powder supplementation campaigns are being introduced. The AF2 will also support strengthening of referral services for severe acute malnourished children with medical complications from the outpatient therapeutic feeding programs to therapeutic feeding centers (TFCs); strengthening the quality of services through supportive supervision, and on-the-job training at the facility level and review meetings to monitor and evaluate the program at district and governorate levels. Furthermore, as part of nutrition systems strengthening, efforts to strengthen the supply chain system to ensure the availability of supplies and avoid stockout at all levels (central, governorate, district, and health facility) will be continued, which will also address some of the vulnerabilities exacerbated by climate change and increase the resilience of the system. This comes along with information system strengthening to ensure data flow at all health system levels by building capacity, supporting DHIS II, implementing the nutrition information system action plan, and generating evidence through Standardized Monitoring and Assessment of Relief and Transitions (SMART) surveys. Additionally, the project is shifting TFCs to pediatric hospitals to improve the efficiency in service delivery.

21. **To strengthen beneficiary outreach, UNICEF will continue to support the deployment of mobile teams to hard-to-reach areas, climate-vulnerable populations and IDPs' settlements which would provide curative and preventive health and nutrition services.** The provision of these health and nutrition services was expanded through outposts to tier three/hard to reach areas in the Northern part of Yemen where IOR is suspended. In addition, support to community health and nutrition volunteers (CHNVs) would continue to ensure community referral and provision of preventive services to pregnant and lactating women, adolescents and under five children. UNICEF will also continue to partially support the Scaling Up Nutrition Secretariat to advocate for and strengthen the Yemen Action Plan which has the objective of monitoring and coordinating multi-sectoral approaches.

*Subcomponent 1.3: Improving Access to the MSP at Secondary and Tertiary Care Level (WHO - US\$26.42 million)*

22. **This subcomponent will continue to ensure continuum of care at secondary and tertiary HFs, as well as sustaining blood bank and central public health laboratory capacities.** Inputs will include provision of fuel, oxygen, supplies, equipment, training (including awareness-raising for climate change mitigation), and supportive supervision to the supported health facilities.
23. **Under the proposed AF2, the subcomponent will continue to target HFs based on the same vulnerability assessment criteria that have continued since the Emergency Health and Nutrition Project (EHNP).** Approximately 80 hospitals will continue to be supported for priority interventions. Fuel monitoring devices will further improve fuel efficiency and increase the transparency on GHG emissions in new hospitals. The AF2 will continue to support diarrhea treatment centers (DTCs) to manage cholera cases as needed.
24. The subcomponent will continue to support operationalizing the updated MSP, through training, developing guidance documents and drafting/updating lists of essential medicines and equipment, to build stakeholder capacities to implement the revised package.

*Subcomponent 1.4: Sustaining National Health System Preparedness and Public Health Programs (implemented by WHO - US\$11.06 million)*

25. **This subcomponent will continue to support nationwide public health programs and measures.** Activities under this sub-component will contribute to climate adaptation by monitoring climate-sensitive diseases through EIDEWS, updating seasonal mapping, forecasting, and conducting preventive campaigns to reduce the impacts of potential outbreaks. Climate change adaptation will also be strengthened by enhancing preparedness to respond to the health and nutrition impacts of acute events such as flooding, drought, and locusts, including by ensuring continuity of essential health and nutrition services during and after climate-related emergencies and providing such services to areas expected to be affected by climate change. Capacity-building activities under this subcomponent will also include sessions focused on awareness-raising for climate change adaptation. The activities supported under this sub-component will also complement the activities proposed for funding in the Yemen application submitted by Implementing Entities (FAO, UNICEF and WHO) to the Pandemic Fund, which includes expanding EIDEWS sentinel sites and further revitalizing Yemen's Field Epidemiology Training Programme, in addition to expanding support to central public health laboratories, strengthening specimen transport systems, building genetic sequencing capacities, as well as building health workforce capacities, including those of community health workers.

*Subcomponent 1.5: Health System Strengthening (UNICEF - US\$0.97 million and WHO - US\$3 million)*

26. **To continue building individual and institutional capacities, the proposed AF2 will continue to support in strengthening health information system capacities.** The proposed AF2 will continue to implement capacity building activities for improved quality-of-care, and enhanced project and public financial management for the health sector. Capacity of Governorate Health Offices (GHOs) and District Health Offices (DHOs) will be strengthened on district health systems management systems including planning, implementation, and monitoring of the PHC systems at the different levels, in addition to enhancing their financial management capacities.
27. **UNICEF and WHO will continue to roll out DHIS II in Yemen, based on global WHO metadata packages to ensure data comparability across countries.** UNICEF and WHO will work together on building capacity and ensuring coherence across DHIS II platforms used in Yemen. To improve efficiency, CHNVs and CHWs were included into DHIS II reporting. Based on an assessment conducted by WHO in the southern governorates and lessons from UNICEF-led implementation in the northern governorates, UNICEF and WHO will support the MOPHP in developing policy and guidelines, training, data quality and DHIS II infrastructure.

**Component 2: Improving Access to Water Supply and Sanitation and Strengthening Local Systems (implemented by UNOPS - US\$21.88 million)**

28. **There is a strong interconnection between access to clean water, proper sanitation, and overall well-being of individuals and communities.** Improved water and sanitation services play a crucial role in promoting better health and nutrition outcomes through reduced waterborne diseases, enhanced hygiene practices, decreased malnutrition, improved maternal and child health, and reduced stunting and undernutrition.
29. **All current activities funded under EHCP (OF and AF1) including sanitation, water and hygiene will continue to be supported under this component and its subcomponents.** This component will continue to support the same interventions with more focus on rehabilitation of WSS facilities, including water and sanitation networks, Wastewater Treatment Plants (WWTPs), Water Treatment Plants (WTPs), water wells, boosters and pumps station, etc. and development and utilization of solar panel, hygiene support to the functionality of WSS system in schools and health facilities. AF2 will continue to support fuel provision to water and sanitation facilities, water trucking provision to 126 HFs (urban, pre-urban and rural areas) and the implementation of additional key activities (to be implemented within 12 months) to complement and support the ongoing interventions related to the implementation of the exit strategies for emergency fuel and water trucking. This component will ensure that emergency fuel and water trucking provisions are subject to the implementation of time-bound pragmatic exit strategies to avoid carbon lock-in, building on the results achieved and lessons learned under Yemen EHNP and EHCP and based on EHCP stakeholder engagement and consultation for conducted under EHCP-AF1.
30. **Capacity building activities have been expanded under Yemen Integrated Urban Services Emergency Project (YIUSEP II) and AF, and EHCP AF1 to cover the additional specific needs of Local Water and Sanitation Corporation (LWSCs) that are not covered previously.** Activities under this component will continue to preserve and strengthen the resiliency of national and local institutions (UW-PMU, PWP, LWSCs and their branches, branches of rural water authority, etc.) through supporting, among others, procurement and contract management, low carbon and climate resilient infrastructure, technical design, asset

management, O&M of WSS facilities for medium and long term, information management, safeguards, and leadership capacities of local water and sanitation institutions.

