

(Tel: 50 42 19 94)

20 Rue de Fierney,
Fregnin,
St. Genis-Pouilly,
01630, FRANCE.

Dear Jim,

My return to Europe found me in an off, on again, now probably really off, Namibia assignment, grrr...!

Such however is the fate of the chosen free-lance. I also had to go to the U.K. for a few days to sort out various matters like hearing that my house was seen to have a number of windows broken, just some savage kid however, nothing stolen.

I found that my Mogadishu draft was not compatible with my newly aquired and mysterious computer and it took me an inordinate amount of time to beat the machine into some semblance of responding to my hopeful commands. User friendly? Hmph! The results you can see for yourself. But I'm getting there.


The B.B.C news from Mogadishu is horrible. I expect the old Romeo/India mobile radio was doing its thing. Brian and his family will have left I suppose before the killing began.

I brought UNHCR here in Geneva up to date with our Somalia doings, and they asked if they could have a copy of our aide-memoire and the report that I enclose for you. Should I give them a copy or is it better for the Bank to handle this formally?

It was good working with you again and once more our colleagues were a most agreeable and interesting bunch.

Good luck with the report and Maryland thereafter,

Best wishes,


David Drucker.

BAARDHERE DAM RESETTLEMENT PROJECT

SOMALIA

WORLD BANK MISSION

5-26 JUNE 1989.

DAVID DRUCKER.
CONSULTANT.
20 Rue de Fierney,
Pregnin, St. Genis-Pouilly,
01630, FRANCE.

FOREWORD

The mission commenced with discussions at the United Nations High Commission for Refugees, Geneva, with Mr. Pitterman (Somalia Desk) and Ms. Von Buchwald (Technical Support Services).

On arrival in Mogadishu the consultant was presented with a large amount of documentation and took part in many meetings and discussions.

While members of the team visited the southern sector of the Juba valley, the consultant with a Somali counterpart undertook a field trip to the proposed reservoir area. Beginning at the northern extremity of the inundation area at Luuq, it was intended to work southwards to Buurdhuubo. However, in view of reports of a number of current incidents it was judged to be unwise to proceed downriver.

The Swedish Church Relief (NGO), which has been providing a primary health service in the proposed resettlement area, had also that week withdrawn all its staff because of disturbances.

Generally the security situation gives grounds for considerable disquiet.

The consultant's findings and views were included in the Aide-Memoire presented to the government before departure.

The consultant in a meeting set up by the World Bank, discussed his findings with the British High Commission (ODA). (Mr. Hansel was on leave but Ms. Rachel Phillipson (Development Division in East Africa) was familiar with this assignment.)

A reporting session was also undertaken by the consultant at UNHCR on return to Geneva.

Introduction

For reasons amply spelled out in policy statements and the numerous studies special attention must be given to the social aspects of a programme of the magnitude proposed for the Juba Valley and Baardhere Dam Development. Back-to-back with the main technical concerns there is a separate but inherently related Resettlement Project. The general object is to ensure that those who of necessity are involuntarily dislocated will be at least no worse off than at present and can realistically expect a share in the prospects for substantial improvement in the standard of life which should derive from the benefits that accrue from development.

Review of Documentation

A review of the FAO/CP report which succinctly summarises the project, the Halcrow Fox documents, the weighty Juba Environmental Socio-economic Studies and much related material strongly reflects the World Bank Operation Policy in respect of Social Issues Associated with Involuntary Resettlement.

The Research Management and Research (RMR) report drawing on the earlier work and adding much of its own original research, details how these sensitive but absolutely critical matters might be approached and carried out.

Preliminary identification of available land between Baardhere and Jilib was carried out by desk examination of air photographs, followed by direct aerial reconnaissance. This was later followed up by detailed ground examination of selected sites for the proposed resettlement of a pilot group of 422 families, divided into two separate operations over time of 255 and 167.

Some of the land seems to have been occupied on a speculative basis and is not cultivated. An influx of land-grabbers in anticipation of development project profits would be a threat to present smallholders and to the resettlement process. The Government has demonstrated commitment to the resettlement plan by issuing a Ministerial order revoking recent registration of plots which will be required for the project.*

The area which will be inundated by the build up of water behind the Bardheere Dam presently provides a livelihood it is said, for some 3000 farmers and is also occupied by an estimated 100,000 refugees. These refugees are just one section of the total population of refugees in Somalia and therefore must be considered in the first place in the context of the present and foreseeable overall situation.

The Refugee Situation

Coinciding with this mission (5-25 June 1989) there has been intense diplomatic and planning activity in Geneva and Mogadishu, of great significance for an exodus of refugees from the reservoir area:*

In the light of the signing of the 3 April 1988 Peace Accord between the Governments of Somalia and Ethiopia, agreement has been reached between UNHCR and NRC regarding refugees in Somalia.**

Briefly, the scenario is as follows:

- within the next six months there will be a complete re-registration of all refugees in Somalia.
- the refugees will be required to opt for
 - (i) voluntary repatriation to Ethiopia
 - (ii) staying in Somalia

* Footnote: (1) NRC held discussions in Geneva in the last week of May/June. (2) The Deputy High Commissioner and his UNHCR staff held meetings in Mogadishu 12-14 June (see enclosure), and with Ambassadors and the World Bank mission. (3) A UNHCR resettlement mission visited Ethiopia and a logistics consultant and Technical Support Services anthropologist arrived in Somalia this past week. (4) IFAD is mounting a mission to the Ogaden in late June.

**

See Annex 2.

Those opting to stay will be divided into two categories.

