



Steyn Reddy Associates

**Global Leaders in Land
Access & Resettlement**

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Land Access & Resettlement Insight Series Compendium

Table of contents	Page
Chapter 1: Overview	1
Chapter 2: Project Planning & Preparation	5
Chapter 3: External Stakeholder Engagement	10
Chapter 4: Internal Stakeholder Engagement	14
Chapter 5: Cultural Heritage, Cemeteries & Graves	17
Chapter 6: Baseline Data Collection & Analysis	21
Chapter 7: Minimizing Displacement	26
Chapter 8: Physical Resettlement Planning	31
Chapter 9: Livelihood Restoration Planning	37
Chapter 10: Government and Partner Led Resettlement	42
Chapter 11: The Negotiation Process	47
Chapter 12: Eligibility & Entitlements	51
Chapter 13: Physical Resettlement Implementation	55
Chapter 14: Livelihood Restoration Implementation	60
Chapter 15: Benefit Sharing and Community Investment	64
Chapter 16: Land Management	68
Chapter 17: Sign-Off, Moves & Follow-Up	73
Chapter 18: Monitoring and Evaluation	78
Chapter 19: The Business Case for Obtaining a Social License to Operate	81

Chapter 1: Overview



LAND ACCESS & RESETTLEMENT INSIGHT SERIES COMPENDIUM

Background

This Compendium consolidates a 19-part Insight Series developed by Steyn Reddy Associates (SRA) to help projects successfully navigate the key steps in the land access and resettlement process, from project assessment and planning through to negotiations and into implementation (physical resettlement, livelihoods restoration and moves) and monitoring & evaluation. It is available for download free at www.steynreddy.com, along with all of SRA's other thought leadership.

Overview

Many projects, be they natural resource projects, major infrastructure projects, agribusiness, or environmental protection, can have considerable impacts on local communities, chiefly due to the need to acquire or protect large areas of land.

Land access and resettlement is concerned with managing these challenging processes to minimise impacts on communities, mitigate any impacts that do occur, and ideally leave communities better off, through appropriate resettlement, restoration of livelihoods and related initiatives.

The ideal result should be mutual gains for communities, project proponents and governments. However, such a task can be daunting, and often project proponents either don't know where to start, how the process should be managed, or can underestimate the impacts and risks associated with resettlement.

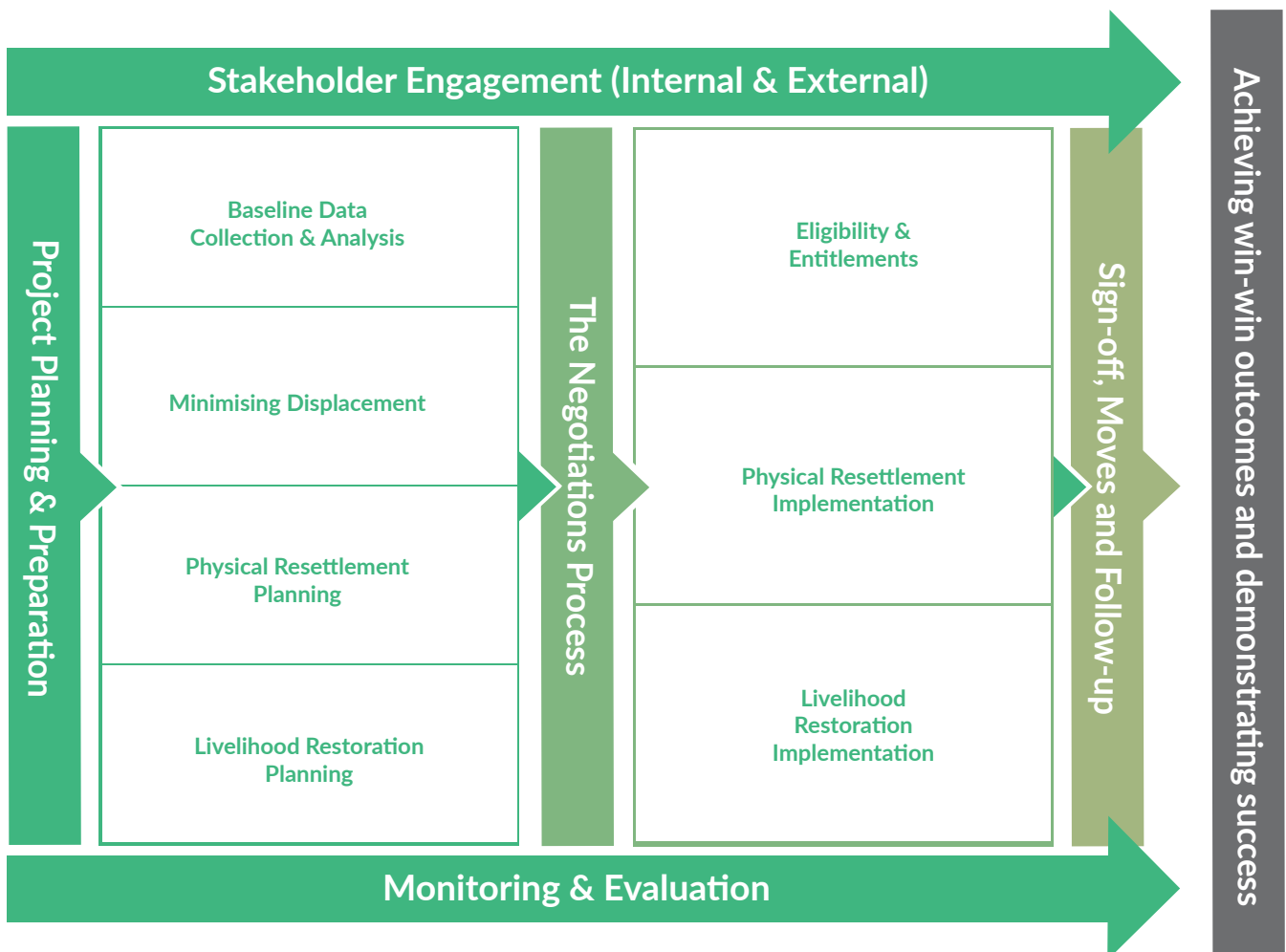
There is often a lack of realism about the effort, time and cost to undertake resettlement properly.

