Good Practice Handbook:
Land Acquisition and Resettlement

Preliminary Draft for Review and Consultation

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ACRONYMS

AFD  Agence Française de Développement
AIA  Armenia International Airport
BTC  Baku-Tbilisi-Ceyhan
CBO  community-based organization
DEG  Deutsche Investitions- und Entwicklungsgesellschaft
E&S  environmental and social
ESAP  Environmental and Social Action Plan
ESIA  Environmental and Social Impact Assessment
ESMP  Environmental and Social Management Plan
ESMS  Environmental and Social Management System
FAO  Food and Agriculture Organization
FPIC  free, prior, and informed consent
GIS  geographic information system
GLAC  Guide to Land Acquisition and Compensation
GM  grievance mechanism
GPS  global positioning system
HPP  hydropower project
IDP  internally displaced person
IFI  International Finance Corporation
ILO  International Finance Institution
KPI  key performance indicator
LRF  Livelihood Restoration Framework
LRP  Livelihood Restoration Plan
M&E  monitoring and evaluation
MoU  memorandum of understanding
NGGL  Newmont Ghana Gold Limited
NGO  nongovernmental organization
NTFP  nontimber forest products
PA  participatory appraisal
PAP  project-affected person
PPP  public-private partnership
PS  Performance Standard
RAP  Resettlement Action Plan
RSEP  Resettlement Stakeholder Engagement Plan
SE  stakeholder engagement
SEP  Stakeholder Engagement Plan
SMEs  small and medium enterprises
TOR  terms of reference
UAV  unmanned aerial vehicle
UXO  unexploded ordnance
INTRODUCTION

1. Resettlement is one of the most exacting project management challenges. It involves carrying out "hard tasks" (for example, preparing replacement land, selecting sites, developing livelihood restoration programs, construction of housing and infrastructure) in combination with "soft tasks" (for example, consultation, consensus building, community mobilization) that are inter-dependent, have to be delivered in sequence and often within precise timeframes. Individuals, groups or communities must be supported to make decisions and reach consensus on matters that will affect their standard of living, livelihoods and potential to realize their aspirations for possibly a generation. At the same time, host communities and governments need to be assisted to assume their roles in the sustainable management and administration of those displaced.

2. This Resettlement Good Practice Handbook is a practical guide for those involved in scoping, planning, implementing or monitoring programs that require physical or economic displacement. It is primarily aimed at project managers, planners, land teams, resettlement practitioners and livelihood program partners responsible for delivering project land access and resettlement. The handbook is also helpful for government officers, lender safeguards specialists and consultants undertaking social due diligence or monitoring. Consistent with IFC's mandate, the target audience of this Resettlement Handbook is private sector developers but much of the content is equally applicable to resettlement by the public sector.

What will you find in this Handbook?

3. The handbook provides a framework and methodology for planning, baseline data collection, implementation, monitoring and evaluation of the entire resettlement and livelihood restoration process. The handbook is organized into:

(i) Modules that correspond to the phases of planning and implementing a resettlement program. Each module outlines the process and provides tools, techniques and good practice examples that will help a resettlement practitioner to design and implement a resettlement program consistent with the needs of project-affected population and international good practice (Performance Standard 5 on Land Acquisition and Involuntary Resettlement). The modules are as follows:

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(ii) A section on “Specific Circumstances” that provides land acquisition guidance in instances related to post-conflict situations, government-led land acquisition and public/private partnership projects;

(iii) A section on “Sectoral Guidance” focusing on sector specific aspects of land acquisition as it relates to different types of projects including hydropower, linear infrastructure, renewables among others; and,

(iv) Appendices that contain forms and examples for a census, land and assets survey, livelihood questionnaire, compensation agreement, table of contents for a Resettlement Action Plan (RAP)/Livelihood Restoration Plan (LRP), terms of reference for consultants among others.

4. While the Resettlement Handbook covers cross-cutting subjects such as stakeholder engagement, baseline data collection, vulnerable people, and monitoring, these are only addressed insofar as they are applicable in a resettlement context. For more general guidance on these subjects, reference should be made to other IFC good practice handbooks available at IFC’s website.

Planning Commensurate with Resettlement Scope

5. In some instances, the content and activities presented in this Resettlement Handbook may seem overwhelming and overly elaborate for a small and straightforward resettlement project, one that involves only minor economic displacement. Each resettlement project is different and has its own nuances and complexities. It is important that the project sponsor engage an experienced resettlement specialist to define the tasks, activities and documents appropriate to the scale and complexity of displacement that a specific project will entail. A RAP can be as short as 4–5 pages for displacement affecting 2 or 3 households, or 150 pages or longer for displacement that involves many households, complex livelihoods and vulnerable or Indigenous Peoples.