- (a) those unable to repatriate for genuine fear of persecution
- (b) those accepting self-sought integration in Somali society.

Special missions have already been mounted in Ethiopia and Somalia to work out the details of the repatriation.

It is anticipated that:

- (i) a considerable number of refugees including many from the reservoir area will return to Ethiopia as soon as logistical and reception arrangements can be made.
- (ii) those who will be acknowledged as unable to return for fear of persecution will be screened and if accepted will come under the UNHCR mandate, and be provided for.
- (iii) a number (to be determined during the re-registration) will opt to remain in Somalia and will presumably be absorbed in the general population. It is made clear that although some schemes are being investigated to assist this group of refugees, to be so absorbed, UNHCR/WFP support to them will be phased out by the end of 1990.

It can be envisaged that this group (who will no longer be considered refugees) will have a number of possibilities.

- some may derive sufficient livelihood from the secondary support (outside of UNHCR assistance) which they already have.
- some may maintain themselves by herding and farming as do the population in general
- some may move into trading or artisanal occupations
- some may take advantage of income generating schemes which are presently being considered
- some may take up tenancies which are available in the public sector schemes and plantations such as at Fanoole, Mogambo Homboy and on the Shabelle, etc
- some may find employment eventually in relation to the proposed construction work associated with the Bardheere Dam.

(Here perhaps there maybe some forward planning of income generating and training to meet such a need for labor)

(One authoritative source assured the mission:-

" You need not worry; you may be assured there will be no refugees there after the time that they have to be moved! ".)

It is recommended that:

All these developments be followed closely to ascertain whether the expectations become a satisfactory reality.

However there is a group of 575 refugee households who are said to be moving towards self-sufficiency by farming in the reservoir area and it has been agreed that (having opted to stay in Somalia at the time of registration) they will be included in the resettlement arrangements to be made for those who will lose the use of land beneath the waters of the reservoir .

The number 575 appears in the Phase I HFA study (and has been reiterated since) but may well have to be modified. Aside from those who may after all decide to repatriate, there are some difficulties in determining exactly which households will be eligible and wish to join in the resettlement.

It is recommended that:

Special care be taken in the UNHCR re-registration process to identify these particular households in order to determine which exactly of the refugee families are to be included in the resettlement process so that arrangements and costs can be properly planned and assessed.

In reference to these refugee families two issues arise.

1. Where this special 575 refugees group is found to be dependent on land insufficient for complete subsistence without the present rations provided by UNHCR, what provision can be made to bridge the gap between discontinuation of UNHCR support in 1990 as planned, and the time when the project is ready to relocate them in the settlement area?

2. Will land-tenure eventually (as has been verbally assured) be given to these refugees on the same basis as the non-refugee settlers and the host community? According to Land Law 73, 1975 a qualification is that a land-holder must be "Somali by birth".

The figure for the number of Somali indigenous families who will need to be resettled is also open to question.

" The total count for the Reservoir Zone indicated 1015 resident rural families have dwellings which will be inundated, and an additional 539 families will be severely affected and have to seek new homesites and new cropland. This compares with Socioeconomic Baseline Studies data (Merryman field notes of 15 December 1987) showing 1,133 to 1,082 (sic) households "close to the river" in the area where flooding will take place. These figures (1,015 to be flooded according to this survey; 1,133 to 1,182 as judged by ground survey methods) are totally independent and strongly corroboratory.

Merryman also surveyed the gorge area (defined as the riverine strip between Buurdhuubo Bridge and the present dam site) in two ways and derived household estimates of 392 and 441. The latter estimate is the more accurate. In the present survey, 414 households of this gorge have been counted (which includes 26 houses to be severely affected). Once again, these data are independently corroborative.

In sum, currently, between 1,000 and 1,200 (7000 to 8,400 people) permanently occupy the area to be flooded. This population is also expanding. Another 500 to 600 families (3,500 to 4,200 people) will be so severely affected that, although their houses will not be flooded, they will have to seek their livelihood elsewhere."

AERIAL RESOURCE AND LAND-
USE SURVEYS IN THE JUBBA VALLEY, Watson and
Nimmo (RMR).

Other sources give 2000, 2201, 2600 and 3000 as the number.

What is required overall and is recommended is that;

The registration of those farm families upstream from the Dam who will be entitled to compensation and resettlement benefits should be undertaken as soon as possible. Their holdings and other assets should also be identified within this exercise. UNHCR and NRC should identify and register those refugee families from the inundated area who would be included in the resettlement scheme.

Land-Tenure:

The importance of equitable and secure land-tenure cannot be overemphasized. Small farmers have a long and bitter experience of dispossession. Resentment and suspicion are likely to be the foundation, in place of which trust and willing participation will have to be built in the present project. Studies show that there are important discontinuities between traditional land-holding and distribution, and the operation of the 1975 Land Law. Where the latter comes into effect over the traditional land-holding, small-holders face serious problems.

The methodological proposals in the RMR study commendably and imaginatively spell out how settlers and hosts might be brought together (with both male and female representatives) on a self-selecting basis for choosing neighbours and community and association partners. Specifically it is recommended in the study that the land tenure should be completely assured but in the first case be vested in the community. Only when the newly formed communities are familiar with the subtle advantages of the different parcels of available land (2-3 years), should individual rights be negotiated, assigned and validated.

The arguments for proceeding in this way seem sound.