Many projects have experienced community protests, significant delays, or have not been completed, due to poorly planned and implemented approaches to land access and resettlement, with devastating impacts on communities, inflated project costs, and corporate reputational damage.

When resettlement is unavoidable it must be carefully and systematically planned from an early stage, and undertaken with the informed and active participation of displaced persons and other relevant stakeholders.

In this Compendium, SRA aims to demystify the land access and resettlement process by providing insight into the following key steps:

- Project Planning & Preparation
- External Stakeholder Engagement
- Internal Stakeholder Engagement
- Baseline Data Collection & Analysis
- Minimizing Displacement
- Physical Resettlement Planning
- Livelihood Restoration Planning
- The Negotiation Process
- Eligibility & Entitlements
- Physical Resettlement Implementation
- Livelihood Restoration Implementation
- Sign-Off, Moves & Follow-up
- Monitoring & Evaluation



We also address the following common challenges:

- Cultural Heritage, Cemeteries & Graves
- Government – Led Resettlement
- Benefit Sharing and Community Investment
- Land Management
- Articulating the Business Case for effectively managing and resourcing resettlement

Each Chapter will:

- Discuss key points on the designated topic
- Outline the key steps to take
- Include key things to bear in mind

If you have a question or comment on this compendium, or anything related to land access and resettlement, please email us at info@steynreddy.com.

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Chapter 2: Project Planning & Preparation



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Project Planning & Preparation

There is no way that one can apply a One Size Fits All process to every land access and resettlement project. However, there are basic planning processes that should be used regardless of the project location.

You should start planning as early as possible to give you enough time to do things thoroughly. Pre-feasibility and feasibility studies need to include an appropriate level of land access and resettlement planning.



Always remember that There is No Quick Fix and there are No Shortcuts. The resettlement planning process should include the following key steps and elements (many of which will occur in an iterative and multi-phased manner):

Assessment

- Understanding the type, nature and extent of the land access and resettlement required for a project is essential as this will help determine the type and extent of planning required
- Will it be a Life-of-Project or Phased Land Take exercise
- Assess Project Displacement Impacts, Risks and Opportunities

Avoidance

- Avoid and minimize displacement to the extent possible, but endeavour to understand full life-of-project land take requirements
- Close interaction with other project departments and use of satellite imagery and multiple overlay maps considering different scenarios will help to do this

Gap Analysis

- Undertake a Gap Analysis between applicable National laws and International Standards
- Use the Gap Analysis as the basis for developing your project's Policy Framework

Review

- Before you commence planning, reflect on the lessons learned on other projects i.e. benchmark
- Review and understand legacies and lessons from your earlier project phases

Policy Framework

- No resettlement planning should be undertaken without first developing explicit overall objectives and guiding principles
- Early preparation of an overarching policy framework will guide planning activities - Land Access & Resettlement Policy Framework (if physical & economic displacement) and Livelihood Restoration Framework (if only economic displacement)

Team

- Put in place an integrated resettlement team led by an experienced senior manager
- Ensure an appropriate balance of national and expatriate experience
- The team should be primarily based at site (although this will vary depending on the project phase), and located close to, or within, other key components of the overall project team
- Ensure clear roles and responsibilities and a formal organisational chart
- Think of the resettlement team as going beyond internal project personnel i.e. affected communities, government and others have a critical role

Key Parameters

- Develop a set of key of Planning Assumptions and Parameters to guide detailed planning

Scenarios

- Use Scenario Planning to, for example, develop a number of different land take scenarios, different schedule and costing estimates, and to plan for specific activities like negotiations

Work Plan

- Prepare a realistic work plan and schedule from early on during project assessment and planning, with regular updates as necessary
- Integrate the land access and resettlement schedule with broader project schedules
- Develop different scenarios e.g. base, best and worst case

Management Plan

- A Management Plan should be developed early in the overall project assessment and planning cycle (with updates along the way)
- Develop a Resettlement Action Plan where there is physical and economic displacement
- Develop a Livelihood Restoration Plan where there will only be economic displacement

Costing

- Projects typically underestimate the cost of land access and resettlement (consciously or unconsciously)
- Prepare realistic cost and cash flow estimates during the early project stages
- Develop different scenarios e.g. base, best and worst case
- Ensure that commitments in your management plan are fully costed in your budget and avoid unaffordable precedents
- Consider the hidden costs of project delays when making decisions

Engagement

- Ensure early and appropriate involvement of internal and external stakeholders
- It is critically important to remember that affected communities must be involved in resettlement planning to enable a successful outcome
- Make sure internal stakeholders understand the business case for doing resettlement properly

IMS

- Ensure you establish an Information Management System (electronic and hardcopy) early on that is set up with a life-of-project perspective, forms part of the broader social IMS and the broader overall project IMS, and that is a useful tool to help undertake, monitor and review all phases of the land access and resettlement process

