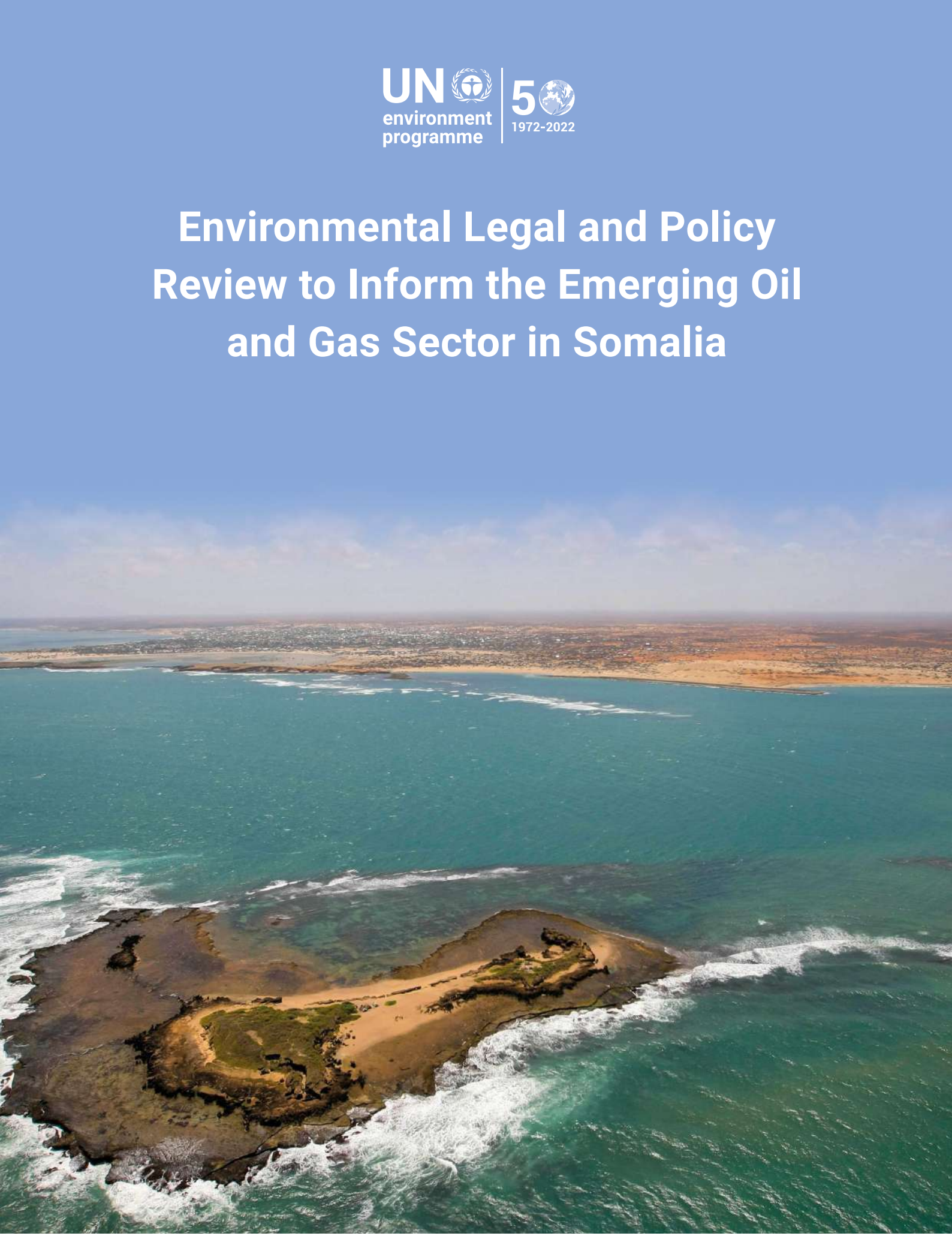
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Environmental Legal and Policy Review to Inform the Emerging Oil and Gas Sector in Somalia



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TABLE OF CONTENTS

Acknowledgements 3
List of Acronyms 6
List of Tables 8
List of Figures 8
Executive Summary 9

1. INTRODUCTION 16
1.1 Baseline Profile 16
1.2 Methodology 18
1.3. Constraints and Limitations of the Review 19

2. ANALYSIS OF EXISTING LEGAL, POLICY AND REGULATORY PROVISIONS FOR STRENGTHENING ENVIRONMENTAL GOVERNANCE AND MANAGEMENT IN THE OIL AND GAS SECTOR 20
2.1. Analysis of Legislation relevant to Strengthening Environmental Governance and Management in the Oil and Gas Sector 20
2.1.1. Current Status and Progress 24
2.1.2 Issues and Challenges 26
2.2 Analysis of Policies relevant to Strengthening Environmental Governance and Management in the Oil and Gas Sector 28
2.2.1. Current Status and Progress 28
2.2.2 Issues and Challenges 29
2.3 Role of the Model Production Sharing Agreement 30
2.3.1 Provisions relating to Environmental Protection, Governance, and Management 30
2.3.2 Issues and Challenges Associated with the Model PSA 31
2.4 International Treaties, Conventions and Agreements 31
2.4.1. Current Status and Progress 31
2.4.2. Issues and Challenges 34
2.5 Federal Member State Policy and Legislative Frameworks 34
2.5.1. Current Status and Progress 34
2.5.2 Issues and Challenges 35

3. INSTITUTIONAL ARCHITECTURE 37
3.1 Institutional Mandates 37
3.1.1 Current Status and Progress 37
3.1.2 Issues and Challenges 41
3.2 Institutional Capacity 44
3.2.1 Current Status and Progress 44
3.2.2. Issues and Challenges 46

4. COORDINATION MECHANISMS FOR ENVIRONMENTAL MANAGEMENT AND GOVERNANCE IN SOMALIA'S OIL & GAS AND ENERGY SECTOR 48
4.1 Interagency Coordination between FGS Institutions 48
4.2 Coordination between FGS and FMS Institutions 49
4.3 Inter-ministerial Coordination at FMS level 50
4.4 Opportunities afforded through the parallel application of Xeer and Shari'ah 50

5. FUTURE ENERGY DEVELOPMENT 51
5.1 Climate Change issues addressed in the Legal Regime 51
5.2 Institutional Readiness to Deal with Energy Transition 51

6. CONCLUSIONS 54
6.1 Policy, Legal and Regulatory Framework 54
6.1.1 Enforceability and Implementation 54
6.1.2 Gaps in Laws and Regulations 54
6.1.3 Model PSA 55
6.1.4 FMS Laws and Policies 55
6.1.5 Parallel Legal Systems 55
6.2 Institutional Architecture 55
6.2.1 Institutional Mandates 55
6.2.2 Institutional Capacity 56
6.3 Coordination Mechanisms 56
6.3.1 Amongst FGS Institutions 56
6.3.2 Between FGS and FMS Institutions 56

7. RECOMMENDATIONS 57
7.1 Policy, Legal and Regulatory Framework 57
7.2 Institutional Architecture 58
7.3 Coordination Mechanisms 59

REFERENCES 60

ANNEXES 64
Annex 1: Analytical Framework 64
Annex 2: Framework for Methodology 65
Annex 3: Review of Key Policy, Legal and Regulatory Instruments of the Federal Government of Somalia 66
Annex 4: Summary of Environmental Laws and Policies of Somaliland 80
Annex 5: Potential Development Partners in Somalia to Support National Efforts to Strengthen Environmental Management in the Oil and Gas Sector 81
Annex 6: Master Sheet of All Consultations Held 92
Annex 7: List of Technical Reviewers 94

LIST OF ACRONYMS

ALSP	Africa Legal Support Facility
BAT	Best Available Techniques
CH_4	Methane
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLRTAP	Geneva Convention on Long-range Transboundary Air Pollution
CMP	Conservation and Management Plan
CMS	Convention on the Conservation of Migratory Species of Wild Animals
CO_2	Carbon Dioxide
COVID	Coronavirus Disease
DECC-OPM	Directorate of Environment and Climate Change – Office of the Prime Minister
EIA	Environmental Impact Assessment
EIIT	Extractive Industries Income Tax
EMA	Environment Management Act
EQS	Environmental Quality Standards
ESIA	Environmental and Social Impact Assessment
EUCAP	European Union Capacity Building Mission
FGS	Federal Government of Somalia
FMS	Federal Member States
GEF	Global Environment Facility
GHG	Greenhouse Gases
HFC	Hydrofluorocarbons
HSDG	High Speed Diesel Generation
IMCC	Inter-Ministerial Concessions Committee
IMF	International Monetary Fund
IMO	International Maritime Organization
INDC	Intended Nationally Determined Contributions
IOGP	International Association of Oil and Gas Producers
MAI	Ministry of Agriculture and Irrigation
MARPOL	International Convention for the Prevention of Pollution from Ships
MDA	Ministries, Departments and Agencies
MEA	Multilateral Environmental Agreements
MEWR	Ministry of Energy and Water Resources
MLC	International Labour Organization's Maritime Labour Convention
MLSA	Ministry of Labour and Social Affairs
MOF	Ministry of Finance
MOFMR	Ministry of Fisheries and Marine Resources
MOHADM	Ministry of Humanitarian Affairs and Disaster Management
MOPIED	Ministry of Planning Investment and Economic Development
MOPMR	Ministry of Petroleum and Marine Resources
MOPMT	Ministry of Ports and Marine Transport
MOU	Memorandum of Understanding
MPWC	Ministry of Public Works and Construction
NAP	National Action Programme
NAPA	National Adaptation Programme of Action on Climate Change
NBSAP	National Biodiversity Strategy Action Plan
NCCP	National Climate Change Policy
NDP	National Development Plan
NEAP	National Environmental Action Plan
NESAP	National Environment Strategy and Action Plan
NEMA	National Environmental Agency/Authority
NEP	National Environment Policy
OFD	Oil for Development Programme
PPC	Petroleum Policy Committee
PSA	Production Sharing Agreement
PV	Photovoltaic
SEA	Strategic Environmental Assessment
SMRRC	Somali Marine Resources Research Centre
SOLAS	IMO Conventions on Safety of Life at Sea
SONOC	Somali National Oil and Gas Company
SPA	Somali Petroleum Authority
STCW	Standards of Training, Certification, and Watchkeeping for Seafarers
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNEP-WCMC	United Nations Environment Programme - World Conservation Monitoring Centre
UNFCCC	United Nations Framework Convention on Climate Change
WQS	Water Quality Standards

LIST OF TABLES

Table 1: Legislation and Regulations relevant to Strengthening Environmental Governance and Management in the Oil and Gas Sector 20

Table 2: Legal Provisions relevant to addressing Key Areas of Concern for Environmental Governance and Management in the Oil and Gas Sector 22

Table 3: Policies relevant to Strengthening Environmental Governance and Management in the Oil and Gas Sector 28

Table 4: Multilateral Environmental Agreements that Somalia has Signed and/or Ratified 32

Table 5: Regional Environmental Agreements/Protocols that Somalia has Signed and/or Ratified 33

Table 6: Survey Responses from DECC-OPM and MOPMR on whether legislation administered directly by the respective FGS Institution is regarded to be sufficient to address concerns relevant to the Oil and Gas Sector 39

Table 7: Survey Responses on whether the legislation administered directly by the respective FMS Institution is regarded to be sufficient to address concerns relevant to the Oil and Gas Sector 40

Table 8: Assessment of the Capacity of the FGS institution in ensuring Environmental Management and Governance in Oil and Gas, and Energy Sectors 44

Table 9: Assessment of the Capacity of the FMS institution in ensuring Environmental Management and Governance in Oil and Gas, and Energy Sectors 45

Table 10: Assessment of any Existing Policy, Legislative and Institutional Framework in addressing concerns in the Energy Sector 52

LIST OF FIGURES

Figure 1: Administrative Boundaries of the Federal Republic of Somalia 17

Figure 2: Institutional Architecture for Environmental Management and Governance in Somalia's Oil and Gas Sector 37

EXECUTIVE SUMMARY

With oil and gas reserves, both onshore and offshore, the Government of Somalia is working to strengthen the environmental management and governance of its oil and gas sector. The United Nations Environment Programme (UNEP) and the Government of Norway are collaborating to assist the Government of Somalia to enhance institutional capacities for improved environmental governance and management in the country's emerging oil and gas sector. In this regard, UNEP and the Government of Somalia agreed to undertake an environmental policy and legal review.

Objectives and Scope

The main objective of the report is to establish a high-level, strategic understanding of the current policy, legal and regulatory frameworks at Federal Government (FGS) and Federal Member State (FMS) levels in Somalia. It undertakes a baseline assessment of the current policy and legal environmental frameworks in the context of the oil and gas sector, and also seeks to understand the roles and mandates of the institutions involved. It further provides guidance and recommendations on strengthening the existing legislation, policies and regulatory instruments relating to the environment and oil and gas in Somalia and supports legal and policy harmonisation at FGS and FMS levels.

This report presents findings on Somalia's environmental legal and policy framework and institutional architecture that informs the country's emerging oil and gas sector. It addresses the following three main thematic areas key areas: the legal, policy and regulatory frameworks; institutional architecture; and coordination mechanisms. It also touches very briefly upon future energy development in Somalia to obtain a preliminary understanding on the institutional readiness for energy transition in the country.

The report also includes an annex on the completed and ongoing international initiatives in the country to guide the Government on resource mobilization avenues for capacity development.

Review of Somalia's Legal, Regulatory and Policy Frameworks related to Environment and the Oil and Gas Sector

The assessment conducted a review of all relevant legislation, regulations, and policies in Somalia with reference to environmental management in the context of the oil and gas sector. Somalia is currently in the process of enacting the necessary legislation that will help support environmental management in the sector.

The primary legislation, regulations and policies identified are:

- Petroleum Law 2020 and the Petroleum Environmental Regulations 2017 thereunder
- Draft Environment Management Act 2020 (EMA) and the draft Environmental and Social Impact Assessment Regulations 2020 (ESIA Regulations) thereunder
- Model Production Sharing Agreement 2020 (PSA)
- National Environment Policy 2019 (NEP)
- National Climate Change Policy 2020 (NCCP)
- National Petroleum Policy 2021, and
- Draft National Disaster Management Policy 2020

Other legislation, regulations, and policies of relevance include:

- National Fisheries Act 2016
- National Energy Policy 2020
- National Water Policy 2019
- National Maritime Policy 2019, and
- National Development Plan 2020

Significant legislation, regulations and policies that have not yet been enacted include:

- National Pollution Act
- National Disaster Management Act
- National Waste Management Act/Policy
- National Water Act (draft available)
- Land Use Act (draft available)
- Shipping Code (draft available)
- National Fisheries Policy (draft available)
- National Biodiversity Policy
- National Wetlands Policy
- Regulations on Venting/Flaring of Gases
- Regulations on Abandonment and Decommissioning
- Regulations on Hazardous Waste/Chemicals Management
- Regulations on Health and Safety, and
- Regulations on the Prohibition and Control of Ozone Depleting Substances (draft available)

There is considerable variability among the FMS in terms of the policies and legislation. Hirshabelle, Jubaland and South-West State are in their early stages of the drafting process. Galmudug is further along in the drafting of its environmental policy and legislation. Somaliland and Puntland have environmental legal and regulatory frameworks already in place that are relatively more advanced and more detailed than those at the FGS level.

Shari'ah is acknowledged as the Supreme Law of the land. Traditional elders also play a major role in the dissemination and awareness of new laws as a form of customary law, i.e., Xeer. The Xeer system is applied towards the use of and access to natural resources, land-use practices, and broader conflict resolution. In this regard, the Xeer system potentially plays an important role in terms of environmental governance in the emerging oil and gas sector. The major challenge regarding applying the Xeer and Shari'ah is that the two are not well incorporated in the statutes.

Somalia is party to 16 International Treaties and/or Multilateral Environmental Agreements (MEA) which have relevance to the oil and gas sector. It is also party to regional environmental agreements/protocols including the Nairobi Convention, and the Regional Convention for Conservation of the Red Sea and the Gulf of Aden. However, it is yet to become party to the Ramsar Convention on Wetlands, the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, the Protocol to the London Convention, and the Ballast Water Management Convention.

Assessment of Somalia's Institutional Mandates and Capacities for Environmental Management in the Oil and Gas Sector

The ministries, departments, and agencies (MDA) at the FGS level with key mandates on environmental governance and management in the oil and gas sector are the following:

- Ministry of Petroleum and Mineral Resources (MOPMR),
- Somali Petroleum Authority (SPA), and
- Directorate for Environment and Climate Change at the Office of the Prime Minister (DECC-OPM).

The MOPMR is the designated authority mandated to make decision on strategies, plans and policies for the development of the petroleum industry in Somalia and issue regulations. The SPA is the petroleum regulatory authority that is embedded within the Ministry and is empowered to enter negotiations with foreign companies, national companies, and joint companies on petroleum operations in Somalia. The DECC-OPM is the foremost authority on all environmental issues in Somalia, including Strategic Environmental Assessments (SEA) and Environmental Impact Assessments (EIA). The draft EMA also grants DECC-OPM the authority to conduct environmental audits and inspections to enforce compliance. All FMS have already established their respective ministries for the environment and ministries for petroleum.

Possible conflict of mandates has been identified in relation to granting of EIA licenses, regulations related to hazardous waste management and chemicals management onshore, and regulations on offshore installations.

Other FGS institutions of relevance to environmental management in the oil and gas sector include:

- Ministry of Energy and Water Resources (MEWR),
- Ministry of Ports and Marine Transportation (MOPMT),
- Ministry of Fisheries and Marine Resources (MOFMR),
- Ministry of Humanitarian Affairs and Disaster Management (MOHADM),
- Ministry of Planning, Investment and Economic Development (MOPIED), and
- Somali Marine Resources Research Centre (SMRRC).

Presently, Somalia has not established a Ministry of Environment at the FGS level, nor a National Environmental Regulatory Authority. DECC-OPM remains the foremost institution with environmental regulatory powers, which may face important challenges as environmental governance and management requirements increase over time. Pending the passage of the EMA and ESIA Regulations, there is currently no legally mandated procedure for the conduct of EIAs/ESIAs or the issuance of EIA permits. Environmental compliance monitoring, audits and inspections are not yet institutionalised as practice. The draft ESIA Regulations envision the constitution of a National Environment Committee that will act as an appellate body on decisions from the DECC-OPM on approval of EIA permits. However, the composition and terms of reference of this body have not yet been defined.

Most FGS and FMS institutions are not yet fully constituted and capacitated. Notably, it was observed that FGS and FMS institutions disagree on how effectively the existing legislations address ownership of resources. These institutions are either understaffed or inadequately staffed to address the technical needs of such institutions, including limited capacity to review instruments such as the ESIA. At the FMS level, in particular, there is reportedly a limited budget.

Coordination Mechanisms between Institutions relevant to Environmental Management in the Oil and Gas Sector

There is no formal legally mandated inter-ministerial coordination committee that deals with environmental governance in the oil and gas sector. There is also variability in the degree of coordination across FGS line ministries. Statutorily mandated FGS-FMS level coordination applicable to environmental governance in this sector, such as the SPA and the National Environment Council, are either still nascent or yet to be constituted. These newly established statutory coordination mechanisms provide an invaluable opportunity to also ensure that greater gender balance is brought into the institutional structures governing this space.

At the FMS level, inter-ministerial/inter-institutional coordination is generally reported to be limited. Xeer and its institutional structures could also be instrumental in providing legitimacy to the newly formed state institutions; in this regard, the Xeer system may warrant further consideration in future development and enactments of environmental policy and legal frameworks.

Climate Change and Energy Transition

Climate change issues pertaining to the oil and gas sector are not adequately addressed in the existing environmental legal and regulatory framework. However, the result of the preliminary survey on the readiness of Somalia's institutions to undertake sustainable energy transition pathways was inconclusive and did not provide a sufficient understanding of the institutional readiness towards energy transition. There is a need for further investigation into this thematic area in future research.

Summary of Key Findings and Way Forward

Sections 6 and 7 of the report lay out the main findings and conclusions drawn from this review process and propose a number of recommendations to support the strengthening of environmental management in the country's emerging oil and gas sector.

In summary, the key findings and the recommendations for the way forward are as follows:

Key Finding 1:
The primary legislations that will govern and support the environmental governance and management in the emerging oil and gas sector of Somalia are newly enacted or are in the final stages of Parliamentary approval.

Way Forward: With the revival of oil exploration activities in Somalia, the necessary legal, regulatory and policy frameworks, government institutions, systems and processes are also being re-established. Many of them are still in their nascent forms and, as such, face challenges relating to enforceability and implementation. Given that the draft EMA and ESIA regulations are currently under consideration, it will be critical to ensure that the petroleum laws/regulations and draft environmental laws/regulations are coherent and complement each other. The model PSA, which is currently undergoing revisions, should also include considerations on how any future changes in the Petroleum Law and draft EMA shall apply to any such Agreement that may be entered into, as it is one important avenue to ensure that the environmental and petroleum laws under Somalia's legal system are implemented and enforced.

To this end, the National Environment and Strategic Action Plan (NESAP), which is being developed by the DECC-OPM with assistance from UNEP, should be implemented to assist Somalia with mainstreaming of environmental policy and legal frameworks across development sectors. In order to encourage ownership, it is necessary that the process be conducted with high stakeholder participation involving civil society, including women's groups and local environmental NGOs. Where necessary, gender specialists and gender-sensitive NGO representatives should be on hand to steward the process.

Regional level pilot projects for environmental management in the oil and gas sector may also be established to support capacity development of improved environmental assessment, environmental management, and appropriate legislation at the FMS level.

Key Finding 2:
Secondary but critical legal instruments necessary to support environmental management in the oil and gas sector remain under-developed in Somalia.

Way Forward: While the Petroleum Law, the Petroleum Environmental Regulations, the draft EMA and the draft ESIA Regulations contain provisions that would be instrumental in supporting environmental governance and management, significant federal regulations are yet to be enacted. This include regulations relating to health and safety, abandonment and decommissioning of wells, the flaring and venting of gases, hazardous waste management, chemicals management, air emissions standards, and water quality standards. There is also no National Pollution Act and a National Waste Management Policy. They should include provisions for hazardous waste management and treatment facilities. The relevant authorities should develop these operational regulations and secondary legislations for the sector prior to the commencement of any petroleum operations.

Key Finding 3:
Consideration for the establishment of a Federal Ministry for Environment or a National Environmental Regulatory Body is needed to strengthen roles of responsibility and accountability for environmental governance in the oil and gas sector.

Way Forward: Somalia does not have a federal ministry for environment, nor does it have a national environmental regulatory body; critical functions linked to environmental governance is presently under the mandate of the Directorate of Environment and Climate Change. The absence of such an institutional structure for environment at the FGS level poses not only coordination challenges but also potential conflicting environmental mandates with other Government institutions over the long-term. Having a National Environment Ministry and an Environmental Regulatory Authority would support long-term efforts to strengthen environmental governance and management, including establishing environmental standards and ensuring effective implementation of procedures and guidelines, including environmental permitting, and compliance monitoring.

Since the DECC-OPM does not yet have strong environmental regulatory powers, regulatory planning tools such as ESIAs and SEAs are also not being applied. This is of particular significance as SEAs should be conducted prior to initiating oil-drilling activities to determine the potential environmental impacts of programmes, policies and plans in the oil and gas sector. Consideration should be made to establish a full-fledged National Environment Ministry and a National Environmental Management Agency or Authority to develop environmental expertise and perform the regulatory roles that will be given to the DECC-OPM under the draft EMA.

Key Finding 4:
The development of legal instruments to govern and support the environmental governance and management in the emerging oil and gas sector of Somalia is asymmetric at the FMS level.

Way Forward: The FMS show significant variability in the development and implementation of legal, regulatory and policy instruments relevant to environmental management and governance in the oil and gas sector. The enactment of the EMA would provide a national standard for the FMS that are yet to develop these instruments. Additionally, the Xeer structures could be leveraged to grant legitimacy to these nascent statutes and institutions. This is another area where the ongoing NESAP process can provide a roadmap for further environmental policy and legal development especially at the FMS level.

Key Finding 5:
Full implementation of Somalia's commitments under key Multilateral Environmental Agreements is needed, and further consideration towards its accession to other relevant and applicable international legal instruments to support environmental governance and management in the oil and gas sector.

Way Forward: While Somalia is party to several of the significant international treaties and multilateral environmental agreements, there are delays in the implementation of the commitments made under them, including on national reporting. Somalia is also not a Party to the Ramsar Convention on Wetlands, the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, the Protocol to the London Convention, and the Ballast Water Management Convention. Somalia may consider accession to these treaties and conventions as a step towards strengthening environmental governance and management, especially in the context of the oil and gas sector and take strategic actions to implement those that have been ratified.

Key Finding 6:
There is currently no national oil spill preparedness and response plan; existing National Disaster Management frameworks presently do not address oil and gas industry associated risks

Way Forward: The absence of a National Disaster Management Act and a National Oil Spill Contingency Plan are also major gaps in the existing environmental legal and regulatory frameworks. While a draft National Disaster Management Policy is being formulated, it does not address oil spills. A national legislation or policy on disaster management should necessarily consider the possibility of acute pollution incidents, including oil and chemical spills. The rules on the disposal of disaster wastes and debris management also need to be established.

There is also a need to establish clear competencies for the development of a national oil spill contingency plan. Various stakeholders have called for further dialogue on the institutional mandates governing oil spills and other forms of acute pollution.

Key Finding 7:
Potential overlaps in mandates and responsibilities among MDAs

Way Forward: The existing governance structure in Somalia for the environmental management and governance in the oil and gas sector presents potential overlaps between the mandates of the MOPMR and the DECC-OPM, for instance on ESIA processes. The passage of the draft EMA and the ESIA Regulations thereunder would be crucial in addressing some of these challenges. Furthermore, other line ministries have their own environment departments with multiple ongoing sectoral legislative processes. As they develop further regulations, the DECC-OPM and the MOPMR must work closely together to ensure clarity and coordination with regards to their respective mandates on environmental governance and management in the oil and gas sector.

Where there is potential duplication, delegation may be made to the institution with existing technical competencies. Establishing a national coordination mechanism on environment and oil and gas issues may help in achieving greater consensus and joint cooperation.

Similarly, the overlapping mandates in the marine space on offshore installations and marine pollution may be better managed through an effective coordination mechanism for the marine and coastal space.

Key Finding 8:
There is limited financial, human resources and technical capacities in FGS institutions, and more significantly in the FMS institutions

Way Forward: Both the FGS and FMS institutions suffer from limited human and financial resource capacities. There is a lack of technical skills, expertise, and technology and systems support necessary to carry out their mandates. While several trainings on environment and oil and gas have been provided in the country, the focus has largely been on FGS institutions. Consequently, the lack of technical expertise is more prevalent at the FMS levels. These institutions should be provided with more opportunities to develop their environmental technical expertise and capacities. There should also be a concerted effort to ensure that gender balanced approach is adopted in the selection of personnel to be trained in order to promote highly skilled and professional women and men in the sector.

Key Finding 9:
Coordination Mechanisms on environment and oil and gas issues continues to be primarily on ad-hoc basis and needs to be further institutionalized

Way Forward: Coordination mechanisms on environment and oil and gas issues at the FGS level are yet to be institutionalized and inter-institutional coordination at this level is primarily ad-hoc and non-uniform. Between the FGS and FMS institutions, both the Petroleum Law and the draft EMA envision the constitution of statutory coordination bodies that would regularly meet to ensure coordination between the two tiers of government. These bodies are currently being constituted. The inter-institutional coordination mechanisms between the various FMS and within each FMS have reportedly been poor. This has been identified by the Ministry of Planning, Investment and Economic Development (MOPIED) as one of the major barriers to proper implementation of national plans, policies, and strategies in the country. There are several steps that can be taken to address this challenge.

Enactment of a National Administrative Act should be considered to help provide structural stability and visibility to inter-governmental coordination and clarity on the distribution and delegation of powers and functions at the various tiers of governance.

The Government of Somalia has a National OfD Steering Committee which oversees and coordinates all OfD activities in Somalia as a part of its bilateral cooperation with the Government of Norway. This OfD Steering Committee should be formalised into an inter-ministerial coordination platform for environment and oil and gas issues and expanded to include all relevant line ministries, including the MOFMR and the MOHADM, as well as at FMS levels.

A national legislative drafting coordination platform with thematic sub-committees should be considered to help ensure that cross-cutting issues related to legal and regulatory frameworks involve dialogue across all line ministries. Such a coordination platform would help also avoid further creation of conflicting institutional mandates. The consultations that will be held through such a national coordination platform will provide avenues to include gender considerations through involvement of women's groups and by ensuring a gender balanced quorum, wherever possible.

The year-end status reporting mechanism of the MOPIED could also be leveraged to keep track of all new regulatory developments across development sectors.

Key Finding Issue 10:
The relevance climate change issues in the oil and gas sector is inadequately addressed in the existing legal regime.

Way Forward: The Petroleum Law and the Regulations thereunder do not address the climate change aspects of the sector. Air emission standards and gas flaring restrictions are also yet to be established. Similarly, the greenhouse gas (GHG) emissions that may arise from the sector have not been considered in the National Climate Change Policy. However, it is notable that the National Petroleum Policy envisions inclusion of prudent environmental, social, health and safety considerations in petroleum activities in Somalia and requires that issues of climate change be factored in petroleum sector developments. Furthermore, the National Environment Policy mandates EIAs for all exploration and production activities conducted on Somalia's oil and natural gas deposits and directs the Government to set emission standards. The goals of these national policies must be reflected in the implementing legislations by the relevant authorities.

Furthermore, there is also a need for more in-depth research into the readiness of the relevant FGS and FMS institutions with regard to the future of energy development in general in the country. A climate assessment may also be undertaken to assess the long-term development of the oil and gas sector in Somalia in the context of global energy trends and Somalia's own climate commitments towards reduced GHG emissions. This will help with greater national policy alignment across Somalia's climate, energy and oil and gas policies, laws and regulations which foster low carbon economies and meet the country's climate commitments and Sustainable Development Goals.