- the joint village control and distribution of land reflects to a considerable extent traditional ways of handling matters.
- survey of each and every plot is impractical and until the subtle differences of desirability or otherwise of one piece of land over another emerge and are seen in practice, no rule-of-thumb apportioning is likely to be equitable.
- the negotiation between the village members, although probably leading to much dispute (which may require some arbitration mechanism) will become the test of whether the aim of operational collaboration and subsequent integration can become a reality. Amical negotiation is also important when it comes to establishing effective water-user associations, maintenance procedures, infrastructure and the setting up and utilisation of social amenities.

*

See Annex 3

8.

In addition to the grazing areas which will be allocated to the settlers, plans are outlined to minimise the problems that the project poses for the nomadic herders. This requires that the grazing lanes must be kept open and access to the river or water points must be secured.

The relationship between nomads and sedentary farmers is one of economic symbiosis which it is important to maintain and if possible to enhance.

It is recommended that

Vigorous attempts be made to involve the nomads in the planning process and to make sure that their essential needs are accomodated.

The anticipated increase of tsetse-fly is also discussed.

Pumps

In addition to secure land tenure, a second major incentive is the supply of a pump to each cluster of families.

This introduction of irrigation farming into a predominantly rainfed agricultural area is aimed at increasing productivity and variety of cultivation and where necessary to make it possible for rainfed cultivators to yield up some land for the settlers without loss of income to the hosts. Each village will need to work out water-usage, channeling, pump operation, maintenance, fuel costs, etc.

Currently in the reservoir areas it is common for the pumps to be provided by a pump owner/merchant, who in return commands a 50% share of the crop. It seems the pump owner also provides fuel maintenance and spare parts. Frequently the farmer's surplus from his share of the crop is transported and marketed by the self same pump-owner merchant.*

Two comments can be made.

1. The removal of the reservoir population is likely to reduce the pump owners' business.
2. Presumably the pump owner/merchant has command of managerial, financial, supply, maintenance and marketing skills.

Is it desirable to provide him with an opportunity of modifying and applying these skills in the new settlement location.?

* An expatriate who began by being outraged by what he thought was an extortionate profit by such pump-owners, observed that later he had modified his view when he saw the problems with pumps, spares, and fuel which the merchant managed.

9.

There is little question that large scale control of pumps and the pumping operation is not an option which experience tells us we ought to pursue. Small scale contracting in the private sector seems to be the option of choice, possibly involving members of the local host and settlement families. Nevertheless, perhaps with proper contractual safeguards, the present pump owner/merchant might have a useful role to play.

Methodology of integrating host and settler clusters
and local decision-making institutions

The RMR study goes into considerable detail in suggesting how these very sensitive but absolutely critical matters ought to be carried out. These suggestions admirably fit sound design criteria for such activities and go far in attempting to minimize the risks and pitfalls. That having been said, it must be emphasized that this process requires particular skills and sensitivity in implementation and these are in short supply everywhere.

There are major implications.

- a. Admirable as the concept and methodology may be, and solid as the social and anthropological studies have been, we are presented with a high level of generalities and broad objectives. For example, there is some evidence that ethnically and geneologically many of the people in the reservoir area are related to those in the settlement area. Equally there is evidence of tensions between the west and east bank populations. The proposed self-selection device is intelligently designed to minimise the problems of integration, but how will this work out in practice? Only the process of actual implementation will demonstrate (if we are geared to monitor qualitatively) where inevitably some mistakes have been made and where there will be a need to respond by modifying the approach and developing the knowledge and skills specific to the on-the-ground resettlement realities.

Therefore it is emphatically stressed and recommended that

The resettlement process begin as soon as possible
on a carefully monitored pilot basis with the
first 422 families.

RMR proposes that these be divided into two separate operations of 255 and 167 households.

Such a pilot should yield extremely valuable and essential experience in recruitment; management and in-service training of staff; establishment or support of existing community structures and institutions; costing; logistics; timetabling; and a whole range of otherwise unobtainable information and expertise.

10.

- b. In agricultural production matters, the farmers will find themselves in an intense state of transition. A great deal of labor will be required to prepare the land (irrigation, channeling etc). All will take place before release of water from the completed dam and its anticipated advantages. The plans' recommendation is that settlers will receive a six-month supply of food to sustain them until they reap a first harvest. Allowing for whatever they have currently in store and bring with them, and while fully supporting the view that a condition of dependency should not be initiated and that hosts should not be encouraged to feel that the settlers have been favourably treated,
there is however a case for a further review of the proposed six-month limit.

A balance must be shown between adequate support for the settlers during their installation period and placing them as quickly as possible on the same footing as the hosts.

- c. Great attention must be given to the community development and agricultural extension services in the project and especially in any pilot project. To the degree that the pilot is well conducted and succeeds will determine the way in which the full project is received and responded to throughout the Juba Valley.

It is likely that Government will be hard-pressed to supply the necessary staff for the resettlement processes and activities. There are clearly constraints in being able to provide staff with sufficient relevant experience and concern for working with populations at the grass roots level and to sustain commitment under present official pay-scales and conditions of work.

NGOs and other international agencies have shown interest in the Bardheere Dam Project conceived within the wider perspective of the development of the whole Juba Valley.

11.

This consultant outlined with the NGOs and international agencies the requirements of the Resettlement Project and its approach:

- the community development aspects of bringing together the host and settlers communities,
- the strengthening or establishment of participating and decision making village level institutions,
- the effective involvement of women,
- the need for providing public health measures to meet the anticipated upsurge of health risks,
- the need for a community- focussed Agriculture Extension Service concentrating on what the farmers problems are rather than we-know-best what the farmers need.