Chapter 3: External Stakeholder Engagement



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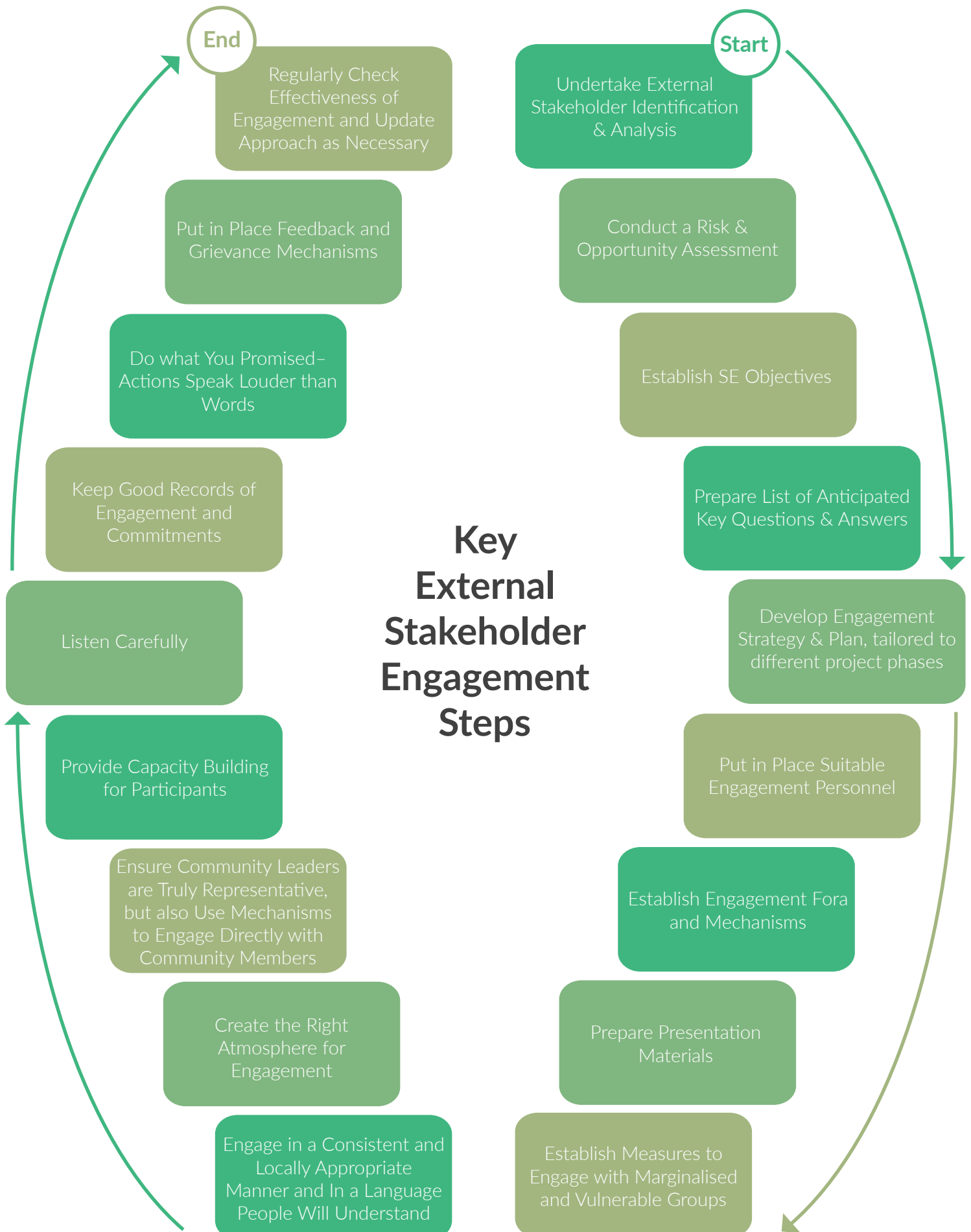
External Stakeholder Engagement

It is critically important to remember that communities impacted by land access and resettlement must be actively involved in assessment, planning, implementation and monitoring & evaluation to enable a successful outcome.

Key External Stakeholder Engagement Components:



Key External Stakeholder Engagement Steps



Things To Bear in Mind

No matter how well you undertake resettlement Prepare for Unfavourable Attention.

Project employees are key 'internal and external' stakeholders.

Perception is reality - If you do not engage then people will create their own reality.

Chapter 4: Internal Stakeholder Engagement



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Internal Stakeholder Engagement

Good internal project engagement is a pre-requisite for successful external stakeholder engagement in relation to land access and resettlement.

Failure to engage with all relevant internal stakeholders = land access and resettlement activities that are not fully integrated into overall project planning.

Internal stakeholders who have not been adequately engaged will often lack a full understanding of the land access challenge – You need to speak language they understand = Explain the Business Case.

Things To Bear in Mind:

- Employees are key ‘internal and external’ stakeholders and information disseminators.
- Contractors need to fully understand and be on-board with the project stakeholder engagement approach.
- JV projects pose additional challenges as they can involve significantly more complicated structures - This makes thorough internal stakeholder engagement doubly challenging and important.
- Perception is reality - If you do not engage then people will create their own reality.
- Do not promise what you cannot deliver.



Chapter 5: Cultural Heritage, Cemeteries & Graves



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Cultural Heritage, Cemeteries & Graves

Cultural Heritage can be both tangible and intangible.

Projects will often need to take account of intangible cultural heritage such as the traditional practices, lifestyles, heritage and shared history of communities. This may include working with communities to ensure recording of cultural histories, stories, and music, as well as supporting the protection and enhancement of heritage through provision of cultural centres and other supports.

The essential goal is to ensure resettlement does not adversely impact such heritage, but ensures community cohesion and continuity.

This short blog focuses on the tangible elements of cultural heritage which can be physically impacted by land access and resettlement. This may include:

- Archaeological and historic sites
- Traditional cultural or sacred sites
- Cemeteries and graves (we will deal with ecclesiastical structures in Chapter 8 of the series dealing with physical resettlement planning).