*Subcomponent 2.1: Restoring Access to and Improving Quality of WSS Services in Selected Urban and Rural Areas (UNOPS - US\$2.5 million)*

**31. This sub-component will continue to support the same interventions as under the EHCP (OF and AF1) focusing on rehabilitating water and sanitation facilities including WWTP, networks, booster and pumping stations;** wells; water meters; , procurement and delivery of O&M materials, equipment, and machine tools such as spare parts, measuring devices, manholes, sewage maintenance vehicles, laboratory equipment and supplies, and increasing LWSCs' sustainability (i.e., through enhancing their institutional capacity including institutional revenues through improving the collections, reducing NRW, conducting community campaigns for mutual benefit of water supply and fees payments). Although sub-component 2.2 will continue financing the needed fuel for WSS facilities, this sub-component will improve energy efficiency as part of the fuel exit strategy by supporting the operation of main water and wastewater facilities by providing efficient electro-mechanical equipment. AF2 will fund supply and delivery of water meter, operation and maintenance materials, and heavy equipment for different LWSCs.

*Subcomponent 2.2: Emergency Support for WASH Interventions to Prevent and Respond to Communicable Diseases (UNOPS - US\$19.38 million)*

**32. This subcomponent continues to strengthen Yemen's readiness and capacity to prevent and respond to communicable diseases, caused by natural disasters, climate change and/or exacerbated by poor sanitation and hygiene.** It addresses basic needs of WASH requirements and supplies in priority urban, peri-urban and rural areas at the decentralized levels based on transparent selection criteria that include vulnerability to climate change. Under this sub-component, AF2 will continue supporting key emergency interventions, fuel provision and water trucking. In term of hygiene, WASH rehabilitation in HFs and schools is ongoing under EHCP (parent and AF1) based on clear and transparent criteria to ensure integration and complementarities with health, nutrition and energy interventions funded by the World Bank and to maximize the impact on the ground.

### **Emergency Fuel Provisions**

**33. Fuel supply, mainly diesel, has become a critical activity to ensure functionality of WWTPs and water supply facilities.** Fuel supply is required to ensure continuity of safe WSS services under 37 LWSCs (NWSA, branches and AUs) in 15 governorates. UNOPS will continue to coordinate with UNICEF and other implementing partners and donors to ensure that the AF2 continues to support the emergency needs of fuel provisions and in parallel implement fuel exit strategies as a condition in which this subcomponent can fund the fuel provisions.

### **Emergency Water Trucking**

**34. Access to clean water for health facilities is critical, and emergency water trucking will continue to be supported to the agreed list of 109 HFs.** While water trucking to HFs is provided, monitoring of the water quality is ongoing at water sources, distribution points, tanker trucks, and household levels through testing water quality for public and private providers. UNOPS is engaging with qualified private water trucking suppliers to ensure supply of the urgent and required water to the needed HFs and DTCs, supported under subcomponent 2.2. UNOPS will continue funding costs of the water supply to HF through the



LWSC after receiving confirmation from HFs, Third-Party Monitoring Agency (TPMA), and UNOPS technical team on the delivery of services.

35. **Exit Strategies from Fuel supply and water trucking:** For the Exit Strategies from fuel, UNOPS has assessed the actual fuel needs for the LWSCs and is working with LWSCs to have a timeline exit strategy before fuel can be supplied to these utilities (No later than August 30<sup>th</sup>, 2023) and this will be on a case-by-case basis, due to the variation of the capacity of these LWSCs. Implementation of the fuel exit strategies will start in parallel to the fuel provision and progress of the implementation will be regularly monitored. Under YIUSEP-II, EHCP-OF and AF-1, there are ongoing interventions that are considered part of the fuel exit strategy including supply and installation of solar systems, connecting the pumping stations, water wells, sanitation system, and WWTP to main electricity grid lines whenever possible, reduction of water losses, supply and installation of water and fuel meters and improvement in the operation and revenue collections of LWSCs. In this regard, about 30 solar energy solutions (or up to 7,500 kW) are under implementation to reduce usage of fuel.
36. For the Emergency Water Trucking for the HFs, UNOPS will share the exit strategies on a case-by-case basis by August 30, 2023. For the 17 HFs already connected to the public water networks by WHO under the EHNP, UNOPS is paying the bills to the LWSCs for 12 months only as a short-term measure to enable HFs to manage the payment of the cost of water. As agreed under AF1, UNOPS will ensure implementation of exit strategies from water trucking by September 2024. Under the AF1, there are ongoing interventions that are considered part of the implementation of the water trucking exit strategy including connecting HFs to more sustainable sources such as public water networks, functional water wells, and rehabilitation of wells within the targeted HFs.
37. For monitoring the implementation of fuel and water trucking exit strategies, UNOPS will share a monitoring and evaluation matrix of the agreed exit strategies indicators in its regular progress reports which will be reviewed and assessed periodically.

*Subcomponent 2.3: Enhanced Capacity Building of Water and Sanitation Institutions at the Local Level (US\$0)*

38. **Strengthen the resilience of local WSS institutions at the decentralized levels will continue under this sub-component as planned under the OF and AF1.** As part of the consolidation of WASH interventions under the ongoing operations, a detailed capacity building and training plan for system strengthening at national and decentralized level have been addressed under the ongoing urban project YIUSEP-II and its AF with focus mainly on urban areas. Capacity building has started for LWSCs, NWSA's branches and AUs. In addition to the specific capacity building requirements of LWSCs and UW-PMUs that need to be considered by UNOPS, the capacity building activities include technical training including planning around when it is most convenient for women to support the local institutions to assume their service delivery mandate more effectively beyond the boundaries of the project. The support may include provision of per diem to key staff if needed based on clear Terms of Reference (TOR) with associated deliverables and timelines. This support will build medium and long-term capacity at the local level and cover topics including procurement and contract management, social and environmental standards, low carbon and climate resilient infrastructure, technical design, asset management, grievance redress and gender-sensitive stakeholder engagement, capacity building of LWSCs' on gender parity in recruitment, the advantages of gender diversity in the workplace, and other critical needs which may be identified. Under AF2, this subcomponent will consider the findings and recommendations of the capacity assessment carried out by the World Bank for the UW-PMU and Sana'a and Aden Local Water and Sanitation Corporations and the additional needs that may be needed as well

as ensure coordination with implementing partners including German Agency for International Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit, GIZ).