Many NGOs and international agencies already have a familiarity with Somalia and its needs and they have access to resources of expertise and front-line community skills which might be drawn upon to work alongside the Somali national staffs.

It is recommended that:

A mechanism be set up to keep the relevant agencies informed of developments and progress towards the implementation of this project. At an appropriate time their assistance should be sought, and incorporated in the overall work plan.

Experience of projects all over the world shows that the community development inputs are often grossly underestimated in terms of staff, time, training and resources.

In reviewing the plans for Project Implementation Units (PIUs) only an agronomist extension worker and a public health nurse are included. However, FAO/World Bank proposes 42 man-months over a five-year period for anthropologist/community development expertise.

It is recommended that

this input be upgraded to a man and woman team with an extra concentration of assistance during the pilot project.

Health

As in all water-spreading development, the studies all concur that the risks to the population of malaria, bilharzia and gastro-intestinal infection is bound to multiply, possibly to endemic proportions.

At the time of the IDA Pre-Appraisal Mission. November 1987, MJVD were asked to "request the Ministry of Health to develop a comprehensive health care program".

A preliminary plan is not to hand. The Swedish Church Relief (NGO) has been providing a public health programme in the settlement area and has shown much interest in the outcome and problems associated with the Juba Valley/BDP Resettlement Project. They could certainly be of assistance.

It is recommended that:

The requested preliminary plan for the essential health component of the project be prepared as a matter of some urgency

Education

Education, (like Health Services) are thinly distributed throughout rural Somalia. The resettlement area is clearly no exception.

There is no question that the community development activity proposed for the resettlement process should early on draw attention to and assess the demand for schools; and each community's willingness and ability to assist in building schools and in attracting teachers with appropriate facilities and supplementation of income.

It is recommended that:

(As in the case of health provision) the Ministry of Education (perhaps in collaboration with a suitable NGO) prepare a preliminary plan for schools throughout the Juba Valley with some special attention to the needs of the incoming population of settlers in the Middle Juba and the concentration of population which will take place around the construction site.

13.

Construction Site

The nature and long-term implications of the establishment of the construction camp for the building of the Bardheere Dam have been raised but not examined further.

It is indeed likely that concentration of activity and resources at the site will attract and provide a broad based opportunity for skilled, unskilled, tertiary and commercial employment. In addition, especially as the dam is to provide a river crossing, the site is unlikely to revert to a ghost-town on the completion of the dam, but will become a permanent urban centre.

The dam site therefore will become an important focus for all kinds of development in the Juba Valley. For this reason, it is recommended that

the construction site be planned from the beginning in terms of a long-term new town (rather than the more usual ad hoc sprawling conglomeration, wasteful of scarce resources) whose utility and facilities should outlive the actual dam construction. These plans should cover building sites, water supply system, health services, schools and other facilities.

In this respect, consideration should be given to the use of the services of U.N. Habitat or others.

Issue

Should a special guide be drawn up for contractors so that they will adhere to a prepared overall plan for Bardheere Dam Site "Town".?

Documentation

Bardheere Resettlement Project Pre-Preparation Report

FAO/WP Co-operative Program Investment Centre
9/89 CP.Som 18 8 February 1989

Social Issues Associated with Involuntary Resettlement

WB Operational Manual Statement	2.33	Feb 1980
" " "	2.34	Feb 1982

K. W. F. memo German Financial Co-operation with Somalia

4 July 1988

Juba Environmental Socio-economic Studies (Jess)

Final Draft	August 1988
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The Politics of Protracted Displacement: A case study of the Ogaden Somali Refugees

Melinda Jean Frederick	Dissertation (Chapel Hill) 1988
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Juba Valley Resettlement Studies

Resource Management & Research
R M Watson and A Markady

BDP Resettlement & Compensation Plan for inundated reservoir area

Halcrow Fox Ass.	July 1988
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Repatriation of Refugees Somalia/Ethiopia

UNHCR Memo 610 Som.Eth	23 March 1989
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W.B. Aide Memoire

UNHCR Som 1073	7 August 1988
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Aid and Agriculture Extension

Baxter, Slade and Howell	WB Tech Paper 87 1989
--------------------------	--------------------------

Executive Project Summary

	IDA December 7, 1987
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TERMS OF REFERENCE

- (A) You will assess the RMR proposal for resettlement of some 3,000 farm families from the area which will be flooded by the dam. In addition to the RMR proposal, you will also review the FAO/CP report and the draft Halcrow Fox document. You would assess feasibility and likelihood of success, acceptability of the proposal to settlers and people living in the area of resettlement, capacity of the Government to carry out the activities, the adequacy of costing and the realism of timetable. Work on agricultural, irrigation systems and institutional arrangements (including assistance of other organizations) will be carried out as appropriate with McLean, Elahi and Winfield.
- (B) In conjunction with Falconer and Coates, you will address the issue of refugees (original estimate 100,000) presently living in camps in the area which would be inundated by the dam. These plans are contingent on an agreement between the Government and UNHCR on the phasing out of UNHCR's care and maintenance activities in the country, following the signing of the peace accord between Ethiopia and Somalia. You should assess the status of these plans and, if appropriate, review with Government the action program to implement within the time frame agreed. This would include work needed for the census identification and registration of the affected refugees.
- (C) You will provide the mission leader with a two or three page summary of your conclusion at the end of the mission, for incorporation in the aide memoire. You will provide the Bank with a written assessment of the above-mentioned topics, based on existing reports and information gathered in the field.