1. INTRODUCTION

With oil and gas reserves, both onshore and offshore, the Government of Somalia is working to strengthen the environmental management and governance of its oil and gas sector. The United Nations Environment Programme (UNEP) and the Government of Norway are collaborating to assist the Government of Somalia to enhance institutional capacities for improved environmental governance and management, which can inform the country's emerging oil and gas sector. Under this collaboration, UNEP's technical and advisory support in Somalia is expected to contribute towards broader sustainable development goals, including marine spatial planning, oil spill prevention and preparedness, hazardous waste management, and enhancing climate and disaster resilience.

A consultation meeting between the Government of Somalia, Government of Norway, UNEP, and the UNEP-World Conservation Monitoring Centre (UNEP-WCMC) was held in February 2020 at the UN compound, Nairobi, and subsequently in August 2020. Based on the outcomes of these two meetings, the potential scope of work to be delivered by UNEP and its collaborating centre UNEP-WCMC over the next two years (2020-2021) were determined, including this legal and policy review. The areas of interest covered under this technical assistance work seek to include all of Somalia's Federal Member States (FMS).

The legal and policy review will examine the existing legislation, policies and regulatory instruments relating to the environment and oil and gas in Somalia to undertake a baseline assessment of the current policy and legal frameworks. It seeks to understand the roles and mandates of the institutions involved and support harmonisation across the federal and federal member state levels.

The overall aim of the legal and policy review is to establish a high-level, strategic understanding of the current policy, legal and regulatory frameworks in Somalia. It aims to provide guidance and recommendations on strengthening environmental governance in its emerging oil and gas sector. Specifically, it will seek to:

- Establish the current baseline of policy/legal/regulatory frameworks at the National and FMS levels, which support environmental governance and management in the oil and gas sector in particular, and in the energy sector in general;
- Identify, analyse, and assess potential gaps, differences, as well as complementarities between the policy/legal/regulatory frameworks in the environmental and the oil and gas/energy sector, and at the National and the FMS levels;
- Identify the current institutional architecture/structures in place which support environmental governance and management in the oil and gas sector in particular, and in the energy sector in general, at National and FMS levels;
- Map the mandates/roles of the different Ministries/Departments/Agencies (MDA) in both the environment and oil and gas sectors at National and FMS levels;
- Assess the current strengths, potential gaps, and conflicts in undertaking these mandates/roles in relation to the policy/legal/regulatory frameworks.
- Anticipate potential oil and gas exploration or production activities and future energy development in the country and reflect to what extent the current frameworks are 'equipped' to address emerging needs.

1.1 Baseline Profile

In September 2012, after two decades of civil war, Somalia began an era of relative political stability and State re-building. The transition process culminated when a new parliament was established, which subsequently elected a new president.

The Federal Republic of Somalia is a federal parliamentary system. The principle of federalism is enshrined in Article 50 of the Provisional Constitution of Somalia, adopted in 2012. It asserts that power should be exercised where it is most likely to be effective. The Federal Government of Somalia (FGS) has a bicameral Federal Parliament consisting of the Upper House and the House of the People. Both Houses have the mandate to pass legislation. The Prime Minister appoints a Cabinet, with approval from the House of the People. The President is indirectly elected by the Federal Parliament by a two-thirds majority vote, in two rounds, if needed, for a single 4-year term (Federal Republic of Somalia 2012).

The Federal Member States (FMS) of Somalia may have their own constitutions, the legality of which is recognised by the Provisional Constitution. Somalia consists of the FMS of Galmudug, Hirshabelle, Jubaland, Puntland, Somaliland, and South-West State, and the Benaadir Regional Administration.

Figure 1: Administrative Boundaries of the Federal Republic of Somalia



Somalia follows a hybrid legal system: a mix of civil or secular law, Shari'ah law, and customary law or Xeer. The Xeer and the statutory laws in Somalia are based on Shari'ah. The Provisional Constitution also stipulates the establishment of the Constitutional Court, which consists of five judges, including the chief judge and deputy chief judge (Federal Republic of Somalia 2012). The Somalia National Development Plan (NDP) 2020-2024 recognises Xeer as the country's primary mechanism for dispute resolution.

As a result, both the FGS and the FMS have legal and policy frameworks relevant to environmental management and governance in the oil and gas sector. However, there is significant variability in the degree of advancement in the development of such legal instruments among the FMSs. This variability is also seen in the institutional architecture for the environment and oil and gas sectors at the FMS level.

Somalia started its hydrocarbon exploration after the Second World War. Offshore oil and gas development in Somalia has recently become the FGS's focus in its efforts to restart oil exploration activities after a period of dormancy of almost 30 years. Historic geological exploration indicates that Somalia could have substantial oil reserves, especially given its proximity to the oil-rich Red Sea and the Gulf of Aden in the north. By 2012, 63 wells were drilled for oil and gas, and some for stratigraphic purposes. In most of them, 'bitumen and gas shows' were observed, indicating the existence of petroleum systems (Basyouni 2018).

Between 2014 and 2016, the FGS, in cooperation with Spectrum and Soma Oil and Gas, completed two phases of acquisition and processing of offshore seismic data covering approximately 40,000 km in total in the Indian Ocean. It is also expected that other stages of exploration and production will start soon (Spectrum Geo 2018). Offshore Somalia can be separated into three basins within the existing seismic grid:

- The Karoo and Jurassic rocks of the Obbia basin in the north
- Oil-rich hydrocarbons generated from Jurassic and Cretaceous source rocks are in the central Coriole basin.
- The Juba-Lamu basin in the south (Kearns et al. 2016).

In early 2018, the FGS commenced a round of exploration block licencing by embarking on several roadshows around the world to showcase interested parties the seismic report findings, announce fiscal terms, and unveil 50 blocks covering a total area of over 173,000 km^2 (Spectrum Geo 2018). The most recent roadshow was held in March 2020, intended to share that Somalia has opened its offshore exploration license round.

It is notable that the United Nations Security Council in 2018, while recognising that no successful ship hijackings were reported off the coast of Somalia since March 2017, however, took note of the ongoing threat of resurgent piracy and armed robbery at sea (United Nations 2018).

1.2 Methodology

UNEP conducted the legal and policy review in five main phases:

I. Defining the legal and policy review process
II. Introductory desk study of applicable instruments
III. Consultation processes with government and non-government stakeholders
IV. Report drafting and preparation
V. Validation and finalisation of the report

As a result of the COVID-19 pandemic and travel and mobility restrictions, UNEP carried out the review process exclusively online and conducted meetings remotely.

Following the finalisation of the terms of reference for the review, the core team for the review process was constituted. The team comprised of two appointed Government focal points from the Ministry of Petroleum and Mineral Resources (MOPMR) and the Directorate of Environment and Climate Change under the Office of the Prime Minister (DECC-OPM) and the UNEP experts. The team conducted a desk-based study to identify the relevant legal, policy and regulatory instruments and the key stakeholders for consultation. The analytical framework adopted for the review is annexed to this report.

The stakeholders included the FGS and FMS ministries and institutions, academia, non-governmental organisations, and international development actors. Identification of relevant instruments was supplemented using inputs from key institutions obtained using a checklist for identifying applicable legal, policy and regulatory instruments and provisions.

The stakeholder consultations were conducted in multiple forms to triangulate the responses:

i. **Survey Questionnaires:** Survey questionnaires were administered to individual representatives of the key MDAs. The survey posed questions to the respondents seeking their assessment of the effectiveness of the legislative, policy and regulatory framework, parallel systems of laws, the institutional framework relating to oil and gas, overall energy governance in the country, and measures relating to transparency, accountability and stakeholder engagement.

The responses to these questionnaires are not to be read as representative of the views of the institutions they represent.

ii. **Focused Group Discussions:** The FGS ministries and institutions, the FMS ministries, academia, and other relevant non-governmental stakeholder groups, including international development actors, were part of focused group discussions. The discussions focused on the approach taken by the appropriate institution in the enforcement of environmental laws and, where applicable, the institutional mandates, the governance structures within these institutions, and their institutional capacity. The discussions also addressed the status of coordination mechanisms at the federal, member state, and institutional levels. The stakeholders also discussed their perception of the issues relating to stakeholder engagement, emerging areas of concern and application of parallel legal systems. They also shared their expectations from the review process.

iii. **Bilateral Meetings:** The review team conducted bilateral meetings for further discussions when necessary or requested by stakeholders.

Furthermore, the review also included a comparative analysis of experiences in selected countries, viz., Uganda, Ghana, Mozambique, and the United Arab Emirates, to draw best practices and lessons learned which could benefit the Somali context.

In addition to their analysis of the identified instruments, the team utilised the inputs received from the checklists, surveys, focused group discussions and bilateral meetings to draft an initial report with the key conclusions and recommendations. The first draft report was submitted to the government and other stakeholders involved in the review process, for their comments and inputs in July 2021. The second draft was re-submitted for another round of consultations in August 2021. Following the incorporation of comments received, the final report has been prepared, which will be presented at a national workshop. The framework for the methodology adopted has been annexed to the report.

1.3. Constraints and Limitations of the Review

This review process is primarily a baseline assessment, designed to be focused and limited in scope. It thus provides a preliminary gaps analysis of the current environmental policy and legal frameworks in the context of oil and gas development in Somalia. The review process focused primarily on environmental governance and the technical considerations related to environmental management in the upstream oil and gas sector. Social issues of concern, which are undoubtedly of national importance and also typically addressed in environmental and social impact assessments (e.g., public health, safety, population displacement, dispute settlements, resource sharing arrangements, etc.), were purposefully not included as part of this review process, given the limited timeframe and scope of the review and constraints of conducting online consultations. Areas for further investigation are outlined in the recommendations of this report. Notably, this report includes only a very preliminary review of climate change and energy related issues from a policy and legal perspective.

For this review process, UNEP was unable to engage with Somaliland and Puntland during the consultations process. As a result, UNEP only carried out a desk-based literature review of publicly accessible legal instruments of these two FMS. The report assumes that the legal instruments in the official websites of Somaliland and Puntland contain the most updated version of such instruments. UNEP welcomes incorporating additional information should these be forthcoming from the Somaliland and Puntland Governments in the near future. Moreover, the persisting COVID-19 conditions also posed difficulties in organising consultations with the traditional elders.

Finally, several FMS legal instruments are still in their draft forms and available solely in the Somali language. The review relied on the inputs obtained during focused discussions with the FMS stakeholders to fill in information and knowledge gaps. It should be noted that these limitations also render the institutional capacity assessment undertaken at the FMS level to be non-exhaustive, especially so because it does not include inputs from Somaliland and Puntland. The list of all stakeholders consulted during the review process has also been annexed to this report.

2. ANALYSIS OF EXISTING LEGAL, POLICY AND REGULATORY PROVISIONS FOR STRENGTHENING ENVIRONMENTAL GOVERNANCE AND MANAGEMENT IN THE OIL AND GAS SECTOR

2.1. Analysis of Legislation relevant to Strengthening Environmental Governance and Management in the Oil and Gas Sector

A host state needs to regulate petroleum activities in its jurisdiction and develop strategic policies to develop its resources. This often involves specialised legislation (such as petroleum, natural gas, or hydrocarbons law), which operates with other relevant legislation such as environmental laws.

FGS has developed several legislations designed to regulate the upstream petroleum sector in Somalia. Table 1 below presents the current status of Somalia against a checklist of legislative and regulatory tools which UNEP developed to assess environmental governance in the upstream oil and gas sector based on international best practices. Similarly, Table 2 takes a broader look at the existence of legal provisions across relevant legal and regulatory instruments that can address the key areas of concern for environmental management and governance in relation to oil and gas development.

Table 1: Legislation and Regulations relevant to Strengthening Environmental Governance and Management in the Oil and Gas Sector

Relevant Laws and Regulations	Full title of legal instrument in Somalia	Year	Status	Responsible Authority
Constitutional Provisions	Provisional Constitution of the Federal Republic of Somalia	2012		Parliament
Framework Environmental Act	Environment Management Act (Draft)	2020		DECC-OPM
Framework Oil and Gas Act	Petroleum Law	2020		MOPMR
Framework on Water Resource Management	Water Law (Draft)	2020		MEWR
Framework Act on Disaster Management				
Framework on Land Use Planning			Ongoing Discussions	MPWC
Framework on Land Acquisition (including Resettlement)	Land Use Act (Draft)	2020		MPWC
Framework on Protected Areas				
Regulations on Protection of Biodiversity				
Regulations on Strategic Environmental Assessment	Environmental and Social Impact Assessment Regulations (Draft) under the draft Environment Management Act	2020		DECC-OPM
Regulations on Environmental Impact Assessment (including resettlement)	Environmental and Social Impact Assessment Regulations (Draft) under the draft Environment Management Act	2020		DECC-OPM
Regulations on Audits and Inspections				
Regulations on Water Pollution				
Regulations on Waste Management (municipal waste/solid/liquid)				
Regulations on Hazardous Waste Management				
Regulations on Petroleum Management	Baidoa Agreement of Ownership, Management and Revenue Sharing of Natural Resources (Petroleum and Minerals)	2019		MOPMR
Regulations on Chemicals Management				
Regulations on Soil Management/Pollution				
Regulations on Air Pollution				
Regulations on Carbon Dioxide Environmental Quality Standards for Soil				
Regulations on Noise Pollution/Vibrations				
Regulations on Oil Spill Management				
Regulations on Decommissioning and Abandonment of Oil and Gas infrastructure				
Regulations on Operating within Protected Areas				
Regulations on Drilling Fluids and Cuttings				
Rules on Produced Water Disposal				
Rules on Use of Radioactive Sources in the Oil Industry				
Rules on Community Consultations				
Rules on Use of Dispersants				
Rules on Disposal of Disaster Wastes/ Debris Management				
Environmental Quality Standards (EQS) for Water				EQS is to be led by DECC-OPM; Water Quality Standard by MEWR
Environmental Quality Standards for Air				
Regulations on Air Emissions, in particular, GHG/Methane Emissions				
Energy Transition Policy				
Any Relevant Xeer Applicable to Natural Resource Management			Practices differ across communities	Traditional Elders
Xeer on Access and Use of Oil and Gas Natural Resources				
Xeer on Conflict/Dispute Resolution Relating to Oil and Gas Natural Resources				

Enacted/Available Draft/In formulation Not available

Table 2: Legal Provisions relevant to addressing Key Areas of Concern for Environmental Governance and Management in the Oil and Gas Sector

Key areas of concern for environmental management and governance in relation to oil and gas development	Legal provision available to regulate the stated area of concern	Status	Responsible Authority
Opening of areas for activities, licensing/permits	Petroleum Law 2020 Petroleum Environmental Regulations 2017 of Petroleum Law 2020 Environment Management Act 2020 (Draft) Environmental and Social Impact Assessment Regulations (Draft) under the draft Environment Management Act		MOPMR DECC-OPM
The operator's responsibilities	Petroleum Law 2020 Petroleum Environmental Regulations 2017 of Petroleum Law 2020		MOPMR
General environmental principles that reduce risks associated with oil and gas development, such as precautionary principle, polluter pays, Best available techniques (BAT), etc.	Environment Management Act 2020 (Draft) Petroleum Law 2020 Petroleum Environmental Regulations 2017 of Petroleum Law 2020		DECC-OPM MOPMR
Pollution control and operator's duty to take measures to prevent, stop and remove pollution	Environment Management Act 2020 (Draft) Petroleum Law 2020 Petroleum Environmental Regulations 2017 of Petroleum Law 2020		DECC-OPM MOPMR
Environment management system (operator)	Petroleum Environmental Regulations 2017 of Petroleum Law 2020		MOPMR
Environmental sensitivity mapping		Ongoing discussions	MOHADM
Conduct of seismic surveys	Reference to IOGP guidelines in Petroleum Environmental Regulations 2017 of Petroleum Law 2020		Somalia offshore seismic acquisition 2D 2014 conducted under MOPMR
Risk assessments and risk reduction/ contingency planning	Petroleum Environmental Regulations 2017 of Petroleum Law 2020		MOPMR
Environmental assessment of chemicals	Environment Management Act 2020 (Draft)		DECC-OPM MOPMR
Use, storage, and discharge of chemicals	Environment Management Act 2020 (Draft)		DECC-OPM
Flaring and venting/GHG emissions	Reference to IOGP guidelines on Flaring and venting in the oil and gas exploration and production industry, and Petroleum industry guidelines for reporting greenhouse gas emissions in the Petroleum Environmental Regulations 2017 of Petroleum Law 2020		MOPMR
Community access to areas of operation (Local content)	Petroleum Law 2020 Petroleum Environmental Regulations 2017 of Petroleum Law 2020		MOPMR
Transportation (roads/pipelines/boats)			
Maintenance of oil and gas installations	Good Oil Field Practices on operational safety mandated under Petroleum Law 2020 Regular inspections under Environmental Management Act 2020 (Draft)		Regulations to be developed by MOPMR
Energy use and production			
Formation testing, drill stem testing			
Environmental monitoring – baseline	Petroleum Law 2020 Petroleum Environmental Regulations 2017 of Petroleum Law 2020 Reference to IOGP guidelines on Offshore Environmental Monitoring in the Oil & Gas Industry in the Petroleum Environmental Regulations 2017 of Petroleum Law 2020		MOPMR
Environmental monitoring – regular surveys	Environment Management Act 2020 (Draft) Reference to IOGP guidelines on Offshore Environmental Monitoring in the Oil & Gas Industry in the Petroleum Environmental Regulations 2017 of Petroleum Law 2020		DECC-OPM MOPMR
Environmental monitoring – after cessation	Reference to IOGP guidelines on Offshore Environmental Monitoring in the Oil & Gas Industry in the Petroleum Environmental Regulations 2017 of Petroleum Law 2020		MOPMR
Environmental monitoring – of acute pollution	Environment Management Act 2020 (Draft) Reference to IOGP guidelines on Offshore Environmental Monitoring in the Oil & Gas Industry in the Petroleum Environmental Regulations 2017 of Petroleum Law 2020		DECC-OPM MOPMR
Environmental data management and coordination of data	Environment Management Act 2020 (Draft)		DECC-OPM
Oil and gas treatment/separation/processing			
Decommissioning/abandonment	Petroleum Law 2020 Reference to IOGP's Decommissioning remediation and reclamation guidelines for onshore E and P sites in the Petroleum Environmental Regulations 2017 of Petroleum Law 2020		Regulations to be developed by MOPMR
Liability and damages/compensation	Environment Management Act 2020 (Draft) Petroleum Law 2020 Petroleum Environmental Regulations 2017 of Petroleum Law 2020		DECC-OPM MOPMR
Production sharing agreements/arrangements	Model Production Sharing Agreement 2020		MOPMR

Enacted/Available Draft/In formulation Not available

2.1.1. Current Status and Progress

The Provisional Constitution of Somalia recognises the constitutional right of every person to a healthy environment and the right to a share of its natural resources. It also places an obligation upon the state to prioritise the protection, conservation, and preservation of the environment (Federal Republic of Somalia 2012).

The FGS has enacted a number of legislation and regulations for the oil and gas sector: the Petroleum Law 2020, the Petroleum Environmental Regulations 2017, and the model Production Sharing Agreement (PSA) 2020. Several more are in the process of being drafted or awaiting passage into law. It should be noted that the Regulations were first enacted under the Petroleum Law of 2008. The Regulations clarify that it would fall under any successor legislation which achieves the same aims and objectives of regulating petroleum activities, i.e., the Petroleum Law 2020.

The DECC-OPM drafted the Environment Management Act (EMA), which has been passed by the Cabinet and is now awaiting Parliamentary approval. The Environmental and Social Impact Assessment (ESIA) Regulations have also been drafted and forwarded for Cabinet approval. The National Water Act and the Land Use Act are currently in draft forms at the Ministry of Energy and Water Resources (MEWR) and the Ministry of Public Works and Construction (MPWC). The DECC-OPM will provide environmental guidelines on land use planning. During the consultations, it was noted that Water Quality Standards (WQS) would be drafted and regulated by the MEWR, while the Environmental Quality Standards (EQS) would be drafted and regulated by the DECC-OPM.

A new Shipping Code is being formulated at the Ministry of Ports and Marine Transport (MOPMT).

The Petroleum Law that governs the oil and gas sector, when read with the model PSA, places an obligation upon the operator to follow Best International Practice and employ up-to-date techniques, practices, and methods of operation to prevent environmental damage.[1] The operator is also obligated to control waste and avoid unnecessary loss of petroleum reserves or direct or indirect damage to natural resources resulting from petroleum operations. The polluter pays principle and the duty to remediate are also embedded in the Petroleum Law and the Petroleum Environmental Regulations 2017 under the Petroleum Law. Notably, if an operator(s) violates any of the environmental protection provisions included in their respective PSA, the Somali Petroleum Authority (SPA) is empowered under the Petroleum Law to terminate such authorisation granted to the operator(s).

The Petroleum Law lays down the procedure involved in the grant of authorisations on reconnaissance, surface access permits, PSA and other agreements made in relation to such authorisation or Agreement. An application made to the SPA is required by law to include proposals dealing with safety, health, environment, including remedial measures on pollution and commitments to the benefit of the local community. Obtaining the relevant Environmental Impact Assessment (EIA) license and conducting an environmental baseline study is a prerequisite to the commencement of petroleum operations in the country.

The Petroleum Law also clearly states that any operation that affects fishing, navigation or other offshore activities will require separate authorisation from the responsible authority. An authorisation by the SPA, unless explicitly stated so, would not act as a waiver for seeking authorisation from other respective authorities.

The DECC-OPM is mandated under the draft EMA to enforce environmental protection and regulations and to formulate, apply, and implement strategies and programs to address the effects of climate change within Somalia. The draft EMA includes provisions governing the grant of emissions licenses, license for the import, export or use of products containing hazardous substances, license for manufacturing, storage and sale of hazardous chemical substances, and an EIA license. It envisions issuing a regulation that would define and regulate the procedure for the grant of licenses that comes under its ambit. Additionally, both the draft EMA and the Petroleum Law envision the imposition of environmental taxes and duties.

The draft ESIA Regulations deal with the detailed procedure to be followed in the conduct of an EIA/ESIA. The project screening criteria under the Regulations include screening for gender differential impacts that may cause significant public concern. Furthermore, in the preparation of a project brief, a proponent is required to hold at least one public consultation meeting which must necessarily involve women groups. These Regulations also envision the licensing and registration of Environmental and Social Assessment Experts. Schedule 4 of the proposed Regulations details the qualifications for ESIA experts, the code of conduct of practitioners registered under the Act, and proforma for registration as an ESIA/Audits expert in Somalia.

The proposed provisions of the draft EMA prohibits the discharge of any hazardous substance, chemical, oil or mixture containing oil into any waters or any other segments of the environment contrary to its provisions or any regulations made thereunder.[2] The DECC-OPM is mandated to implement systems of licensing for persons discharging pollutants and wastes into water bodies under the draft EMA. All owners or operators of installations or any other undertakings currently operational that discharge effluents or other pollutants into the water will be obligated to submit to the DECC-OPM, an accurate report about the quantity and quality of such effluent or other pollutants they discharge to the environment, in a timebound manner.[3]

The Petroleum Law and the model PSA place a duty upon the operator to provide for emergency clean-up operations and procedures, establish a fund for clean-up, and a duty to restore the affected areas using Good Oil Field Practices.[4] The draft ESIA Regulations also require that a project proponent include an action plan to prevent and manage possible accidents during the project cycle.

The Petroleum Law employs principles of joint and several liability, strict liability in cases of unauthorised activities, and indemnification for third party costs incurred by the government in adopting any corrective and restorative actions. Under the draft EMA, the DECC-OPM is empowered to issue environmental restoration orders against the responsible party if it deems so necessary. In case of contamination, the responsible party may be ordered to pay compensation and the cost of clean-up. The proposed ESIA Regulations require that mitigation measures listed in a project brief include estimated compensation amounts for resettlements. The Petroleum Law also envisions equitable compensation for damage to human and private assets during operations.

The Petroleum Environmental Regulations 2017 places the obligation upon the operator of petroleum operations to adhere to international standards.[5] Notably, it refers to the International Organization for Standardization Standard 14001 on Environmental Management Systems. It makes space for future amendments to the referenced international standards and guidelines. However, the national standards and guidelines would prevail if there is any inconsistency between the international and the national standards and guidelines.

The Environmental Management System and Plan to be developed by the operator under the Petroleum Environmental Regulations 2017 include an exhaustive list of processes, procedures, and organisational structures for identifying, analysing, and managing hazards and the discharge of any waste materials into the natural environment.[6]

The Petroleum Law deals with decommissioning so far as to note that authorisations will contain details on decommissioning. The authorised person is required to establish a fund for decommissioning either immediately after obtaining approval for production and operation, or once authorisation for the transportation system has been issued. This fund must be sufficient to cover all costs relating to the decommissioning. The Petroleum Environmental Regulations 2017 obligates the authorised person to include matters relating to decommissioning in the Environment Management Plan. These Regulations also refer to the International Association of Oil and Gas Producers (IOGP) Decommissioning, Remediation and Reclamation Guidelines for Onshore Exploration and Production sites (E&P Forum 1996). The model PSA under development provides further details on the establishment of a decommissioning fund.

1 Article 24.6.e of the Somali Petroleum Law 2020 read with Article 20 of the Model Production Sharing Agreement 2020.

2 Article 46 of the draft EMA deals with prohibition of discharge of hazardous substances, chemicals and materials or oil into the environment.

3 Article 27 of the draft EMA deals with the duty to supply plant information to the authority.

4 Good Oil Field Practices are not referenced against a specific international standard. It is, instead, understood under Article 36.1 of the Petroleum Law 2020 to mean "such practices and procedures employed in the petroleum industry worldwide by prudent and diligent operators under conditions and circumstances similar to those experienced in connection with the relevant aspects of the Petroleum Operation, principally aimed at guaranteeing: conservation of petroleum resources… operational safety… environmental protection". Also see, Section 2.3.1 of this report on provisions in the model PSA relating to environmental protection, governance, and management.

5 The Petroleum Environmental Regulations explicitly mentions prevention of pollution resulting from Petroleum Operations as defined in the Joint E+P Forum/UNEP's Report on Environmental Management in Oil and Gas exploration and production. See United Nations Environment Programme. (1997).

6 Article 24 of the draft EMA deals with Environmental Monitoring. The Environmental Management Plan submitted should include the procedures, practices, resources, and monitoring necessary to identify and analyse all hazards and potential hazards, maintain an inventory of such hazards and potential hazards, establish and implement a process to manage associated risks along with measures taken to prevent, manage and mitigate these hazards; compliance monitoring; verification of environmental competency of personnel working with or on behalf of the authorized person; establish and implement process to prepare for and respond to environmental incidents and emergency situations; among others.

The draft EMA proposes establishing an environmental information system by the DECC-OPM in consultation with the FMS environment ministries that promote efficiency in environmental data collection, management, and use. The draft EMA also envisions the conduct of environmental audits of all activities that are likely to have a significant environmental impact and monitoring of the operation of any industry, project, or activity with a view of determining its immediate and long-term effects on the environment, including in the oil and gas sector. The draft EMA would also grant the designated inspectors the right to enter, search property and seize documents.

To strengthen internal accountability, the Petroleum Environmental Regulations 2017 require the authorised person to develop documented policies and goals for management and improvement of environmental protection. The authorised person is also required to ensure that an individual who makes an internal report on hazards, potential hazards, near misses and incidents, is granted immunity from disciplinary action from their employer. The goals of documented policies shall include preventing environmental releases, fatalities, illnesses, and injuries and responding to incidents and emergencies.

2.1.2 Issues and Challenges

While important progress has been made to strengthen the environmental policy and legal frameworks in Somalia, several areas of concern pose challenges to environmental governance and, ultimately, environmental management in the oil and gas sector. In the Provisional Constitution, the FGS does not have sole authority over oil and gas concessions.[7] Article 44 states that the allocation of the natural resources of the Federal Republic of Somalia shall be negotiated by and agreed upon by the FGS and the FMS. (Federal Republic of Somalia 2012). Article 4 of the Petroleum Law similarly recognises petroleum as a national asset vested in both the FGS and the FMS. The FGS and FMS entered the Baidoa Agreement on Ownership, Management and Revenue Sharing of Natural Resources to affect this constitutional mandate on the allocation of natural resources.

The Petroleum Law has been developed based on the Federal Provisional Constitution of Somalia, and this provides a basis for developing consensus for decision making. It is important that consultations with all Federal Member States and other relevant stakeholders continue to ensure effective implementation of the Petroleum Law (World Bank 2018; Garowe Online 2020; Gundel 2020; Mutambo 2020; Reed 2020).

Stakeholder consultations have highlighted additional, potential gaps and challenges. For instance, the Petroleum Law and the Regulations thereunder do not address the **climate change aspects** of the sector. Moreover, MOPMT, the Ministry of Fisheries and Marine Resources (MOFMR) and the Somali Marine Resources Research Centre (SMRRC) all opine that the existing laws and regulations governing the oil and gas sector address the **protection of the marine environment** insufficiently. The draft EMA envisages the development of appropriate regulations to 'prevent, reduce and control pollution or other forms of environmental damage and protect the marine environment and coastal zone', including those that may be caused by installations and devices used in the exploration or exploitation of natural resources of the seabed and subsoil of the exclusive economic zone.[8]

The Petroleum Law imposes a broad obligation on the operator to prevent pollution of the marine environment, but also notes that regulations on the protection and restoration of the environment, the clean-up or other remedying of the effects of hydrocarbon spills, and regulations on structures, facilities and installations are yet to be developed. Negative impacts of oil extraction that are not well managed can harm other industries (such as fisheries or tourism), the environment (in marine or other biodiversity-rich areas), and local communities' livelihoods and living spaces (FAO and UNEP 2020).

The draft EMA also demonstrates the potential challenges in having **parallel procedures for the granting of licenses**. The draft Water Law 2020 of MEWR empowers the National Water Resources Management Authority to grant the mandatory permits necessary to discharge a pollutant into water resources (ground and surface waters) and recycle water residue. However, the draft EMA states that the DECC-OPM shall implement licensing systems for persons discharging pollutants and wastes into water bodies. This has the potential of creating parallel procedures for obtaining relevant permits if the proposed regulations do not clarify the exact parameters under which each of their mandates become applicable.

The **composition of the 'National Committee' referred to in the proposed ESIA Regulations** is not defined. This National Committee, along with the Director-General of the DECC-OPM, would decide on the approval for an ESIA Study license for a project. The Regulations also stipulate for the establishment of a National Committee Board as an appellate body. Neither of these terms is defined nor cross-referenced to a pre-existing national committee established under the Regulations.