**Component 3: Implementation Management and Monitoring and Evaluation (implemented by UNICEF - US\$10.42 million, WHO - US\$6.02 million, and UNOPS - US\$2.12million)**

39. **This component will continue to support the implementation, administration, management, monitoring and evaluation, and environmental and social aspects of the project**, including: (i) direct cost; (ii) indirect cost; (iii) provision of consultancy services required for project monitoring, evaluation and coordination at the local level; (iv) conducting independent audits of project activities; (v) audit conducted by the implementing agencies; and (vi) TPM. The project will build on the robust coordination among the three implementation agencies and continue coordination activities between the agencies and the local implementation partners.

**Component 4: Contingent Emergency Response Component (CERC) (implemented by UNICEF, WHO, and UNOPS - US\$0)**

This component description remains unchanged with the CERC in place to provide agile response in case of an emergency

### **2.3 Project Beneficiaries**

40. The Project is a nationwide intervention and thus the project activities have no specific geographical targeting. All activities will be guided by the security situation of each governorate. Areas with ongoing conflicts will be reached once the security situation allows and the service delivery can be ensured. Similarly, the package of services will vary among governorates based on the population's health and WASH needs and the implementation capacity of the existing local providers.
41. Based on the proposed activities, the Project is expected to: (a) reach 2.96 million people in Yemen with essential health, nutrition and population services; (b) train 8,000 health personnel; and (c) establish disease surveillance and early warning system for cholera and other outbreaks in 300 new sites. In addition, cholera suspected cases will be managed, and the entire population will be targeted for health education messages as well as for public health programs for polio, cholera, malaria, schistosomiasis, and trachoma which will be integrated within the package to sustain the service delivery.
42. The primary beneficiary of the WASH component will be the residents of the selected urban, peri-urban<sup>5</sup> and rural areas in Yemen (850,000)<sup>6</sup>, including IDPs, marginalized groups such as women, girls and children<sup>7</sup> who are the primary beneficiaries of improved services by having more access to improved drinking water and improved wastewater collection and treatment services. Autonomous National and local institutions having partnerships with UNOPS under this component and their staff will also benefit from technical assistance and investments that will strengthen their performance and improve the services provision, which in turn will improve their social contract with the customers and general reputation in their communities. The Technical assistance includes training package that will be delivered under the Capacity building subcomponent. With potential support from the CWIS of the World Bank, need assessment may be conducted to assess the actual capacity needs of local institutions at decentralized level.

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<sup>5</sup>For reporting the actual beneficiaries reached as part of the WASH indicators, people reached in peri-urban areas will be counted as part of the urban beneficiaries.

<sup>6</sup>Figures to be disaggregated by sex.

<sup>7</sup> According to UN statistics women (especially female head of households) and children constitute [76 percent of the displaced population](#) in Yemen. More than half (52%) of displaced people live in female-headed households.

Source:

[https://reliefweb.int/sites/reliefweb.int/files/resources/yemen\\_humanitarian\\_needs\\_overview\\_hno\\_2018\\_20171204\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_humanitarian_needs_overview_hno_2018_20171204_0.pdf)



## Chapter 3

# Institutional and Implementation Arrangements

43. The Project is an emergency operation processed under OP 2.30 and OP 10.00 paragraph 12. It uses UNOPS as the recipient of IDA funds and alternative implementation agency on an exceptional basis under the Financial Management Framework Agreement (FMFA) between the World Bank and UN agencies. The financial management arrangements will be governed by the FMFA, which provides for 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 Procurement Framework Policy Section III, F.

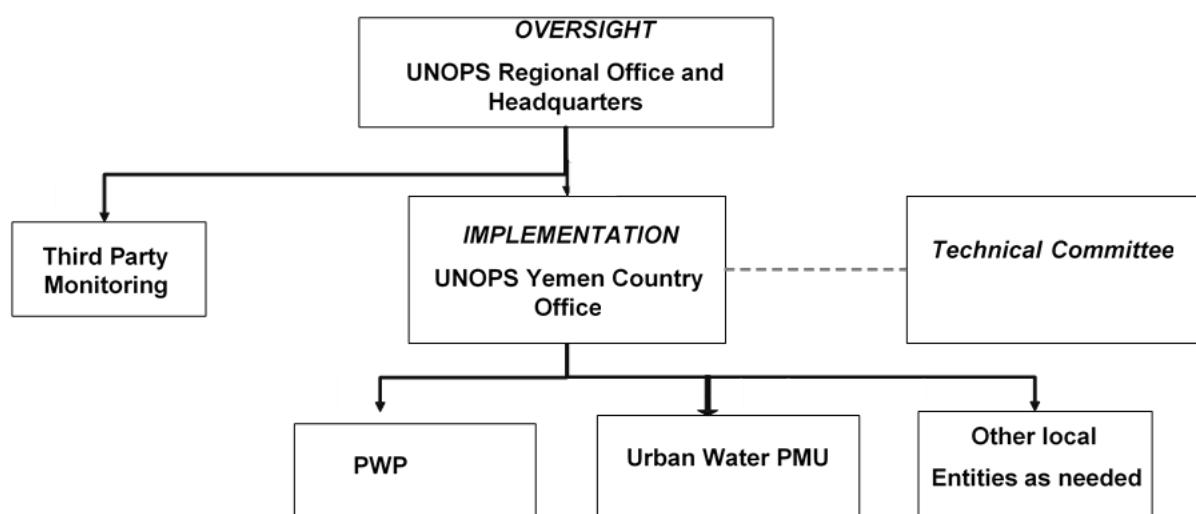
44. The Project was designed to complement existing WBG emergency operations in Yemen, and to become an integral part of the World Bank emergency response for Yemen. The project also complements the Yemen Integrated Urban Services Emergency Project (YIUSEP; P172979) and Yemen Emergency Crisis Response Project (ECRP; P159053) that focuses on improving livelihoods, infrastructure, and services restoration in urban and rural areas.

45. The Project is designed to work directly with independent local institutions, such as PWP and UWS-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.

### 1.1 UNOPS

46. Component 2 of the project will be implemented by UNOPS through direct implementation as well as project cooperation agreements between UNOPS and two local Implementing Partners: (i) the Public Works Project (PWP) and (ii) Urban Water Project Management Unit (UWS-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 2 below describes the project governance and management structure to be put in place under the project.

**Figure 1. Project Governance and Management Structure**



47. 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), H&S Officer and Gender Mainstreaming Officer, a Health and Safety Officer, a logistics officer, and an administrative officer.