Impacts on archaeological, traditional and religious sites require specific planning and treatment.

Guiding Principles

- The Project should confirm the principles that will be followed in respect of treatment of cultural heritage, with reference to laws and international standards
- The overall principle should be to protect cultural heritage from adverse impacts and support its preservation
- Respect and understanding of cultural norms and traditions – failure to fully understand can lead to project delays and disputes
- Informed participation by all applicable communities and stakeholders
- Compliance with laws and standards
- Minimization of disturbance and preference for preservation in situ
- Expert involvement & oversight

Inventory

- Identification of all sites of potential cultural significance that may be directly or indirectly affected
- Use of appropriate experts
- Reference to local and national records and previous studies
- Consultation with key stakeholders, such as traditional and religious leaders

Assessment

- Map potential sites, undertake site visits, and observe usage
- Traditional sites should have been utilized in living memory as part of a long cultural tradition – to prevent proposal of spurious sites in anticipation of compensation
- Be clear on ownership – sites may be communally or individually ‘owned’
- Overlay potential sites on project infrastructure to assess level of impact – this needs to inform minimization efforts and redesign, especially when sites are physically impacted – the preference should be to at least allow preservation in situ

Policy Framework

- Develop a Cultural Heritage Policy Framework outlining proposed treatment of sites
- The Policy Framework should be used as the basis for consultation with all stakeholders

Consultations

- Depending on the extent of impacts, consultations may need to be undertaken at the national (or international level) as well as with communities, traditional authorities, local experts, and religious leaders
- Sensitivities surrounding cultural heritage issues mean a project should consider if consultations and negotiations should be undertaken within the framework of overall land access and resettlement negotiations, or in a special forum, or more likely a combination of both
- Even if initial discussions are in special forum, adequate feedback should be given to all project affected communities, to avoid conflict later
- Plans should be developed to mitigate and/or compensate any adverse impacts, in consultation with stakeholders

Proposed Treatments

- Proposed treatment of sites will be discussed with stakeholders and will form the basis of a Cultural Heritage Management Plan (CHMP)
- Treatments may include:
 - Protection of site in-situ (during construction, operation or both)
 - Access arrangements to protected sites for communities on a constant or regular basis
 - Where preservation in situ is not possible – excavation, examination and recording, and preservation
 - Relocation of a site to a new location
 - Performance of traditional rites to relocate, remove significance, or ‘move spirits’
 - Exhumation of graves, or partial relocation of graves (e.g. headstones), accompanied by religious and/or traditional rites
 - Payment of compensation – where either monetary or in-kind compensation can be agreed

Management Plan

- Agreed treatments and procedures should be documented in a Cultural heritage Management Plan (CHMP) and also reflected in the RAP
- The CHMP should also include discussions of all relevant legislation and any permit requirements
- The Plan should include measures for participatory monitoring and evaluation by all stakeholders, and be widely disclosed

Chance Finds Procedure

- Importantly, the CHMP should include a Chance Finds Procedure, outlining the steps that will be taken in the event of a discovery
- This will normally include an immediate work stoppage; protection of the site; investigations and studies; consultations; and development of agreed appropriate measures for treatment

Chapter 6: Baseline Data Collection & Analysis



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Baseline Data Collection & Analysis

Baseline data collection & analysis serves several important purposes in land access and resettlement planning:

- Identification of potential impacts (negative and positive) on directly and indirectly affected communities, which informs the development of mitigation measures and development of social plans (including resettlement and livelihood restoration planning)
- Determination of ownership and details of all impacted assets (structures, farms, crops, etc.)
- Establishment of a pre-project baseline which can be used to monitor and evaluate mitigation measures and demonstrate success.

It is obvious to say that a poorly planned baseline data collection, storage and analysis process will likely result in poorly planned projects and costly delays.

The key steps in baseline data collection and analysis will include the following:

Planning

- Undertaking surveys on projects can involve a large number of surveyors, relating to both structure, crop and socio-economic surveys. Preparation in advance of fieldwork should be as confidential as possible to avoid the potential for speculative building or planting in the project area
- Ensure an appropriately skilled and staffed team is in place to undertake surveys in a timely and efficient manner

Desk-Based Studies

- Review all secondary data (including government census, previous studies) related to the project area, and any previous data collected by the project
- Liaise with project planners to understand the project footprint, including all related infrastructure
- Use satellite imagery overlaid with project infrastructure to identify impacted structures and lands for survey planning (in terms of approach and resources required)
- The initial desk-based analysis informs the definition of directly and indirectly impacted areas (as well as early costing)

Ground-Truthing

- Visit the project area to scope the situation on the ground in terms of topography, types of structures, crops, community make-up etc.
- Consider survey planning in the context of the projects ongoing stakeholder engagement process
- Scoping and site visits should be discreet so as not to raise community expectations of project benefits and encourage speculative building or planting

Survey Matrix

- Develop a Survey Matrix, which should include the following:
 - Development of appropriate indicators which can be used to gather meaningful survey information for both mitigation planning and M&E
 - Development of appropriate survey questions
 - Confirmation of who should be surveyed and which methods should be used to collect which data (e.g. socio-economic survey, asset survey, focus groups, key person interviews). Sometimes it will be appropriate to use more than one medium to allow for cross-referencing and confirmation
 - Note which data may also be gathered by other surveys (e.g. ESIA surveys). It is important to note that data collected for ESIA and other baseline surveys may not always be appropriate for RAP planning (e.g. may not cover 100% of directly impacted households)
 - Timing of surveys (e.g. to ensure farming seasons are taken into account)
- The Survey Matrix can assist in coordination of surveys (RAP, ESIA) and avoid survey fatigue on the part of communities