Somalia has **neither a National Disaster Management Act nor a National Pollution Act**, which is critical for enabling the country to prevent, prepare for and respond to disaster events and emergencies, including those associated with oil and gas development, including oil and chemical spills and other acute pollution incidents. A Disaster Management Agency was established under Law 17 of 2016 by the Parliament.[9] The Agency was replaced by the Ministry of Humanitarian Affairs and Disaster Management (MOHADM) in 2017. A draft National Disaster Management Policy for Somalia was launched in 2020; as of April 2021, the Policy has not yet been finalised. During stakeholder consultations, it was noted that the current draft Policy makes no mention of industrial accidents but does include provisions on how to deal with transnational spillages. The MOHADM was not engaged in the development of the Petroleum Law; their inputs were, however, sought by the DECC-OPM in its consultations on the draft EMA and ESIA Regulations thereunder.

Contingency plans from acute pollution, including from major oil spills and gas leakages, spills of hazardous substances and industrial accidents, are yet to be developed. The draft EMA designates the DECC-OPM as the authority in charge of developing these contingency plans in consultation with the relevant ministries and authorities. However, consultation meetings held with various stakeholders call for further dialogue on the institutional mandates governing oil spills and other forms of acute pollution, with some referring to the role of the Maritime Police Unit under the Somalia Maritime Administration, as per MARPOL established competencies in the area of acute pollution incidents.[10]

Somalia has **no National Waste Management Policy**. In mandating the FGS to take measures to clean up and prevent the dumping of hazardous wastes, Schedule 1(D) of the Provisional Constitution lists the enactment of a law concerning the dumping of wastes as priority legislation for the country (Federal Republic of Somalia 2012). In Jubaland, the government has been facing challenges in enforcing limits on pollution and waste management on private establishments due to the lack of a formal structure to regulate these issues.

The current environmental and petroleum legal framework does not include any **regulations on venting and flaring of gases**. However, the Petroleum Environmental Regulations 2017 require the operator to provide, as a part of its Environmental Management Plan, a description of the system for venting and flaring systems of gas and a list of authorisations and reports required. In the absence of federal regulations on venting and flaring of gases, it is the model PSA that prohibits the flaring of natural gas except for short-term flaring necessary for production testing, when required for emergency or safety reasons, or with the prior authorisation of the SPA, in each case in accordance with the Act, Regulations and the Best International Practice. The model PSA further requires the submission of any request for authorisation to flare natural gas to the SPA, to include an evaluation of reasonable alternatives to flaring that have been considered along with information on the amount and quality of natural gas involved and the duration of the requested flaring.[11]

There currently exists **no national regulations on decommissioning**; the MOPMR may, however, enact regulations on the recommendation of the SPA at a later stage. Moreover, the IOGP Guidelines mentioned in the Petroleum Environmental Regulations 2017 concern onshore sites, and not offshore sites.

While the Petroleum Law and the model PSA refer to **good oil field practices, they do not provide a reference document to clarify the exact standards** being adopted by Somalia. Furthermore, where International Standards or Guidelines have been mentioned in the Petroleum Environmental Regulations 2017, there are no existing national regulations that govern these issues.

7 Article 54 of the Provisional Constitution of Somalia only vests exclusive authority over matters concerning foreign affairs, national defence, citizenship, and monetary policy to the FGS. The Article also further clarifies that in all other areas the allocation of powers and resources shall be 'negotiated' between the FGS and FMS. The Financial Governance Committee of the Federal Republic of Somalia has advised periodic review of the Baidoa Agreement to address the significant disparities in the revenue shares amongst the petroleum producing and non-producing FMS.

8 Article 79.1 under Chapter 15 of the draft EMA deals with the protection of marine resources and coastal zone.

9 The Law was passed by the Cabinet and later approved by the Parliament to establish the Somali Disaster Management Agency to take the lead in the coordination of the government response to various disasters. The Agency was later replaced by a Ministry. There is a lack of consensus in the government on how the MOHADM should implement its mandates.

10 Consultations for instance with the EUCAP Somalia and the Somalia Maritime Administration.

11 Article 40 of the Model Production Sharing Agreement prohibits the flaring of natural gas.

2.2 Analysis of Policies relevant to Strengthening Environmental Governance and Management in the Oil and Gas Sector

The policy framework relating to the environment in terms of governing the oil and gas and the energy sectors are evolving. A number of policies relevant to oil and gas management have been developed. Table 3 provides a list and the status of the policies relevant to strengthening environmental governance and management in the oil and gas sector.

2.2.1. Current Status and Progress

Somalia's National Environment Policy (NEP) 2019 identifies climate change as one of the key environmental challenges in the country. It also identifies the principles of sustainable development, precautionary principle, polluter-pays principle, legal liability in environmental redressal mechanisms, mainstreaming of environmental considerations, preventive actions, and decentralisation as the guiding principles for environmental policymaking in Somalia. The NEP requires the development of a National Petroleum Policy. The policy statements direct the FGS to ensure that laws, regulations, and policies that govern the petroleum sector are implemented in a manner consistent with the NEP. It mandates EIAs for all exploration and production activities conducted on Somalia's oil and natural gas deposits. The NEP designates the DECC-OPM as the supervisory authority on all matters relating to the environment.

Table 3: Policies relevant to Strengthening Environmental Governance and Management in the Oil and Gas Sector

Thematic Area/ Scope	Policies related to environment and oil and gas in Somalia	Year	Status	Responsible Authority
Oil Governance	National Policy and Strategy for Biofuels			
	National Energy Policy	2020		MEWR
	Somalia Petroleum Policy	2021		MOPMR
	National Energy Master Plan	2020		MEWR
	Fisheries Policy	2020		MOFMR
	Maritime Policy	2019		MOPMT
	Mineral Resources Policy	2020		MOPMR
Environment/ Biophysical	National Environment Policy	2019		DECC-OPM
	National Climate Change Policy	2020		DECC-OPM
	National Water Policy	2019		MEWR
	National Biodiversity Policy			
	National Pesticide Policy	2019		MAI
	National Wetlands Policy			
	National Forestry and Wildlife Development Policy			DECC-OPM
Others (socio-economic, etc.)	Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons	2019		National Commission for Refugees and IDPs
	Ministry of Agriculture, 2016–2020 Strategic Plan	2016		MAI
	National Tourism Policy and Implementation Strategy			
	National Social Protection Policy	2019		MLSA
	National Health Policy Declaration	2020		
	National Development Plan 9	2020		MOPIED
	National Waste Management Policy			
Disaster Management	National Policy on Disaster Management	2020		MOHADM
	Drought Impact Needs Assessment	2017		MOPIED

Adopted/Available Draft/In formulation Not available

The NEP also directs the government to set emission standards, develop capacity in hazardous waste management (including monitoring, containment, handling and clean up), and mainstream climate change into national development policies and plans. It acknowledges the significance of a potential oil pollution incident on the ecological importance of marine and coastal ecosystems of Somalia and tasks the government with building national capacity to deal with such incidents.

As previously stated, a draft National Disaster Management Policy is currently in the process of being finalised at the MOHADM. Similarly, the National Maritime Policy and the National Fisheries Policy are in their draft forms.

The DECC-OPM formulated the National Climate Change Policy (NCCP) in 2020. The NCCP seeks to enhance community awareness of coastal disasters and necessary action, strengthen technical capacity, and establish institutional capacity for disaster management, waste management, and control of harmful greenhouse gas (GHG) emissions following the polluter pays principle.

The National Petroleum Policy has also been finalised at the MOPMR. The policy preparation process started with forming the Petroleum Policy Committee (PPC), comprising of members from the MOPMR. It notes that prudent environmental, social, health and safety considerations and climate change issues should be factored in the oil and gas sector developments.

The National Mineral Resources Policy, formulated by MOPMR in 2020, places great significance on environmental protection. It emphasises the need to develop clear laws and regulations on mandatory environmental assessment reports required at various stages of the mineral exploitation process; regulations regarding minimum standards required to protect the environment; disaster management protocols and procedures; sanctions and penalties applicable in cases of non-compliance; regulations on explosives, water, waste and effluent discharge; and mine reclamation and rehabilitation. The Policy envisions the creation of a Somalia Mining Authority under the MOPMR. The 1984 Mining Code and the Regulations thereunder are the latest applicable legislation on mining.

The National Water Policy 2019 states that the Government will enable the MEWR to assess and set goals and standards for all water categories, enforce water pollution and usage regulations, and publish various water quality standards.

The National Development Plan 2020-2024 notes that for effective policy in the oil and gas sector, the developments made therein should adhere to the principles of inclusiveness, equal opportunity, transparency, accountability, and minimisation of negative environmental and social impacts. As laid out in the policy statements under the NEP, the government should enact legislation on land management, marine conservation, and waste management. Since most environmental legislation is yet to become enforceable law, implementation challenges will need to be anticipated.

2.2.2 Issues and Challenges

Based on UNEP's review of available documents and stakeholder consultations, the following are highlighted as potential areas of concern:

There is presently **no National Environmental Action Plan** (NEAP) that can provide the foundational framework for environmental governance and institutional reforms. The NEAP would help set the framework for mainstreaming environmental concerns into national development and sectoral planning through a participatory, multi-stakeholder and cross-sectoral process. Most recently, in 2021, UNEP and the Government of Somalia have undertaken the development of a National Environment Strategic and Action Plan (NESAP), which is now in its draft form. **Case Study I** share the experience of the NEAP process in Uganda (Sengendo and Musali, 1999).

Case Study I: NEAP in Uganda

A NEAP is a strategic framework within which environment and sustainable development issues are identified and prioritized. It is the basis for managing, monitoring, and evaluating a plan of action. Aside from producing a plan, the NEAP is a demand-driven process, based on local and multi-stakeholder participation, which aims to "mainstream" environment into the overall development planning process of a country. Uganda was one of the first countries in Africa to launch a NEAP in 1995.

It established the NEAP Secretariat in the Ministry of Environment to coordinate the development of NEAP. The main purpose of the NEAP was to integrate environmental concerns into the overall socio-economic development processes and further address concrete modalities for the conservation of Uganda's natural heritage. The NEAP process in Uganda contained the following four key elements:

(1) identifying problems and their underlying causes that affect social and economic development; (2) setting priorities to identify where the greatest environmental improvement can be achieved at the least cost and in the shortest time frame; (3) developing criteria for making environmental objectives realistic, achievable and compatible with the broader development objectives of Uganda; and (4) proposing policies, institutional and legal reforms and priority actions.

The NEAP process was the basis for development of several environmental policies, legislation, institutional arrangements, and an investment plan, which today forms Uganda's current environmental governance structure.

Somalia has developed its National Environmental Policy and drafted its framework Environment Act. Based on the Ugandan experience, Somalia's current National Environment Strategic and Action Plan process can support the future development of environmental policies and legal frameworks as well as their corresponding implementation structures that would enhance overall environmental governance and management in the country.

The NCCP does not deal with the significance of the oil and gas sector's **potential role in GHG emissions**. It observes that GHG emissions in Somalia are insignificant. However, if the sector begins operations, this will pose a large policy lacuna on how carbon dioxide, methane and other emissions from the industry will be affecting Somalia's climate change commitments. As mentioned previously, the Petroleum Law does not take into account the climate change effects of the sector. From a broader perspective, society as a whole (even communities that are far-removed physically from extraction sites) may be negatively impacted by GHG emissions (FAO and UNEP 2020).

It was gathered from the consultation held with MOHADM that the draft **National Disaster Management Policy does not include provisions relating to accidental spills or industrial hazards**, signalling an important gap in current policy and legal frameworks. The Policy does, however, reference spillages from other countries.

Somalia does **not have national policies on biodiversity, land use, waste management and wetlands**. Petroleum deposits may be found in marine or land locations that are biodiversity-rich or that have fragile ecosystems. Alterations in light, noise, vibrations, emissions and other pollution or activities may affect habitats, food and nutrient supplies, changes in feeding patterns of animals, breeding areas, and migration routes, all of which have knock-on effects on other species and ecosystems. In this regard, the potential impacts of petroleum activities into areas that are rich in biodiversity should be considered with regards to the short- and long-term impacts of land-use changes (FAO and UNEP 2020).

2.3 Role of the Model Production Sharing Agreement

2.3.1 Provisions relating to Environmental Protection, Governance, and Management

Ahead of the revisions to the legal framework governing the oil and gas sector in Somalia, the MOPMR conducted an oil and gas roadshow in London in February 2019, following which it published a model Production Sharing Agreement (PSA) to be used for petroleum rights negotiations (Federal Government of Somalia 2020b).

Under this model PSA, the 'Contractor', i.e., the operator/authorised person, is obligated to follow the best international practice, employ up-to-date techniques for preventing environmental damage, and avoid environmental pollution through control of waste discharges. The model PSA also emphasises the use of local expertise, goods and services, people, and businesses for the systematic development of national capacity and capabilities to enhance the Somali economy.

Other provisions relevant to environmental governance and management include the prohibition of flaring of natural gas, the obligation of the operator to rehabilitate areas that suffer environmental damage, the duty to indemnify the government for clean-up and environmental repair and restoration, and developing a Decommissioning Plan (to be part of the Development Plan) which shall include a schedule for the amortization of costs and recovery of costs, estimated to be incurred when the development is decommissioned. In addressing decommissioning, it also deals with plugging and abandonment of wells.[12]

The model PSA notes that the conduct of petroleum operators within boundaries of Protected Areas require additional approvals as prescribed by law. The draft EMA envisages the formulation of policies that would declare and manage protected areas to conserve Somalia's biodiversity.

Contractors are eligible to enter into agreements only if they have the financial capability, technical knowledge, and ability to carry out the Petroleum Operations in the Contract Area and do not have a record of non-compliance with principles of good corporate citizenship.[13]

12 Article 13.1 of the Model Production Sharing Agreement deals with issues relating to Decommissioning Costs.

13 The qualification for Contractors is listed under Article 24.2 of the Somali Petroleum Law 2020.

2.3.2 Issues and Challenges Associated with the Model PSA

The model PSA places an obligation upon the Contractor[14] to conduct a 'strategic environmental and social assessment' and submit such a report to the SPA and 'to the relevant Somali Governmental Authority being responsible at that time for the environment'. However, the model PSA states that in case of expiry of the period of thirty (30) days following submission of the report to such Governmental Authority, without such Governmental Authority either approving or refusing to grant approval, **the ESIA report shall be deemed approved**. This provision leaves open the possibility of a report being approved on grounds other than the content of its findings.

Furthermore, according to the draft EMA and ESIA Regulations, the DECC-OPM is the governmental authority mandated to grant ESIA licenses and also to oversee 'strategic environmental and social assessment' processes undertaken by the proponent of a policy, plan or programme, thus posing **potential, differing requirements with regards to roles and responsibilities in the conduct of strategic environmental assessments**.

It was noted during UNEP's review process that proper stakeholder consultations were not undertaken in the formulation of the 2020 model PSA. The DECC-OPM has raised the concern that in the absence of more detailed environmental regulations for the oil and gas sector, the model PSA would act as a substitute legislative instrument regulating the obligations of the oil companies. Furthermore, the Procurement Act 2016 also states that the FGS institution wishing to develop a concession must prepare a feasibility study and undertake public consultations (Federal Government of Somalia 2020b).[15]

From an environmental protection point of view, the disadvantage to using PSAs to address issues that require specific regulation is that different projects pursuing the same activity will be subjected to different conditions, depending on the negotiated PSAs. These agreements are entered into based on information available very early in the project planning stage and can be extremely difficult to amend later.

14 It is not common practice for a contractor to conduct a strategic environmental assessment. That is usually commissioned by a governmental entity. Proponents (who may hire contractors) usually are responsible for having an ESIA prepared. During the revision process of the model PSA the role of a Contractor vis-à-vis the conduct of an SEA could be reconsidered. Article 20.5 of the model PSA reflects this issue.

Nevertheless, the model PSA is one important avenue to ensure that the environmental and petroleum laws under Somalia's legal system are implemented and enforced. Therefore, it is important that the ongoing negotiations of the model PSA by the Federal Government include references to environmental provisions, especially those that are contained in the Petroleum Law and draft EMA, in order to ensure that any future changes in these legislation are applicable to any Agreements that may be entered into.

2.4 International Treaties, Conventions and Agreements

Somalia is party to several international and regional conventions and agreements. Tables 4 and 5 below give an overview of the implementation status of the international and regional agreements and conventions relevant to the oil and gas governance in which Somalia is a States Party. The DECC-OPM is the operational focal point for multilateral environmental agreements and funds. The Provisional Constitution provides that unless a treaty that was entered into has expired before the adoption of the Constitution or has been amended after its ratification, such treaty obligation shall be deemed to continue being in force. The Constitution does not differentiate between accession to a treaty and ratification of a treaty.

2.4.1. Current Status and Progress

Somalia has made important progress in honouring its commitments to a number of international agreements, which have relevance to environmental governance and management in the oil and gas sector.

Under its commitments to the UNFCCC, Somalia has developed its National Adaptation Programme of Action (NAPA) in June 2013, with the support of the United Nations Development Programme (UNDP) and Global Environment Facility (GEF). (Federal Republic of Somalia 2013) The NAPA provides a detailed account of climate change and the biodiversity nexus under the sectoral vulnerabilities. It identifies that extreme climate events of alternating droughts and floods cause adverse effects on biodiversity. The FGS has also adopted the "Strengthening Climate Change Adaptation Planning Programme". It advances the

15 The model PSA is not aligned with the requirements of the Procurement Act 2016. The tendering and award of concessions are governed by the Petroleum Law 2020 and the Procurement Act 2016. The Financial Governance Committee, Ministry of Finance (MOF), has noted that the 2020 model PSA released in May 2020 contained many changes from a previous model, which was developed in 2017 with support from the World Bank and the Africa Legal Support Facility (ALSP). The Financial Governance Report released in July 2020 notes that the new model PSA has not been submitted to the Inter-Ministerial Concessions Committee (IMCC) for its review, as is required under the 2016 Act.

ambition of its Nationally Determined Contributions to the Paris Agreement and helps reach the targets outlined in the Sustainable Development Goals (SDGs) (Federal Republic of Somalia 2018).

The DECC-OPM is considering drafting legal or institutional arrangements for climate change adaptation at the national level. This includes a draft Regulations on the Prohibition and Control of Ozone Depleting Substances 2020 under the draft EMA.

FGS has also prepared its Intended Nationally Determined Contributions (INDCs) (Federal Republic of Somalia 2015) in line with UNFCCC and the decision of the "Lima Call for Action" to formulate its policy, plans, and mitigation and adaptation projects intended to achieve the objectives of the INDCs (UNFCCC 2014). The updated version of the NDC notes that climate change has exacerbated gender inequality in Somalia and that the promotion of gender equality is critical for effective climate adaptation and mitigation in Somalia. It recognizes the need to build capacities of key stakeholders at all levels including decision-makers on mainstreaming gender in climate actions (Federal Republic of Somalia 2021).

Table 4: Multilateral Environmental Agreements that Somalia has Signed and/or Ratified

Multilateral Environmental Agreement	Entry into Force	Status of Ratification/ Accession	Ratification/ Accession
United Nations Framework Convention on Climate Change (UNFCCC) (1992)	Apr 2016		Apr 2016
Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol) (2005)	Oct 2010		Jul 2010
Paris Climate Accord (2016)	Nov 2016		Apr 2016
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989)	Oct 2010		Jul 2010
Convention on Biological Diversity (1993)	Sep 2009		Sep 2009
Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2003)	Oct 2010		Jul 2010
Rotterdam Convention on the Prior Informed Consent Procedure	Oct 2010		Jul 2010
Stockholm Convention on Persistent Organic Pollutants (2004)	Oct 2010		July 2010
United Nations Convention to Combat Desertification (UNCCD, 1994)	Jul 2002		Jul 2002
Montreal Protocol on Substances that Deplete the Ozone Layer (1987)	Aug 2001		Aug 2001
Vienna Convention for the Protection of the Ozone Layer (1985)	Aug 2001		Aug 2001
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Mar 1986		Dec 1985
Convention on the Conservation of Migratory Species of Wild Animals (CMS)	Feb 1986		Nov 1985
Ramsar Convention on Wetlands of International Importance	Dec 1975		NA
UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage	Dec 1975		July 2020
UN Convention on the Law of the Sea (UNCLOS)	Nov 1994		Feb 1989
International Convention for the Prevention of Pollution from Ships (MARPOL)	Oct 1983		Jan 1989
Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention)	Aug 1975		NA
Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972, revised 1996)	Mar 2006		NA
Ballast Water Management Convention	Sept 2017		NA

Ratified Not Ratified

Table 5: Regional Environmental Agreements/Protocols that Somalia has Signed and/or Ratified

Regional Environmental Agreements or Protocols	Entry into Force	Status of Ratification/ Accession	Ratification/ Accession Date
Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment	May 1988		Feb 1982
Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substance in Cases of Emergency	May 1988		Feb 1982
Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern Africa region	May 1996		Jun 1985
Protocol concerning Co-operation on Combating Marine Pollution in Cases of Emergency in the Eastern African region	May 1996		Jun 1985
Convention for the protection, Management and Development of the Marine and Coastal Environment of the Eastern Africa Region (Nairobi Convention)	May 1996		Mar 1988

Ratified Not Ratified

Somalia has also adopted its National Biodiversity Strategy Action Plan (NBSAP) in 2015. The Somalia Vision 2050 for Biodiversity envisions that by 2050 its biodiversity should be restored, conserved, and used sustainably (Federal Republic of Somalia 2019b). Somalia's NBSAP addresses the protection of migratory species and their habitats. It last submitted its National Report to the Convention on the Conservation of Migratory Species of Wild Animals in 2014 (Federal Republic of Somalia 2014). The NBSAP notes that by 2026 the areas of particular ecological importance (mainly Protected and Marine Protected Areas) will be prioritised, and at least 33% be conserved and protected. In coastal/marine resources, these include mangroves, coral reefs, sea/migratory birds, crustaceans and pelagic fish, marine turtles' nesting and feeding grounds.

The FGS formulated the National Action Programme (NAP) to Combat Desertification in 2016, which identifies priority action areas and sets out an implementation plan to reverse desertification and land degradation and mitigate the effects of drought (UNDP Somalia 2016). The Programme notes that oil and gas exploration activities onshore in Oodweyene, Somaliland, have raised critical issues with regard to the value of converting grazing land for oil and gas production. The Programme further notes that in the Dharoor valley, Puntland, conflict over water and grazing lands is also expected. The proposed NAP priorities are aligned with the United Nations Convention to Combat Desertification (UNCCD) Ten-Year Strategy and clustered into three programme areas: 1. Integrated land and water management; 2. Access and rights to communal land; and 3. Zoning and urban land use.

The Fisheries Law 2016[16] and the Fisheries Bill 2020 take Somalia's international commitments to protect the marine environment into account. The International Convention for the Prevention of Pollution from Ships 1973 and its 1978 Protocol was ratified through a 1989 law. The Convention and the Protocol thus have the force of law in Somalia. Furthermore, the Somali Maritime Law 1989 contains provisions on the prevention of maritime pollution by vessels.

The Federal Government of Somalia established the MOHADM as a separate government institution, following the adoption of the Sendai Framework for Disaster Risk Reduction in March 2015. At the 4th Arab Platform for Disaster Risk Reduction, held in 2017, Somalia has committed to integrating disaster risk reduction and management within and across all sectors (Federal Republic of Somalia 2017a).

As a signatory to the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment and its Protocol, Somalia can directly request assistance in a maritime emergency from any other contracting party. The contracting parties are also obliged to cooperate to combat pollution by oil and other harmful substances and maintain and promote contingency plans.

Similarly, the Protocol concerning Co-operation on Combating Marine Pollution in Cases of Emergency in the Eastern African region under the Nairobi Convention provides a framework for a coordinated response in major spillages of oil and other harmful substances in the convention area. It provides the contracting parties with a platform to cooperate on undertaking all necessary measures for the prevention and remediation

6 The Fisheries Law 2016 is a review of the Fisheries Law 1985

of a marine pollution incident. This includes the development of legislation and contingency plans and the exchange of relevant information. The MOPMT has received training from the Kenyan Maritime Authority as part of regional agreements and from the International Maritime Organisation (IMO) on marine pollution. Under the Nairobi Convention and the UNEP-Norway Oil for Development Programme (OfD) Partnership, UNEP has also provided a series of trainings on oil spill contingency planning and response.

The revised Somali Marine Shipping Code that is now awaiting parliamentary approval was drafted with the assistance of the IMO to encode international best practices into domestic legislation. It provides a blueprint for the adoption of relevant maritime conventions: Relevant international maritime conventions include the United Nations Convention on the Law of the Sea (UNCLOS); IMO conventions on the Safety of Life at Sea (SOLAS), prevention of pollution from ships (MARPOL); and the International Labour Organization's Maritime Labour Convention (MLC) (International Maritime Organisation 2020). Though MARPOL and SOLAS were ratified in 1989, their domestication into the national legal framework in Somalia is still awaiting parliamentary approval.[17]

2.4.2. Issues and Challenges

Somalia is limited by its current capacities to fulfil its reporting obligations under several Multilateral Environmental Agreements (MEA). While national focal points have been designated for these MEAs, human and financial resource capacity challenges have led to delays in reporting on the status of implementation and domestication into national legal frameworks. It was also noted during consultations with other international development actors working in Somalia that the country has demonstrated 'ineffective accession to international conventions without reporting' and poor 'transposition into the local legislation' where financial interests are not met. The impact of recent electoral delays was also seen as negatively affecting 'its international commitments under the frame of international agreements and conventions' Somalia has acceded to.

Somalia's initial national communication to the UNFCCC does not include any estimations on the oil and gas sector related emissions.

There is no evidence of measures taken under the Basel Convention or the Stockholm Conventions; no reports have been filed to the Secretariats. Similarly, no action has been taken under the Cartagena Protocol. No implementation report has yet been filed to the CITES Secretariat.

Somalia has not yet responded to the Rotterdam Convention Secretariat's requests to indicate the status of its consent on the import of the chemicals listed in Annex III of the Convention and adhere to the prior informed consent procedure (Rotterdam Convention Secretariat, 2021a). The Convention establishes a prior informed consent procedure to ensure that restricted hazardous chemicals are not exported to countries that do not wish to receive them. The Parties have an ongoing obligation under Article 10.2 of the Convention to submit to the Secretariat, as soon as possible and, in any event, no later than nine months after the date of dispatch of a decision guidance document, their import decision (whether a final or interim response) concerning the future import of the respective chemical/s (Rotterdam Convention Secretariat, 2021b).

Somalia has ratified the Kigali Amendment to the Montreal Protocol that establishes licensing systems for hydrofluorocarbons (HFCs) but has yet to establish such a licensing system.

Dugongs, a marine migratory species protected under the CMS Convention, that are known to undertake long-range movement through the Somali waters are not granted legal protection in Somalia. The MOFMR submitted its report on the Dugong Memorandum of Understanding Conservation and Management Plan (CMP) in 2019, noting the absence of such protection for dugongs and/or their habitats (Federal Republic of Somalia 2019a).

2.5 Federal Member State Policy and Legislative Frameworks

The policies and legislative frameworks in place in the FMS were reviewed through a desk-based review of publicly available English translations of their legislations and policies. Where no such legislation or policy exists, the consultations held with the FMS stakeholders were used to fill in the gaps and assess the status of progress of those laws and policies currently being drafted.

2.5.1. Current Status and Progress

The draft EMA states that FMS may enact their own environmental legislation. Such legislation shall be based on the NEP, other Federal Environmental Legislations and the EMA.

In **Galmudug**, the Ministry of Environment successfully developed the Environmental Management Law 2020, which is now awaiting final parliamentary approval at the state level. The draft law would further decentralise environmental governance to local functionaries. It contains provisions for the protection of the environment, prevention of pollution and mandates the conduct of EIAs. Additionally, a draft of the State Environmental Policy is in its early drafting stage, and it has not yet reached the cabinet for approval. It was noted that challenges were encountered during its drafting stages, such as inadequate technical and financial support. The Galmudug Ministry of Petroleum and Minerals is in the early stages of drafting its policies.

Hirshabelle, too, is in the early stages of developing policies at the ministerial level. The Constitutions of Galmudug and Hirshabelle reportedly contain provisions on the protection of the environment.

Jubaland has advanced further in its drafting processes; however, they have not fully been formulated yet. The state has been referring to Puntland's laws and policies for guidance on this.

In the **South-West State**, case notes have been developed for internal guidance within ministries and institutions. However, the formal process for developing policies has not been initiated. The state has noted the need for technical support from the federal government for this.

Somaliland's Strategic Plan for 2017-2021, released by its Ministry of Environment and Rural Development, notes that while steps have been taken towards improving the environmental legal and policy framework, they have been inadequate in addressing its environmental challenges, primarily because the effective implementation of environmental policies is beyond the current institutional capacities. The summary table of Somaliland's environmental laws and policies has been annexed to this report (Somaliland Ministry of Environment and Rural Development 2020).

The Somaliland Environment Management Act 2014 has provisions for environmental impact assessments, including for petroleum production in any form. Somaliland's Ministry of Energy and Minerals also has a National Energy Policy 2010, a proposed Petroleum Policy, and a proposed Upstream Petroleum Bill. One of the key upstream petroleum policies is the banning of flaring and cold ventilation of gases except for safety reasons and short test periods (Somaliland Ministry of Energy and Minerals 2020). The Ministry also notes that the provisions on health, safety and environment in an Upstream Petroleum Bill would adopt a functional approach instead of a regulatory approach.

Puntland's Ministry of Environment, Wildlife and Tourism has enacted an Environmental Policy 2014 approved by its Cabinet and Parliament; an Environmental Management Act 2016, approved by the Cabinet; EIA Act and Regulation 2016, approved by Cabinet and Parliament; Puntland Climate Change Strategy 2016; and the Ministry of Environment Wildlife and Tourism Strategic Plan 2016-2020, awaiting approval (World Bank 2020). Puntland has also developed a draft Waste Management Policy 2016. Like Somaliland, Puntland's policy too promotes the use of EIA and Strategic Environmental Assessment (SEA).