This office has already successfully implemented the YIUSEP I and will manage the implementation of YIUSEP II. UNOPS has a significant presence in Yemen and 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**

48. UNOPS shall recruit a Third-Party Monitoring (TPM) agent (composed of international audit firm and an experienced technical firm) to undertake independent results verification of subprojects funded under the project, based on ToRs developed by UNOPS and approved by the World Bank.

### **3.1.2 Resettlement Framework Implementation**

49. UNOPS is responsible for the overall implementation of the Resettlement Framework. The ESSO will be supported by a part-time international expert, who will assist in the management, monitoring and reporting of social and environmental risk management aspects throughout project implementation.

50. In addition, the Implementing Partners (PWP and UWS-PMU) will each designate an ESSO and a Health and Safety Officer, who will monitor and control the on-site social and environmental performance at subproject level.

## **3.2 Implementing Partners**

51. While retaining overall responsibility for implementation, fiduciary and safeguards aspects of Component 2 of the project, UNOPS will work with local partners for the implementation of Component 2 activities. These local partners have been created through the 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.

### **3.2.1 Public Works Project (PWP)**

52. 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 subcomponent 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 Urban Water and Sanitation Project Management Unit (UWS-PMU)**

53. The UWS-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 UWS-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 UWS-PMU is the local Implementing Partner for the Urban Water and Sanitation subcomponent of the YIUSEP. It is based in Sana'a and Aden cities and has close working relationships with LCs.

### **3.3 Other National Stakeholders**

#### **3.3.1 Local Water and Sanitation Corporations (LCs)**

54. Local Water and Sanitation Corporations (LCs) are decentralized, corporatized and commercialized utilities established under Cabinet Decree 237 of 1997, which serve the main cities and secondary towns in each governorate. By law, LCs' Boards are responsible for all aspects of service development and provision in their area, including design and construction of water supply systems and their subsequent ownership, operation and monitoring, as well as tariff setting.

55. Prior to the escalation of the conflict, 23 LCs and 10 annexed autonomous utilities (AUs) had been established, and their service areas covered about 50 percent of the country's urban population, with the rest covered by private tankers. LCs provide services to large cities whereas AUs are utilities in secondary towns of the same governorate.

56. UNOPS will ensure that implementation activities under Component 2 shall be in full cooperation and collaboration with respective LCs.

#### **3.3.2 Local Councils**

57. Local councils are the administrative bodies 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 requested projects and facilitate handing over the different important infrastructure services projects to the related ministry office.

#### **3.3.3 Civil Society Organizations (CSOs)**

58. There are over 12,000 registered CSOs in Yemen, but only a few hundred CSOs have the capacity and resources to fulfill their mandates. Consequently, UNOPS will be selective in engaging CSOs with the Project activities.

59. Component 2 of the Project will expand to include additional activities that will be based on community priorities identified through citizen engagement mechanisms and the community validation of investment options. UNOPS will implement these activities by engaging Civil Society Organizations or other relevant technical experts, as needed.

### **3.4 The World Bank**

60. 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 potential RAPs to ensure that their scope and quality are satisfactory to the Bank.

61. 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.

### **3.5 Project Technical Coordination Committee (TCC)**

62. Specific to Component 2 of the project and to facilitate the investment planning process and ensure cross-sectoral coordination, UNOPS will chair a TCC composed of representatives from the local partners (PWP and UWS-PMU). Other members will be engaged during the project, if needed. The World Bank will join the TC as an observer. The TCC will play an advisory role and will meet periodically and on an as needed basis. Its main tasks will include a) conducting a periodic review of project implementation progress and providing recommendations for improvement, as necessary; b) reviewing proposed sub-projects for the yearly investment plans and recommending a shortlist; and c) strategically communicating the project and its investments to other donors and stakeholders.

## Chapter 4

# Legal and Regulatory Framework

63. This Resettlement Framework is prepared to:

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

### 4.1 World Bank Requirements

#### 4.1.1 World Bank Environmental and Social Framework

64. 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>8</sup> that establish the mandatory requirements that the projects must meet through the project life cycle. 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.

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

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

- avoid involuntary resettlement<sup>9</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.
- 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>10</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.

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<sup>8</sup> ESS1 Assessment and Management of Environmental and Social Risks and Impacts

ESS2 Labor and Working Conditions

ESS3 Resource Efficiency and Pollution Prevention and Management

ESS4 Community Health and Safety

ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources

ESS7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities

ESS8 Cultural Heritage

ESS9 Financial Intermediaries

ESS10 Environmental and Social Standard 10. Stakeholder Engagement and Information Disclosure.

<sup>9</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.

<sup>10</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.

- ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

66. Paragraph 4 of ESS5 indicates that:

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

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

67. ESS5 states that (paragraph 20):

*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.*

68. 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.*

69. YEHCP activities are likely to cause at most only minor and temporary 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.*

70. 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.*

71. The use of a Resettlement Framework for YEHCP Component 2 was agreed to be prepared during project preparation, given that the project consists of series of subprojects, and their risks and impacts cannot be determined until the subproject details have been identified during implementation. Annex 1, B of ESS5 provides the following guidance:

*The purpose of the 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 subproject 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 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 a 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 arrangements for monitoring by the implementing agency and, if required, by third-party monitors.*

### 4.1.3 *Grievance Mechanism*

72. In the context of YEHCP, UNOPS will respond to concerns and grievances of Project-affected parties related to the environmental and social performance of the project in a timely manner. As required by ESS10, UNOPS has developed and will implement a grievance mechanism to receive and facilitate resolution of such concerns and grievances.
73. The grievance mechanism 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 during 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.

### 4.1.4 *Information Disclosure*

74. The World Bank requires that all documents provided to it by UNOPS meet the requirements of the World Bank Policy on Access to Information.
75. 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.
76. The World Bank will disclose documentation relating to the environmental and social risks and impacts of YEHCP 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**

77. 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. **As a consequence, the use of Yemen's environmental and social management framework is not considered for the Project.**

### 4.2.1 *Resettlement and Land Acquisition*<sup>11</sup>

#### *Land Ownership*

78. Civil, religious and customary laws govern land ownership in Yemen:
- Privately owned land (*mulk*) is governed primarily by Islamic (Sharia) law, which stipulates that direct descendant inherit land upon the death of the owner. Under Civil Law, the Constitution forbids public appropriation of private property.

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<sup>11</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.

- 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.

