Training Module

Land Acquisition and Resettlement
Best Practices and Safeguards

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Outline

- Objectives
- Policy Scope
- Triggers
- Policy Principles and Requirements
- Key issues for Discussion.
Objectives

• Introduce key best practices in LAR
• Why best practices are important
• How to plan resettlement programs
• How to implement them
Scope

• Physical displacement
  – Permanent
  – Temporary

• Economic displacement
  – Permanent
  – Temporary
Types of Displaced Persons

- Owners of land/assets with titles
- Land users with customary claims
- Occupiers with no titles or customary claims
Triggers of Safeguard Standards

- Land acquisition
- Restrictions on
  - land use
  - Access to parks and protected areas
If Standards are Triggered:

- Project owner checks other alternatives
- If unavoidable, minimize impacts
- If a donor involved, obtain assistance
- Apply best practices
- Prepare a resettlement plan with a budget
LAR Best Practices/Standards

- Three sets of principles/standards
  - Planning
  - Implementation
  - Monitoring
Planning

Why Early Safeguard Screening is Important?

- early warning of potential risks
- alerts project owner to search alternatives
  - to avoid harm
  - minimize risks
  - transform risks to development opportunities
- Help LAR planning (budget and staff time)
- reduce project delay
Planning

- Identify resettlement impacts and risks

- Project owner will:
  - Determine the scope of planning required
  - Conduct SIA
  - Census and inventory of losses
  - Carry out a gender analysis
  - Hire competent persons do surveys
Planning

- Consult the affected, host community & NGOs

- Project owner will:
  - Inform displaced persons of their entitlements
  - Ensure their participation in resettlement planning
  - Pay attention to the poor and vulnerable
  - Establish a Grievance redress mechanism
  - Support socio-cultural institutions
  - Provide a social preparation time
  - Prepare RP in consultation with all of them
Planning

- Prepare a resettlement plan
- Project owner will ensure:
  - Adequate entitlements
  - Income and livelihood strategy
  - Institutional arrangements
  - Monitoring and reporting framework
  - Budget
  - Firmed implementation schedule
Planning

• Disclose the resettlement plan
• Project owner will:
  – Disclose the resettlement plan
  – Disclose consultation documents
  – Use appropriate language (s)
  – Disclose final, updated, revised plans
Implementation

- Improve or restore livelihoods

- Project owner will:
  - Develop land-based resettlement strategy
  - Compensate APs at replacement cost
  - Share project benefits
Implementation

- Provide resettlement assistance, if physically displaced
- Project owner will provide:
  - Secured tenure of land at relocation site
  - Better housing, infrastructure
  - Access to income and livelihood
  - A plan to integrate resettlers into host community
  - Community services
  - Transitional support
Implementation

- Improve living standards of the poor
- Project owner will:
  - Meet national minimum standards
  - Provide access to:
    - land and resources (rural)
    - adequate housing, access to jobs (urban)
    - skill training
  - Adequate budget and support
Implementation

• Ensure proper negotiated settlement
• Project owner will:
  – Establish transparency
  – Consistency and equitable procedures
  – Ensure same or better income & livelihood
  – If failed, follow normal procedures
Implementation

- Ensure non-titled get compensation
- Project owner compensates:
  - Lost land and other assets
  - Improvements to land possessed, and provides
  - Assistance to relocate
Implementation

• Complete resettlement before displacement
• Project owner will:
  – Pay cash compensation before displacement
  – Resettle before displacement
  – Initiate income restoration before displacement
Implementation

- Plan resettlement as a part of development project
- Project owner will:
  - Include full resettlement cost as project cost
  - Implement as a stand alone operation if significant
  - Allocate an adequate budget
  - Sufficient institutional set up to implement it
Monitoring

• Monitor and assess resettlement outcomes

• Project owner will monitor and assess:
  – Resettlement outcomes
  – Impacts on livelihoods and living standards
  – Whether resettlement objectives achieved
  – Develop precise monitoring indicators

• Disclose monitoring reports
Indigenous Peoples and Resettlement

- Special attention to IP areas and community
- Alternative designs to avoid displacement
- Consult IP and donor, if applicable
- Formulate combine RP and IP Plan
- Hold FPIC to obtain consent
Accessing Land for Development
International Standards and Country Systems

Training Workshop

Honiara
Solomon Islands
August 2015
Module

LAR Issues for Discussion
Issues for Discussion

- Replacement Value
- Rehabilitation
- Land acquisition
- Income restoration
Why Replacement Cost Important?

- A core best practice
- Market value vs replacement cost
- Options to restore/improve income sources and livelihoods
- Weakest and riskiest option
- many meanings/interpretations
- Limitations in domestic laws and regulations
Components of Replacement Cost

- Fair market value
- Transaction cost
- Interest accrued
- Transitional & restoration cost
- Other applicable payments
Rehabilitation

- Economic – individual/household
- Community – Common Property
- Social networks
- Income Generating Activities
- Skill training
How to Rehabilitate?

- Compensation with livelihood assistance
- Economic rent of acquired property – sharing
- Benefit sharing – farmers – irrigation project, shares in housing projects
Land Acquisition

- Macro level issues
  - Outdated land records
  - Communal land
  - Ownership issues
  - Compensation delays
  - Dependence on the government
  - Inadequate institutional framework
  - Inherent delays in the LA process
Land Acquisition

- Project level issues
  - Land Records Poor
  - Faulty LA plans
  - Insufficient local capacity
  - Customary Land rights
Income Restoration

- impossibility within the agreed time frame
- limited to skill training.
- Is income restoration sufficient?
- Income Improvement – vulnerable households?
Income Restoration

- Quite late – end of implementation
- Undefined scope
- Inadequate surveys
- Resettlement planning and income restoration
- Sufficient budget?
- Time frame?