Puntland's Environment Policy addresses its policy priorities for the oil and gas sector. This includes monitoring of water quality around oil and gas operations; monitoring air emissions and gaseous wastes discharged at production platforms refineries, petrochemical, and gas processing facilities through continual air quality sampling as well as through daily visual checks for leakages; and promotion of the conservation and restoration of natural formation pressure through the elimination of gas flaring and the re-injection of produced associated gas and formation waters. The Policy also prioritises prescribing stringent regulation for oil field wastes and establishing realistic Oil Spill Contingency Plans to contain oil spillage, accidental explosion, well blowouts and fire incidents.[18]

2.5.2 Issues and Challenges

The national draft EMA states that the FMS shall not issue environmental standards, fines, and punishments less stringent than the federal government. In case of contradictions between the two sets of laws, the draft EMA establishes that the federal/national laws will prevail. However, Somaliland and Puntland have relatively more advanced legal and policy frameworks on oil and gas in place than those at the FGS level. The differential advancement of legal frameworks across FMS and at the FGS level will pose a challenge to the national harmonisation and implementation of federal environmental laws.

Pending the passage of the proposed EMA and the ESIA Regulations at the FGS level, ESIAs are not mandated under the law in most FMS. As such, the authorities are limited in their legal ability to reduce and regulate the potential negative environmental consequences of development projects.

17 In August 2021 the IMO formally gazetted that the articles of accession for MARPOL allowing for the reservations of 3,4 and 5 where excepted.

18 Section 3 of Puntland Ministry of Environment, Wildlife and Tourism's Environmental Policy 2014 lays out the FMS's policy priorities for the oil and gas sector.

2.6 Parallel Legal Systems

Somalia has a combination of Shari'ah, customary Xeer norms and statutory law. The provisional Constitution notes that after Shari'ah, the Constitution of the Federal Republic of Somalia is the country's supreme law (Federal Republic of Somalia 2012).

Xeer refers to the traditional unwritten system of laws administered through consultations among elders that deals with inter-clan rights and obligations (Ibrahim 2018). Shari'ah, on the other hand, is the set of rules and precepts taken from the Qur'an and Sunnah, and prima facie rests in the hands of the Islamic scholars. The Xeer too is highly influenced by the elders' knowledge of Shari'ah which allows room for specialised local customs. Both influence the practice and application of statutory law, which is constitutionally required to conform to Shari'ah across all Somali state entities (Pact and the American Bar Association Rule of Law Initiative, 2020).

Both Shari'ah and Xeer are used as the foundational principles guiding Somalia's constitutional law, which envisages the establishment of implementation approaches and strategic plans. Furthermore, traditional elders play a major role in the dissemination and awareness of new laws as a form of Xeer. Their contribution is vital in society's acknowledgement and adherence to the newly enacted laws. The Xeer system is applied to the use of and access to natural resources, land-use practices, and broader conflict resolution. It also determines the right to use surface water for domestic use or irrigation.

The major challenge regarding the application of Xeer and Shari'ah is that the two are not well incorporated in the statutes; yet, they have significant prevailing influence in natural resource governance issues. The Water Law, for instance, recognises the use of the currently existing water traditional laws if it does not contravene the legislation. Based on UNEP's review, Xeer does not explicitly address oil and gas governance issues but would have influence over environmental and natural resource governance issues.

During consultations, it was noted that there are ongoing discussions on how Xeer can be harmonised into statutory laws. Given the sheer diversity of Xeer practices across Somalia's various regions and communities, this effort will most likely be a long-term endeavour.

3. INSTITUTIONAL ARCHITECTURE

The FGS has several MDAs related to environmental management and governance of environmental regulation. There are also similar institutions that have been established in the FMS that are responsible for environmental regulation.

3.1 Institutional Mandates

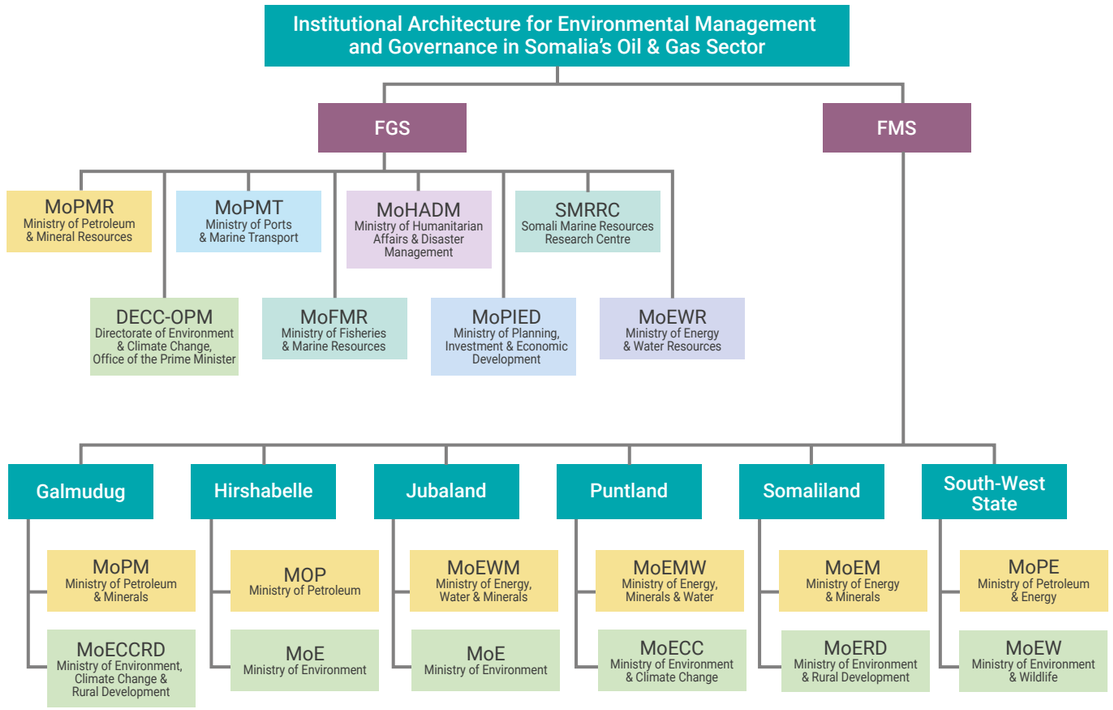
3.1.1 Current Status and Progress

As previously noted, oil exploration activities went through a period of dormancy for almost thirty years as a result of the civil war. As Somalia restarts its oil and gas related activities, the MOPMR and the DECC-OPM hold the most significant mandates. The MOPMR is the sole authority empowered to enter into negotiations and enact regulations that govern the production and exploration of petroleum in the territory of Somalia. It derives its mandate from the Petroleum Law 2020.

The SPA is the regulatory authority that is embedded within the Ministry, and the Somalia National Oil and Gas Company (SONOC) participates in petroleum operations in the country as a commercial entity controlled by the National Government. In addition to its regulatory functions, it is in charge of providing technical advice to the Ministry when required and makes recommendations towards the formulation and adoption of new regulations and policies for the sector. The MOPMR also seats the Somali Minerals Authority.

The DECC-OPM is the foremost authority on all environmental issues in Somalia, including strategic environmental assessments and environmental impact assessments. It is seated within the Office of the Prime Minister and plays the significant role of coordinating all environmental aspects of the government's work. It takes the lead in the formulation of environmental policies and laws and coordinates stakeholder consultation and partnerships with line FGS ministries and FMS environment ministries, local governments, civil society, and private sector entities. It is also the operational focal point for multilateral environmental agreements and funds. It draws its powers primarily from the NEP 2019 and the draft EMA.

Figure 2: Institutional Architecture for Environmental Management and Governance in Somalia's Oil and Gas Sector



The draft EMA designates the DECC-OPM as the responsible authority, who, in consultation with relevant authorities, is directed to establish minimum standards for emissions of noise and vibrations and minimum standards for the control of pollution of the environment by noxious smell. The law also directs the DECC-OPM to set criteria and procedures for their measurement. The draft ESIA Regulations formulated under the draft EMA also envision that the DECC-OPM would share the project brief received from the proponent with the relevant lead agency for its inputs and feedback to the report prior to DECC-OPM making its final decision on approvals and licenses. The lead agency can also refuse permission to carry out any project prior to the granting of ESIA approval through the DECC-OPM.[19] In this regard, the draft EMA recognizes the DECC-OPM to have primary oversight on environmental governance in the oil and gas sector, which corresponds with other country experiences such as UAE, Ghana, and Uganda. **Case Study II** details the institutional framework of the regulatory environment in the UAE (United Arab Emirates Ministry of Climate Change and Environment 2001; United Arab Emirates Ministry of Climate Change and Environment 2020).

The MEWR finds relevance in the oil and gas sector in relation to establishing water quality standards, as it is mandated under the National Water Policy 2019; MEWR's role would be significant in the onshore components of the petroleum production processes. The National Water Policy 2019 states that the Government will enable the MEWR to assess and set goals and standards for all water categories, enforce water pollution and usage regulations, and publish various water quality standards.

Case Study II: Institutional Framework in UAE

The Federal regulatory framework on environmental issues in the United Arab Emirates (UAE) is at three levels:

Federal Ministry of Climate Change and Environment: This is a Federal Ministry of Climate Change and Environment that manages all environmental aspects including implementing climate change policies and initiatives. Its duties and responsibilities include proposing and developing legislation, policies, plans, and strategies related to the environment; join in the relevant international treaties and conventions; propose partnership agreements with regional and global organizations in coordination with the Ministry of Foreign Affairs and International Cooperation and other concerned authorities; and represent UAE in relevant international organizations and at appropriate international events in coordination with the Ministry of Foreign Affairs and International Cooperation and other concerned bodies.

Federal Environment Agency (FEA): The federal environmental regulatory authority was created by the Federal Law No.7 of 1993 establishing the Federal Environment Authority as amended by Federal Law No.30 of 2001. It is the federal authority responsible for designing and implementing environmental principles and standards. It also regulates the assessment of environmental impact of projects, reviews EIA applications and issues environmental permits.

Local Environmental Departments: These departments are responsible for implementing the provisions of the regulation, as well as relevant local environmental legislations in each respective Emirate.

The UAE environmental structure shows that whereas the Federal Ministry of Climate Change and Environment is mandated to oversee legislative and policy development, multilateral environmental conventions/agreements, negotiations, and budgeting, the Federal Environment Agency is a regulator that is responsible for issuing EIA permits and enforcing environmental law. The FEA's function is supplemented by the local environmental departments at the emirate levels.

Somalia may consider further delineating institutional mandates/roles and responsibilities currently being carried out under just one institution: The Department of Environment and Climate Change under the Office of the Prime Minister. In Somalia, there is neither a specific Ministry responsible for Environment for policy, legislative and budgeting, nor a stand-alone environmental authority or agency which plays the role of an environmental regulator. Based on the experience from the UAE, having distinct environmental bodies which could focus on legislative and policy development and on environmental regulatory matters would not only provide clarity on its mandates vis-à-vis other federal ministries, but also help in the identification and delegation of roles within each institution, enhancing their respective technical competencies. The differentiated roles and capabilities between the Ministry and the regulatory body would put in place a more efficient and coordinated institutional framework for environmental governance and management in Somalia.

19 Article 6 and Article 9, ESIA Regulations 2020 (draft) under the Environment Management Act 2020 (draft).

The MOHADM is a more recently established institution. It has within its structure Departments for Disaster Risk Reduction and Climate Change Adaptation. The FGS formed the MOHADM as part of Somalia's priority actions under the Sendai Framework for Disaster Risk Reduction. The Ministry has set up its National Emergency Operations Centre, which will initially focus on addressing the recent droughts and floods that impact the country. However, a consensus has not yet been reached in the FGS on how the Ministry's mandate should be exercised.

The MOPMT has the legal mandate to enact regulations on marine transportation. The MOFMR and the SMRRC have, within their mandates, the protection of marine and coastal environments (Dirie and Roble 2019).[20]

The Ministry of Planning Investment and Economic Development (MOPIED) develops the National Development Plan, wherein the priorities of the government's development goals and priorities are set. They also have the mandate to monitor and coordinate the implementation of the National Development Plan across sectors and ministries.

All FMS have already established their respective ministries for the environment and ministries for petroleum, as depicted in Figure 1. However, the departmental structures and staffing within these ministries are still works-in-progress.

Table 6 below shows the results of the survey responses obtained from DECC-OPM and MOPMR personnel, both institutions that administer primary legislation relating to the oil and gas sector, on their subjective assessment of concerns relevant to the sector.

Table 6: Survey Responses from DECC-OPM and MOPMR on whether Legislation administered directly by the respective FGS Institution is regarded to be sufficient to address concerns relevant to the Oil and Gas Sector[21]

How is the legislation administered directly by your institution sufficient to address concerns relevant to the oil and gas sector? (please indicate the level of sufficiency)	**Respondent 1 DECC-OPM**	**Respondent 2 MOPMR**	**Respondent 3 MOPMR**
Ownership of Resources	Fairly Sufficient	Highly Sufficient	Fairly Sufficient
Institutional Structure of the Sector	Fairly Sufficient	Fairly Sufficient	Insufficient
Procedures for Granting Permits and Award of Licenses	Highly Sufficient	Fairly Sufficient	Fairly Sufficient
Environmental and Social Impact Assessment	Highly Sufficient	Insufficient	Insufficient
Protected Areas/Environmentally Sensitive Areas/Key Biodiversity Areas	Fairly Sufficient	Not sure	Insufficient
Local content	Highly Sufficient	Insufficient	Not sure
Land Pollution	Highly Sufficient	Insufficient	Insufficient
Water Pollution	Highly Sufficient	Insufficient	Insufficient
Air Pollution	Highly Sufficient	Insufficient	Insufficient
Chemicals Management	Highly Sufficient	Insufficient	Insufficient
Waste Management/Hazardous Waste Management	Highly Sufficient	Insufficient	Insufficient
Venting and Flaring	Fairly Sufficient	Insufficient	Not sure
Air Emissions/Air Quality	Fairly Sufficient	Insufficient	Insufficient
Disaster Preparedness and Management	Fairly Sufficient	Insufficient	Insufficient
Water Resources Management	Highly Sufficient	Insufficient	Insufficient
Health and Safety/Labour	Highly Sufficient	Insufficient	Insufficient
Natural Resource-related Dispute Resolution	Insufficient	Insufficient	Insufficient
Decommissioning	Fairly Sufficient	Insufficient	Not sure

Highly Sufficient · Fairly Sufficient · Insufficient · Not sure

20 The SMRRC has previously conducted studies on the implications of water policy on coastal pollution.

21 The data was gathered from 2 responses from MOPMR and 1 response from DECC-OPM. These responses are entirely subjective and do not represent the views of the institutions they represent.

While the survey responses are not statistically representative, indicative references may be drawn. The respondent from the DECC-OPM considers the proposed ESIA Regulations and the draft EMA to be sufficient to address concerns relevant to the oil and gas sector, except on issues relating to natural resource-related dispute resolution.

The respondents from the MOPMR, on the other hand, find the existing legislations it directly administers to be largely insufficient in addressing the environmental concerns relevant to the sector. However, they do consider the legal regime on ownership of resources and procedures for granting permits and awards to be fairly sufficient. There is no consensus between the MOPMR respondents on the sufficiency of the institutional structure envisaged for the sector under the Petroleum Laws.

Based on the survey responses received, the MOPMT, MOFMR and MOHADM also consider the legislation they administer insufficient in addressing disaster preparedness and management issues in the oil and gas sector. The MOPMT considers that the issue of protected areas is addressed fairly sufficiently. However, the MOFMR considers it to be insufficiently addressed. The MOFMR consider that the Fisheries Law has sufficient provisions addressing procedures for granting permits and licenses that may become relevant in the oil and gas sector. The MOPMT, on the other hand, finds the existing maritime law to be insufficient in this regard.

A similar question was posed to FMS level Ministries of Environment and Petroleum. Six responses were received on the survey: one each from the South-West State (Ministry of Environment) and Hirshabelle (Ministry of Petroleum), and two responses each from Galmudug and Jubaland (Ministry of Environment and the Ministry of Petroleum). Table 7 provides the results of this survey.

Table 7: Survey Responses on whether the legislation administered directly by the respective FMS Institution is regarded to be sufficient to address concerns relevant to the Oil and Gas Sector[22]

How is the legislation administered directly by your institution sufficient to address concerns relevant to the oil and gas sector (please indicate the level of sufficiency)	R1	R2	R3	R4	R5	R6
Ownership of Resources						
Institutional Structure of the Sector						
Procedures for Granting Permits and Award of Licenses						
Environmental and Social Impact Assessment						
Protected Areas/Environmentally Sensitive Areas/Key Biodiversity Areas						
Local content						
Land Pollution						
Water Pollution						
Air Pollution						
Chemicals Management						
Waste Management/Hazardous Waste Management						
Venting and Flaring						
Air Emissions/Air Quality						
Disaster Preparedness and Management						
Water Resources Management						
Health and Safety/Labour						
Natural Resource-related Dispute Resolution						
Decommissioning						

Highly Sufficient · Fairly Sufficient · Insufficient · Not sure

22 R1 Ministry of Environment, South West State; R2 Ministry of Petroleum, Hirshabelle; R3 Ministry of Environment, Galmudug; R4 Ministry of Petroleum Galmudug; R5 Ministry of Environment, Jubaland; R6 Ministry of Petroleum, Jubaland. These responses are entirely subjective and do not represent the views of the institutions they represent.

Except for one respondent from Galmudug, the other surveyed respondents stated that their respective FMS does not have any legislation specifically on environmental management/governance of the oil and gas sector in the state. The Galmudug draft Environment Management Law 2020 envisages mandatory EIAs for all plans and projects to be undertaken in the FMS and also contains provisions on the prevention of pollution and prohibition on dumping of wastes. The draft EMA entrusts the Ministry of Environment of each FMS with the mandate to implement the Act within the state. Furthermore, the FMS form part of the Somali Petroleum Authority, which is designated by the Petroleum Law to be the competent regulatory authority for petroleum operations in Somalia.

It can be observed from the above table that most respondents indicated either that the legislation administered directly by their institutions to address concerns relevant to the oil and gas sector was insufficient or that they were not sure of the sufficiency of such legislations to address these concerns. The respondent from the Hirshabelle Ministry of Petroleum ranked fair sufficiency of legislation administered by it, particularly on issues relating to ownership, permits and licensing, environmental protection, ESIAs, institutional structure, health and safety, and water resources management. However, it is notable that Hirshabelle does not yet have its own FMS legislation for the oil and gas sector. One respondent from the Galmudug Ministry of Petroleum ranked Water Resources Management issues as being addressed fairly sufficiently through its institutions.

It is notable from Tables 6 and 7 that the FGS and the FMS institutions disagree on how effectively the existing legislations address ownership of resources. Moreover, the FMS institutions surveyed do not consider the environmental protections at the FMS level to be sufficient.

3.1.2 Issues and Challenges

The passage of the draft EMA poses potential conflicts in the institutional mandates across sectoral issues in relation to environmental governance and management in the oil and gas sector. The draft EMA requires that all departments and agencies of the government exercise their regulatory authority under the laws they are mandated to implement in accordance with the decisions made by the DECC-OPM or as requested by the DECC-OPM. On the other hand, in sectoral laws relating to oil and gas, the MOPMR asserts that the regulations promulgated under its authority would take precedence over any of those passed by the DECC-OPM. Art 53 of the Petroleum Law states that any provisions of any other laws of Somalia that is in conflict with it or the Regulations made thereunder would stand null and void in so far as they relate to petroleum operations. It should be noted that the Petroleum Environmental Regulations 2017 expressly refer to the policies of the DECC-OPM as guidance for future promulgations of regulations for the petroleum sector. However, not only was the Petroleum Law passed in 2020, but it also holds higher authority than the Petroleum Environmental Regulations. It is important to ensure that legislation and regulations that govern the oil and gas sector require linkages between petroleum authorities and other competent FGS institutions (FAO and UNEP 2020). Secondary legislation and regulations that are yet to be drafted and enacted need institutional linkages set up in their frameworks to ensure effective and harmonised implementation.

As the Environment Law and ESIA regulations remain in draft status, there is currently no legally mandated procedure for conducting EIAs/ESIAs or the issuance of EIA permits. The current practice is to provide administrative approvals for major development projects. The World Bank's EIA guidelines are adopted in making these decisions. It was gathered from consultations with a national EIA practitioner that EIAs are conducted only in the projects undertaken by international organisations and international finance institutions such as the World Bank and the African Development Bank.

Given that the ESIA Regulations and the draft EMA are yet to be enacted into enforceable law, the DECC-OPM does not have strong environmental regulatory powers. As a result, regulatory planning tools such as ESIAs and SEAs are not yet being applied. Furthermore, environmental compliance monitoring, audits and inspections are not yet institutionalised as practice. **Case Study III** illustrates the ESIA practice in Uganda (Total Energies 2019; Government of Uganda 2020).

Case Study III: Case Study of Environmental and Social Impact Assessment of Practice in Uganda

The National Environment Act 1995, which was enacted following the recommendation of the NEAP, formally established the ESIA practise in Uganda. It was later replaced by the National Environment Act 2019. The National Environment Management Authority (NEMA) is the principal agency in Uganda for regulating, monitoring, supervising, and coordinating all activities relating to the environment and is mandated to review and make decisions on environmental and social impact assessments, environmental audits and other studies or reports. Within NEMA, there is a Directorate of Environment Monitoring and Compliance, which ensures effective implementation of procedures and guidelines and provides technical guidance in ESIA, carrying out environmental audits and inspections to ensure compliance with environmental standards and regulations. A Department of Oil and Gas is specifically responsible for ESIA in oil and gas issues within the Directorate.

ESIA is conducted in consultation with the lead agencies (MDAs, local government, or public officers) vested with the functions of control or management of any segment of the environment and hold the mandate to review environment assessments and environmental audits. The lead agency for the oil and gas sector, the Uganda Petroleum Authority, has to be consulted during the ESIA procedure for its opinion on the project brief, the terms of reference and the ESIA report. ESIA is conducted by a certified and registered consultant whose name and qualifications are approved by the NEMA under the Conduct and Certification of Environmental Practitioners, Regulations 2003. The public is also involved in the review process. In some cases, the technical committee, a joint cross-governmental body, on environmental assessment is involved. NEMA may also invite external experts to be involved in the review process.

One of the ESIA that has been conducted for oil and gas development is the 'Tilenga project. It refers to the development of six oil fields within Contract Area CA-1, License Area LA-2 (North) and Exploration Area EA-1A in the Albertine Graben in Western Uganda by Total Exploration & Production Uganda B.V., Tullow Uganda Operations Pty Ltd and the China National Offshore Oil Company Uganda Limited.

An ESIA was conducted to (a) identify and evaluate environmental and social risks and impacts of the project; (b) adopt a mitigation hierarchy to anticipate, avoid, or minimize, and where residual impacts remain, compensate/offset risks; (c) promote improved environmental and social performance, effective use of management systems; (d) ensure that grievances from affected communities are responded to and managed appropriately; (e) promote and provide adequate engagement with affected communities throughout the project cycle on issues that could potentially affect them; and (f) ensure that relevant environmental and social information is disclosed and disseminated. The impacts of investment projects and potential resettlements plans must be viewed from a gender lens as well to ensure that comments are drawn from the different experiences of the stakeholders with their livelihoods, the use of natural resources, and local ecologies. Separate consultation rounds with women may be necessary depending on the comfort of the women being consulted.

Both International and National ESIA experts conducted the ESIA, which included stakeholder engagement and participation from the affected persons, local leadership, cultural leaders, opinion leaders and religious leaders. The ESIA was prepared under the Ugandan laws and best international practices for undertaking ESIA, such as the International Finance Corporation Performance Standards, 2012. The Environmental and Social Management Plan proposed mitigation measures. The project proponents and the key Ugandan Regulators, i.e., the NEMA and the Ministry of Energy and Mineral Development, developed the ESIA Strategy for the project.

The Uganda experience shows that ESIA is supervised and approved by NEMA, and the lead agencies, such as the Ministry responsible for petroleum and the Petroleum Authority, provide their technical opinions. Somalia may consider establishing an Environmental Agency or Authority that is mandated to review and make decisions on all ESIAs, permitting, environmental audits and other compliance reporting requirements. Somalia may also consider having a dedicated technical team for ESIA on oil and gas issues within the Environmental Authority to ensure a high level of environmental due diligence in the sector.

The MOPMT and MOFMR both have departments that deal with the marine environment, and the MOPMR has its own department for the environment. Furthermore, an intersection of mandates between the DECC-OPM, MEWR and MOPMR could occur on regulations related to hazardous waste management and chemicals management onshore as a part of the petroleum production processes, including the issuance of permits/licenses.

The mandate for formulating regulations on offshore installations is granted to the SPA under the Petroleum Law. However, during consultations, it was noted that the new Shipping Code, when passed, would also grant a similar mandate to the MOPMT.

Though the MOHADM was established in 2017, its involvement does not currently extend to the oil and gas sector. This can also be gleaned from the limited consultations held with the MOHADM during the drafting of the Petroleum Law and Petroleum Regulations. These issues can, however, be resolved through institutional coordination and streamlining of roles.

State Directorates of Environment mandated under the proposed EMA have to be set up in each FMS. Similarly, the National Environmental Council is also yet to be set up. There is no Ministry responsible for environmental affairs, which adds to the lack of an established National Environmental Management Agency or Regulatory Authority. Case Study IV further illustrates the important role played by the Environmental Protection Agency vis a vis the Ministry of Environment in Ghana (Ghana Environmental Protection Agency 2021).

Operational Guidelines for the implementation of the draft EMA and ESIA Regulations also need to be drafted. It was noted during the consultations with DECC-OPM that the harmonisation of FMS laws with the federal laws requires further discussion on the technical aspects covered under these laws. Though the Provisional Constitution speaks of the key functions to be conducted by the FGS, functional assignment of roles for implementation of the laws being developed needs to be discussed with the FMS. The DECC-OPM informs that a large section of this process has been completed and that it aims to have a finalised division of responsibilities between FGS and FMS by 2022. Waste management and pollution control were raised as two major issues being dealt with in these discussions. This also provides a good opportunity to ensure the streamlining of roles and clarifying possible overlaps in mandates at FGS and FMS levels.

The political tensions in Somalia, particularly between the FGS and Puntland Federal Member State and the FGS and Somaliland Federal Member State, poses potential challenges in the implementation of a national environmental regulatory framework.

Case Study IV: Role of the Ministry Responsible for Environment vis-à-vis the National Environmental Agency/Authority in Ghana

Ghana has the Ministry of Environment, Science, Technology, and Innovation (MESTI). The MESTI plays an oversight, coordination, and facilitation role in the formulation of sound policies and a regulatory framework which promote sustainable environment and natural resource management.

The Environmental Protection Agency (EPA), Ghana's primary environmental regulatory agency under the MESTI, was established by the Environmental Protection Act 1994, following recommendations from the NEAP process. Its statutory functions include: advising the Minister responsible for the environment on the formulation of policies on all aspects of the environment; issuing environmental permits and pollution abatement notices; issuing notices in the form of directives, procedures or warnings to such bodies to control the volume, intensity and quality of noise in the environment; prescribing standards and guidelines relating to the pollution of air, water, land discharge of wastes and the control of toxic substances; ensuring compliance environmental impact assessment procedures; liaise and co-operate with government agencies, District Assemblies and other bodies and institutions to control pollution and, generally, protect the environment; conducting investigations into environmental issues; and coordinating with such international agencies as the Agency considers necessary.

With MESTI as the Ministry responsible for overseeing, coordination and formulation of environmental policies and legal/regulatory frameworks and the EPA as the leading environmental regulatory and enforcement agency, Ghana has established a clear structure for environmental governance. Therefore, Somalia may also consider a similar structure which divides the roles and functions between Environment Ministry and Environment Authority, as in Ghana, to strengthen environmental governance in the country.

Operational Guidelines for the implementation of the draft EMA and ESIA Regulations also need to be drafted. It was noted during the consultations with DECC-OPM that the harmonisation of FMS laws with the federal laws requires further discussion on the technical aspects covered under these laws. Though the Provisional Constitution speaks of the key functions to be conducted by the FGS, functional assignment of roles for implementation of the laws being developed needs to be discussed with the FMS. The DECC-OPM informs

that a large section of this process has been completed and that it aims to have a finalised division of responsibilities between FGS and FMS by 2022. Waste management and pollution control were raised as two major issues being dealt with in these discussions. This also provides a good opportunity to ensure the streamlining of roles and clarifying possible overlaps in mandates at FGS and FMS levels.

The political tensions in Somalia, particularly between the FGS and Puntland Federal Member State and the FGS and Somaliland Federal Member State, poses potential challenges in the implementation of a national environmental regulatory framework.

3.2 Institutional Capacity

3.2.1 Current Status and Progress

The capacities of the institutions responsible for environmental and oil and gas governance are asymmetric. Predictable development financing is necessary for improved institutional capacities.

Table 8 provides the results from surveys administered to FGS institutions. The respondents were asked to indicate their assessment of their respective institutions' capacity to ensure environmental management and governance of oil and gas and energy sectors. Responses were gathered from the DECC-OPM, MOPMR, MOPMT, MOFMR, SMRRC, MOPIED and MOHADM. A total of 8 responses were received, of which 2 were from the MOPMR*.

Among the FGS respondents surveyed, DECC-OPM and MOHADM note that their institutions do not have sufficient capacity to fulfil their **mandates** in so far as they relate to ensuring environmental management and governance in the oil and gas and energy sectors. However, respondents from MOPMR ranked this capacity as fairly or highly sufficient. MOPMT is also marked to have a high capacity in fulfilling its mandate. MOFMR and MOPIED note that they have fairly sufficient capacity to fulfil their mandate in this regard. The MOHADM notes the lack of national framework law on disaster management as a hindrance to fulfilling its institutional mandates; they noted that the states and regions are not well acquainted with the work of the Ministry. At the DECC-OPM, the insufficiency is attributed to a lack of human resources to adequately address the volume of work.