79. 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*

80. **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:

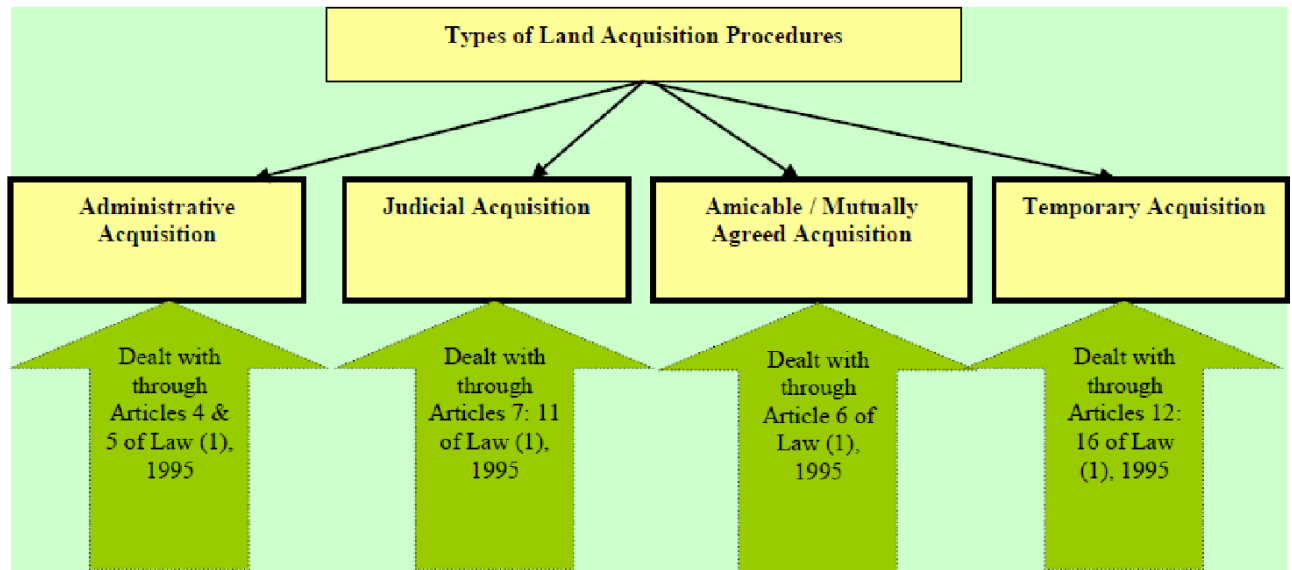
- Article 1 of the Law authorizes Ministries, authorities and general institutions to carry out acquisitions for the public interest when justified by necessity in return for a fair compensation.
- Article 3 of the Law excludes the acquisition of private properties except when it is found that no property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

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

- i) *Administrative acquisition* (Article 4 of Law 1 of 1995) establishes the procedures for administratively acquiring real estate owned by public institutions. 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 part owners is mandatory. If the party making the request for acquisition does not respect the terms of compensation for the requested property, within 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<sup>12</sup>**



*Resettlement and compensation*

82. 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.

83. 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.

84. 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.

85. 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.

86. 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.

<sup>12</sup> Article 12-16 of Yemen Land acquisition Law 1 of 1995

### *Gender*

87. The Labor Law states that women are equal to man in all aspects without any discrimination, and that equality should be maintained between women and men workers in recruitment, promotion, wages, training, social insurance. It also regulates work time for pregnant women.

88. Yemen also ratified the Convention on Elimination of all Forms of Discriminations Against Women (CEDAW) in 1984, and prepared a National Strategy for Women Development in 1997, which was updated in 2015. Implementation of CEDAW is delegated to relevant ministries and authorities (Decree 55/2009). Based on amendments proposed by the Women National Committee, 24 laws were amended to ensure building gender balance in accordance with the convention.

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

89. The following table compares ESS5 objectives with Yemeni requirements, identifies gaps and suggests recommended actions.

**Table 1. Comparison of World Bank Objectives and Yemeni Requirements regarding Resettlement**

<b>World Bank</b>	<b>Yemeni Requirements</b>	<b>Recommended Action</b>
Affected persons includes all those affected by the project with respect to economic and/or physical displacement, regardless of size of damage	<b>Law no. 21 of 1995</b> considers affected persons to be “legal owners and squatters”	<b>Gap:</b> Differing definitions of affected persons. <b>Recommendation:</b> adoption and including of the ESF is recommended.
To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.	<b>Yemeni Constitution: article 7c</b> Protection and respect for private ownership, which cannot be confiscated unless necessary in the public interest, in lieu of fair consideration and in accordance with Law. <b>The Public Eminent Domain Law (Law 1 of 1995)</b> clearly states that property and/or land expropriation is to take place only when no suitable public land alternative is available and fair compensation should be provided. <b>Article 1166 of the Civil Code no. 19 of 1992</b> states that no one can be deprived of property except according to various relevant laws and in exchange for fair compensation.	<b>Gaps:</b> No Gap. National requirements and ESF objectives are aligned and complement each other. UNOPS will apply both the ESF and the national requirements.
To avoid forced eviction.	Included in the Yemeni Constitution, and Civil Law	Both ESS5 and national requirements will be applied
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	<b>Yemeni Constitution: article 7c</b> Protection and respect for private ownership, which cannot be confiscated unless necessary in the public interest, in lieu of fair consideration and in accordance with Law. <b>The Public Eminent Domain Law (Law 1 of 1995)</b> clearly states that property and/or land expropriation is to take place only when no suitable public land alternative is available and fair compensation should be provided. <b>Article 1166 of the Civil Code no. 19 of 1992</b> states that no one can be deprived of property except according to various relevant laws and in exchange for fair compensation. There is no measure for livelihood restoration in Yemeni law.	<b>Gaps:</b> Both Yemeni Laws and the World Bank agree on the need for compensation for any land and structure affected by project activities. Under Yemeni laws, the value of the affected land or structure is assessed by the Estimation Committee (EC) and compensation is made prior to displacement. ESS5 Guidance provides guidance on methods to calculate land and/or structure compensation rates and requires evidence that these rates are consistent with full replacement value. Resettlement Plans must require that payments be made prior to displacement, land acquisition, and before the start of civil works. Previous experience suggests valuation is often substantially below full market replacement value because no real valuation is done. There is a lack of experience, and the value of equivalent real estate is not properly identified. <b>Recommendations:</b> Follow ESS5 with calculation of compensation at full replacement cost. Payment must always be made prior to displacement.
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.	Payment is made for disturbance, loss of accommodation, loss of profit and transport allowances. Compensation is on a monetary basis only. Yemeni law does not recognize any vulnerable groups, but it does recognize squatters.	<b>Recommendation:</b> Apply ESS5 requirements.
To conceive and execute resettlement activities as	Payment is made for disturbance, loss of accommodation,	<b>Recommendation:</b> Apply ESS5 requirements.