SOMALI DEMOCRATIC REPUBLIC

MINISTRY OF AGRICULTURE

Ref: WB/F-40/711/89

Mogadishu, 28-2-89

To: Governor of Middle Juba Region, Bu'aleh
Commander of the M/Juba Region Police Force
Director of Irrigation and Land lease, Mog
Regional Agri. Coordinator M/Juba Region

cc: Vice Minister of Agriculture
Director General of Agriculture
Chairman of M/Juba, Bu'aleh

Subject: Land Confiscation for Public Use

Referring to the letter of the Vice Minister of MNP&JVD ref HDJ/2-1/20 dated 2/1/89 in conjunction with the conclusion of the study made on the 3250 hectares of land, located between Baardhere District and Jilib, intended to resettle such farmers who will be affected by the Baardhere Dam reservoir after the implementation of the Dam.

Therefore, because of the importance of this matter to the people and state especially to the agricultural production, the Ministry of Agriculture has (in accordance with article 10 of law no. 73 of 21.10.75) concluded to confiscate the land from all firms and persons (listed below) whose farms are located in the above-mentioned area and who, as indicated by the report, have no objection to the conditions under which the land permits have been issued. This area will be resettled by those whose farms will be inundated by the water of the Dam reservoir.

The Regional authorities, to whom this circular is addressed or copied, are hereby instructed to execute this action as soon as possible, and in particular the officers of the Ministry of Agriculture are informed to destroy all documents related to the registration of land permits of the area and collect documents still remaining in the hands of the land leases. The agricultural firms and persons listed hereafter are informed that their plots of land have been taken over for public use and are strongly instructed to contact the Agricultural Coordinator of the M/Juba region, bringing along with their land lease documents.

" List of Names "

NB: (1) The Regional authorities are to take note that no new activities start in the area.

(2) The Police Force is requested to assist the Ministry of Agriculture in getting back the documents.

Am. 1.11.

Resource Management & Research
P.O.Box 14784,
Nairobi.
Kenya.
12th May 1989

Ministry of National Planning
& Jubbaa Valley Development

Att Vice Minister

Dear Sir,

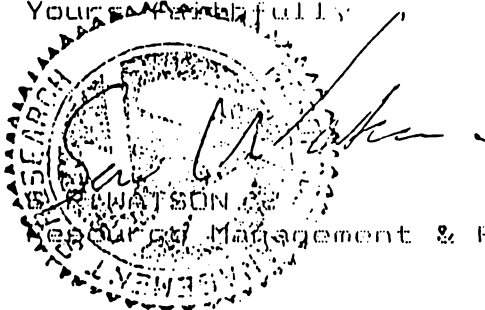
LAND CONFISCATION-JUBBA VALLEY RESETTLEMENT

1. We refer to the notice of land confiscation made by the Ministry of Agriculture, reference WB/F-40/711/89 of 28.2.89
2. There are some clarifications needed of the data on the confiscated plots. In addition to minor variations of spelling and names, there are some more important problems. The attached list of discrepancies has been annotated to show where we need clarification, and of what sort.
3. Several plots in our Annex 2 lists seem not to have been yet de-registered. Could you let us know if there is a reason for this?
4. None of the plots in our Annex 6 lists have yet been de-registered.

Dr Mohamed Salah who was engaged by Resource Management & Research to follow up these problems will liaise with you and the MOA to solve these small remaining issues.

Could you please pass on this information to the MOA so that he can tackle this work

Yours faithfully



B. WATSON
Resource Management & Research.

ENCLOSURE

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES
Branch Office for Somalia



NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS
Délégation pour la Somalie

Cables: HICOMREF
 Telex: 794 HICOMREF SM
 Telephone: 22264, 20143

P.O. Box 2925
 MOGADISHU

SOM/1438

06 June 1989

Mr. Brian H. Falconer
 Resident Representative
 World Bank
 Mogadishu
 Somalia

Dear Mr. Falconer,

Following the recent discussions between UNHCR and the Government of Somalia at UNHCR Headquarters, a Note has been prepared by the UNHCR for the information of governments of donor countries and interested international and voluntary organizations. The text of the Note is as follows:

- "1. During the visit to Geneva from 17-25 May 1989 by Mr. A.M. Tarrah, Extraordinary Commissioner of the Government of Somalia, broad agreement was reached on the general approach to a solution to the problem of Ethiopian refugees in Somalia. Although emphasis was placed on a general approach, the situation in Northwestern Somalia was recognized as requiring specific provisions.
2. It was agreed that further detailed discussions on arrangements for implementation would take place in the near future.

General approach:

3. Both the Government of Somalia and UNHCR agree that as a result of favourable developments in their country of origin, the majority of these refugees could repatriate safely.
4. To this end, a joint campaign will be undertaken during the rest of 1989 to explain this general approach to the refugees and register those wishing to repatriate. UNHCR will simultaneously work with both governments concerned to markedly expand the capacity of the current repatriation operation.

.../...

5. Direct assistance, notably food, will continue at the present level until the end of 1989.
6. From 1 January 1990, UNHCR and WFP will assist those still awaiting voluntary repatriation and those refugees who have meanwhile shown a well-founded fear of persecution should they return. Assistance to the latter will seek to promote their organized integration in Somalia.
7. Assistance will be provided in 1990 to those not covered by paragraph 6 through a family assistance package at the beginning of the year designed to facilitate their spontaneous integration. Food assistance to these persons will be progressively reduced from the current level during 1990 and will cease at the end of the year.
8. In order to strengthen local infrastructure to facilitate swift integration, UNHCR will elaborate with the Government short-term projects for implementation in 1989 and 1990. A comprehensive and longer-term approach to development in the areas affected by the presence of refugees will also be elaborated by the Government, UNHCR and the competent international and multi-lateral development agencies. This will aim to rehabilitate these areas and generate economic opportunities, and also to transfer to line ministries those current services to refugees that could benefit national development.