Survey Design

- Develop survey forms, with regard to usability, and the need to input data to an information management system later, which in turn should allow for meaningful analysis linked to both individuals and households
- Confirm sampling sizes – 100% surveys will be required for directly-impacted households, while a context appropriate sampling method will need to be selected for indirectly affected community surveys
- Consider initial Rapid Surveys for projects which will cover a wide area, supported by satellite and aerial photography – capturing all assets in a project area quickly will prevent speculation and allows for follow-up detailed surveys to be better focussed and coordinated
- Develop a Communications Plan to inform stakeholders regarding any surveys and agree any survey processes

Testing

- Undertake adequate training of survey teams in advance of survey launch
- Test-run survey methods and forms to iron out any issues in advance
- Check integration with database systems, and ensure data entry will be efficient
- Make sure all resources and logistics are in place for field surveys

Cut-Off Date

- Confirm the legal framework for declaration of an entitlement cut-off date for surveys (in some cases this will be in advance of surveys, or may be on completion)
- Any cut-off date should also be understood and agreed by the affected communities
- While consultations should be undertaken in advance of surveys, a balance must be struck between adequate disclosure and preventing speculative planting and building

Implementation

- As per the Communications Plan, experienced survey teams should be accompanied by the projects stakeholder engagement professionals to ensure smooth community entry – these personnel will lead explanations to households and communities as required
- Survey teams should be accompanied by community representatives, government officials, and other witnesses to ensure surveys are seen as valid by all stakeholders and meet any legislative requirements
- On declaration of the cut-off date (if applicable) and commencement of surveys, monitoring teams should also be in the field ensuring no speculative building or planting occurs
- Whether information is gathered in writing or digitally, supervisors must check for quality in the field
- All surveys should be signed off by affected households, surveyors and witnesses as relevant
- Any notices or information should be passed to households as required, and surveyed households clearly marked and recorded
- Any forms should be checked and scanned at the end of each day to ensure data accuracy and security

Data Entry & Analysis

- Databases developed for a project should be user-friendly, secure and agile, in that they can allow for analysis of data easily and in a timely manner
- The design and complexity of databases will differ according to the size and complexity of projects
- Data entry staff should be supervised to ensure all data is entered accurately, with quality checks undertaken
- Data analysis will include current household composition, assets, livelihoods, income, education and health, among other issues. These will need to be analysed on a household and community basis in order to develop appropriate compensation, resettlement and livelihood packages
- The database should also be the basis of future monitoring and evaluation efforts

Chapter 7: Minimizing Displacement



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Minimizing Displacement

Good practice is for a project proponent to consider feasible alternative project designs and other practical measures to avoid or minimize physical and economic displacement. Not only is this desirable from a social perspective, but it also makes business sense to minimize the scale of land access and related displacement given the cost of providing replacement houses, compensation, livelihood restoration and other measures.

Key Steps:



Optimised
Minimization
of Displacement

3

Review land take requirements and see how the displacement of people (physical and economic) can be avoided or minimized - Avoidance and minimization options include:

- Changing the project design to reduce the area of land required
- Changing the location of project infrastructure
- Changing the technology used by the project
- Managing the impact of the project's activities to reduce environmental, health and safety impacts

4

Iterative planning - It is critical that avoidance and minimization efforts take place early in project scoping, assessment and planning. To facilitate this, there should be a close working relationship and iterative interaction between resettlement team members and other project personnel from early on

5

Consider future project expansion - Efforts to minimize land access and resettlement must also be balanced with the potential impacts on communities left living close to the project and providing flexibility for the project to expand in the longer term. Projects are often subject to influx into the area rendering future land access for expansion very expensive

6

Trade-off studies - Consider different project designs and land take scenarios as well as related levels of displacement and associated risks by undertaking a trade-off study/ies to ascertain the best options to choose

Optimised
Minimization
of Displacement

7

Written report - A written report setting out investigations conducted, options considered and measures taken to avoid and minimize displacement should be prepared and approved as part of the early resettlement planning process and prior to commencement of any land acquisition and resettlement

8

Manage influx and speculation – Minimize displacement by minimizing influx of people and speculative activities, particularly in the periods before firming up on the project footprint and declaration of an entitlement cut-off / moratorium date:

- The project should ensure that all sensitive project information is kept as confidential as possible
- The project should work closely with local and national government to declare cut-off dates for development in the project footprint and to freeze the building of structures and planting of crops
- The project should secure aerial or satellite imagery concurrent with the declaration of the cut-off date to demonstrate that it has a record of all structures and other items eligible for resettlement benefits

9

Minimize the impacts of resettlement sites - In terms of minimization efforts, in many cases the impacts on existing landowners and users of the land selected for the resettlement site/s are ignored. It is often assumed that paying cash at negotiated rates to acquire the land for the resettlement site is adequate to meet the project's responsibilities. However, these landowners and users are impacted just the same as those losing access to land in the project footprint and they may also face similar impoverishment risks:

- The selection of resettlement sites for people displaced from the project footprint needs to take into account displacement impacts on host communities
- Ensure that any land selected for resettlement sites (including related livelihood programs) is determined to be unnecessary for any future project expansions

Things To Bear in Mind:

Avoid and minimize displacement to extent possible, but have a life-of-project land take perspective.

Continue to monitor the unfolding land requirements of the project, to ensure that any further expansion is planned in advance and all reasonable efforts are made to avoid and minimize further displacement.

Avoiding land take may not avoid the need for resettlement of people e.g. leaving people in-situ may not be possible due to other project impacts.

Chapter 8: Physical Resettlement Planning



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Physical Resettlement Planning

The process of physical resettlement is not just one of physical disturbance, but can be emotionally disturbing. Vulnerable households, and the elderly, who often have a close attachment to the locality, can be particularly affected, and may find it harder to settle in new locations. The process can create tensions in a community related to leadership, property ownership, and challenge the status quo. Sensitive planning is therefore required, well beyond mere physical planning and design considerations.