World Bank	Yemeni Requirements	Recommended Action
<p>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.</p>	<p>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.</p>	
<p>To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.</p>	<p><b>Law no. 21 (1995);</b> According to Law no. 21 of 1995, 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, etc. In 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. 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 can dispute the amount to the Land Tribunal through the district commissioner to choose alternatives PAPs can first seek satisfaction through local customary practices for resolving conflicts. They can then initiate legal proceedings in accordance with national law.</p>	<p><b>Gaps:</b> The Yemeni Constitution, Election Law, and Local Administration Law each recognize the importance of community participation, but no specific procedures or guidelines on the practical application of community participation are given. On the other hand, the ESF is explicit about treatment of displaced persons and their communities, including the need for timely and relevant information, consultation, provision of resettlement options, and opportunities to participate in planning, implementing, and monitoring of the resettlement. Community participation, thus, is perceived as a key ingredient in the process of resettlement. <b>Recommendations:</b> As the national law does not make explicit the need to consult iteratively with the affected persons, thus UNOPS will apply the more stringent ESF consultation and disclosure requirements.</p>
<p>A grievance mechanism (GM) is made available in an accessible format and is well advertised, with the GM fully functioning prior to implementation of activities and time-bound commitments to processing and addressing grievances in a clear and transparent manner, including a separate GM (as needed) for (i) labour directly employed by the project; and (ii) sexual exploitation and abuse (SEA).</p>	<p><b>Under Article 51 of the Constitution,</b> any citizen may resort to the court for the protection of his right and legitimate interests, and is entitled to lodge complaints, criticisms, and suggestions to state entities and organizations, directly or indirectly. The Yemeni law provides for the right of grievance before committees/courts. 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><b>Gaps:</b> There is a need for proper and practical mechanisms to address PAP grievances. <b>Recommendations: The Project</b> level GM will be used to ensure accessibility and full cooperation from various stakeholders. Grievances should be addressed prior and throughout resettlement.</p>

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

<b>Issue</b>	<b>World Bank Requirements</b>	<b>Yemeni Requirements</b>	<b>Agreed Measures for Bridging Gaps</b>
Landowners	<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 lost assets can be monetary, in-kind or both.</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. Compensation is on a monetary basis only. However, there is no measure for livelihood restoration.</li> </ul>	<ul style="list-style-type: none"> <li>● UNOPS will follow ESS5 requirements</li> </ul>
Resettlement options 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 ensure 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 a monetary basis only to replace the lost land within a distance not more than 20 km from the project location.</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>

<b>Issue</b>	<b>World Bank Requirements</b>	<b>Yemeni Requirements</b>	<b>Agreed Measures for Bridging Gaps</b>
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, assets or resources are 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 are 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 owners, make an 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 the landowner. Interest will be paid to the owner if the time lag is 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 executive director while efforts are made to find the owner</li> </ul>	<ul style="list-style-type: none"> <li>Same as above: Interest will be paid to the owner if the time lag is more than six months from the date of acquisition or revocation.</li> </ul>
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> <li>Apply WB guidelines in governorates having established LRCs.</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 requirements 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 as designed at the time of appraisal is not expected to involve any permanent land acquisition or physical displacement as it will only support the rehabilitation of damaged infrastructure within existing footprints. 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. 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 **temporary physical and economic displacement**, for example for the diversion of road traffic during construction, the stock piling of building materials, excavated soils and overburden, for worker camps, engineer's offices, and accommodation of night guards. Temporarily taken land might have been in use for crops and horticulture, petty traders, or market stalls. In addition, Project activities might temporarily impede access to houses, shops, businesses, gardens or other properties.

93. The Project as designed at the time of appraisal **will not support activities that cause permanent physical or economic displacement**. Nonetheless, as a precautionary measure, the Resettlement Framework comprehensively addresses resettlement issues. UNOPS will not implement activities that cause permanent physical or economic displacement, unless such activities are specifically authorized by the World Bank in writing.

94. It was not possible at the time of preparation of the Resettlement Framework to estimate the potential number of Project Affected Persons (PAPs) given that the subprojects that will cause resettlement have not yet been designed. The number of PAPs will be established during the preparation of the Resettlement Plans for any subprojects 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 the Project, 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 with 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>13</sup> date established by UNOPS and its Implementing Partners. All persons 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 subproject site that must 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 subproject.

### **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.

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<sup>13</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).



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

104. The following entitlement matrix provides guidance for eligibility and entitlements under YEHCP. As necessary, UNOPS might amend it to adapt to subproject circumstances, based on discussions and agreements with affected stakeholders. UNOPS must inform the World Bank if such amendments are required before they are implemented.

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

Asset Affected	PAP Category	Type of Impact*	Compensation Guide
Land	Landowner, including communal land	Temporary acquisition of land for works and construction	<ul style="list-style-type: none"> <li>Rental for land based on market tariffs taking into account ongoing rates</li> <li>The cost restoring the land, as well as all assets located on the land in their previous condition, including compensation for the removal and transportation of: <ul style="list-style-type: none"> <li>movable assets, usable material;</li> <li>state and municipal assets;</li> </ul> </li> <li>Compensation for loss of income during the period of use</li> <li>Compensation for any potential future restriction on the use of land as a result of works and construction under the Project</li> </ul>
Land	Informal user	Temporary acquisition of land for works and construction	<ul style="list-style-type: none"> <li>Restoration, replacement or compensation of all assets damaged or removed.</li> <li>In the case of loss of income, disturbance allowance set based on minimum wage for each week (7 days) of disturbance calculated on a pro rata basis</li> </ul>
Assets	Informal User	Temporary acquisition of land for works construction	<ul style="list-style-type: none"> <li>Compensation in cash** for linked assets at replacement value.</li> <li>In case of income loss, compensation will be paid based on minimum wage for six months and the right to salvage usable materials.</li> </ul>
Any structure including fence or sanitation structure	Owner of structure	Permanent acquisition of structure	<ul style="list-style-type: none"> <li>Replacement structure or cash compensation at replacement value and the right to salvage usable materials.</li> </ul>
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 based on minimum wage for each week (7 days) of disturbance calculated on a pro rata basis (a specific formulation of the allowance will be established in the relevant Resettlement Plan.</li> </ul>
Business	Vendors or business entrepreneur	Loss of business due to works.	<ul style="list-style-type: none"> <li>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.</li> <li>Disturbance allowance equivalent to 7 days of business profit</li> </ul>
Business	Owner of business	Loss of business place	<ul style="list-style-type: none"> <li>Compensation for income loss during transition period, resettlement assistance to move business and economic rehabilitation assistance to ensure income is restored, as needed.<sup>14</sup></li> </ul>

<sup>14</sup> UNOPS or the relevant Implementing Partner will investigate and interview every affected business to determine a sufficient and equitable level of compensation.