Northwestern Somalia:

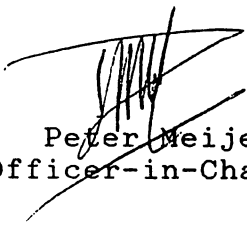
9. There remain a number of camps where security conditions do not allow UNHCR to verify the civilian nature of beneficiaries and to monitor the use of assistance. It has not proved possible for the Government to relocate refugees outside the affected area.
10. The Government reported that an increasing number of refugees both inside and outside the affected area are expressing the wish to repatriate without delay.
11. UNHCR and the Government agreed to register these persons as soon as possible, starting in the affected area, and UNHCR undertook to seek to arrange their repatriation as a matter of urgency. UNHCR will discuss arrangements for this with the Ethiopian authorities.

../..

12. Pending repatriation, UNHCR and WFP will continue to assist refugees outside the affected area. As refugees within the affected area are registered for voluntary repatriation, UNHCR and WFP will assist them pending their repatriation, provided that the Government ensures regular access to them by international staff and ensures the civilian nature and security of their camps. "

In case you have further queries or comments on the future of UNHCR activities in Somalia, please contact the Branch Office in Mogadishu and we will be happy to help you.

Yours sincerely



Peter Meijer
Officer-in-Charge

Summary of UNHCR Meetings Held in Mogadishu
12-14 June 1989

Participants: (in drafting group sessions and plenary sessions)

UNHCR:

1. A. E. Dewey, Deputy High Commissioner, UNHCR Geneva
2. Cecil Epenetu, Head of Africa Bureau, UNHCR Geneva
3. Hasim Utkan, Head of Somalia Desk, UNHCR Geneva
4. Barry Rigby, Acting Representative, UNHCR PO Mogadishu
5. Peter Meijer, Assistant Representative (PR - Amme), UNHCR PO Mogadishu
6. Talib Ali, Technical Support Service, UNHCR Geneva
7. Nicolas Russel, Consultant, Technical Support Service

WFP:

1. Bronek Szynalski, Chief, Disaster Relief Service, WFP Rome
2. Michael Ellis, Regional Manager, East & South Africa, WFP Rome
3. Rubilav Esenbel, Director of Operations, WFP Mogadishu

NRC:

1. Abdi Mohamed Farrah, Extraordinary Commissioner
2. Yusuf A. Shirdon, Commissioner
3. M.O. Dubed
4. Gureman Gureid
5. Omar A. Ali

Summary of the

Tripartite Commission:

1. The group discussed the level of the Tripartite Commission and noted that, subject to further confirmation, it would likely consist on the Somali side of the Ministry of Foreign Affairs, with the National Refugee Commission and the Ministry of Interior. NRC will revert the next day with further comments on this.

2. It was agreed that the first meeting of the Commission could be held in Geneva under the auspices of UNHCR with subsequent

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with such commissions and were expecting UNHCR to urgently take appropriate steps in this respect. It was agreed that the Commission should convene as soon as arrangements can be made with the concurrence of the Ethiopian Government.

Crossing Points:

3. It was agreed that there would be at least one crossing point per refugee-hosting region. Additional crossing points could be considered according to the number of returnees to each region provided it is acceptable to the two Governments. The matter will be finalized in consultation with the Tripartite Commission. It was agreed that logistical feasibility and cost effectiveness should inter alia be the prime considerations for determining routes and crossing points.

LOGISTICS:

Certified Self-Repatriation:

4. It was agreed that emphasis will be placed on this method of repatriation for those who desire so because for those who desire so because of huge logistical problems involved in the organized method. It was agreed that this parallel option would be available throughout the country. Differential assistance on the Ethiopian side, as required to encourage the use of this option, is desirable.

5. It was agreed that differential travel grants should be paid on the Somalia side depending on the distance to be travelled by the self-repatriants.

.../...

INFORMATION CAMPAIGN:

6. It was advised that UNHCR should bilaterally clear the content of the pamphlet with the two Governments prior to distribution and WFP must also agree with the contents. This pamphlet should contain all the relevant information to enable the refugees to make an informed decision on voluntary repatriation and to avoid changing their minds.

7. Prior to the distribution of the pamphlet, it was agreed that a meeting would be convened in Mogadishu to be attended by NRC and UNHCR field staff to explain the general plan. WFP will also participate. A schematic diagram would be prepared to explain various aspects of the operation which the field staff could use as an aid in their respective areas to sensitize the refugees and encourage them to begin thinking about their future.

8. It was agreed that after the proposed meeting of the field staff (within a fortnight) an information campaign should be well coordinated by NRC and UNHCR at the field level. Feedback and reactions from the refugees to the plans should also be obtained during the sensitization campaign. Joint UNHCR/NRC teams from Mogadishu will supplement the campaign whenever necessary. After the meeting with field staff is held, UNHCR and NRC would also jointly inform major donors and voluntary agencies about the plans and note their comments.

REGISTRATION:

9. The main issue discussed was whether the registration should be done in one or two steps i.e. the first to know about the number of refugees and the second to get the number of potential candidates for repatriation and integration. It was agreed that country wide re-registration would be carried out in one step i.e. for repatriation and integration. It was felt that prior re-registration was not necessary. It was agreed that the unregistered camps in the Northwest would receive assistance per card basis while re-registered camps would receive per capita.