Physical resettlement planning should enable resettlement in new locations that:

- Reflects the way households live and meets their needs.
- Respects social networks.
- Maintains links with existing assets and resources, or replaces them.
- Enables resettled people to improve their livelihoods and also share in project benefits (e.g. employment).
- Offers fair, equitable and adequate replacement housing.
- Replaces community facilities, and provides additional facilities as may be required.
- Maintains or improves security of tenure.
- Is affordable to the project.

The key steps in physical resettlement planning will include the following:

Initial Assessment

- Stakeholder engagement and surveys undertaken as part of the resettlement process should inform physical resettlement planning, in terms of cultural requirements, community organisation, household structures, existing assets
- These surveys should be supplemented by architectural analysis and observational studies examining use of homes, plots and shared infrastructure, and participatory studies such as transect walks and community calendars

Identifying Resettlement Sites

- Undertake initial discreet desk-based assessment of potential sites, according to key criteria – this will include livelihood considerations; agricultural potential; access to services; proximity to home area; topography; and drainage and other engineering considerations
- Confirm with the project proponent any areas which would not be suitable, for example due to the need for safety buffers or project expansions
- Review statutory development plans, legislation and building regulations for guidance on sites, plot sizes and infrastructure provision
- Analyse baseline data and develop tables on numbers of plots, community infrastructure and services requirements
- Consider an appropriate mix of resettlement solutions, which may consist of one site, a number of sites, or a mix of new sites, infill development and standalone housing, depending on project circumstances
- Undertake discreet site visits – again avoiding potential speculation on sites
- Develop a shortlist of potential sites/solutions for consultation with stakeholders

Housing Design

- Preliminary house designs should consider: the basis of replacement (e.g. like-for-like replacement, minimum sizes and standards etc.); community priorities (what do people value most); size of rooms and houses; facilities (water, electrical provision etc.) and plot sizes (which should be adequate for traditional outdoor activities and livelihoods)
- Objectives that should guide house design include:
 - Affordability – both to the project, and to the households, in terms of ongoing maintenance
 - Familiarity – meeting socio-cultural requirements and using building techniques and materials known/available to households and local contractors
 - Flexibility – designs which can reflect changing household composition and needs over time
 - Extendible – Can be easily expanded and enhanced using locally available materials and techniques
- A range of house sizes and types should be developed, which reflect the baseline requirements, and introduce diversity and individuality to the resettlement
- Take careful account of cultural considerations in terms of living arrangements and design

Community Facility & Infrastructure Design

- Preliminary design of community facilities and infrastructure should consider: existing provision (including facilities which resettling communities may lose access to); carrying capacity (allowing also for future expansion, and host community populations); and, statutory requirements (e.g. population thresholds for facilities provision)
- Be careful to take time to separate community needs from wants
- Consider the potential for shared infrastructure provision – this can be useful in demonstrating benefits to host communities and ensuring the resettlement is welcomed
- Consider management and the ultimate end-user of community facilities and infrastructure – involvement at the design stage will ensure a successful handover and adoption of the facilities later

Considering Businesses

- Ensure surveys record all existing businesses, noting which are moveable (e.g. table-top business and small kiosks) and which are immovable
- Consider a standard range of designs for replacement business premises – although in some cases bespoke design will be required (or cash compensation for self-build)
- A small business survey should be undertaken at the time of baseline surveys to consider loss of income during the transition to resettlement sites

Religious Structure Design

- Preliminary designs for religious buildings will need to be developed in close consultation with relevant stakeholders, which depending on the circumstances, may include international, national and/or local representatives
- Further consultation may be a part of general community negotiations, or separate negotiations, or a combination
- The issue of cemeteries, graves and shrines is discussed in Chapter 5 of this blog series: Cultural Heritage

Consultations & Negotiations

- Preliminary identification of resettlement sites and initial designs will necessarily be based on ongoing stakeholder engagement and baseline data survey efforts
- Following the initial design stage, consultations should be undertaken with communities as part of the ongoing stakeholder engagement and negotiations process (Negotiations is considered in Chapter 11 of this Series)
- Consultations also need to take place with national, regional and local authorities (as applicable)
- In addition to informal consultations, the project needs to understand and follow any statutory approval process relating to urban planning and building regulations

Detailed Design Stage

- Normally consultations and negotiations will result in a shortlist of sites for further investigation and detailed design development. Further investigations at this stage would include: a detailed livelihoods assessment; hydrogeological studies, and geotechnical studies
- Detailed design of shortlisted sites can then be undertaken in terms of site layouts (including public space and other use zoning), service provision, plot allocations etc.
- Detailed housing and other structural designs should be developed
- Detailed budgets should be developed, along with appropriate visual materials and models to aid consultations and agreement on final sites, layouts and designs
Formal approvals should be secured at this stage

Host Communities

- It is preferable to identify resettlement sites which are largely unencumbered – however, this will not always be possible
- Host communities may also live nearby resettlement sites and may be impacted by the resettlement, including strain on existing service provision
- An analysis of host communities will be an important part of site selection – in some circumstances there may be potential conflicts between different communities
- Early engagement with host communities is essential, and ensuring that they see benefit from the resettlement (e.g. in the upgrade of shared services and infrastructure; contracting opportunities; project employment & benefits)
- Formal and informal interaction between host communities and resettlers should be planned and encouraged

Security of Tenure

- Improved security of tenure can be a valuable outcome of resettlement processes
- In many jurisdictions this can be a lengthy process and projects should plan for this well in advance
- At the very least, it should be agreed with all stakeholders that moves can occur in advance of property registration, to avoid lengthy delays and uncertainty for communities