Asset Affected	PAP Category	Type of Impact*	Compensation Guide
Crops	Owner	Loss of crops	<ul style="list-style-type: none"> <li>● In addition to land compensation, the owner will be allowed to take standing crop and cash compensation at highest market value for agricultural season.</li> <li>● For temporary use of land, when swing time is lost, compensation will be paid for lost vegetation based on market value of previous crop.</li> </ul>
Crops	Tenant	Loss of crops	<ul style="list-style-type: none"> <li>● Allowed to take standing crop and cash compensation for agricultural season.</li> <li>● For temporary use of land, when swing time is lost, compensation will be paid for lost production based on market value of previous crop.</li> </ul>
Fruit tree	Owner	Trees	<ul style="list-style-type: none"> <li>● Cash compensation for the purchase of a sapling of the same species, the value of the annual harvest lost multiplied by number of years it will take for the sapling to reach maturity, and the cost of protection and maintenance of the sapling for 3 years.</li> </ul>
Non-fruit trees	Owner	Trees	<ul style="list-style-type: none"> <li>● Cash equal to market value, based on species, and quality and volume of timber</li> </ul>
Residential and commercial assets/ Recovery of income sources	Vulnerable people <sup>15</sup>	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, supplemental social assistance payments to be determined in the Resettlement Plan.</li> <li>● Support rendered in removal and transportation of materials.</li> <li>● Special attention will be paid to income recovery and: 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	<ul style="list-style-type: none"> <li>● Compensation will be provided in kind in terms of construction of new structures or repair of structures partially affected by the project.</li> </ul>
Loss of livelihood	All PAPs identified as having lost livelihood	Livelihood loss	<ul style="list-style-type: none"> <li>● In case of loss of livelihood, all PAPs losing livelihood, irrespective of possession of title to the land, will receive assistance, including squatters/informal settlers (where relevant).</li> </ul>

\*Some of the impacts are indicative. They are not expected to occur under the current Project Activities that involve permanent land acquisition by using the eminent domain are not eligible for Project funding

\*\* 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.

<sup>15</sup> Identified on the basis of social assistance payments (disability payments, pensioners, widows, female-headed households, and households below the poverty level) as determined during consultations

### 5.3 Asset Valuation

105. In the unlikely event of an unforeseen involuntary resettlement situation, UNOPS will use legally established valuation procedures acceptable to UNOPS and the World Bank, and compliant with Yemeni laws and regulations. UNOPS will take into account the factors that have made valuation procedures unpredictable, including the high inflation rate (reaching 42% in 2021 and 32% in 2022), changing local conditions because of the ongoing conflict, insecurity, international sanctions, military blockades, and ongoing outside events such as COVID-19, the increase in fuel prices and the world-wide decreased availability of wheat.

106. Lost assets will 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 the 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 will not be deducted while computing the compensation. The following table 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 restoring 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.

## Chapter 6

# Resettlement Planning and Implementation

107. UNOPS and its implementing partners shall oversee all resettlement planning and coordinate all issues related to compensation. As necessary, UNOPS will select consultants to address involuntary resettlement impacts, who will work under the direct supervision of the ESSO. The ESSO will prepare the ToRs for such consultancies, and through the Project Manager, submit them to the World Bank for prior review.

108. While no physical or economic displacement is currently expected, UNOPS will prepare and implement a Resettlement Plan using the procedures described in this Resettlement Framework if any Project activity causes permanent or temporary physical or economic displacement, or loss of income. In such cases, UNOPS will ensure that these Project 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

109. For every subproject that might cause involuntary resettlement, the ESSO and the focal points, working together with local leaders, will prepare a comprehensive census of PAPs and an inventory of their affected assets.

#### 6.1.1 Socioeconomic Survey of PAPs

110. The ESSO and the focal points in the IPs will 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 will be paid to the needs of vulnerable people among the PAPs.

111. As indicated in the previous Chapter, UNOPS will set a cut-off date for the determination of eligibility in a manner that is acceptable to all parties, documented and widely disseminated. Normally this cut-off date will be the date the census begins.

#### 6.1.2 Asset Inventory

112. The ESSO and the concerned focal point will:

- i) include a detailed account, derived through a consultative, impartial and transparent process, of the full range of rights held or asserted by PAPs, including those based on custom or practice, secondary rights such as rights of access or use for livelihoods purposes, and rights held in common
- ii) 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
- iii) prepare a location map of affected assets
- iv) prepare a Compensation Assessment Form for each PAP, recording affected assets and the total compensation
- v) 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
- vi) provide each PAP with a copy of the signed Compensation Assessment
- vii) 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

113. 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

114. Throughout the consultation process, UNOPS ESSO, H&S Officer and Gender Mainstreaming Officer will seek and take into account the views of women, minorities, and vulnerable populations and ensure that their interests are factored into all aspects of resettlement planning and implementation. UNOPS will analyze separately potential impacts on the livelihoods of men and women and take into account women's and men's preferences in terms of compensation mechanisms, such as replacement land, alternative access to natural resources, or cash.

115. Throughout the resettlement process, the ESSO, H&S Officer and Gender Mainstreaming Officer in UNOPS or the concerned Implementing Partner will engage with affected communities<sup>16</sup>, including host communities, through the process of stakeholder engagement described in the Project 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, H&S Officer and Gender Mainstreaming Officer 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,

116. More specifically:

- i) Following subproject identification, the ESSO, H&S Officer and Gender Mainstreaming Officer in UNOPS or the concerned Implementing Partner will visit potential PAPs to inform them on the subproject, 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.

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

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<sup>16</sup> Arabic will be the language for engaging with stakeholders



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.

118. In light of the FCV context, the ESSO, H&S Officer and Gender Mainstreaming Officer will ensure that PAPs especially vulnerable groups are not exposed to risks as part of their participation in subproject consultations, for example by avoiding large meetings, and not disclosing personal information/photos.

### **6.3 Grievance Mechanism**

119. UNOPS will apply the Project Grievance Mechanism detailed in Section 5 of the Project Stakeholder Engagement Plan (SEP) to all resettlement activities. Each Resettlement Plan will include a subproject specific Grievance Mechanism, with procedures relevant to its specific context.

120. 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.

121. 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 and H&S Officer with support of the Gender Mainstreaming Officer in its Sana'a Office will handle Project activity-related complaints and will be assisted by UNOPS' City Engineers in the target cities. The ESSO in each Implementing Partner 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 subproject affected persons subproject preparation.

122. UNOPS is providing multiple access points to the UNOPS ESSO, H&S Officer and Gender Mainstreaming Officer for beneficiaries to voice their concerns. These access points will be advertised at subproject 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
Telephone	+967 1 504914 and +967 1 504915
Email	<a href="mailto:gm-yemen@unops.org">gm-yemen@unops.org</a>
Website	<a href="http://www.unops.org">www.unops.org</a>

123. Beneficiaries who are illiterate can voice concerns in person, by phone, or through an intermediary.

#### **6.3.1 Dedicated SEA/SH channels**

124. The updated Project Grievance Mechanism described in the Project Stakeholder Engagement Plan (SEP) includes channels to report cases of Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH). There is also a channel for reporting SEA/SH cases in the updated Labor Management Procedures (LMP).