On **independence in decision-making** on environmental management and governance in the oil and gas sector, MOHADM and one respondent from MOPMR rank their respective capacities as insufficient. However, the other MOPMR respondent has ranked it as fairly sufficient. MOPIED considers its capacity to be highly sufficient on this. The other FGS institutions all indicate their capacities in this area to be fairly sufficient.

Table 8: Assessment of the capacity of the FGS institution in ensuring environmental management and governance in Oil and Gas and Energy Sectors

What is your assessment of the capacity of your institution in ensuring environmental management and governance of oil and gas and energy sectors?[23] (please indicate the level of sufficiency)	**R1**	**R2***	**R3***	**R4**	**R5**	**R6**	**R7**	**R8**
Mandate								
Independence in Decision Making								
Technical/Human Resource Capacity								
Infrastructure								
Equipment/ Vehicles								
Information Management/Data Management Systems								
Inter-institutional Coordination								
Financial								
Engagements with the Private Sector/Industry								
Engagements with Civil Society and Communities								

Highly Sufficient · Fairly Sufficient · Insufficient · Not sure

23 R1: DECC-OPM; R2: MOPMR*, R3: MOPMR*; R4: MOPMT, R5: MOFMR, R6: SMRRC, R7: MOPIED and R8: MOHADM. These responses are entirely subjective and do not represent the views of the institutions they represent.

Table 9: Assessment of the capacity of the FMS institution in ensuring environmental management and governance in oil & gas and energy sectors

What is your assessment of the capacity of your institution in ensuring environmental management and governance of oil and gas and energy sectors?[24] (please indicate the level of sufficiency)	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**
Mandate						
Independence in decision making						
Technical/Human Resource Capacity						
Infrastructure						
Equipment/Vehicles						
Information Management/Data Management Systems						
Inter-institutional Coordination						
Financial						
Engagements with the private sector/industry						
Engagements with civil society and communities						

Highly Sufficient · Fairly Sufficient · Insufficient · Not sure

Except for the SMRRC and the MOPIED, all others surveyed rank their **technical/human resources capabilities**, **financial ability**, and **engagement with the private sector/industry** to be insufficient. Similarly, with the exception of MOPIED, in the areas of **infrastructure**, **equipment/vehicles**, and **information management/data management systems**, all FGS institutions indicate that their capacities are insufficient. The Bureau of Statistics is undertaking an initiative, with assistance from UNEP, that would help establish a national data centre with the aim to consolidate and analyse all of Somalia's environmental data that could be used by decision-makers.[25]

DECC-OPM and MOHADM consider their capacity to ensure inter-institutional coordination as insufficient (Discussed further under Section 4). The two respondents from MOPMR have differing views on this, with one ranking it also to be insufficient, while the other regarding this capacity to be fairly sufficient. All other surveyed institutions consider their capacities in this area to be fairly sufficient.

Only DECC-OPM and SMRRC consider their capacity to **engage with civil societies and communities** to be fairly sufficient, while all others consider their capacities insufficient. The DECC-OPM is currently developing a National Stakeholder Engagement Strategy to strengthen civil society and private actors' engagement. While this process remains ongoing, it would be important to ensure gender considerations are met as part of this strategy, including consideration of vulnerable groups.

As part of the consultations, government stakeholders at the FGS level were also given checklists of legislation for their inputs. UNEP noted a lack of familiarity within the FGS institutions on the legal instruments they are in charge of implementing.

In addition to enacting the secondary legislations and regulations required to implement mandates, these institutions will also require support in the form of financial means and technical capacity of their staff.[26]

A similar question was posed to the FMS institutions. Table 9 shows the responses received from the 6 respondents: one each from the South-West State (Ministry of Environment) and Hirshabelle (Ministry of Petroleum), and two responses each from Galmudug and Jubaland (Ministry of Environment and the Ministry of Petroleum).

24 R1 Ministry of Environment, South West State; R2 Ministry of Petroleum, Hirshabelle; R3 Ministry of Environment, Galmudug; R4 Ministry of Petroleum Galmudug; R5 Ministry of Environment, Jubaland; R6 Ministry of Petroleum, Jubaland. These responses are entirely subjective and do not represent the views of the institutions they represent.

25 As of August 2021, discussions are ongoing between the DECC-OPM and the Bureau of Statistics on the management responsibilities of the proposed national data centre.

26 It has been noted in consultations with the EUCAP in Somalia that while the protection of environment is a clear priority in the new draft and existing legislation (such as the draft EMA, the Fisheries Law 2016 and the new draft Fisheries law being formulated), the maritime police unit, the Coast Guard and the prosecution still lack the necessary political commitments, capacity, the means, and funds to undertake implementation.

Among the FMS respondents surveyed, only South West State and Hirshabelle note that their institutions have fairly sufficient capacity to fulfil their **mandates**[27] in so far as it related to ensuring environmental management and governance of oil and gas and energy sectors, and fairly sufficient **technical and human resource capacity**. Respondents from Galmudug and Jubaland have, however, indicated these to be mostly insufficient. It should be noted that South West State and Hirshabelle too echoed the need for further technical training and capacity building for its staff during the consultations.

The respondents were equally split on the subject of their **independence in decision making** on environmental management and governance in the sector. The Ministries of Environment of South West State and Hirshabelle and the Ministry of Petroleum of Jubaland consider their capacities in this regard to be insufficient. On the other hand, the Ministries of Petroleum of Hirshabelle and Galmudug and the Ministry of Environment of Jubaland consider this capacity fairly sufficient.

The Ministries of Petroleum in Hirshabelle and Galmudug indicate their capacity for **inter-institutional coordination** in the environmental governance and management of the oil and gas sector to be fairly sufficient. All the other FMS institutions noted it to be insufficient. However, consultations with Galmudug also pointed to weak inter-institutional coordination in the oil and gas sector.

In the areas of **infrastructure**, **equipment/vehicles**, **financial capacity** and **information management/data management systems**, the FMS institutions surveyed either indicate insufficiency or are unsure of their capacities. On the subject of **engagement with the private sector/industry**, only the South West State, and on the subject of **engagement with civil society and communities**, only Hirshabelle indicated their respective capacities as fairly sufficient. The other 5 FMS institutions in each case have either assessed themselves insufficient or are unsure of their capacities.

During consultations, South West State noted that they worked with women groups, youth, traditional elders, agricultural cooperatives, and businesspersons for promoting awareness on environmental issues. Similarly, Hirshabelle works with non-governmental organisations in disaster response and management and seeks elders' assistance in resolving natural resource-related dispute resolution.

3.2.2. Issues and Challenges

As discussed above, most FGS and FMS institutions are not fully developed; they are either understaffed or inadequately staffed to address the technical needs of such institutions. Poor retention of Government staff (most of whom are hired as independent consultants) due to underfunding of institutions was also flagged as a challenge by the surveyed stakeholders. Besides understaffing, they are also poorly endowed with essential equipment, materials, and infrastructure necessary for overall environmental management and oversight inspection and monitoring. This affects mainstreaming environmental aspects in all sectors.

Most of the FGS institutions interviewed during consultations have indicated that they possess little technical capacity to review instruments such as ESIAs and resettlement actions plans. Thus far, no comprehensive ESIA studies have been submitted, and development projects are approved ad-hoc as administrative decisions. Additionally, management inefficiencies can be compounded by gaps in the technical knowledge base within institutions, including inadequate baseline data.

There are no adequate or regularized specialised training programmes on environmental management in the oil and gas sector or general training on oil and gas governance. Where respondents have indicated having attended previous training on these topics, they have referred to the training[28] delivered by UNEP under Norway's OfD Programme. MOPMT has, however, noted that they have also been trained by the IMO and Kenyan Maritime Authority on marine pollution.

At the FMS level, issues relating to the oil and gas sector are still new in the states surveyed. Most FMS institutions have also reported having a limited budget, logistics and staff to implement technical decisions. For example, while institutions have been established, Directors and Heads of Departments are yet to be appointed. The South West State has, in particular, noted the need for technical assistance from FGS for drafting state environmental legislation. The COVID-19 pandemic has also caused delays in the finalising of institutional policies in the FMS institutions that could have guided their functioning in the interim.

The non-governmental and academic stakeholders consulted note that there is a lack of accessibility to MDAs regarding issues relating to the oil and gas sector. Nonetheless, the Somali National University's Faculty of Agriculture and Environmental Sciences has noted that it was consulted in the development of the National Climate Change Policy, National Environmental Policy, draft EMA and the draft ESIA Regulations. The University also conducts lectures on EIA as a part of its curriculum. The faculty member in charge at the University has been consulted as an EIA practitioner for World Bank and African Development Bank projects; however, none of these projects pertained to the oil and gas sector.

27 In consultations, the attendees stated that South West State derives its mandate from the international conventions that Somalia is a party to and Hirshabelle noted that it derives its mandate from the Hirshabelle Constitution.

28 Foundation Course on oil and gas exploration and production and promoting sound environmental management which took place in 2020; oil spill preparedness and response trainings involving Somalia Government representatives have also been provided by UNEP and the Norwegian Coastal Administration under Norway's OfD Programme since 2017.

4. COORDINATION MECHANISMS FOR ENVIRONMENTAL MANAGEMENT AND GOVERNANCE IN SOMALIA'S OIL & GAS AND ENERGY SECTOR

Under Article 51of the Provisional Constitution, an annual conference of Executive Heads of the Federal Government and the Federal Member State governments must be regularly convened to discuss and agree on issues, including those relating to national socio-economic development. The Provisional Constitution, under Article 111F, envisions the establishment of an interstate commission by passage of a federal law that will regulate the establishment of institutions and guidelines that shall facilitate interaction between the various levels of government. It also mandates, under Article 51.3, regular cooperation between the FGS and the FMS to discuss the prevention of erosion and protection of the environment and issues related to the protection and development of traditional law (Federal Republic of Somalia 2012). The primary observation from consultations held with the FGS and FMS institutions is that there is an asymmetry in interagency coordination at both the federal and member state levels.

4.1 Interagency Coordination between FGS Institutions

Interagency coordination is important for taking coordinated decisions and cooperation. The DECC-OPM has a relatively better degree of coordination effort across line FGS ministries than the others surveyed. This may be attributable to it being located within the Office of the Prime Minister. A new coordination group on the environment under DECC-OPM has been agreed to be established as part of the new aid architecture for Somalia.

The MOPMR utilises the Oil for Development Steering Committee, under collaboration with the Government of Norway, as its main vehicle for interagency coordination at the FGS level on oil and gas matters. The Director-General of MOPMR chairs the committee. It meets monthly with its members from the MOF, MOPMT, DECC-OPM and representatives from civil society.

The MOFMR and the MOPMT have good coordination between them. They have held consultative meetings on the provisions relating to illegal fishing activities to avoid overlaps between the revised Shipping Code and the new Fisheries Bill set to be adopted in 2021, replacing the 2016 Fisheries Law. SMRRC, as a governmental centre for marine research issues, plays a consultative and evaluation role in these discussions.

The MOPIED is the institution in charge of coordination at the federal government level. As a part of its oversight role, the Ministry releases end of year reports on the status of plans and policies implemented by the FGS ministries.

The MOHADM has thus far not been involved in issues relating to the oil and gas sector. They have, however, been consulted by the DECC-OPM on the newly drafted environmental laws, policies, and regulations.

Based on consultations, the DECC-OPM was not given adequate opportunity to contribute or provide inputs in the formulation of the model PSA. This is noteworthy considering that, in the absence of more detailed environmental regulations for the oil and gas sector, the model PSA would serve as an important legal instrument regulating the obligations of the oil companies.

Though individual ministries or agencies may have good coordination with select ministries, there is no formal legally mandated inter-ministerial coordination committee that deals with environmental governance in the oil and gas sector. There is also limited communication and coordination between the various policies and legislation drafted in-house by the various sectoral ministries at the FGS level. The stakeholders also raised this lack of a national framework for sectoral coordination during the consultations. Its effects can be seen in the degree of coordination reported at the FMS level.

Case Study V provides an example of how the National Commission for Sustainable Development in Mozambique acts as a platform for coordination on environmental issues (Global Network of National Councils for Sustainable Development and Similar Bodies 2021).

Case Study V: Case Study on the role of the National Commission for Sustainable Development in Mozambique

Mozambique has a National Council for Sustainable Development (CONDES), a Cabinet's consultative body that serves as an advisory body to the Council of Ministers on environmental issues. It seeks to ensure the effective coordination and integration of sectoral policies and plans related to environmental management at the highest level. The CONDES Secretariat is mandated 'to promote dialogue on environmental issues during the preparation of sector policies on natural resources use and management and monitoring the implementation of all policies of relevance to environmental management'.

Formally established by the Environment Law 1997, CONDES promote and coordinates all sectoral efforts towards sustainable use of natural resources while promoting sustainable economic and social development. It falls under the Prime Minister's Office and is chaired by the Minister of Land, Environment and Rural Development. It is constituted by Ministers and Vice Ministers from the Ministry of Economy and Finance, the Ministry of Agriculture and Food Security, the Ministry of Transport and Communications, the Ministry of Public Works and Housing, the Ministry of Industry and Commerce, the Ministry of the Sea, Inland Waters and Fisheries, the Ministry of Mineral Resources and Energy, the Ministry of Education and Human Development, and the Ministry of State Administration and Public Administration. It also includes three individuals nominated by the Minister of Land, Environment and Rural Development, three representatives from academic institutions, and three representatives from civil society organizations and the private sector.

The specific functions of CONDES include ensuring effective coordination and integration of environmental management principles and activities in the country's sustainable development process, giving advice on the sectoral policies related to the management of natural resources and proposals for complementary legislation.

The experience of Mozambique demonstrates the value of having inter-ministerial coordination and an advisory body to the Council of Ministers on environmental issues. In the case of Somalia, its Provisional Constitution requires that meetings between the Presidents of the Federal Member States and high-ranking officials be held regularly to discuss issues that affect their territories, including protection of environment.

The draft EMA in Somalia also envisions the creation of a National Environmental Council that includes members from governmental, civil society and private sectors. The case of CONDES in Mozambique illustrates how such a Council could act as an effective tool in strengthening environmental governance in Somalia.

4.2 Coordination between FGS and FMS Institutions

The Provisional Constitution places the duty to protect the environment of Somalia on both the FGS and the FMS. It also directs the FGS and FMS governments to conduct regular meetings between the Presidents of the Federal Member States and high-ranking officials and address concerns relating to protection of the environment. The FMS are also permitted to enter non-binding agreements amongst themselves or with the FGS for better cooperation.

The SPA established under the MOPMR would coordinate on petroleum issues between the FGS and the FMS. The SPA comprises two members from the FGS and one member from each of the FMS (existing and future) and regions. It has been constituted at the federal level, and nominations are being processed from the FMS Ministries of Petroleum or their equivalent.

The draft EMA envisions creating a National Environmental Council that will act as a coordination platform for environmental concerns between the FGS and the FMS environmental ministries. This council includes representation from civil society, including local environmental NGOs, Somali Trade Unions and 'other representatives as may be necessary'. This provides an opportunity to ensure that proper gender balance is maintained in this Council. The NEP also recommends establishing two (2) tiers of environmental governance: one that requires a quarterly meeting between FGS and FMS and another that requires internal coordination within the FMS. The DECC-OPM has planned four meetings in 2021 with the FMS. It plans to include more stakeholders in future meetings. This provides yet another avenue to ensure full and active participation from civil society, including women's groups.

The DECC-OPM had planned a national conference in Mogadishu in 2020 to finalise a Memorandum of Understanding between FGS and FMS that would clarify their roles and responsibilities on environmental governance issues. This had to be postponed due to the COVID pandemic. One of the action points for this conference was to finalise the nominations of key persons from each FMS environment ministry. The DECC-OPM reports that over 80% of the decentralised environmental governance structure portfolio for Somalia has already been decided.

A notable example of effective coordination between the FGS and the FMS is the revision of the Somalia Shipping Code. The revised Shipping Code was drafted after extensive consultation with the FMS, both lexically and legally. Even in the establishment of the Somali Maritime Administration and furthering its work, informal structures and lines of communications have been put in place to keep the FMS duly updated and informed. The second review of shipping registration is also scheduled to be held in consultation with the FMS.

MOHADM has helped the FMS establish their ministries for humanitarian affairs and disaster management and has initiated steps to improve knowledge and technology transfer. The National Humanitarian Forum and Disaster Management Committees are held monthly for meetings between the Director-General, MOHADM, and the FMS line ministries. Ad-hoc meetings are also held with them when necessary.

Some FMS stakeholders noted that the FGS functionaries often do not visit the FMS enough to cultivate good coordination between the two tiers of government. They also raised the need for clear and precise information sharing on oil and gas sector issues.

The difference in how mandates have been framed at the FGS level and how they are framed at the FMS level could lead to confusion in the institutional hierarchy between the sectoral ministries. For instance, the MOPMR and MEWR are distinct entities with their separate mandates at the FGS level. However, four of the six FMS have established a single ministry that addresses both petroleum/minerals and energy matters at the FMS level. The FMS stakeholders have noted that this may confuse the institutional and reporting hierarchy on these sectoral issues.

4.3 Inter-ministerial Coordination at FMS level

The FMS are permitted under the Provisional Constitution to enter into cooperative agreements amongst themselves to address issues relating to the protection of the environment.

However, consultations with FMS institutions have revealed that there is poor inter-ministerial coordination within the FMS. In fact, some respondents noted that there was better coordination with the DECC-OPM at the FGS level than with their counterparts in other FMS and line ministries in their states.

As previously noted in Section 3, except the Ministries of Petroleum in Hirshabelle and Galmudug, the other surveyed FGS institutions have found their current capacities insufficient for inter-institutional coordination on matters related to environmental governance and management of the oil and gas sector.

MOPIED, the FGS institution in charge of monitoring the implementation of government plans and strategies, notes that one of the major challenges in implementation is poor coordination between the MDAs at the various tiers of governance.

4.4 Opportunities afforded through the parallel application of Xeer and Shari'ah

In the absence of any institutional structure during the civil war years in Somalia, the clan-based structures provided a semblance of stability in governance for the people of Somalia. The assistance of these structures will, therefore, be critical in establishing the legitimacy of newly established government institutions.

Based on the surveys and discussions, an important finding is that while federal government structures are still being set up, Somalia continues to depend on the Xeer and Shari'ah governance systems. This is especially relevant to the use of and access to resources, land-use practices, and broader conflict resolution. In fact, Xeer has been identified as the primary dispute resolution mechanism in the country. However, there is great variability in the practices of Xeer across communities and regions in Somalia.

The MOPMT has taken into account the divergence in the understanding and enforceability of statutory law and Xeer in the development and revision of the legislations implemented through them. It was noted from the consultations with the stakeholders that there would be greater acceptability for statutory law if it explicitly specified that the laws being developed were also derived from Xeer. However, Xeer and Shari'ah principles are not yet applied in oil and gas governance.

5. FUTURE ENERGY DEVELOPMENT

5.1 Climate Change issues addressed in the Legal Regime

Over the years, Somalia has experienced increasing evidence of climate change impacts, such as variation in climatic patterns, the rise in sea levels, land degradation, varying precipitation patterns, and the occurrence of extreme weather events. Such a trajectory constitutes a severe threat to Somalia's socio-economic development. The NEP 2019 directed the government to develop and implement a comprehensive NCCP.

The DECC-OPM formulated Somalia's NCCP in 2020. Resilience to climate change-related extreme weather events has been adopted as the basis for Somalia 's approach to disaster management.

The NCCP is founded on the following objectives: (i) Adaptation (including Disaster Preparedness and Response), and (ii) Mitigation. The guiding principles of NCCP are the right to sustainable development; integrated approach and prioritisation of the most common good; prioritisation of vulnerable groups, regions, and sectors; promotion of community ownership and participation; international partnership; and country-driven and cooperative government.

The NCCP envisions the promotion of research, development, adoption, and deployment of robust, gender-sensitive and sustainable green technologies; and the promotion of renewable energy and adoption of energy-efficient technologies and practices across all socio-economic sectors of the economy and the built environment. Methane recovery from landfills for electricity generation is one of the identified measures under the policy.[29]

It must be noted that while the NCCP does identify the MOPMR as a sectoral ministry of core relevance in the climate change agenda, this is not reflected in the legislation and regulations developed by the MOPMR, which do not address or make any reference to climate change issues.

With reference to GHG emissions, the policy envisions improving the management of existing waste disposal facilities to control GHG emissions; improving monitoring systems based on appropriate methodologies to account for GHG emissions in the waste sector; reducing methane from landfills through waste reduction and recycling; and developing and providing support for improved water supply and waste management systems for cities that include recycling facilities and landfills with methane recovery for electricity generation. However, the potential of GHG emissions reduction in the oil and gas sector has not been taken into account.

5.2 Institutional Readiness to Deal with Energy Transition

The Somali energy sector is one of the most underdeveloped in the region. At the same time, there is also a need to undertake a climate assessment of Somalia's potential oil and gas sector, notably assessing the long-term development of the oil and gas sector in Somalia in the context of global energy trends and Somalia's own climate commitments towards reduced GHG emissions. The existing policies and legislation of Somalia do not adequately address climate and energy transition issues in relation to the oil and gas sector. As previously noted, Somalia's initial national communication to the UNFCCC notes that emissions from the oil and gas sector have not been estimated.

The National Development Plan 2020-2024 cites that the primary sources for heat generation are sunlight, biomass, bottled kerosene, compressed liquified petroleum gas and electricity. And the primary sources for providing electricity are currently high-speed diesel generation sets (HSDGs) with limited use of grid-tied solar photovoltaic (PV) cells and very limited use of grid-tied asynchronous wind turbines.

The majority of Somalia, about 90%, rely on traditional biomass fuel, wood, and charcoal, which is rapidly decimating the country's forest resources (African Development Bank 2015). Energy access remains severely restricted. Without access to affordable energy, the vast majority of the population will continue to rely on biomass, worsening Somalia's deforestation, and land degradation. In this regard, sustainable energy development in Somalia is both a priority and a challenge.

29 Provisions relating to methane recovery can be found in sections 5.3.1 and section 5.1.7 as policy statements under the NCCP.

To gain preliminary insight into the institutional readiness of Somalia's institutions to undertake sustainable energy transition pathways, the surveys administered to the FGS and FMS institutions sought the respondents' assessment on the sufficiency of existing legislative, policy and institutional frameworks in addressing concerns in the energy sector. Table 10 shows the results of the responses received from the institutions.

Of the 8 FGS respondents, only 4 responded to these questions. The DECC-OPM has indicated low sufficiency on institutional mandate and capacity for hydro, geothermal, wind and peat energy sources. It has not responded to any of the other parameters. MOFMR and SMRRC indicate high sufficiency of institutional mandate and capacity for solar, wind, and fuelwood. While SMRRC indicates high sufficiency of institutional mandate and capacity for hydropower, MOFMR indicates fair sufficiency. However, these responses were contradicted during consultation meetings with SMRRC which indicated low sufficiency in its institutional mandate and capacity to address hydropower, geothermal, wind and peat energy sources.

Both FGS and FMS respondents have broadly marked the policies to be of low sufficiency to address these energy sources. Respondents from Galmudug assess the existing regime to be fairly sufficient in terms of mandate and institutional capacity for hydropower, solar and fuelwood.[31] One respondent from Jubaland broadly ranked the existing framework to have low sufficiency, except for policies on hydro, solar and wind energy sources. Given that this review is only conducting a very preliminary review of the energy sector, the respondents were not asked to go into further detail on this issue.

Overall, it can be observed that the responses do not provide a clear understanding of the institutional readiness for energy transition. On the one hand, the majority of the respondents who answered the query do not see a need for increased capacity in mandates or capacity to address alternate sources of energy, but they do find the existing laws and policies to be insufficient for the same. Since this survey was conducted only as an indicative exercise, there is a need for further investigation into these areas in future research.

Table 10: Assessment of any Existing Policy, Legislative and Institutional Framework in addressing concerns in the Energy Sector

Energy Source	Area of Assessment	Respondents[30] 1	2	3	4	5	6	7	8	9	10	11	12	13	14
Hydro	Policy														
	Legislation														
	Institutional Mandate & Capacity														
Solar	Policy														
	Legislation														
	Institutional Mandate & Capacity														
Fuel Wood & Charcoal	Policy														
	Legislation														
	Institutional Mandate & Capacity														
Biomass	Policy														
	Legislation														
	Institutional Mandate & Capacity														
Geothermal	Policy														
	Legislation														
	Institutional Mandate & Capacity														
Wind	Policy														
	Legislation														
	Institutional Mandate & Capacity														
Peat	Policy														
	Legislation														
	Institutional Mandate & Capacity														

High Sufficiency · Fairly Sufficiency · Low Sufficiency · No Response

30 R1: DECC-OPM; R2: MOPMR, R3: MOPMR; R4: MOPMT, R5: MOFMR, R6: SMRRC, R7: MOPIED; R8: MOHADM; R9: Ministry of Environment, South West State; R10: Ministry of Petroleum, Hirshabelle; R11: Ministry of Environment, Galmudug; R12: Ministry of Petroleum Galmudug; R13: Ministry of Environment, Jubaland; R14: Ministry of Petroleum, Jubaland. These responses are entirely subjective and do not represent the views of the institutions they represent.

31 In follow up discussions with Galmudug's Ministry of Environment it was noted that the Ministry does not have a specific department for the energy sector, except for a department of natural resource management. Therefore, the capacity to deal with the energy sector or even other mandated activities are understood to be hindered by inadequate of legislations and technical, staff and financial resources.

6. CONCLUSIONS

Significant progress in Somalia has been made with regards to the establishment of key policy, legal and regulatory frameworks needed to support environmental governance and management in the emerging oil and gas sector. While many are still nascent, government institutions, systems and processes are also emerging. However, several challenges have been highlighted. These challenges are discussed to inform future efforts towards strengthening environmental governance and institutional capacity development.

6.1 Policy, Legal and Regulatory Framework

6.1.1 Enforceability and Implementation

The framework environmental legislation and regulations, viz., the EMA and the ESIA Regulations, are yet to be adopted into enforceable law. Though the DECC-OPM is identified as the primary environmental authority under the NEP, it does not currently hold a statutory mandate for its regulatory role.

Moreover, the draft EMA and the proposed ESIA Regulations were drafted without a NEAP in place, which is instrumental in mainstreaming environmental concerns into national planning and development across key sectors. UNEP is supporting the Government of Somalia to undertake and develop a National Environment and Strategic Action Plan process, which will provide a strategic framework for identifying and prioritizing environmental issues in development planning.

Somalia is Party to 16 relevant international treaties and/or MEAs. It has prepared its INDC and developed the NBSAP and NAPA. The DECC-OPM is the primary operational focal point for these MEAs, but there are delays in the implementation of these commitments, including on national reporting. On the other hand, several key MEAs have not been signed, such as the Ramsar Convention, the London Convention, and the Convention on Ballast Water.

6.1.2 Gaps in Laws and Regulations

Sector-specific regulations required for an effective and strong regulatory framework that would protect environmental considerations in the conduct of petroleum operations are still missing in Somalia.

For instance, no regulations have been drafted on health and safety, abandonment and decommissioning of wells, flaring and venting of gases, hazardous waste management, chemicals management. The Petroleum Law that provides for future enactment of such regulations does not ask for mandatory enactment but instead states that the MOPMR may draft the regulations upon recommendation from the SPA. The Petroleum Law deals with decommissioning only in so far as to note that authorizations granted would contain details on the decommissioning and the requirement for the establishment of a fund that would be sufficient to cover all associated costs.

The Petroleum Environmental Regulations of 2017 refer to various international standards and guidelines applicable to petroleum operations in Somalia; however, the corresponding national standards and guidelines have not yet been enacted. As most international standards and guidelines are not legally enforceable, national regulations will be necessary to make them binding.

Climate change issues and the long-term viability of the oil and gas sector in the context of climate commitments have not been addressed in the Petroleum Law and Regulations. The NCCP, too, does not adequately address the potential significance of the oil and gas sector regarding methane emissions and other GHGs. However, the National Petroleum Policy does acknowledge the need to factor in climate change issues in petroleum sector developments. The goals of these national policies are yet to be reflected in the implementing legislations by the relevant authorities.

Somalia does not have a National Disaster Management Act which can address acute pollution incidents, including oil and chemical spills. The draft National Disaster Management Policy does not address industrial accidents and accidental discharges that may occur during disasters. This is of significance as Somalia is a country that has high piracy (Kabukuru 2012) and falls within the moderate Tsunami risk zone (Global Facility for Disaster Reduction and Recovery 2020). The MOHADM has not been actively involved in the oil and gas sector thus far. On the other hand, the DECC-OPM has been given primary responsibility for developing a National Oil Spill Contingency Plan, which has not been initiated.

There is a need for DECC-OPM to agree with the MEWR to streamline institutional mandates in the role of issuing licenses relating to discharge of pollutants and wastes streams into water bodies to avoid duplication of effort and unnecessary institutional conflict caused by the law.

Waste management policies and legislation is another gap in the current legal framework of the country. Despite it being a priority identified directly in the Provisional Constitution, the efforts to develop a draft Waste Management Policy is yet to be initiated. The lack of a formal legal framework has posed challenges in enforcing measures against private entities' improper waste disposal and pollution.

6.1.3 Model PSA

The model PSA is one important avenue to ensure that the environmental protection measures pertaining to the oil and gas sector are implemented and enforced. It is currently undergoing revisions in consultation with the relevant FGS institutions and authorities.

6.1.4 FMS Laws and Policies

While Somaliland and Puntland have relatively more advanced legal frameworks in place, the other FMS are still in the process of drafting their state laws and policies. There is a distinct asymmetry in progress even among the remaining four member states, with Galmudug slightly ahead of the others in the drafting process.

Somaliland and Puntland have more detailed technical regulations on emissions and venting and flaring of gases than the ones currently in existence at the FGS level. In this regard, ensuring that other FMS continue to develop and elaborate on their environmental governance frameworks in line with efforts at the FGS level is a clear priority. The FMS stakeholders have also noted the need for technical assistance in legislative drafting.

6.1.5 Parallel Legal Systems

Shari'ah is constitutionally recognized as the supreme law governing Somalia. The parallel legal systems in Somalia were fundamental in the existence of some form of governance during the civil war years. As such, these clan-based structures and customary practices still hold great sway with the local communities. Xeer structures and their functionaries can be used to grant legitimacy to these statutory laws and build the legitimacy of the institutional architecture, specifically in natural resource management and conflict/dispute resolution, which is pertinent for oil and gas development.