Chapter 13 of this Insight Series will deal with Physical Resettlement Implementation, while Chapter 17 will discuss the issues surrounding Sign-Off on Entitlements, Moves of Households, and Follow-Up with Resettled Households

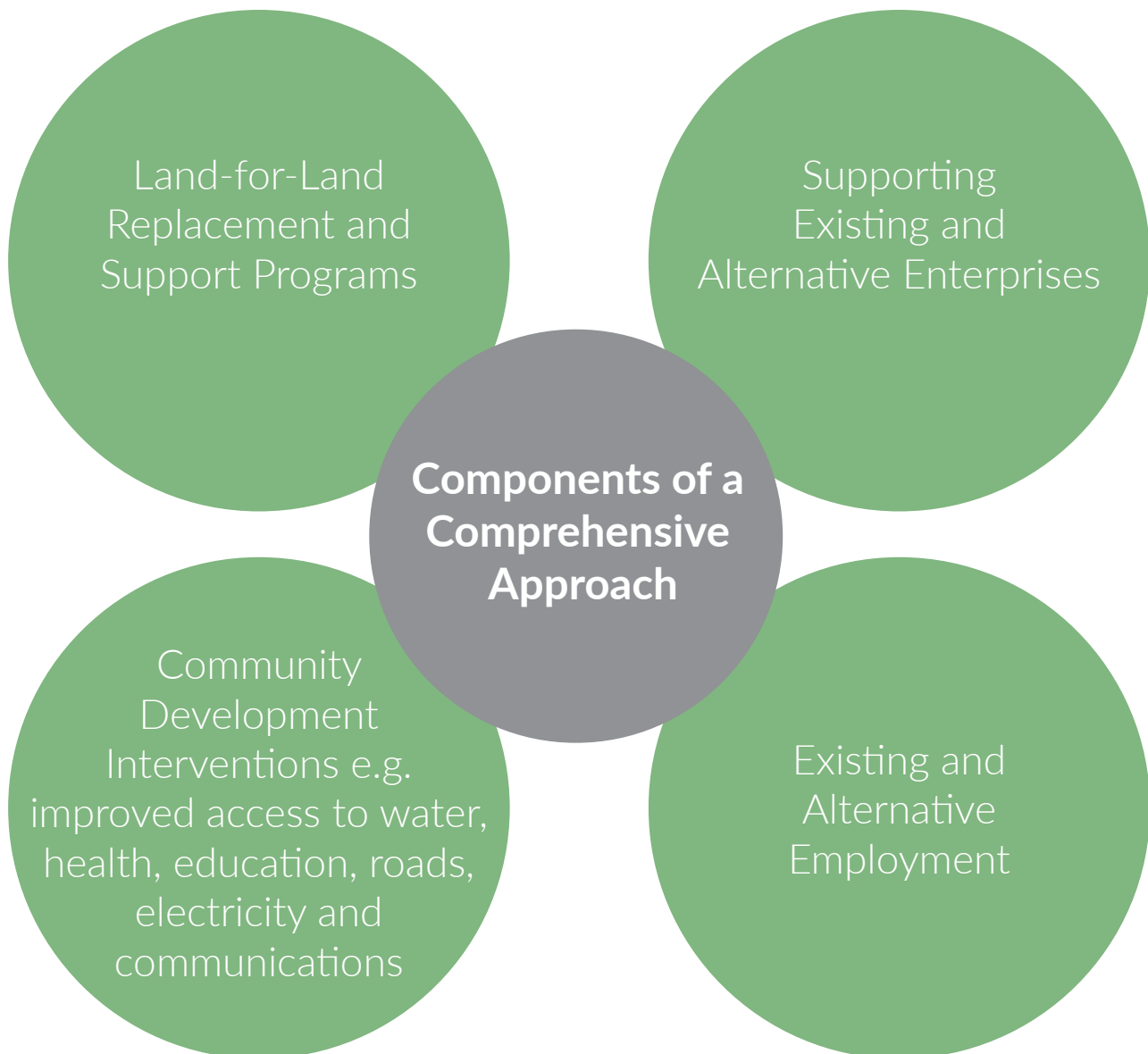
Chapter 9: Livelihood Restoration Planning



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Livelihood Restoration Planning

Resettlement is not complete until impacts on livelihoods have been addressed. However, livelihood restoration is one of the most challenging aspects of resettlement. The challenge is often exacerbated by the difficulty of finding enough replacement land to replace agricultural livelihoods. Therefore, it is essential to remember that livelihood restoration is typically a long-term process.



Stakeholder Engagement

- Avoid a top-down approach - Actively involve affected people and other relevant stakeholders at all stages of the process
- Engage with all stakeholders - Make sure women and vulnerable people are fully engaged
- Use external expertise - Livelihoods programs often require specialist skills that project proponents lack. Work with appropriate external parties, including government and NGOs
- Understand fears and aspirations - Understand the fears of older generations who may not be able to transition to new livelihoods, as well as the aspirations of the younger generation (who may want to leave the area but who can help to replace lost family income)

Assessment

- Understand pre-displacement situation - Make sure your baseline data enables you to understand the pre-displacement livelihoods and overall status of each affected household, so that the right measures for each family can be adopted and results measured against what existed before displacement
- Understand trends - How do these affect ability to restore livelihoods e.g.: urbanization, migration, destruction of natural resources and climate change
- Benchmark - Undertake reviews to understand what has worked and failed elsewhere