125. These channels include key features for reporting of SEA/SH cases: (i) the provision of multiple channels to receive complaints; (ii) IT-based solutions such as web-based Grievance registration systems and hotlines; and (iii) sensitization at the community level to create SEA/SH awareness and enable Project affected people to file complaints.

126. As indicated in the SEP and the SEA/SH Prevention and Response Action Plan, the Gender Mainstreaming Officer will make sure that the GM focal points will be trained on the survivor centered approach, confidentiality, anonymity, data privacy as well as on key protocols including

referral, reporting and informed consent protocols to receive those cases in an appropriate manner and immediately forward it to the GBV/SEA/SH referral system.

#### **6.4 Development of the Resettlement Plan**

127. This section details the procedures and accountability for the preparation of subproject Resettlement Plans.

128. Following the census of PAPs and the inventory of affected assets, the ESSO, H&S Officer and Gender Mainstreaming Officer in UNOPS or the concerned Implementing Partner shall initiate for each subproject 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).

129. 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.

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

131. 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**

132. Once the subproject Resettlement Plan is available the following steps will be taken:

- 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 on 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**

133. 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.

134. 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 and 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 re-establishment of livelihood activities.

135. 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**

136. 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 subproject 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.

## Chapter 7

# Monitoring and Reporting

137. 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 subprojects
- ii) timely preparation and clearance of subproject 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)

138. The ESSO shall prepare:

- vi) bi-annual reports summarizing monitoring results, to be included in the Project's bi-annual reports to the World Bank
- vii) reports that aggregate and analyze monitoring results ahead of regular "reverse" World Bank implementation support missions with UNOPS
- viii) 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

139. Environmental and social risk management is also part of the scope of the Third-Party Monitoring (TPM) services contracted by UNOPS. 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

140. The ESSO shall establish, maintain and regularly update a database of subprojects that will be shared with the Implementing Partners. The database will include for each subproject:

- i) type of subproject, name of subproject, 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

141. The ESSO shall also establish, maintain and update a database on the subprojects requiring the preparation of a Resettlement Plan, including the following statistics for each subproject:

- i) number of affected households and individuals (women, men and children)
- ii) length of time from subproject 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 subproject
- vi) number of unresolved grievances

### **7.3 Socioeconomic monitoring of PAPs**

142. The UNOPS ESSO shall:

- establish and maintain a database of affected households and individuals for each subproject, using the data collected through the socioeconomic survey of PAPs (Section 7.1.1).
- update the PAPs database once subproject 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 subproject 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.

## Chapter 8

# Capacity

143. 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

144. 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 subprojects
- Draft ToRs for any Resettlement Plans required as part of subproject preparation
- Submit to the World Bank, through the Project Manager, draft ToRs for subproject Resettlement Plans, for their prior review
- Supervise the preparation of Resettlement Plans prepared for UNOPS or its Implementing Partners
- Provide draft subproject 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 subproject 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

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

146. UNOPS will also recruit a part-time international expert to be available - on a need's basis - to oversee the overall implementation, monitoring, and reporting of environmental and social risk management aspects.

### 8.2 Public Works Project (PWP)

147. 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 subprojects implemented by PWP, including the preparation of environmental and social screening forms, the preparation of proportionate ESMPs for subprojects that do not require a full ESIA and ESMP, and the monitoring of contractor compliance with subproject ESMP requirements. As necessary, PWP will recruit additional staff or employ local consultants.

### 8.3 UWS-PMU

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

### 8.4 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, GMO and H&SO, jointly with the ESSOs in the Implementing Partners, will organize training for the persons 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 Resettlement Framework 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.

**Table 5. Indicative costs of capacity building activities**

Capacity Building Measures	Unit Cost (USD)	Costs (USD)
2 X 2-day training on RF for Implementing Partners and their consultants	2000/session	4,000
2 X 1-day consultation with local councils and key stakeholders	2000/session	4,000
2 X 1-day training on Social and Environmental Safeguards for Implementing Partners and their consultants	1000/session	2,000
<b>TOTAL</b>		<b>10,000</b>

## 8.5 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.
- 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. These ESSOs might not work full time on YEHCP activities, as each Implementing Partners has partnered with several projects.
- The cost of due diligence for specific subprojects (preparation of the screening form, consultations, GM, preparation of ESMPs and Resettlement Plans, implementation of resettlement plans, and monitoring) are included in the costs/budget for each subproject. 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.
- 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.

## Annex 1

# Outline for Preparing Resettlement Plan

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

### Minimum Elements of a Resettlement Plan<sup>17</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 cutoff 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;
- 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:

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<sup>17</sup> This template is extracted from ESS5, Annex 1

- 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 cutoff 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 livelihood's 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

# 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) [ ]
  - ii. Wage government employment [ ]
  - iii. Business [ ]
  - iv. Petty trader [ ]
  - v. Others (specify)

- 3.12 Head of affected household's average monthly income from the major source  
 3.13 Head of affected household's average monthly income from the secondary source

### Demographic information of Affected Household Members

ID	Name	Sex	Relationship to PAP	Age	Marital status	Level of education

### Code

Sex	Relationship to Head of Household	Marital status	Level of education
1. Male 2. Female	1. Spouse 2. Son/daughter 3. Son/daughter in law 4. Grandchild 5. Father/mother 6. Sister/brother 6. Father/mother-in-law	1. Single 2. Married 3. Widow 4. Separated 5. Divorce 6. N/A (Child)	1. Never schooled 2. Primary school 3. Secondary school 4. College/ university 5. N/A (< 5 years old)

### Affected household's ownership of land and structures, including movable assets

Plot	Land				Structure/Asset		
	Land uses	Size in acres	Tenure	How did you acquire	Type	Tenure	Use
1							
2							
3							

**Land use:** 1. Residential plot 2. Agriculture 3. Residential and agriculture 4. Residential and 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)

Did you have alternative land?

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

### PAPs housing condition

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



**Annex 3.**

# Grievance Complaint, and Suggestion Form

استمارة توثيق ومتابعة شكاوى المستفيدين من المشروع الطارئ لرأس المال البشري في اليمن

"Documenting and Monitoring Complaints Form of Beneficiaries of Yemen Emergency Human Capital Project"

			الاسم الثلاثي للمستفيد: Beneficiary Name
رقم الهاتف للمتابعة Tel No. for 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 للبيت 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		ماترتب 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

..... : التاريخ / Date