6.2 Institutional Architecture

6.2.1 Institutional Mandates

While the draft EMA remains pending, there is presently no legislated Federal Ministry of Environment to play an oversight, coordination and facilitating role in the formulation of environmental policies and legal/regulatory frameworks. Further, there is no National Environmental Management Agency or Authority to undertake environmental regulatory and enforcement functions. This poses coordination challenges and mandate overlaps with other institutions; for instance, environmental matters are tasked to different federal ministries. To illustrate these potential challenges, MOMPR, MOPMT and MOFMR, all have established environment departments within their respective Ministries.

One of the major challenges is the lack of clarity on the limits of the MOPMR's mandate when it comes to environmental governance within the oil and gas sector. The MOPMR contends that all issues pertaining to petroleum should fall under its purview. The DECC-OPM, on the other hand, asserts its ultimate authority on all environmental matters across sectoral themes. The passage of the draft EMA and ESIA Regulations are crucial to providing the DECC-OPM with its regulatory powers.

Another consequence of the delay in passing the draft EMA and corresponding regulations is the lack of clarity on the ESIA processes applicable to the oil and gas sector. While detailed ESIA Regulations have been drafted, they are still under consideration at the Cabinet-level. The MOPMR also has the mandate under the applicable laws to regulate the issuance of EIAs for oil and gas projects. The same is also the case with regulations relating to pollution arising out of petroleum operations. During the consultations, both the MOPMR and the DECC-OPM, acknowledged the need for better coordination on environmental considerations arising out of the oil and gas sector, but they each also asserted that they remain the primary authority on environmental issues in the oil and gas sector. These competing mandates are reflected in both the Petroleum Law and the draft EMA.

The draft EMA grants the DECC-OPM the power to grant licenses and permits such as the emissions licenses, licenses for the import, export or use of products containing hazardous substances, licenses for manufacturing, storage and sale of hazardous chemical substances, and EIA licenses. It envisions the drafting of regulation by the DECC-OPM that would address the modalities for application and issuance of such permits and licenses. However, the National Committee referred to in the ESIA Regulations has not been clearly defined, and the constitution of its members has not been identified.

There are multiple ongoing in-house legislative drafting processes at various entities at FGS level, most of which also address environmental issues. The consultations for these, when held, are mostly held independent of the others. In moving forward, it is necessary to achieve real Somali ownership of environmental processes through active stakeholder exercises and participatory decision-making to ensure sustainable progress and development of environmental protection and management in the oil and gas sector. These consultative exercises provide avenues to include gender considerations through the involvement of women's groups and by ensuring a gender balanced quorum, wherever possible.

6.2.2 Institutional Capacity

One of the key findings from the consultation exercises was that there is a lack of familiarity within the institutions with the legal instruments that they are mandated to implement.

Both FGS and FMS institutions have noted poor institutional capacity in terms of human resources, skills and expertise, technology, and budgetary resources. Since most of the government's work is dependent on international aid money, this has also resulted in poor institutional retention of staff and capacity building.

The training obtained by the governmental institutions on oil and gas has thus far been mostly focused on FGS institutions. The lack of expertise and specialists and the limited understanding of the issues of environmental management and oil and gas governance can pose a severe threat. This implies that projects for private companies could be approved without due consideration of critical aspects of environmental management such as pollution and waste management.

There is no organized environmental data and information system to support planning and decision making. An initiative to establish a national environmental data centre for the consolidation and analysis of Somalia's environmental data is being undertaken by the Bureau of Statistics and UNEP.

There is also currently a lack of enforcement practice. Insufficient funding for environmental monitoring and inspection or for environmental law enforcement could endanger the effectiveness of environmental governance and regulation.

Courses on ESIA and environmental governance is taught at universities; however, these courses do not specifically relate to the oil and gas sector.

Further research is necessary to review in detail the institutional readiness in country with regards to climate and energy transition issues vis-a-vis legal, regulatory and policy instruments, institutional mandates, and capacities. This was beyond the current scope of the report.

6.3 Coordination Mechanisms

6.3.1 Amongst FGS Institutions

DECC-OPM, MOPMR and MOHADM comprise significant environmental governance and management ministries in the oil and gas sector. However, they do not have sufficient inter-institutional coordination. The uncoordinated functions and mandates of the various MDAs do not permit effective environmental enforcement and compliance. Environmental compliance monitoring, site inspections and audits would generally require joint cooperation between DECC-OPM and MOPMR. It is important, therefore, to ensure that institutional linkages are clearly identified in any secondary legislation and regulation governing the sector. The Provisional Constitution calls for the passage of a federal law that would establish institutions and associated guidelines to facilitate interaction between the different tiers of government in Somalia.

There is no formally mandated federal inter-ministerial coordination committee that deals with environmental governance in general and with the oil and gas sector in particular. The OfD Steering Committee doubles as a national coordination platform on petroleum for the FGS; however, MOFMR and MOHADM are currently not members of this committee, although they deal with pertinent issues related to oil and gas activities. This Steering Committee remains an informal mechanism and has not been formally established through legislation.

6.3.2 Between FGS and FMS Institutions

The Petroleum Law and the draft EMA envision coordination mechanisms between the FGS institutions and their respective FMS Ministries. The SPA established under the Petroleum Law and the National Environmental Council to be constituted under the draft EMA includes both members from the FGS institution and FMS ministries.

There is a lack of clarity in institutional hierarchy vis-a-vis the FGS among those FMS which have a single ministry for both Energy and Petroleum/Minerals. FMS stakeholders noted that there was occasional confusion on the reporting hierarchy with the MOPMR and the MEWR.

The process to finalise the division of roles and responsibilities on environmental governance between the FGS and the FMS in the country is underway at the DECC-OPM. MOHADM, MOPMT and MOFMR also hold meetings with their respective FMS institutions regularly. These processes are not necessarily embedded formally into the institutional functioning of these institutions.

The inter-ministerial coordination at the FMS level is reportedly poor. The MOPIED, the FGS institution in charge of the annual report on the implementation of national plans, policies, and strategies has found poor coordination between the MDAs, both at the FGS level and amongst the FMS, as a major reason for implementation challenges in the country. NGOs surveyed also noted that in their experience, the level of engagement with and their accessibility to governments at both the FGS and FMS levels was poor.

Improved governance is essential for strengthening trust in government institutions; political disagreements between the FGS and FMS imperil the chances of this. The lack of trust and coordination between the governmental institutions at both levels may cost the nascent institutions their legitimacy.

7. RECOMMENDATIONS

7.1 Policy, Legal and Regulatory Framework

The draft EMA and the ESIA regulations should be reviewed to ensure that all possibility of conflicts or overlaps in mandates with other existing laws and regulations are adequately addressed, viz., the Petroleum Law and Petroleum Environmental Regulations. At the same time, the Petroleum Law and Petroleum Environmental Regulations should be reviewed to ensure that all possibility of conflicts or overlaps in mandates with other relevant laws and regulations are adequately addressed, viz., the EMA and ESIA Regulations, which are in the process of being adopted. The aim should be to ensure that there are no contradictions and conflicts between these governing laws.

The NESAP being developed with UNEP should be supported and endorsed. It will form the basis of environmental policy, legal and institutional reforms. Developing action plans are highly recommended as they are an end product of high stakeholder participation, which encourages ownership of the Plan across all relevant sectors.

The MOPMR should review gaps in its current regulations relating to petroleum operations and work towards addressing health and safety, abandonment and decommissioning of wells, flaring and venting of gases, oil spill management, produced water disposal, the use of dispersants, the use of radioactive sources in the oil industry, and the use of drilling fluids and cuttings in petroleum operations.

MOPMR and DECC-OPM should ensure that regulations on the conduct of petroleum operations within protected areas, chemicals management, environmental quality standards for water and air, and regulations on air emissions, particularly GHG/CH4 emissions, are put in place and operationalised before the commencement of any petroleum operations.

Though the NEP does not explicitly identify possible emissions from the oil and gas sector, sector-specific emission standards for flaring of carbon dioxide and methane, among other GHG emissions, should also be set. These could be taken into account as the DECC-OPM continues to develop Somalia's climate change governance frameworks, including under its Nationally Determined Contributions and corresponding climate mitigation and adaptation strategies. In addition, there needs to be greater national policy alignment across Somalia's climate, energy and oil and gas policies, laws and regulations which meet the country's climate commitments and Sustainable Development Goals.

The rules on the disposal of disaster wastes and debris management must also be established by MOHADM, along with MOPMR, DECC-OPM and MOPMT. Any National Disaster Management Policy or legislation developed must consider the possibility of acute pollution incidents, including oil and chemicals spills.

A national waste management policy for hazardous and municipal waste should be developed to address the various waste streams generated in petroleum operations. These should also include provisions on hazardous waste management and/or treatment facilities.

The model PSA should ensure that future changes in Petroleum Law and Draft Environmental Management Act shall apply to the Agreements entered into. Ongoing consultations, including with relevant Federal Government Ministries and Federal Member States, should continue to be encouraged.

Somalia may also consider accession to the Ramsar Convention, the London Convention, and the Convention on Ballast Water as a step towards strengthening environmental governance and management, especially in the context of the oil and gas sector, and take strategic actions to implement those that have been ratified.

The existing governance structure in Xeer can be used as a vehicle for awareness generation in the communities to strengthen the legitimacy of laws relating to environmental governance and management that are of particular relevance to the oil and gas sector.

7.2 Institutional Architecture

Before developing further regulations, the DECC-OPM and the MOPMR must reach a consensus on their respective mandates on environmental governance and management in the oil and gas sector. This includes clarifying their institutions' roles in the conduct of SEAs, EIAs, issuing of permits and licenses, and drafting environmental regulations applicable to the oil and gas sector. The draft EMA envisages the formulation of a regulation that would detail the procedure and process for the DECC-OPM for issuing the licenses and permits. This regulation can be used as a vehicle to provide clarity on its mandates. Where there is duplication, delegation may be made to the institution with existing technical competencies.

Consideration should be made to transition the DECC-OPM into a full-fledged National Environment Ministry. A National Environmental Management Agency or Authority should further be established to perform the regulatory roles given to the DECC-OPM under the draft EMA. Having a National Environment Ministry and an Environmental Regulatory Authority would support long-term efforts to strengthen environmental governance and management, including establishing environmental standards and ensuring effective implementation of procedures and guidelines, including in the area of ESIAs and SEAs, environmental permitting, and compliance monitoring. This proposed Environmental Regulatory Authority should have sufficient staffing, expertise, funding, and authority to drive the development and enforcement of national environmental policies and legislation. Currently, the DECC-OPM is overburdened, both with developing and coordinating a national environmental framework and acting as the operational focal point for multiple MEAs. Regulatory planning tools such as ESIAs and SEAs are also not yet being applied due to DECC-OPM limited regulatory power. This is of particular significance as SEAs should be conducted prior to initiating oil-drilling activities to determine the potential environmental impacts of programmes, policies and plans in the oil and gas sector. Adopting this recommendation would also provide the DECC-OPM with greater resources and the ability to provide the FMS with the support they need.

The overlapping mandates in the marine space on offshore installations and marine pollution can be best managed efficiently through an effective integrated coordination mechanism for the marine and coastal space. The consultative mandate of the SMRRC can be leveraged in achieving this. Similarly, all regulations emanating from the various line ministries should have their basis in the national framework of environmental laws and policies adopted by the DECC-OPM.

The FGS institutions should be provided with more opportunities to develop their technical expertise and capacities in environmental management and governance in the oil and gas sector. The assistance of academic and training institutions in this regard would be beneficial to FGS and FMS institutions. More training opportunities also need to reach the FMS level, where there is a noted absence of adequate technical outreach and training. Gender balanced representation should also be a priority in the selection of personnel who will be provided further trainings.

Regional pilot projects for environmental management in the oil and gas sector can also be established, which can be used to help develop improved environmental assessment, environmental management, and appropriate legislation for the FMS.

There is a need to recruit staff for the implementing institutions to ensure sustained environmental governance and management. For this, adequate financial resources should be allocated to ensure effective management in their capacity to enforce the regulatory frameworks.

While the remit of this review is not focused on social considerations, it is also recommended that any future development of guidelines, such as the National Stakeholder Engagement Strategy, should seek to strengthen the existing provisions on stakeholder consultations to ensure that civil society groups, including local environmental NGOs and women's groups, are consulted in the stakeholder engagement processes. In the absence of gender and participatory skills among the ESIA and SEA consultants, gender specialists and gender-sensitive NGO representatives should be on hand to steward the process together with the women to enable them to feel secure and welcome when they voice their concerns and opinions.

Since this report includes only a very preliminary review of climate change and energy transition issues from a policy and legal perspective, it is recommended that future research be planned on these issues, in particular assessing how Somalia's oil and gas sector can address climate issues (e.g. emissions) and the long-term development of oil and gas in the context of Somalia's climate commitments and global energy transition trends.

7.3 Coordination Mechanisms

The enactment of a National Administrative Act would help provide structural stability and visibility to the coordination mechanisms and clarity on the distribution and delegation of powers and functions at the various tiers of governance. Such a framework would be highly beneficial to the newly created FMS in Somalia. In the formulation of such coordination mechanisms and institutional structures, gender representations should be given due consideration.

The OfD Steering Committee should be formalised into a national platform for inter-ministerial coordination platform for oil and gas issues and expanded to include all relevant line ministries, including the MOFMR and the MOHADM. This can act as a converging platform for members of the SPA and the National Environmental Council to coordinate their activities on issues concerning environmental governance/management in the oil and gas sector. The FMS will benefit from a single coordination mechanism for all environmental governance and management issues in the oil and gas sector. The coordination should include teaching and research institutions such as SMRRC to develop capacity in areas such as prevention of coastal and marine pollution. In addition, the coordination system should include the Bureau of Statistics to provide information and analysis of climate and environmental data.

The possibility of overlapping mandates should be avoided through a clear division of regulatory functions that acknowledge and cross-reference relevant regulations already in force. A national legislative drafting coordination platform with thematic sub-committees would help ensure that cross-cutting themes involve all line ministries.

Establishing a national platform or colloquium for the legislative drafting of overarching themes such as environment and disaster risk reduction could prove beneficial. Any such regulation should clearly include provisions that clarify its status vis-à-vis existing cross-sectoral laws and regulations. Similarly, all regulations emanating from the various line ministries should have their basis in the national framework environmental laws and policies adopted by the DECC-OPM.

The year-end status reporting mechanism of the MOPIED could also be leveraged to keep track of all new regulatory developments across development sectors; this annual report could act as a documentary tool that will help ease the ongoing harmonization process in Somalia.

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ANNEXES

Annex 1: Analytical Framework

Environmental Management and Governance in the Oil and Gas/Energy Sector

I.
Existing Legal Provisions (FGS & FMS) relating to the above in all relevant legal instruments

II.
Institutional Architecture and Coordination Mechanisms

III.
Analysis on Strengthening Environmental Management & Governance in Existing Mechanisms

1. Legal Instruments:

A. Shari'ah Principles
- Natural Resource Management principles

B. Secular Law
- Constitutional Law
- Statutes/Laws/Acts
- Regulations
- Policies
- Plans
- Guidelines
- Agreements

C. Xeer/Customary Law
- Core/general practices as it relates to natural resource management

2.1 Institutional Mandates
A. Policies/Guidelines
B. Key environmental issues covered
C. Overlapping mandates
D. Complementarities

2.2 Institutional Capacity
A. Leadership and commitment
B. Human resources
C. Technical capability
D. Budgetary resources
E. Institutional readiness for energy transition to renewables, including policies

2.3 Coordination Mechanisms
A. Interagency coordination at FGS level
B. Interagency coordination at FMS level
C. Existing mechanisms between FGS and FMS institutions/agencies
D. Stakeholder Engagement and Grievance Redressal

3 Analysis
- Identify strengths, gaps, and weakness in existing provisions
- Identify implementation gaps and potential challenges
- Implementation challenges across all three legal regimes
- Comparative case studies of other legal and regulatory systems to determine best practices
- Future potential for energy development sectors

Final Report
Main findings • Conclusions • Recommendations

Annex 2: Framework for Methodology

	Define LPR Process	Introductory Desk Study	Consultation Process	Report Preparation	Validation & Finalization
OBJECTIVE	Launch of the review process	Identification of research areas & key stakeholders	Seek input & guidance from stakeholders on the review	Research and drafting of findings, conclusions & recommendations	Discussion and refinement of recommendations & finalization of report
ACTIVITIES	Draft the Terms of Reference	Preliminary literature review	Hold first National Consultation Workshop	Research on legal & policy instruments of, FGS, FMS, & Selected Countries	Incorporation of stakeholders' comments in final report
	Identification of experts	Identification of legal and policy instruments	Develop tailored questionnaires for different stakeholders	Draft preliminary findings	
	Identification of national focal points	Identification of relevant stakeholders	Conduct interviews & focused group discussions	Draft report with key conclusions and recommendations	
DELIVERABLES	Finalised TOR	Develop checklist for legal and policy instruments	Inputs from stakeholders through the collection of survey inputs, checklists, & focused group discussions	Obtain comments and inputs on the first draft from the government and other stakeholders	Presentation of the final report, conclusions and recommendations
	Constituting of the core legal and policy review team	Initial analysis of the strengths & challenges			Hold a national workshop to present the final report, conclusions and recommendations

Annex 3: Review of Key Policy, Legal and Regulatory Instruments of the Federal Government of Somalia

OVERARCHING INSTRUMENTS

Policies/Legislation: **Provisional Constitution 2012**

Strengths

- Guarantees every person the right to a healthy environment and the right to share the natural resources whilst being protected from excessive and damaging exploitation of these natural resources (Art. 25).
- Provides that the allocation of the natural resources, including hydrocarbons of the Federal Republic of Somalia, shall be negotiated and agreed upon by the Federal Government and the Federal Member States in accordance with this Constitution (Art. 44).
- FGS to give priority to the protection, conservation, and preservation of the environment against anything that may cause harm to natural biodiversity and the ecosystem.
- FGS & FMS required to take urgent measures to clean up hazardous waste dumped on the land or in the waters of the Federal Republic of Somalia.
- FGS & FMS are required to enact legislation and adopt urgent necessary measures to prevent the future dumping of waste in breach of international law and the sovereignty of the Federal Republic of Somalia.
- FGS & FMS required to take necessary measures to obtain compensation from those responsible for any dumping of waste, whether they are in the Federal Republic of Somalia or elsewhere, to reverse desertification, deforestation and environmental degradation, and to conserve the environment and prevent activities that damage the natural resources and the environment of the nation.
- FGS in consultation with FMS to adopt general environmental policies for the Federal Republic of Somalia (Art. 45).
- The Federal Government and the governments of the Federal Member States affected by environmental damage shall:
- Guarantees every person the right to a healthy environment and the right to share the natural resources whilst being protected from excessive and damaging exploitation of these natural resources (Art. 25).
- Provides that the allocation of the natural resources, including hydrocarbons of the Federal Republic of Somalia, shall be negotiated and agreed upon by the Federal Government and the Federal Member States in accordance with this Constitution (Art. 44).
- FGS to give priority to the protection, conservation, and preservation of the environment against anything that may cause harm to natural biodiversity and the ecosystem.
- FGS & FMS required to take urgent measures to clean up hazardous waste dumped on the land or in the waters of the Federal Republic of Somalia.
- FGS & FMS are required to enact legislation and adopt urgent necessary measures to prevent the future dumping of waste in breach of international law and the sovereignty of the Federal Republic of Somalia.
- FGS & FMS required to take necessary measures to obtain compensation from those responsible for any dumping of waste, whether they are in the Federal Republic of Somalia or elsewhere, to reverse desertification, deforestation and environmental degradation, and to conserve the environment and prevent activities that damage the natural resources and the environment of the nation.
- FGS in consultation with FMS to adopt general environmental policies for the Federal Republic of Somalia (Art. 45).
- The Federal Government and the governments of the Federal Member States affected by environmental damage shall:
  - (a) Take urgent measures to clean up hazardous waste dumped on the land or in the waters of the Federal Republic of Somalia;
  - (b) Enact legislation and adopt urgent necessary measures to prevent the future dumping of waste in breach of international law and the sovereignty of the Federal Republic of Somalia;
  - (c) Take necessary measures to obtain compensation from those responsible for any dumping of waste, whether they are in the Federal Republic of Somalia or elsewhere;
  - (d) Take necessary measures to reverse desertification, deforestation and environmental degradation, and to conserve the environment and prevent activities that damage the natural resources and the environment of the nation (Art. 45(3)
- FGS and FMS to ensure that meetings between the Presidents of the Federal Member States and high-ranking officials be held regularly to discuss issues that affect their territories, including water sources, forestry and prevention of erosion and the protection of the environment (Art. 52).

Gaps, Weaknesses, and Threats

The status of the natural resource management between FGS & FMS is not well defined.

Recommendations

The current Constitutional Review process potentially provides an opportunity to address any persisting issues on natural resource management between the FGS and the FMS.

Policies/Legislation: **National Development Plan 2020–2024 & Vision 2030**

Strengths

- Sets out an obligation to environmental sustainability and improvement as a basis of promoting wellbeing and quality of life to its citizens.
- Effective policy in the petroleum sector is underpinned by five basic principles:
  - Integrated in the country's strategic vision of its overall economic and social development in the medium and long term;
  - Promote technical and commercial efficiency across the petroleum value chain;
  - Policies and the resulting regulatory, fiscal, and institutional frameworks should be transparent;
  - Petroleum sector development should adhere to the principles of inclusiveness, equal opportunity, transparency, accountability, and minimization of negative environmental and social impacts;
  - Policies should allow market forces to signal supply, demand, and pricing information to investors and consumers.

Gaps, Weaknesses, and Threats

Strategies and plans not yet implemented.

The strategic priorities included by the government in the NDP for the petroleum sector do not include addressing environmental governance and/or management concerns related to the sector.

Recommendations

Develop guidelines for implementation of the strategies.

Policies/Legislation: **Somalia National Climate Change Policy, 2020**

Strengths

- Regarding marine resources, it seeks to enhance community awareness on coastal disasters and necessary action: plantation and regeneration of mangroves for the purpose of buffering coastal communities from storm surges and coastal erosion.
- On disaster management it seeks to improve technical capacity and facilities for rapid response to disasters and disaster management.
- On waste management it seeks to improve waste management and control harmful emissions following the Polluter Pays Principle.

Gaps, Weaknesses, and Threats

As per the NCCP, GHG emissions in Somalia are insignificant. While reference is made to GHG emissions, including CH4, the significance of the petroleum sector in this has not been dealt with. Therefore, once the sector begins operation, this leaves a large policy lacuna in how CO2, CH4 and other emissions from the industry will be affecting Somalia's climate change efforts.

Recommendations

Design the implementation framework for the Policy.

Increase the visibility of climate change effects in and of the petroleum sector.

OIL GOVERNANCE

Policies/Legislation: Somalia National Petroleum Policy 2021

Strengths

- One of the strategies of the Policy is to ensure that prudent environmental, social, and health and safety considerations, as well as issues of climate change, are factored into petroleum sector developments.
- Principle 2 of the Policy states that activities to explore for, and if exploration results are successful, develop and produce petroleum in Somalia must not unduly adversely affect the Somali environment (air, water, land, flora, and fauna).
- The policy preparation process started with the formation of the Petroleum Policy Committee (PPC) comprising of members from the Ministry of Petroleum and Mineral Resources (MOPMR).

Gaps, Weaknesses, and Threats

Environmental, social, and health and safety guidelines/ regulations have not been developed.

Recommendations

Develop guidelines and regulations on Health, Safety and Environment for petroleum operations.

Policies/Legislation: National Mineral Resources Policy 2020

Strengths

- Following the adoption of the Policy, a review of the 1984 Code shall be undertaken to develop a legislative regime that adheres to the requirements of a modern, safe, investor-friendly and progressive mining industry in order to attract greater participation by international investors.
- The Policy seeks to ensure that mining activities shall be conducted in a manner which complies with national and international environmental laws, manages the impact to the environment, and ensures the health and safety of all those working in or close to the mining operation sites.
- The FGS intends to enact clear laws and regulations to protect the environment, including matters such as:
  - Mandatory environmental assessment reports required at various stages of the mineral exploitation process;
  - Regulations regarding minimum standards required to protect the environment;
  - Disaster management protocols and procedures;
  - Sanctions and penalties applicable in cases of non-compliance;
  - Explosives;
  - Water, waste, and effluent discharge;
  - Mine reclamation and rehabilitation.
- FGS shall establish an authority known as the Somalia Mining Authority ("SMA"), to regulate mining operations.
- The Policy includes monitoring and compliance through issuance of authorisations for the conduct of mining operations.

Gaps, Weaknesses, and Threats

There is no updated draft Mining Act. The latest applicable legislation is the 1984 Mining Code and Regulations.

Recommendations

Draft an updated Mining Act that covers requirements for ESIA, minimum standards required to protect the environment, and disaster management protocols and procedures.

Authorisations granted should include provisions on environmental quality standards to be adhered to.

Policies/Legislation: Petroleum Law 2020

Strengths

- The Petroleum Law is a national asset which belongs to all the people of Somalia and shall be vested in FRS and FMS, in trust for the people of Somalia (Art. 4).
- FRS is the proprietor of its natural resources both onshore and offshore (Art. 5).
- Petroleum income is to be shared between FGS and FMS with agreement of ownership on management and sharing of country's petroleum and minerals (Art. 6).
- Petroleum resources will be jointly managed by the FGS & FMS and the Natural Resources Council is the highest Council with the mandate to analyse and resolve natural resources matters (Art. 7). This council has been established.
- Petroleum companies with licenses are required to protect the environment and safety of humans and natural resources in the areas of operations and in accordance with national laws and international treaties on the environment (Art. 11).
- The MOPMR and SPA are mandated to ensure that Petroleum is developed in a way that minimizes damage to the natural environment, is economically sustainable, contributes to the long-term development of Somalia, and is in adherence with Good Oil Field Practices (Art. 17).
- The law includes provisions on the procedure to be followed for application of authorisations and includes a requirement for proposals on local content, health, safety, and welfare, and proposals for protection of the environment and the prevention, minimization, and remediation of environmental pollution or harm caused by petroleum operations while applying for authorisation (Art. 26).
- Environmental duties are imposed on authorised persons conducting petroleum operations to prevent environmental damage, the escape of petroleum into the environment through uncontrolled flows or discharges, and to prevent pollution and waste-to-land structures, freshwater resources, aquifers, crops, marine and animal life, avoid of waste of petroleum (Art. 28).
- The MOPMR is required to enact regulations to clearly define the obligations of an Authorised person, including those relating to air, water, and noise pollution (Art. 28(2)).
- Art. 28(1) places an obligation on the authorised person to conduct an environmental baseline study and an EIA. It also places the duty upon the operator to provide for emergency clean-up operations and procedures, establish a fund for clean-up, and for the restoration of affected areas using Good Oil Field Practices.
- Any operations that affect fishing, navigation, or other offshore activities will require separate authorisation from the responsible authority under Art. 30(2). An authorisation, unless explicitly stated so, is not a waiver for seeking authorisation from other respective authorities.
- Art. 36 requires that the work practices employed in the conduct of petroleum activities follow Good Oil Field Practices principally guaranteeing conservation of petroleum resources, operational safety, and environmental protection.
- Art. 37 deals with decommissioning and notes that authorisations should themselves contain provisions on decommissioning of petroleum operations. The law envisions the drafting of regulations on decommissioning at a later stage, if deemed necessary by the SPA. The provision further requires the authorised person to establish a fund for decommissioning either immediately after obtaining approval for production and operation, or once authorisation for the transportation system has been issued. The fund should cover all costs relating to the decommission.
- The Ministry of Petroleum & Mineral Resources is mandated to make regulations relating to: health and safety, protection and restoration of the environment; clean-up and other remedying of effects of escape of petroleum, abandonment and decommissioning; and resource management and compliance reporting by operators, among other things (Art. 45).
- The law includes provisions for indemnification of the Government, Ministry and SPA from all third-party claims, and mandates that the authorised person be insured for strict liability claims (Art. 41).
- The law states that when making regulations, the Government will minimize prescriptive provisions in favour of results-based or performance-based provisions and will follow international standards to the extent possible. (Art. 46)
- A special law will be made to address penalties for offences identified in the Petroleum Law (Art. 4).

Gaps, Weaknesses, and Threats

In the list of required provisions of PSA Art. 24(6), while referring broadly to mandatory inclusion of provisions relating to the protection and preservation of the environment in PSAs, the law does not include any reference to contingency and response measures.

The SPA is termed an 'inclusive authority' for regulation of petroleum operations under the jurisdiction of MOPMR in Art. 19. Though Art. 18 grants the MOPMR the mandate to make decisions on strategies, plans and policies, as well as issuing of regulations upon recommendation from the SPA, the regulatory actions are placed under the functions of the SPA. Furthermore, Art. 21 clarifies the role of the Ministry re the SPA by stating that the Ministry may provide general policy guidance in connection with the performance of SPA's functions under the law, but the Ministry is not empowered to intervene in any specific issue nor matter brought before the SPA. Why then is the SPA an inclusive regulatory authority under the Ministry? Is there room for an interpretation here that more regulatory authorities may be set up in the future?

Puntland believes the Petroleum Law breaches Article 44 of the 2012 Constitution, which declares that the principles of federalism rather than centralism should be the key principle of governance.

The Regulations to implement the provisions on Health, Safety and Environment & Waste Management have not been drafted.

There is no reference to climate change in the entirety of the Law.

Recommendations

Review Art. 6 to address the concern of Puntland. The RSA is subject to periodic review and the issue could be revisited during such a review. Furthermore, the ongoing Constitutional Review process also provides an opportunity to address any FMS concerns.

Draft regulations on health, safety & environment, and waste management, among others as listed under the law:

1. Graticulation;
2. Exploration, Development and Production of Petroleum;
3. Use and Disclosure of Data, Information, Records and Reports;
4. Measurement and Sale or Disposal of Petroleum;
5. Health and Safety;
6. Protection and Restoration of the Environment;
7. Resource Management;
8. Structures, Facilities and Installations;
9. Clean-up or other Remedying of effects of escape of Petroleum
10. Abandonment and decommissioning;
11. Control of Movement into, within and out of Somalia, of persons, vessels, aircraft, vehicles and any other man-made platforms and structures;
12. Auditing and Reporting on Occupational Health and Safety, and Environmental Protection.