MEASURES TO ENSURE CREDIBILITY

Voluntary Repatriation

10. It was agreed that once refugees have signed up for voluntary repatriation this decision would be considered final and irrevocable. Individual cases who subsequently claim well-founded fear of return to Ethiopia would be verified by UNHCR.

11. It was agreed that cases who have signed up for voluntary repatriation and who then refuse to avail of organized transport immediately lose their entitlement to assistance.

12. It was agreed that UNHCR will seek the concurrence of GOE on the following measures to which the Somali side agrees in principle:

- (a) under the Tripartite Commission a recourse procedure will be established for dealing with voluntary repatriation applications rejected by GOE;
- (b) to facilitate the recourse process GOE will be asked to provide in writing the grounds for rejecting an application;
- (c) there should be a time limit for final decision on such cases which should not exceed three months;
- (d) pending the final decision applicants whose cases are under review will be provided full food rations (as specified in the letter of understanding between the government and WFP).

UNHCR will assist only those cases which come under its mandate.

.../...

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(d) Organized settlements in the agricultural sector should include mini-settlements and community-based self-help schemes in addition to Furlano-type projects.

(e) Self-sufficiency solutions outside the agricultural sector should be pursued wherever feasible.

16. Self-Sought Integration:

(a) Cases opting for this category will be in a one-time assistance package in one or more instalments as available and practicable consisting of food commodities equivalent to seven months full rations plus a cash grant to facilitate their integration.

(b) It was accepted that a cash grant was preferable to in-kind assistance because a uniform in-kind package is impractical and would entail additional logistical, administrative and procurement problems.

(c) In camps where re-registration has not taken place, the integration cash grant will be the same for all card holders regardless of the number of beneficiaries per card.

(e) In camps where re-registration has taken place the cash grant shall be prorated according to the number of beneficiaries.

The value of the cash grants shall not exceed:

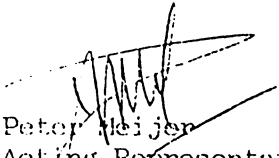
- in non re-registered camps: US\$ per card

- in re-registered camps: US\$ per capita.

NFF/89/011

Date For the File
Meeting with WB Mission on Baardhere Dam

1. Today we had a meeting with Messers Coates, Drucker and Said Al Habsy, members of World Bank mission at present in Somalia to carryout the appraisal for the Baardhere Dam project. They were accompanied by Mr. Brian Falconer the local World Bank Representative.
2. We explained the agreement reached in Geneva between the UNHCR and the NRC on durable solutions. The impact of this agreement on UNHCR's eventual involvement in the resettlement of camp dwellers affected by the floods was discussed and UNHCR's position was detailed as follows:-
 - (a) If, when resettlement has to start, there are still camp dwellers in the area to be inundated, UNHCR would assist the Somali Government to temporarily relocate those persons who had registered for repatriation but had been unable to do so.
 - (b) As the inundation would most likely not take place before December 1990 UNHCR would not take any responsibility for those camp dwellers who have chosen to stay in Somalia although they could have gone back to Ethiopia. This would probabaly also include the group of refugee farmers 575 families identified by the World Bank who have obtained land in the area to be inundated.
 - (c) UNHCR would continue to find durable solutions outside the flood area for refugees who fall under the mandate of the UNHCR. Their number will be very small.
3. The World Bank Representative, Mr. Falconer wondered whether not more people, if it would become known that the present population in the flood area would be given resettlement opportunities in other parts of Somalia, including land, would move into this area to benefit of such a deal. As this possibility could not be excluded it was agreed that the parties concerned should look into the possibility to register (NW Somalia style) the present population as soon as possible.