6. This Resettlement Handbook presents the full suite of tasks and activities necessary for large and complex resettlement projects, but this does not imply that all these must be applied to smaller resettlement programs. Indeed, “keep it simple” remains a critical success factor for any resettlement.

Resettlement Avoidance and Minimization

7. A key focus of keeping resettlement simple is avoidance of displacement, and where avoidance is not feasible, minimization. Upfront investment in exploring alternatives, site selection and site planning to avoid displacing people can result in substantial benefits in terms of cost, schedule and reduced exposure to nontechnical and reputational risk. Often, avoidance of physical displacement can bring forward land access for a project by 2–3 years.

Cross-Cutting Issues

8. Each of the modules covers the following cross-cutting issues:

   - Gender and gender-differentiated displacement impacts
   - Vulnerable and marginalized groups
   - Indigenous Peoples

9. These groups are considered from the perspective of how they might be disadvantaged within the context of a resettlement program and in terms of the pro-active measures that will need to be put in place to ensure they are adequately consulted, able to fully participate in decisions affecting their future and access benefits and livelihood opportunities.
10. A significant development since the last Resettlement Handbook was published nearly 20 years ago is the requirement to achieve free, prior, and informed consent (FPIC) in cases where a project impinges on the customary land or access to cultural or natural resources used by Indigenous Peoples.

11. In addition to the modules, the Resettlement Handbook looks at some specific circumstances that can affect delivery of private sector resettlement programs:
   - Postconflict situations
   - Government-led resettlement
   - Public-private partnership (PPP) projects

12. Private sector investment and the economic stimulus it provides is increasingly being considered as an important peace-building activity. Conducting resettlement in post conflict contexts, where many families may have been displaced from their original land and dwellings, where records and traces of land and property ownership may have been destroyed, or where property may have been forcibly occupied by newcomers, requires careful due diligence and attention to engagement and reconciliation.

**Emerging Challenges**

13. This new Resettlement Handbook is likely to be referred to for a decade or more. In the coming decade, there are several trends that are likely to significantly impinge on private sector resettlement practice, for better and for worse. These will include:
   - Continuing growth in development-induced displacement to meet developing and middle-income country infrastructure needs, concurrent with an increasing scarcity of land in many countries with rapidly growing populations.
   - Continuing growth in the number of industrial parks, free trade zones and the like in which resettlement activities are undertaken *en masse* by government agencies on behalf of multiple future private tenants/firms, complicating subsequent attempts to assign firm-level responsibility for residual issues.
   - Continuing international civil society pressure to forego the use of eminent domain in favor of negotiated settlement and agreement-based approaches to relinquishment of land and resources.
   - Operationalizing of the “UN Guiding Principles on Business and Human Rights” and increasing scrutiny of private sector resettlement programs through a Human Rights lens.
   - Continuing emergence of new undergraduate and postgraduate resettlement teaching and research programs to address the current shortage of qualified resettlement practitioners.
   - Mainstreaming of new technologies (for example, UAV platforms and remote sensing systems) that greatly facilitate resettlement related baseline surveys, land and asset inventories and other tasks such as replacement site selection, livelihood restoration planning and monitoring.
   - An increasing intersection of conflict-induced resettlement, climate change-induced resettlement, natural disaster-induced resettlement, conservation-related resettlement, and development induced resettlement.

14. So far as possible, these trends have been anticipated in the development of this Resettlement Handbook.
Critical Success Factors for Resettlement

15. Some key considerations for the start-up of a successful resettlement program include the following:

- Allow sufficient time for resettlement planning and consultations—ideally, start about 3 years before access to construction land is required in the case of projects involving significant physical displacement
- Engage experienced resettlement practitioners early—if possible during site selection and certainly before resettlement scoping
- Provide internal training on resettlement standards and approach within the project organization—start with the executive management team and work down
- Establish a working relationship with local government and other government agencies with resettlement-related responsibilities—for larger projects, consider establishing steering and working groups
- Allocate sufficient budget—resettlement, including land acquisition, is costly
- Invest in avoidance and minimization of physical and economic displacement at all stages of project design, starting with site selection
- Consider livelihood restoration and enhancement as a key driver for resettlement site selection where physical displacement is unavoidable
- Start stakeholder engagement early—keep stakeholders regularly informed and updated
- Ensure that vulnerability and gender aspects are mainstreamed in every step of the resettlement planning and implementation process
- Establish and publicize a grievance mechanism (GM) to coincide with the start of site activities
- Benchmark resettlement good practices
- Make use of experienced independent oversight or advisors to regularly review and challenge your resettlement program