In the revision of the Mining Code, consider implications of any future mining operations in an area that has been exclusively licensed under a PSA to an operator for petroleum operations. Harmonize future mining laws and regulations with Art. 15(2) to avoid conflicting provisions.

While developing sector-oriented regulations on the environment, the drafting process should be harmonized with the existing environmental laws and bills. Any such regulation should clearly include non-obstante clauses that clarify its status vis-à-vis existing cross-sectoral laws and regulations. To this end, establishing a national platform or colloquium for drafting for overarching themes such as environment and disaster risk reduction could prove beneficial; the draft EMA has proposed the establishment of a National Environmental Council. This is of significance as Art. 53 of the Petroleum Law states clearly that any provisions of any other laws of Somalia that are in conflict with the law or Regulations made thereunder would stand null and void in so far as they relate to petroleum operations.

Policies/Legislation: **Petroleum Environmental Regulations 2017**

Strengths

- Relates to Petroleum operations within and outside of Somalia where a petroleum deposit extends beyond the Continental Shelf and within the Exclusive Economic Zone of the Federal Republic of Somalia: Reg 2(b).
- Cross-references and mandates that effect be given to environmental principles prescribed by the DECC and any other relevant legislation to applicable to Petroleum Operations (Reg. 3).
- The Regulations make space for future amendments referenced to international standards and guidelines, while establishing supersedence of regulations in the event of inconsistency but only to the extent of such consistency (Reg. 5).
- Empowers an Authorised Person undertaking Petroleum Operations take necessary measures to ensure that Petroleum Operations are conducted in a safe and secure manner (Reg. 7.2(a)).
- The authorised person is required to establish and implement effective and safe systems on:
  - Pollution control and any waste materials;
  - Air quality management and control;
  - Fire prevention in natural environments;
  - Noise management and control;
  - Blasting, vibration and shock management and control;
  - Water management and pollution control;
  - Disposal of waste material;
  - Soil pollution and erosion control;
  - Discharge of drill cuttings and associated drill fluids;
  - Management of residue stockpiles and;
  - Leaks and spills (Reg 7.2(b)).
- The Regulations explicitly mention prevention of pollution resulting from Petroleum Operations as defined in the Joint E+P Forum/UNEP's Environmental Management in Oil and Gas exploration and production (Reg. 7.3) (*will include amendments made to this body of work when read with Reg. 5*).
- Conduct of EIA is a mandatory requirement for conduct of Petroleum Operations. It references the IFC Performance Standard 1 Assessment and Management of Environmental and Social Risks and Impacts 2012 and the Achieng Ogola Environmental Impact Assessment General Procedures 2007 (Reg. 8.)
- The regulations place strict liability on an authorised person for pollution damage caused by or resulting from petroleum operations except in cases of a third party's wilful involvement not caused by negligence on the part of the authorised person. The liability can be joint and several where applicable. The authorised person is also responsible for instituting remedial measures; where such measures are not taken in a time bound manner, the SPA may engage a third party and the authorised person shall be liable for all related costs (Reg. 9).
- Where pollution damage occurs as a result of Petroleum Operations conducted without proper authorisation, the person who conducted the operations and any other person who took part in the Petroleum Operations and who knew or should have known that the activity was conducted without proper authorisation are strictly liable for the damage (Reg 9.2).
- Where there are several permit holders, a claim for compensation for pollution damage shall initially be made against the Authorised Person. In the event that one of the authorised persons fail to pay their share of compensation, the same can be redeemed from the other authorised persons apportioned to their participating interest. The Regulation also makes provisions for force majeure events that result in pollution damage, the assessment in which case shall be undertaken by the Ministry upon advice of the SPA (Reg. 10).
- An authorised person is required to comply with ISO standard 14001 (Environmental Management Systems); ISO standard 9000 (Quality Management); and IOGP guidelines for oil and gas, viz.,
  - Environmental management in oil and gas exploration and production 1997;
  - Offshore Environmental Monitoring in the Oil and Gas Industry 2012;
  - Incident Management Systems (IMS) 2014;
  - Overview of Marine Seismic Operations 2011;
  - Environmental-Social-Health Risk and Impact Management Process 2007;
  - Oil Spill Response Training 2014;
  - Oil Spill Waste Minimization Management 2014;
  - Contingency Planning for Oil Spills on Water 2015;
  - Dispersants Surface Applications 2015;
  - Oil Spills: Inland response 2015;
  - Environmental fate and effects of ocean discharge of drill cuttings and associated drilling fluids 2016;
  - Flaring and venting in the oil and gas exploration and production industry 2000;
  - Preparing Effective Flare Management Plans 2011;
  - Petroleum industry guidelines for reporting greenhouse gas emissions 2011;
  - Guidelines for waste management – with special focus on areas with limited infrastructure 2008;
  - Decommissioning remediation and reclamation guidelines for onshore E and P sites 1996;
  - Guidelines for produced water injection 2000.

In addition to these, the authorised person is also required to ensure that the operations conform to the Development Plan, Management System, and other plans and programs developed and implemented by them under these regulations. The SPA can order amendments to any plan or programme developed if it is deemed necessary for reasons of public interest or for the environment (Reg. 11).

- The general requirements on Management Systems apply to all petroleum operations and to plans and programs required under all permits issued by the SPA and the Environmental Management Plan required under the Regulations (Reg. 11).
- The Regulations envisage the designation of an accountable officer who will be in charge of fulfilling the obligations of the authorised person vis-à-vis the SPA (Reg. 12).
- To strengthen internal accountability, the Regulations also require the authorised person to develop documented policies and goals for management and improvement of environmental protection, while also ensuring that such policies will grant immunity to a person making an internal report on hazards, potential hazards, near misses, and incidents, from disciplinary action from such person's employer. The goals of documented policies shall include the prevention of environmental releases, fatalities, illnesses, and injuries, and for the response to incidents and emergency situations (Reg. 13).
- The Regulations detail processes, procedures, organization structures and elements required in the Management System. This includes the direction to establish and implement a process to identify and analyse all hazards and potential hazards, maintaining an inventory of such hazards and potential hazards, establishing and implementing a process to manage associated risks along with measures taken to prevent, manage, and mitigate these hazards; compliance monitoring; verification of environmental competency of personnel working with or on behalf of the authorised person; establishment and implementation processes to prepare for and respond to environmental incidents and emergency situations; among others (Reg. 14-15).
- Lists elements required in the Environmental Management Plan, includes:
  - Decommissioning;
  - The procedures, practices, resources, and monitoring necessary to manage environmental hazards;
  - Clear description of organizational and command structure at facilities;
  - Procedure for the selection, evaluation, and use of chemical substances;
  - Description of all discharge streams and their limits, including for any waste material;
  - Description of systems to handle and dispose of produced water through reinjection or treatment;
  - Compliance monitoring systems;
  - Description of systems for venting and flaring systems of gas and a list of authorisations and reports required;
  - The authorised person is also required to adhere to the IOGP general guidelines and their subsequent approved revisions (Reg. 16).
- An authorised person is also required to ensure that copies of their Management System, Health and Safety Management Plan, EMP and related documentation are readily available at every field office where petroleum operations are conducted (Reg. 18).

Gaps, Weaknesses, and Threats

There is no framework to implement the regulations.

Lack of regulations on authorisations and reports required vis-à-vis venting and flaring, despite the regulations requiring the same under the EMP.

Recommendations

Additional detailed regulations need to be enacted to give effect and clarity to requirements under provisions relating to the EMP and the Management System, such as the reports and authorisations applicable to venting and flaring of gases.

National regulations can be drafted to given make the international standards and guidelines listed in the Regulations legally binding in the conduct of petroleum operations.

Policies/Legislation: **Model Production Sharing Agreement 2020**

Strengths

- Section 20 deals with environment provisions under Somali law and also places the obligation on the operator to follow Best International Practice, employ up-to-date techniques, practices, and methods of operation for the prevention of environmental damage, the control of waste, and the avoidance of unnecessary loss of, or damage to, natural resources; act to avoid environmental damage in the Contract Area and adjoining or neighbouring lands and marine areas (directly or indirectly) caused by the Petroleum Operations.
- The Contractor shall employ Somali citizens residing in Somalia in the Petroleum Operations where they have similar or equivalent skills and qualifications as foreign nationals and the Contractor shall advertise such employment positions locally; to this end a Training Fund has been envisioned under the PSA; a provision mandating preference for Somali Goods and Services has been included as well.
- The Contractor shall (and shall ensure that its sub-contractors shall) develop a technology transfer programme to promote the transfer of technology and skills created for or in connection to the Petroleum Operations to Somali employees that are Somali citizens residing in Somalia and to the Federal Government officials; the technology transfer programme shall be aimed at building and developing in Somalia with specialised technical, managemental, and professional skills relevant to the Petroleum Operations and any necessary facilities requisite for the advancement of technical skills in the Petroleum Operations.
- Operator has to rehabilitate, at its own cost, all areas that suffer environmental damage as a result of the Petroleum Operations;
- If the Contractor does not act promptly so as to control, clean up, or repair any damage to the environment, human beings, livestock, wildlife, or marine life resulting from the performance of the Petroleum Operations, the SPA may, after giving the Contractor reasonable notice under the circumstances, take any corrective actions or measures that are necessary in accordance with the Best International Practice. The direct, actual, reasonable, and documented costs and expenses of such actions shall be borne entirely by the Contractor, and shall not be (in whole or in part) treated as and included in the Petroleum Costs and shall be promptly paid to the Federal Government.
- Decommissioning Plan, to be part of the Development Plan, shall include a schedule for the amortization of costs and recovery of costs, estimated to be incurred when the Development is Decommissioned. Section 13 deals in detail on plugging, abandonment, and decommissioning.

Gaps, Weaknesses, and Threats

Clarification required on 'governing law' and status of Somali courts within the Agreement, with reference to Art. 12, Art. 22, and Art.47.

The phrasing of Art. 20.5 allows room for approval on Strategic Environmental and Social Assessment Report by default if decision on this is not made within 30 days.

The best practice is for the SESA to be conducted by responsible government authority and not a 'Contractor'.

Recommendations

The model PSA should be reviewed as recommended by the Financial Governance Committee to ensure that the interests of Somalia are well represented in any negotiations with petroleum companies. Furthermore, the model PSA should reflect the provisions of the draft EIIT Law, thus fulfilling its commitment to the IMF.

GENERAL ENVIRONMENT

Policies/Legislation: **National Environment Policy 2019**

Strengths

- The Policy identifies climate change as one of the key environmental challenges in Somalia. It also includes absence of an environmental regulatory framework, and air pollution through urban/energy emissions.
- The goal of the National Environment Policy is to improve and enhance the health and quality of life of the Somali people and promote sustainable development through sound management of the country's natural resources. Objectives of the Policy include conservation of natural resources, strengthening of environmental governance through sustainable management of resources, strong institutions, and factoring in costs and benefits of NRM into planning and implementation of projects, and multi-stakeholder partnerships.
- The principles of sustainable development, precautionary principle, polluter-pays principle, legal liability in environmental redressal mechanisms, mainstreaming of environmental considerations, preventive actions, and decentralization are identified as the guiding principles for environmental policy-making in Somalia.
- The Policy statement for Energy Resources includes:
  - Ensuring that the NPP, Petroleum Law of 2019, and other laws related to the sector are implemented in a manner consistent with the National Environment Policy.
  - Develop a National Petroleum Policy.
  - Ensure that international oil companies engaged in exploration or exploitation of the oil and natural gas deposits of Somalia be subjected to EIA.
- The Policy statement for the Mining Sector includes subjecting all major projects to EIA prior to their commencement.
- The Policy directs the government to set emission standards, develop capacity in hazardous waste management (including monitoring, containment, handling, and clean up), and mainstream climate change into national development policies and plans.
- The government is also tasked with preparation and enactment of national environmental standards for air quality.
- The Policy acknowledges the significance of a potential oil pollution incident on the ecological importance of marine and coastal ecosystems of Somalia and tasks the government with building national capacity to deal with such incidents.
- The NEP is to be updated every 4 years, i.e., the next revision is due in 2023.
- The DECC is designated as the supervisor on all matters relating to environment as it is a multi-sectoral undertaking.

Gaps, Weaknesses, and Threats

Draft ESIA have been drafted but have not yet been implemented; as a result of this, International Oil Companies are not yet subjected to ESIA regulations in Somalia.

Most environmental legislations are yet to become enforceable law, and therefore implementation challenges will need to be anticipated.

Recommendations

Implement ESIA framework to oil and gas operations.

Given that the Petroleum Regulations 2017 expressly refer to the policies of the DECC as guidance for future promulgations of regulations for the Petroleum sector, such regulations should ensure to adhere to the guiding principles identified in the NEP, notably the emphasis it places on preventive action instead of restoration of degraded environment. More prescriptive regulations may need to be drafted to ensure implementation and enforcement of these principles.

Creation of a common platform or colloquium (such as the National Environment Council for environmental matters to be established under the draft EMA) to ensure harmonious revision/drafting of state laws, which has been identified as a specific action point in the NEP. A broader regularized platform of the same nature can also help translate the mainstreaming of environmental concerns in cross-sectoral ministries of the FGS into implementable action.

Though the NEP does not explicitly identify possible emissions from the petroleum sector, sector-specific emission standards for flaring of CO2 and CH4 among other GHG emissions should also be set. The Petroleum legislation does not take into account climate change effects of the sector.

Enact legislations on land management, marine conservation, and waste management, as has been listed among the government's policy statements in the NEP.

Policies/Legislation: **Environmental Management Act 2020 (Draft)**

Strengths

- Provides a framework for environmental legislation to establish an appropriate legal and institutional framework for the management of the environment.
- Guarantees the right to a Clean Environment for every person living in Somalia and shall have a right to clean, safe, and healthy environment (Art. 4).
- Requires that the production of waste should be minimized and wherever possible recycled (Art. 6).
- Promotes the Polluter-Pays Principle by requiring that anyone who produces pollution should bear the cost of managing it (Art. 7).
- Requires environmental and social impact assessments for any activities or projects that will have any adverse impacts on the environment and society (Art. 8).
- Promotes the Precautionary Principle when a project or an activity raises threats of harm to human health or the environment (Art. 10).
- Establishes the Directorate of Environment as an authority for the management, oversight, coordination, and implementation of the environmental laws and policies of the country (Art. 12-14).
- Establishes a system for environmental and social impact assessment of all projects that may impact the environment (Chapter 11).
- Establishes a National Environmental Council, that meets every 6 months to advise on national goals, objectives, policies, and priorities for the protection of the environment and to review proposed environmental policies, strategies, laws, and issue recommendations to the government (Art. 20).
- Requires each federal member state to establish an independent environmental Directorate or designate an existing Directorate that shall ensure the implementation of the Somalia Environmental Policy, other federal environmental legislations, and this Act (Art. 22).
- Empowers the state environment ministries to be responsible for coordinating the formulation, implementation, review and revision of state environmental strategies, policies, and laws and environmental monitoring, protection, and regulation (Art. 22).
- Includes provisions on environmental audits and monitoring and environment Inspectors (Art. 23-25).
- Includes provisions on environmental pollution, air quality standards, licensing emissions, water pollution, noise and vibration pollution, control and regulation of hazardous substances, hazardous and chemical materials licensing, radiation pollution, management of ozone depleting substances, prohibition of discharge of hazardous substances, chemicals and materials or oil into the environment (Art. 40-46).
- The Act explicitly states the Polluter-Pays principle with relation to petroleum operations, and places upon an operator the duty to protect the environment in accordance with the EMA (Art. 47).
- Requires the Directorate of Environment in consultation with the relevant ministries, develop and implement contingency plans for the management of environmental disasters including major oil spills and gas leakages, spills of hazardous substances, industrial accidents and other human activities that may cause disaster to human health and the environment (Art. 48).
- Environmental disaster plans have to be distributed to all relevant sectors and institutions at federal and state levels (Art. 48).
- Includes provisions on the EIAs, a brief description of the procedures involved, while referencing the specific Regulation on ESI and content on the report, and the establishment of an ESIA Committee (Art. 61-68).
- The Act places an obligation to remediate on the member states. The polluter bears all associated costs. The DECC is granted the authority to issue environmental restoration orders; this order can also take the form of preventative action, an order of caseation and removal, or order to pay compensation to affected parties whose environment or livelihood has been harmed (Art 69. – 71; 73).
- Similarly, to the above the Act also envisages precautionary notices issued by an Environmental Inspector duly appointed under the Act (Art. 72).
- The Act contains broad provisions on waste management and prohibition of Solid Waste Pollution (Art. 74-75).
- The Directorate shall, in consultation with relevant ministries, formulate, apply and enforce policies and programs for the protection of the biodiversity in Somalia (Art. 77-78).
- The Directorate is empowered to issue regulations to prevent, reduce, and control pollution or other forms of environmental damage and protect the marine environment from installations and devices used in the exploration or exploitation of natural resources of the seabed and subsoil of the EEZ, and to issue regulations to prevent, reduce, and control pollution or other forms of damage to the coastal zone (Art. 79-80).
- The DECC shall, in consultation with the state environment ministries, establish an environmental information system that promotes efficiency in environmental data collection, management and use.
- Envisions the setting up of government environment laboratories and also specialized environment benches on the courts (Art. 60; 91).

Gaps, Weaknesses, and Threats

The State Directorates have not yet been established in all FMS.

Regulations in areas such as Oil Spill Prevention, Preparedness and Response, Discharge of Effluents and Hazardous Waste Management are yet to be drafted and specific and detailed Regulation on Strategic Environmental Assessments have not yet been passed.

Standards yet to be established for land use planning, noise and vibration, water quality standards, air pollution, air quality standards

Oil spill contingency plans are yet to be developed in consultation with the MOPMT. Similarly, contingency plans for spills of hazardous substances and industrial accidents are also yet to be developed, though provided for in the Act.

Recommendations

Draft the regulations and set standards as tasked to the DECC under the Act.

Utilise the National Environmental Council to strengthen harmonisation of laws across the FMS and FGS levels, and also to encourage intersectoral harmonisation on crosscutting issues such as climate change and environmental governance.

Develop regulations detailing procedures for the granting of licenses listed in the Act, such as air emissions licenses, licenses for persons discharging pollutants and wastes into water bodies, hazardous and chemical materials licenses, authorisations for experimental releases, etc.

Art. 95 of the Act requires that "*(a) All Departments and agencies of the Government shall apply the regulatory powers under the laws that they are responsible for administering to regulate or prohibit any activity, matter or thing in accordance with any i. Decisions made by The Directorate; or ii. at the request of The Directorate*". Furthermore, Art. 21(2) of the draft EMA also states that "*national environmental laws supersede those of sectoral ministries*" and Art. 105 on existing laws states that "*Any written law, in force immediately before the coming into force of this Act, relating to the management of the environment shall have effect subject to modifications as may be necessary to give effect to this Act, and where the provisions of any such law conflict with any provisions of this Act, the provisions of this Act shall prevail*". Provide clarification on how this would affect the overriding effect of Art. 53.2 of the Petroleum Law that states that "*to the extent that the provisions of any other Somali law is in conflict with the provisions of the Petroleum Law and/or its regulations, they shall be null and void as regards their application to Petroleum Operations*". It should be noted that reference to DECC in the Petroleum Law Regulations is limited to the 'environmental principles prescribed by the DECC and any other relevant legislation enacted to apply to petroleum operations.

Policies/Legislation: **ESIA Regulations 2020 (Draft)**

Strengths

- The DECC (the Authority) shall coordinate, administer, and supervise the Environment and Social Impact Assessment and Audit process:
  a) Carry out the screening of proposed projects;
  b) Decide on the appropriate means of public information and participation;
  c) Coordinate public hearings where required;
  d) Grant environmental and social impact Assessment approvals or reject projects;
  e) Carry out periodic audits of approved projects; and advise the developer on remedial measures in cases of non-compliance with previously determined measures.
- The Lead Agency shall co-operate with the Authority in the Environment and Social Impact Assessment process and shall in particular be responsible to:
  a) Inform a developer on the requirement for an Environmental and Social Impact Assessment to be conducted;
  b) Guide the developer on providing the appropriate information for the execution of the screening process; and
  c) Refuse permission for the carrying out of any project prior to the granting of ESIA approval through the Authority.
- Developer shall:
  a) Provide the appropriate information as is required for the initial screening of the proposed project;
  b) Attend the scoping meeting;
  c) Provide documents for official and public scrutiny;
  d) Provide, at any stage of the project, for early public information according to the advice of the Authority on the appropriate means;
  e) Take the required arrangement for public consultation.
- The Regulations also constitute an ESIA Taskforce and an EIA Taskforce, each with its distinct roles. Appeals can be made on certain grounds to the Council, and then to the National Committee Board.
- The DECC is assigned to lead the Environmental and Social Impact Assessments of internationally relevant investments such as oil exploration and production, mining, hazardous waste movement, and trans-boundary (between Somalia and neighbouring countries) issues. Geographically appropriate FMS to also be involved in the process.
- Parts II and III detail the procedure involved in the ESIA process. Part II deals with the project brief, while Part III deals with the ESIA study.
- In making a decision to approve the project, the Director General in consultation with the National Committee shall:
  a) Give approval subject to such conditions it deems necessary;
  b) State the period for which the approval shall remain valid;
  c) Issue a license of approval of the project in the prescribed form.
- The Regulations also envision the licensing and registration of Environmental and Social Assessment Experts.
- Part III of the ESIA Regulations: Scoping and formulation of terms of reference for an Environmental and social impact study; Team of experts to undertake an Environmental and Social Impact Assessment study; Developing Environmental and Social Impact Assessment study reports; Public participation; Submission of an Environmental and Social Impact Assessment study report; Review of the Environmental and Social Impact Study; Invitation of comments from the general public; Review of comments from the general public; Determination to make a decision or hold a general public hearing; General Public hearing; Basis of Decision making of the Environmental and Social Impact Assessment license; Decision of the Director General; Conditions of approval of a project; Cancellation of approval.
- Part IV deals with SESA and states that the DECC shall determine the need for a Strategic Environmental and social Assessment to take into consideration environmental and social concerns in the Policy, Plans or Programmes and evaluate their interlinkages with economic and social consideration. SESA should be undertaken by a proponent of a policy, plan or programme providing relevant information for the formulation of proposals and decision making by the Directorate.
- A project brief must include a plan to ensure the health and safety of the workers and neighbouring communities; the economic and socio-cultural impacts to the local community and the nation in general; and also, a plan to ensure the location or resettlement of persons affected by the project.
- The project brief should include a plan to ensure the health and safety of the workers and neighbouring communities, the economic and socio-cultural impacts to the local community and the nation in general.
- The ESMP submitted should also contain a plan for decommissioning of the project, i.e., it is also necessary to have a decommissioning (Remediation and rehabilitation) programme for projects.
- Mitigation measures listed in a project brief should include an estimated compensation amount for resettlements.
- Project briefs must contain activities that will be undertaken in the decommissioning phase as well. The ESMP should also contain a plan for decommissioning of the project.

Gaps, Weaknesses, and Threats

The constitution of the National Committee has not been defined.

Recommendations

Correct section number of EMA 2020 in Reg. 2 'Interpretations'.

Define within the Regulations who constitutes the 'National Committee'.

Policies/Legislation: **National Water Policy of Somalia 2019**

Strengths

- The Policy provides a framework for the creation of an overarching national system of laws, institutions, and strategies for the management, development, and control of the water resources.
- It also proposes a public-private partnership framework for the water sector.
- The Policy covers the FGS, FMS and Benadir Regional Administrations, as well as the sectoral, basin, local authority, and community water management oversight bodies.
- The strategies include:
  - Setting standards and development mechanisms for water pollution and usage control.
  - Monitoring and pollution control and usage at all water points including sources, water infrastructure, and at end-user levels.
  - Enforcement of water standards and levies.
- Mandates the Ministry responsible for water management:
  - To provide an enabling environment for the relevant water management authority, in consultation and collaboration with stakeholders, to develop and legislate water resources environmental impact assessment (EIA) measures;
  - Ensure compliance of water resources development programs and projects to the EIA measures.

Gaps, Weaknesses, and Threats

The standards & mechanisms for water pollution are not set.

Development projects are not subject to ESIA measures.

Recommendations

Develop Regulations and standards for water pollution.

Policies/Legislation: **Water Resource Law 2020 (Draft)**

Strengths

- Water permits are required for draining, diverting, water harvesting and using water for commercial purposes, water infrastructures that facilitate draining, diverting and harvesting of water, dischargement of a pollutant into a water resource, recycling water residue , digging of wells and dam, diverting of river water basins to the underground layers of the underground water so as to prevent wastage and to avoid draining it to the ocean (Art. 23).
- National Water Management Authority is required to set water fees (Art. 33).
- The National Water Management Authority is required to carry out an assessment and lay down goals and standards of water qualities of river waterfalls of all the rivers, surfaces, and ground waters (Art. 35).

Gaps, Weaknesses, and Threats

No Regulations on water permits, water fees & assessment of water qualities.

Recommendations

Develop detailed regulations for water permits, water fees & assessment of water qualities.

FISHERIES

Policies/Legislation: **Somali Fisheries Law 2016**

Strengths

- Requires protection of the living resources and environment.
- Prohibits endangering fish and endangered aquatic organisms in Somali waters (Art. 25).
- Prohibits polluting fishing waters by dumping any polluting substances or wastes into the fishing waters of the Federal Republic of Somalia (Art. 35).
- A Fisheries Bill is currently in the works. In updated Fisheries Law, an Article 21 addresses environmental issues 'Marine Environment Work Quality' – required to observe agreements, and report on accidental pollutions too. Penalties are set in place for noncompliance.

Gaps, Weaknesses, and Threats

No detailed Regulations have been made to implement the law.

Recommendations

Develop Regulations to implement the law.

An integrated ocean management program that brings together all actors in the marine space.

Policies/Legislation: **Maritime Code, 1959**

Strengths

- Operators are liable for the acts of the crew and for the obligations undertaken by the master.
- A new Shipping Code is being drafted and coordinated with the drafters of the Fisheries Bill.
- On the oil and gas, the new draft Shipping Code's Maritime Code Volume No. 2 that is specific to marine pollution – gives mandate to the Minister to make regulations on offshore installations. It also addresses oil pollution preparedness and response.

Gaps, Weaknesses, and Threats

No provisions for the protection of the marine environment.

Recommendations

Revise the 1959 Code to include provisions for the protection of the marine environment as proposed by the new Shipping Code.

Policies/Legislation: **Somali Maritime Law 1989**

Strengths

- The Maritime Zones are demarcated as given under UNCLOS 1972.
- Includes provisions for Coastal land licensing activities.
- Envisages development of regulations relating to the use of coastal land and ports.
- Establishes a maritime regulatory authority.
- Includes provision on the procedure for regulation on permits and registration of vessels, including ships, boats and small crafts.
- Establishes a maritime health control service.
- Includes provisions on prevention of maritime pollution by vessels.

Gaps, Weaknesses, and Threats

The body of law was available solely in Somalia, hence a full assessment on any weakness cannot be made.

Recommendations

HUMAN RIGHTS

Policies/Legislation: **National Disaster Management Policy**

Strengths

Gaps, Weaknesses, and Threats

Still in its draft form and yet to be finalized.

Recommendations

Annex 4: Summary of Environmental Laws and Policies of Somaliland

Laws and Policies	Key Content
Law on the Prevention of Deforestation & Desertification	Set out to protect plants, forest reserves and wildlife
Law on Fauna (Hunting) and Forest Conservation Law	Protect the wildlife from pouching and vegetation from deforestation in Games Reserves
NERAD Agency Law	Protect the national environment and natural disasters management and preparedness
Wildlife and Forest Conservation Law	Protect wildlife from poaching and forest from illegal encroachments and clearing
National Water Policy	Improve availability and access to water in a sustainable and equitable way for all different types of uses, in a manner that is environmentally safe.
Coastal and Marine Policy	Proper conservation, management, and optimum utilization of living marine resources
Policy on Disaster Risk Management	Address the increasing incidences and emergencies of both slow and rapid on-set disasters such as flood and droughts
Energy Policy	Address energy needs of Somaliland for social and economic development in a cost-effective way that promotes sustainable energy production and use while minimizing negative environmental impacts
National Range Policy	Deal with soil, range vegetation, the animals that use the range, forest, watershed, wildlife habitat and the landscape as a whole – Stop destructive land use practices (overgrazing and erosion, cultivation on marginal land, cultivation on steep slopes, bush cutting for fuel) – Ensure stability of watersheds
National Livestock Policy	Promote livestock production activities that ensure sustainability and conservation of the environment
Dry and Solid Waste Management Policy	Sets duties and responsibilities of waste collection – Specifies violations and punishments related to waste management
Somaliland's Environment Management Bill	Protection from emissions from vehicles and machineries – Protection of environment from release chemicals, oils and other harmful substance
National Policy on Environment	Protection of biodiversity and traditional knowledge – Strengthening participation in water and natural resources management – Protection of river catchments, watersheds, wetlands and static water bodies – Adoption of Sound production systems – Adoption of good land management and sound management

Source: Ministry of Environment & Rural Development, Somaliland (2017)

Annex 5: Potential Development Partners in Somalia to Support National Efforts to Strengthen Environmental Management in the Oil and Gas Sector

This annex includes a review of potential development partners in the country with whom the Somalia Government can establish cooperation on issues related to environment, and the oil and gas/energy sectors. It provides a list of potential partners in Somalia with whom the Somali government institutions can collaborate to support the national efforts to strengthen environmental management in the oil and gas sectors.