Peter Heijer
Acting Representative
UNHCR HQ, Mogadishu

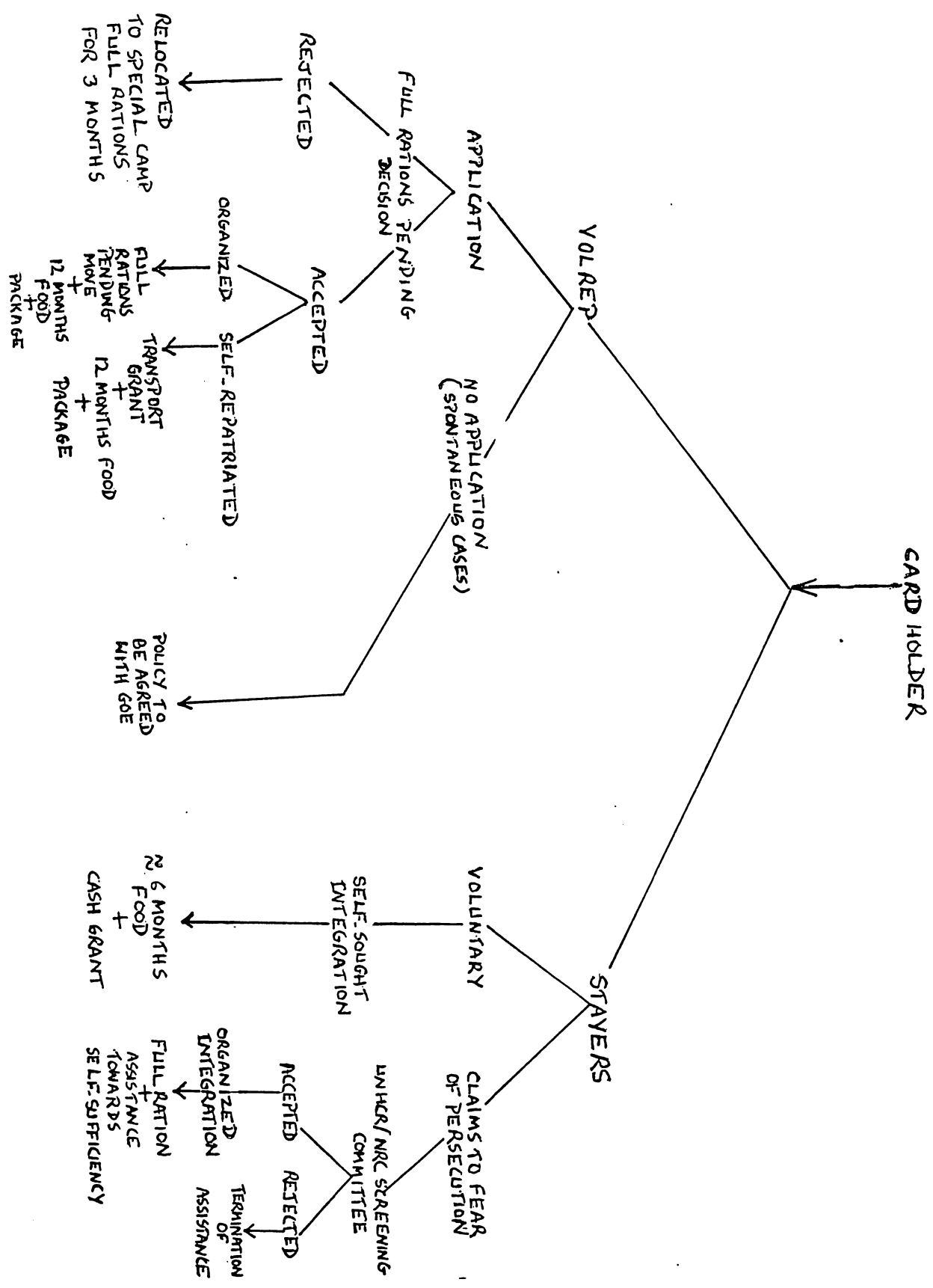
8 June 1989

cc: UNHCR Headquarters

✓ Mr. Brian Falconer, WB Representative, Mogadishu

June 1981

Agreed by UNHCR & WEL



The Rights of the Farmer

Articles 13 and 14 of the law provide for the rights and responsibilities of the farmer or concession holder. The farmer has the right to cultivate the land, build a house or other buildings, raise livestock, use the farm as part of the cooperative, keep all the produce of his land, borrow money from the commercial banks based on the value of his land. The farmer has the right to defend his rights to the land in the courts and other state offices.

Article 14 enumerates the obligations of the farmer. The farmer can only use the land for the purpose for which it was granted. He cannot rent it, sell or transfer title of his land to another person. Unnecessary partition of the land is prohibited.

Taxes :

Article 17 of the law requires all concession holders to pay taxes for using the land. Taxes are levied on a per hectare basis according to the fertility of the land.

Decree 16, 1976 stipulates the amounts of taxes to be paid. Ordinary farmers and cooperatives pay Sh. 5 per hectare for irrigated land. Special companies and individuals who grow perennial crops must pay taxes of Sh. 30 per hectare for rain fed land and Sh. 50 per hectare for irrigated land.

Confiscation of Land

Article 9 of the law provides for the expropriation of "excess" land and Article 10 provides for the expropriation of land "for the benefit of the economy in general". Article 15 provides for circumstances under which the State can revoke a permit: (i) when the farmer fails to cultivate the land for two years after receiving the permit, (ii) when the inheritor of the permit has no desire to cultivate the land, (iii) when the permit holder contravenes land use regulations, (iv) when the permit holder transfers, sells or leases the land to another or (v) when the permit holder fails to observe the law or regulation. The law further provides that confiscated land can only be given to

persons with the following qualifications: (i) those who are adults and Somali by birth; (ii) those who have no other agricultural land; and (iii) those who have the economic capacity to pay compensation to the previous permit holder.

Compensation :

The Decree of 1976 provided for procedures for compensation for confiscated land. It provides (Article 3) that compensation must be paid within 10 months of the date of transfer of the permit if the expenditure for improvements in the land has been less than Sh. 10,000, 15 months if the investment is between Sh. 10,000 and Sh. 300,000, and 18 months if investment has exceeded Sh. 300,000. The Decree makes it very clear that compensation shall only be made for improvements on the land. There is no clear provision for the compensation of confiscated land. It appears that the farmers whose land has been repossessed do not have an automatic right to receive an equivalent size or quality of land as compensation.

On the basis of this law the government has taken steps to (a) freeze all land registration in the Juba Valley and (b) confiscate land to make it available for new settlers from the reservoir area. The consultants have determined that there is enough land in the Lower Jubba to resettle all 3,000 farmers to be affected by the construction of the dam.

Customary Land Tenure

One of the problems of resettling people into the repossessed land deals with customary land tenure. Presumably the Land Law No. 73 eliminated land rights held under customary tenure arrangements. The consultants have found that majority of land in Somalia today is held under customary tenure, there are multiple holdings and many farmers engage in selling, renting, giving and borrowing land - all in contravention of Land Law Number 73. It is clear therefore that the law has not been observed and discussion with government officials indicate an awareness that the present land law is overly restrictive and need to be changed. This change should preferably be made before farmers are resettled in the Lower Jubba.

Water Law

There is an urgent need for the government to enact a Water Law to control and regulate water use in the river basins. The FAO draft of 1984 may serve as model for this law.

Riparian Rights