The list was compiled based on available secondary data regarding potential partners who are involved in various environment/energy/pollutions related projects. In this regard, **this desk review is not meant to be an exhaustive review of potential partners but an initial listing. Information was mainly compiled based on internet sources; therefore, accuracy and current progress will require further validation directly with partners**. These partners can be categorised as:

- Public: Bilateral agencies/aid agencies; UN agencies, International Finance Institutions; National Governments; and regional/local authorities
- Private: Corporate partners and their linked foundations; business/private sector associations, Chambers of Commerce/Trade, etc
- Domestic and international organisations including NGOs
- Other bilateral organizations
- Academic: Public and private institutions
- Other training institutions

This annex includes concise descriptions and relevant web links of the following:

- Potential development partners, both **international** and **domestic** from the public sector (aid agencies, foundations, civil society /NGOs etc) or from the private sector (oil and gas associations, business associations, Chambers of Commerce, etc) or even academia.
- Existing capacity building/training programs being undertaken by partners in the country related to environment and/or oil and gas/energy issues.
- Other initiatives/projects being undertaken by partners related to environment and/or oil and gas/energy issues
- Potential training institutions in the country which the Government can partner with for sustainability of their training programmes

List of potential development partners for Somalia

The Government of Somalia has started investing about USD 15 million per year through their National Development Plan (NDP, 2017–2019) into relevant programmes such as climate smart pastoralism, natural resource management, disaster management and water infrastructure construction. The following are some of the projects available in Somalia leading their efforts along the themes of Environment; Climate Change Mitigation/GHG Emissions; Energy; Oil and Gas; and Pollution.

1. African Development Bank (AfDB)

Project	Short description	Funds available	Time Frame
Water Infrastructure Development for Resilience In Somaliland	The project aided in the construction of water mobilization infrastructure; water harvesting and water supply for human, agriculture and livestock consumption; solar-powered irrigation and livestock watering systems.	USD 223 thousand	2016–2020
Drought Resilience and Sustainable Livelihoods Programme in the Horn of Africa (DRSLP II)	The project outcomes include the improvement of water availability and accessibility; improvement of livestock production and management, and infrastructure for market access; building human and institutional capacity to handle agro-pastoral production, improve policy and institutional frameworks.	USD 22.5 million	**Ongoing** 2014–2022
Say No to Famine: Short-Term Regional Emergency Response Project (STRERP)	The project helped provide emergency food assistance and medical aid to the most vulnerable populations in Somalia; strengthen links between the production, distribution and consumption hubs of the food systems in the affected regions; and increase system-wide efficiency and longer-term resilience.	USD 34 million	**Completed** 2017–2021

Project	Short description	Funds available	Time Frame
AfDB & Somalia Infrastructure Fund (MoEWR, UK Department for International Development and International Organization for Migration)			
Improving Access to Water and Sanitation Services in Somalia	The project aided in improving access to water and sanitation services in rural areas of Somalia and contributing to reduced infant and under-5 mortality caused by WASH related diseases	USD 11 million	**Completed** November 2016 – December 2020
Kismayo-Baidoa Urban Water Supply and Sanitation Project	The project aims to improve access to water and sanitation services for the urban population in Kismayo and Baidoa and enhance the management, planning and development capacity of the water and sanitation sector within the Somalian Ministry of Energy and Water Resources (MoEWR).	USD 13.4 million	**Ongoing** September 2019 – 31 December 2023

2. Agency for Technical Cooperation and Development (ACTED)

Project	Short description	Time Frame
Comprehensive emergency response to communities affected by displacement, food insecurity and environmental shocks in Somalia	ACTED delivers multi-purpose cash assistance; unconditional and conditional food assistance; shelter and non-food item relief; camp coordination and camp management support; and WASH relief.	**Ongoing** March 2021 – May 2022

3. Barwaaqo Voluntary Organisation (BVO)

Project	Short description	Link
Multiple programs	BVO has programs in Environment Protection; Soil Bunds; Stone Line Bunds; Environment Conservation; Climate Change; Botanic Garden; and Nursery Tree Plants.	http://barwaaqo.org/about-us/

4. Building Resilient Communities in Somalia (BRCiS) Consortium

The BRCiS Consortium was created in 2013 by the Cooperazione e Sviluppo (CESVI), Concern Worldwide (CWW), the Norwegian Refugee Council (NRC), the International Rescue Committee (IRC), and Save the Children International (SCI). Today, it has grown to six international NGOs and three local NGOs including Action Against Hunger, Candlelight, Gredo, and KAALO. The programme aims to increase the capacity of vulnerable communities in Somalia to resist and recover from recurrent climatic, conflict-induced, and economic shocks and stresses.

Project	Short description	Funds available	Time Frame
Building Resilient Communities in Somalia (BRCiS) Programme	– The programme aims to support vulnerable communities in governance, natural resource management and livelihoods. – They helped farmers set up an agro-cooperative across the villages of Bonkai, Ismodnoy, Lambule, and Waranle. – In 2020, they constructed an earth fill dam that provided easy access to water. – BRCiS held "Good Agricultural Practices" trainings; designed an integrated agricultural and water project; trained farmers in climate-smart methods and provided them drought-resistant crops.	USD 39 million Funded by UKAid, European Union and The World Bank.	Launched in November 2013

5. Candlelight for Environment, Education and Health

Project	Short description	Funds available	Time Frame
Reducing Vulnerability and Building Community Resilience to Climate Change Effects	The project enhanced community resilience and climate change adaption skills in Togdheer.	Funded by KNH/ BMZ	**Completed** January 2015 – December 2017
Building Confidence on Land Issues in Somaliland	The project improved the livelihood opportunities, resilience, and food security of rural communities in Somaliland through the adoption of more sustainable and socio-economically viable resource management practices.	Financed by EU and FAO (who teamed up with local partners such as Pastoralists and Environmental Network in the Horn of Africa and Candlelight)	**Completed** August 2015 – May 2016

6. European Union (EU)

Project	Short description	Funds available	Time Frame
European Union Capacity Building Mission in Somalia (EUCAP Somalia)	EUCAP Somalia is a civilian crisis management mission to support the Somali maritime security and wider police capacity. EUCAP supported Somaliland Coast Guard (SLCG) also prevents illegal fishing, violation of fisheries law and sea pollution. They also work in close collaboration with the Ministry of Port and Marine Transport and the Ministry of Fisheries and Marine Resources. EUCAP in supporting the development of the Somali Maritime Administration, incorporated capacity building of Somali maritime security forces and maritime institutions towards Coast Guard Functions. IMO and UNSOM led 'Kigali Process' developed the Shipping Code (first promulgated in 1959 as the Maritime Code). This Code incorporate legal texts agreed with the IMO that seeks to implement through Somalia regulations the SOLAS, MARPOL; COLREGS; STCW; Load Lines; Liability and legal conventions and compensation Conventions such as Salvage, civil liability for oil pollution International Convention on Civil Liability for Oil Pollution Damage. EUCAP and EU NAVFOR (EU Naval Force Somalia) collectively also support a UNFAO programme aimed to enhance the capacities of fishing communities in Puntland, Galmudug and Mogadishu.	USD 102.4 million (EUCAP's 2021–22 budget)	**Ongoing** Launched in 2012, Mandate extended until 2022
EU, Sweden, Italy – AICS, UNDP, UNEP and FAO			
Joint Programme for Sustainable Charcoal Reduction and Alternative Livelihoods (PROSCAL)	The programme aims to support the UN Security Council resolution 2036 (2012) that bans illegal exports of charcoal from Somalia. The project also promotes alternative sources of energy, provides alternative livelihoods to the Charcoal Value Chain Beneficiaries (CVCBs) involved in the charcoal production and trade; and advocates country wide reforestation and afforestation.	USD 9.5 million	**Ongoing** 12 May 2016 – 31 March 2022

Project	Short description	Funds available	Time Frame
European Commission			
RESTORE: Strengthening the resilience of communities in Puntland and Somaliland project	The project enhanced the Somali institutional stakeholders' capacity to effectively coordinate, programme, manage and monitor resilience interventions.	USD 15 million	**Completed** 2016–2020
European Commission, Denmark, DFID, Norway and Sweden			
UN-JPLG: United Nations Joint Programme on Local Governance	The project helped implement fair delivery of services on local levels, development studies on water and natural resource management.	USD 18.6 million	**Completed** 2008–2017

7. Food and Agriculture Organisation (FAO) and EU

Project	Short description	Funds available	Time Frame
SWALIM: Somalia Water and Land Information Management, Puntland	The project included: – Data collection and analysis to generate early warnings for floods, cyclones, and other environmental threats. – The FAO-SWALIM project also had a partnership with Somali institutions to achieve self-sufficiency in managing natural resources information. – It also partnered with Benaadir University to foster student research in disaster risk reduction, soil sampling and providing information on Somali land and water resources.	USD 15 million	**Completed** 2003–2017
Resilient, Inclusive and Competitive Agriculture Value Chain Development in Southern and Central Regions of Somalia (OUTREACH)	The project aims to enhance livelihoods, resilience and economic development and complements the ongoing EU-PROACT and other projects that are addressing crop production, productivity and water issues.	USD 7.9 million	**Ongoing** 01 February 2019 – 31 January 2022

8. German Federal Ministry of Economic Cooperation and Development (BMZ)

Project	Short description		Time Frame
Improving Disaster Risk Management and Food Security to Strengthen Resilience in 'Somaliland' (RDRM)	The project aims to support state disaster prevention efforts; improve agriculture and livestock management; strengthen the resilience of severely disadvantaged groups; and improve hygiene and reduce health risks.	USD 15 million	**Ongoing** 2020–2023
Sustainable land management in "Somaliland", Somalia	The project aims to improve sustainable land management in the Togga Biji water catchment area through participatory land management, rainfed farming and capacity building.	USD 7.9 million	**Ongoing** 2015–2021
Improving Food Security of the Vulnerable Population in Kismayo, Somalia through Access to Fishery Products	The project aims to enhance access to high-quality fishery products in order to improve the food security of returnees, internally displaced persons and the population of Kismayo.		**Ongoing** 2017–2021

9. Global Environment Facility (GEF)

Project	Short description	Funds available	Time Frame
Adaptive Agriculture and Rangeland Rehabilitation Project (A2R2)	The project aims to enhance the climate resilience of poor households in southern Somalia through sustainable land and rangeland management, and biodiversity conservation.	Co-financing Total: USD 21 million GEF Grant: USD 17 million	**Ongoing** Concept received by GEF: 24 March 2021 Concept approved: June 2021
Strengthening National Capacities for Improved Decision Making and Mainstreaming of Global Environmental Obligations	The project aims to strengthen a targeted set of national capacities to deliver and sustain global environmental outcomes within the framework of sustainable development priorities.	Co-financing Total: USD 1.5 million GEF Grant: USD 1 million	**Ongoing** Concept received by GEF: 14 October 2016 Project approved for Implementation: 05 April 2018
Global Environment Facility and UNDP			
Enhancing Climate Resilience of the Vulnerable Communities and Ecosystems in Somalia	The project included training on adaptation to climate change; establishment of district DRM committees; drafting of local disaster management plans; development of the National Climate Change Policy and State Land Use Policies.	Co-financing Total: USD 69.7 million GEF Grant: USD 8.8 million	**Completed** 2014–2018
GEF's Least Developed Countries Fund and UNDP			
Support for Integrated Water Resources Management to Ensure Water Access and Disaster Reduction for Somalia's Pastoralists	– The project aims to provide rural communities access to diminishing water supplies through water conservation, flood management, drought and flood early-warning systems and profitable livelihoods. – It will establish Somalia's first National Hydro-Meteorological and Monitoring Service, install automatic weather stations and monitor equipment across the country and expand Somalia's existing flood and drought forecasting and early warning tool (FRISC-DIGNIIN).	Co-financing Total: USD 64.8 million GEF Grant: USD 8 million	**Ongoing** 2019–2022
GEF's Least Developed Countries Fund and African Development Bank			
Rural Livelihoods Adaptation to Climate Change in the Horn of Africa (RLACC II)	The project aims to enhance pastoralist livelihoods through climate resilient infrastructure.	USD 32.9 million	**Ongoing** 2017–2021

10. Green Climate Fund (GCF)

Project	Short description	Funds available	Time Frame
Improving climate-risk preparedness and adaptive capacities of pastoralists throughout Somalia	– The proposed project supports the pastoralists to adapt to increasing rainfall variability and frequency of extreme events. – The project will also increase baseline water and fodder availability in the arid/semi-arid regions of Somalia. – The project will furthermore establish a National Climate Data Application Centre	USD 85.5 million	**Ongoing** 01 June 2018 – 31 March 2025
Strengthen Climate Change Adaptation Planning	The programme will support the Federal Republic of Somalia in advancing the ambition of its Nationally Determined Contributions to the Paris Agreement and reaching the targets outlined in the Sustainable Development Goals.	USD 2.7 million	**Ongoing** 2020–2023
GCF and United Nations Development Programme (UNDP)			
Strengthening Climate Information Systems for Climate Change Adaptation in the Greater Horn of Africa through Regional Cooperation	The programme aims to strengthen the climate resilience of 8 targeted countries (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda) through improved early warning and climate information dissemination systems.	USD 14.4 million	**Ongoing** 2020–2023

11. Intergovernmental Authority on Development (IGAD)

Project	Short description
IGAD Climate Prediction and Application Centre	The project is responsible for the timely acquisition of near real-time climate and remotely sensed data; development of climatological statistics; generation of climate prediction and early warning products or line ministries.

12. London School of Economics

Project	Short description	Funds available	Time Frame
Conflict Research Programme	The programme offered a small grant for conducting research on "Oil and Development Finance in the Political Marketplace in Somalia".	NA (Not available)	**Completed** October 2017 – March 2021

13. Norway

In 2018, Norwegian development aid to Somalia was USD 60.9 million, out of which 12% went into Environment and Energy sector, whereas the total budget of the Norwegian Embassy in Somalia was USD 39.8 million. The Norwegian Government committed a sum of USD 54.3 million to World Bank's Multi Partner Fund (MPF) that supports the reconstruction, reform and development process in Somalia. This contribution aims to enhance the resources going into the Recurrent Cost and Reform Financing (RCRF) Project which aids the Somalian Government in discussing resource distribution, service delivery and financial reforms across the country.

14. Norwegian Refugee Council (NRC)

NRC Somalia was established in 2004 and operate in the areas of Mogadishu (Country Office), Kismayu, Dollow, Dhoble, Baidoa, Hargeisa, Erigavo, Bossaso, Galkayo, Garowe and Burao. Their livelihood and food security teams support communities' environmental conservation activities, like solar energy and irrigation and provide livelihood training to farmers and other community members. Their WASH teams also train communities on how to use hygiene facilities and go about waste management. The NRC Somalia budget for the year 2019 was USD 29 million.

15. Norwegian Agency for Development Cooperation (Norad)

About 50% of the Norwegian development aid are channelled through NGOs and Norad has supported the efforts of these Norwegian NGOs in Somalia for a total of USD 19 million in 2016. The Norad supported NGOs include Norwegian Red Cross, Norwegian Church Aid, Save the Children Norway, ADRA-Norway, Kaalmo Health Organisation, Norwegian Refugee Council, Oslo Centre for Peace and Human Rights, Development Fund, NIS – Nordic International Support Foundation, Norwegian People's Aid, Digni and YME Foundation.

16. SIDA (Swedish International Development Cooperation Agency)

Project	Short description	Funds available	Time Frame
Somalia WASH Service Delivery Improvement Programme (SOWASDIP)	The Adventist Development Relief Agency (ADRA) receives funding from SIDA to carry out the intervention in South Central, Puntland, Somaliland and the states (Galmudug, South West, and Jubbaland). The intervention aims to improve health and environmental conditions as a result of sustained access to water, sanitation and hygiene promotion (WASH) services.	USD 7.7 million	**Ongoing** 2019–2023
Somalia Resilience Programme (SomReP)	SIDA helps Somalis whose livelihoods depend on farming and livestock to better deal with recurring crises. The UN agency FAO works to reduce the risk of flooding and improve irrigation systems.	USD 8.7 million	**Ongoing** 2018–2022
Affordable Renewable Energy Project	SIDA supports a collaboration between the World Bank, International Labour Organization (ILO) and Africa Enterprise Challenge Fund (AECF) aimed at increasing access to affordable, renewable energy in the country.	NA	NA
Power Africa Initiative (PA)	In 2014, Sweden made a commitment to mobilize one billion US-dollars over a ten-year period in order to support the energy sector development in Sub- Saharan Africa (Burkina Faso, Ethiopia, Kenya, Liberia, Mali, Mozambique, Rwanda, Somalia, Sudan, Tanzania, Uganda, Zambia, Zimbabwe, and Democratic Republic of the Congo), with an exclusive focus on renewable energy and energy efficiency.	USD 1 billion	**Ongoing** 2015–2024

17. The World Bank

In 2018, the World Bank Group's (WBG) Board of Directors endorsed the first four-year Country Partnership Framework (CPF) 2019–22 for Somalia by approving two investment programs worth USD 80 million:

- An additional financing of $60 million for the Recurrent Cost and Reform Financing Project.
- A $20 million for the Domestic Revenue and Public Financial Management Capacity Strengthening Project.

These projects are supported by resources from the International Development Association (IDA) and channelled through the Somalian government. The main aim of the CPF is to aid the government's efforts in expanding service delivery, building resilience to climatic shocks and increase access to energy and water for rural resilience and productivity. Other specific projects by the World Bank include:

Project	Short description	Funds available	Time Frame
Somalia Crisis Recovery Project (SCRP)	The project supports the recovery of livelihoods and infrastructure lost due to floods/droughts and builds capacity for disaster preparedness for vulnerable communities.	USD 137.50 million	**Ongoing** 15 May 2020 – 31 May 2025
Somali Petroleum Technical Assistance Project (SOPTAP)	The project strengthened the capacity of the Federal Government of Somalia to manage its petroleum sector.	USD 0.5 million	**Completed** 01 June 2018 – 31 March 2020
Somali Electricity Access Project	The project expands access to electricity in targeted urban, peri-urban, and rural communities.	USD 5.50 million	**Ongoing** 21 December 2018 – 30 June 2022
Somalia- Water for Agro-pastoral Productivity and Resilience (Biyoole Project)	The project aims to develop water and agricultural services for agro-pastoralist communities in dry-land areas of Somalia.	USD 42 million	**Ongoing** February 2019 – 28 February 2023
World Bank and Multi-Partner Fund Donors (Denmark, EU, Finland, Germany, Italy, Norway, Sweden, Switzerland, UK, USA)			
Somali Urban Resilience Project II	The project aims to strengthen public service delivery capacity of local governments and increase access to urban infrastructure and services.	USD 112 million	**Ongoing** December 2020 – 31 December 2024

18. UK Foreign, Commonwealth and Development Office (FCDO)

Project	Short description	Funds available	Time Frame
Somaliland Development Fund (SDF) Phase II Programme	The project aims to improve governance, accountability, and public service delivery by the Government of Somaliland in sectors like biodiversity, environmental policy, and administrative management.	USD 34 million	**Ongoing** 01 April 2017 – 31 March 2024
Climate-Resilient Cities in Somalia	The project aims to drive policies, investments and programme actions that support sustainable and inclusive development, reduce the risks of marginalisation and conflict in urban settings and promote economic development.	USD 204 thousand	**Ongoing** 15 January 2019 – 31 December 2023
War Impact on Dryland Environments and Social-Ecological Resilience in Somalia (WIDER-SOMA)	The project studied the impacts of war on dryland environments and built socio-ecological resilience to environmental degradation during- and post-conflict.	USD 217 thousand	**Completed** 01 November 2016 – 31 March 2018
Illegal Wildlife Trade Challenge Fund Round 5	The fund caters towards developing sustainable livelihoods to benefit people directly affected by Illegal Wildlife Trade (IWT); strengthening law enforcement; ensuring effective legal frameworks and reducing demand for IWT products.	USD 6.2 million	**Ongoing** 01 April 2019 – 31 March 2022
Darwin Initiative Round 24	The Darwin Initiative is a UK government grants scheme that funded locally based projects to address habitat loss, climate change, invasive species, over-exploitation, pollution, and eutrophication.	USD 14.4 million	**Completed** 01 April 2086 – 31 March 2021
Somalia Humanitarian and Resilience Programme (SHARP) 2018–2022	The project aims to meet the most urgent humanitarian needs of conflict and disaster affected populations through provision of life-saving assistance and contribute to resilience building of benefitting households to withstand shocks.	USD 403.3 million	**Ongoing** 18 August 2018 – 31 March 2022

19. United Nations Development Programme (UNDP)

Project	Short description	Time Frame
National Adaptation Programme of Action (NAPA)	– NAPA is Somalia's nationwide climate adaptation strategy to boost resilience against extreme weather conditions such as droughts and desertification. – These include early warning systems, a water management project, community-led afforestation initiatives and collection of data on climate change.	Launched in 2013

20. USAID Somalia

Project	Short description	Funds available	Time Frame
Growth, Enterprise, Employment and Livelihoods (GEEL)	The programme promoted economic growth in regions recovering from years of conflict and natural disaster through the production of high-quality fish, agriculture, and dairy products for domestic and international consumers.	USD 74 million	**Completed** September 2015 – September 2021

Other Potential Partners

This desk study aims to review potential development partners for the Government of Somalia to discuss potential collaboration on issues related to environment, oil and gas and energy related workstreams. Other potential development partners that are not listed in report but details of which can be found in the annexed excel sheet include:

- Government of Canada
- World Vision International/ World Vision Somali

National and International Non-Governmental Organisations (NGOs)

The Somalia NGO Consortium is hosted by CARE, Danish Refugee Council (DRC) and the Norwegian Refugee Council (NRC). This NGO Consortium represents NGOs working in Somalia with UN agencies, Donors, and other NGO bodies. The following list contains all the international and national organisations working in Somalia to further the causes of Environment, Climate Change Mitigation/GHG Emissions, Energy, Oil and Gas and Pollution.

NGO	Link
ActionAid International Somaliland (AAIS)	https://actionaid.org
Africa Educational Trust (AET)	https://africaeducationaltrust.org
African Development Solutions (ADESO)	http://adesoafrica.org
African Social Development Focus (ASDEF)	https://asdef.org
Agricultural Development Organization (ADO)	http://adosom.org
Al Ta'awun Social Service (Tss)	http://www.tacawun.org/activities-2/
Alight Kenya (ARC)	https://wearealight.org/our-work/somalia/
AVSI Foundation (AVSI)	https://www.avsi.org/en/country/somalia/53/
Baniadam Relief and Development Organization (Bani'Adam)	http://www.baniadamorg.net
Comitato Internazionale Per Lo Sviluppo Dei Popoli (Cisp)	https://www.cisp-som.org
Concepts for Community Programmes (CCP)	http://www.ccpsom.org
Concern Worldwide (CWW)	https://www.concern.net/where-we-work/somalia
Cooperazione Internazionale (COOPI)	https://www.coopi.org/it/ricerca.html?q=SOMALIA
Dry Land Solution (DLS)	https://www.drylandsolutions.org/pages/about-the-project
Gannaane Association (GNE)	http://gannaane.org/causes/
Gargaar Relief and Develoment Organization (GREDO)	https://www.gredosom.org
German Red Cross (GRC)	https://www.drk.de/hilfe-weltweit/wo-wir-helfen/afrika/somalia/
Humanitarian Relief and Development Council (HRDC)	https://hrdcsomalia.org
Integrated Development Focus (IDF)	https://idfsomalia.org
International Aid Services (IAS)	https://sites.google.com/ias-intl.org/lakarmissionen-ias-together/about-ias/where-we-work?authuser=0
Islamic Relief Somalia (IRS)	https://www.islamic-relief.org/category/where-we-work/somalia/
Kaalo Aid And Development (KAALO)	http://www.kaalo.org
Kulmiye Development Organization (KDO)	http://kulmiyengo.com/activities/#
Livelihood Relief & Development Organization (LRDO)	https://lrdo.org
NAGAAD Network (NAGAAD)	https://nagaad.org
Nasib Relief And Development Organization (NARDO)	https://nardo-so.org
Network Against FGM/C in Somaliland (NAFIS)	https://nafisnetwork.net
Nomadi Assistance for Peace and Development (NAPAD)	https://www.napad-int.org/napadsite/
Norwegian Refugee Council (NRC)	https://www.nrc.no/countries/africa/somalia/
One Earth Future (OEF)	https://www.oneearthfuture.org
Pastora; And Environmental Network In The Horn Of Africa (PENHA)	https://www.penhanetwork.org/where-we-work/somalia/
Qatar Charity (QC)	https://www.qcharity.org/en/global/q
Rural Education and Agriculture Development Organization (READO)	https://readosom.org
Samofal Development Organization (SDO)	http://www.sdosom.org/index.html
Serving Together Social Development (STS)	https://stsint.org/about-us/
Shabelle Community Development Organization (SHACDO)	http://www.sdosom.org/index.html
Shilale Rehabilitation and Ecological Concern (SHILCON)	http://shilcon.org/?page_id=4709
Somali Socio-Economic Development Organization (SSEDO)	https://www.anaisdesignsolutions.com/SSedo/index.html
Somaliland Hope Association (SOHA)	http://sohaweb.org
Steadfast Voluntary Organization	https://svosomal.org
Taakulo Somali Community (TASCO)	https://www.taakulo.org
Timely Integrated Development Services (TIDES)	http://www.tidesom.org
Wajir South Development Association (WASDA)	https://wasda.or.ke
Welthungerhilfe (WHH)	https://www.welthungerhilfe.org
Youth Volunteers for Development and Environment Conservation (YOVENCO)	http://www.yovenco.org
Zamzam Foundation (ZF)	https://zamzamsom.org/project/make-people-believe-in-cause/

Annex 6: Master Sheet of All Consultations Held:

Sl No	Participant	Gender	Institution	First National Consultation	Survey Questionnaire	Focused Group Discussion
1	Mohamud Hassan Mohamed	Male	Ministry of Petroleum & Mineral Resource	Y		Y
2	Ilhan Hussein Abdi	Female		Y	Y	
3	Libaan Maaxi	Male			Y	Y
4	Ibrahim	Male				Y
5	Mohamed Adan	Male				Y
6	Abdiaziz Haji Bashir	Male	Ministry of Fisheries & Marine Resource	Y		Y
7	Abdulkadir Abdinor Yusuf	Male				Y
8	Abdi Osman	Male				Y
9	Mohamud Hassan Ali	Male		Y	Y	Y
10	Abdifatah Mohamed Hared	Male	Directorate of Environment & Climate Change, Office of the Prime Minister	Y		Y
11	Mohamed Mohamud Ahmed	Male		Y	Y	Y
12	Mohamud Khadar	Male		Y		
13	Nasro Ali Mohamud	Female		Y		
14	Abdullahi Ahmed-Najib	Male		Y		Y
15	Yonis Aden Adan	Male	Ministry of Ports & Marine Transportation	Y		
16	Abdihafid Ali Abdirahman	Male				Y
17	Abdifatah Mohamed Mohamud	Male		Y	Y	
18	Khadar Sh Mohamed	Male	Ministry of Humanitarian & Disaster Management			Y
19	Fadumo Ahmed	Female		Y	Y	Y
20	Abdulkhadir Omar	Male				Y
21	Hassan Osman	Male	Somali Marine Resources Research Centre			Y
22	Abdulrahman Mohamud Dirie	Male		Y	Y	Y
23	Jibril Jama Rafle	Male	Ministry of Planning, Investment & Economic Development	Y	Y	Y
24	Mohamed Hassan Mohamed	Male				Y
25	Abdilatif H. Omar	Male	Somali National University	Y		Y
26	Hawa Wehliye	Female	City University – Law Institute	Y		
27	Kafi Nidamudin Adam	Male	Advisor, Ministry of Environment & Climate Change – Puntland State	Y		
28	Sadak Mohamud M.	Male	Director, Department of Planning, Ministy of Petroleum – Puntland State	Y		
29	Abdulkadir Nur Abow	Male	Technical Advisor, Ministry of Environment & Wildlife, South West State	Y	Y	Y
30	Adan Abdi	Male	Non-Governmental Organisation, South West State		Y	Y
31	Fardowsa Mohamed Lukman	Female	Director, Mineral Department, Ministry of Petroleum & Energy, South West State	Y		
32	Umulkheir Mohamoud Dirie	Female	Ministry of Environment, Climate Change & Rural Development, Federal Member State of Galmudug	Y	Y	Y
33	Hussein Ahmed	Male	Ministry of Environment, Climate Change & Rural Development, Federal Member State of Galmudug			Y
34	Ahmed Mohamed Abdi	Male	Ministry of Petroleum & Minerals, Federal Member State of Galmudug		Y	Y
35	Yaasin Mohamed Adow	Male	Ministry of Petroleum & Minerals, Federal Member State of Galmudug	Y		
36	Warsame	Male	Somali Institute of Management Studies, NGO			Y
37	Mohamed Bashir Dolal	Male	NRM Officer, Federal Member State of Jubaland	Y	Y	Y
38	Mohamed Abdullahi	Male	Ministry of Energy, Water & Minerals, Federal Member State of Jubaland			Y
39	Mohamed Addow Hassan	Male	Ministry of Energy, Water & Minerals, Federal Member State of Jubaland	Y	Y	Y
40	Abdixafid Hassan Omar	Male	Minstry of Environment, Federal Member State of Hirshabelle	Y		
41	Hassan Abdi Somane	Male	Ministry of Petroleum & Mineral Resource, Federal Member State of Hirshabelle		Y	Y
42	Mohamed A. Nor	Male	Ministry of Petroleum & Mineral Resource, Federal Member State of Hirshabelle	Y		Y

Annex 7: List of Technical Reviewers

Sl No	Name	Gender	Institution
1	Frank Eklo	M	Senior Adviser, Section for the High North and Bilateral Relations, Norwegian Environmental Agency
2	Anette Fischer	F	Senior Legal Advisor, Norwegian Environmental Agency
3	Andrew T Lyttle	M	Senior Strategic Maritime Advisor, European Union Capacity Building Mission in Somalia
4	Andres Moreno	M	Legal Reform Adviser, European Union Capacity Building Mission in Somalia
5	Matthew Richmond	M	Marine Scientist, UNEP Oil and Gas Environmental Expert
6	Angela Kariuki	F	Programme Management Officer, Law Division, UNEP
7	Sylvia Bankobeza	F	Legal Officer, Law Division, UNEP
8	Jackline Wanjiru	F	Legal Officer, Law Division, UNEP
9	Christophe Matthew Hodder	M	Environmental Advisor to Somalia, Integrated Office of the DSRSG/RC/HC, UNSOM
10	Abdirashid Ateye	M	Project Officer, Regional Office of Africa, UNEP



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