Planning

- Is there replacement land? - Ascertain this early as it will determine what approach to addressing livelihoods is possible
- Multi-faceted strategy - Address the loss of all sources of livelihoods as families often rely on a variety of income sources
- Integrated community development approach - Realise that livelihoods restoration requires a focus beyond just income and that other social factors like education, health, social cohesion and land tenure status serve to sustain or disrupt livelihoods over time
- Integrated planning - Livelihoods planning should be fully integrated into broader overall and long-term project management of social issues, as well as district and regional development planning. Ensure RAP / LRP livelihoods measures are integrated with other project management plans dealing with local employment and procurement; ASM; influx; community health, safety & security, vulnerable people; worker housing; community development; and project closure

- Right skills - Project proponents often have limited experience in livelihood restoration and often support measures which promise quick success but which often fail after a short time – It is therefore essential to bring in the right parties to undertake livelihoods programs. Develop partnerships with agencies with a proven track record
- Resettlement sites - Ensure that livelihoods criteria play a critical role in site selection, including scope for future growth. Provide or facilitate infrastructure to support the growth of opportunities and markets and to enable people to take advantage of these e.g. roads, electricity, communications and banking facilities
- Locally appropriate – Make sure measures can work locally, and avoid big-headline expensive programs focused on only a few people
- Project related opportunities – Maximise project local employment and procurement opportunities, but not to the exclusion of traditional and other opportunities. Affected community and local contractor involvement in resettlement site construction is often a significant early opportunity (but requires careful planning and management)
- Develop local entrepreneurs off-critical path – Find ways to capacity build local businesses and people by involving them initially with small work scopes that will not affect the project’s critical path
- Is there a market? – Investigate if there are markets for the skills and businesses developed
- Host communities – Take account of and involve host communities in resettlement planning and benefits
- Properly structured projects – For each livelihoods program prepare a proper design and plan, including: objectives; delineation and scheduling of work tasks; budgeting and resource allocation; management and coordination arrangements (including clear roles and responsibilities); risk mitigation measures; and M&E and reporting arrangements. See also Chapter 15
- Long-term budget – Make sure the livelihoods budget is adequate to cover an extended period post-moves

Implementation

Addressed in Chapter 14

Things To Bear in Mind

Many households rely on a number of different livelihood sources – Adopt a multi-strategy approach.

Maximize project opportunities, but be careful of creating dependency where the project has a limited life.

Start livelihoods programs well before affected people are moved.
Transitions to new livelihoods can be fraught with challenges – Be realistic about what is achievable.

A failure to properly integrate resettled households into host communities can result in jealousy, isolation and an ongoing dependency on the project.

Livelihood restoration typically requires a long-term commitment.

Chapter 10: Government and Partner Led Resettlement



LAND ACCESS & RESETTLEMENT INSIGHT SERIES COMPENDIUM

Government and Partner Led Resettlement

Governments may seek to undertake land access and resettlement as a part of infrastructure, environmental or other projects. At the same time, such projects may be in receipt of international financing and subject to international standards, such as IFC or World Bank environmental and social standards.

In certain jurisdictions host governments may also reserve the right to manage land acquisition, compensation payments, and resettlement associated with a project, regardless of whether the project is undertaken by the private or public sector.

IFC Performance Standards note that where stakeholder engagement and/or land acquisition and resettlement are the responsibility of the government, the client will collaborate with the responsible government agency, to the extent permitted by the agency, to achieve outcomes that are consistent with the performance standards. In addition, where government capacity is limited, the client will need to play an active role during resettlement planning, implementation, and monitoring.

If the process conducted by the government does not meet the relevant standards, the project should conduct a complementary process and, where appropriate, identify supplemental actions.

This can be considered equally valid when land acquisition is the responsibility of a joint venture partner, who may be used to operating to host country standards, which may often fall well short of international standards. The need to ensure international standards are followed remains just as critical in this case, not least in terms of ensuring a social license to operate and controlling reputational risk.

Key steps which can be considered in such circumstances include the following:

Initial Assessment

- An initial due diligence should be undertaken at the outset of the project which would:
 - Identify and describe government / JV partner stakeholder engagement and resettlement responsibilities and measures
 - Identify the potential risks in the government or JV partner undertaking any aspects of land access and resettlement
- As part of this, identify potential strategies to address these gaps and risks. Strategies to be developed are likely to include:
 - Specific government/partner engagement strategies
 - Dedicated resources to manage government/partner interactions
 - Supplemental Action Plans

Stakeholder Specific Action Plans

- As mentioned above, specific staff should be dedicated to the management of government / JV relations in such instances
- A Specific Stakeholder Action Plan can be a useful document to guide and manage engagement strategies with government/JV partners, including how to communicate the rationale for certain standards and interventions, and to obtain the flexibility from government / partners to introduce supplemental action plans
- The Stakeholder Action Plan needs to include the following:
 - The roles and responsibilities of government / partner in the land access process
 - An assessment of the projects own standards and resulting gaps and risks
 - An agreed approach to engagement with the government or JV partner
 - An articulation of the rationale and business case for meeting international/project standards
 - The strategy for addressing gaps in a way that does not conflict with national legislation, and who will be responsible for this
 - An outline of the supplementary action plans that will be developed
 - An agreed organizational structure which allows shared oversight, planning and implementation of stakeholder engagement and land access

- How community expectations will be managed and how supplementary actions will not create precedents for government
- Means of joint engagement, management and M&E
- While initial iterations of the Plan will be internal, once agreements have been achieved with government or JV partners, the Plan can be formalized and shared between the parties

Joint Stakeholder Engagement

- It is critical that the project seeks to go beyond statutory government engagement
- A project must be involved in engagements to anticipate, control and mitigate social risks
- A central aspect of the Stakeholder Specific Action Plan above will be to confirm arrangements to allow joint (or separate) engagements with stakeholders, as well as related baseline data gathering efforts
- Establishment of a Resettlement Coordinating Committee can be a useful way to coordinate the activities of the project proponent, JV Partners and government

Supplemental Action Plans

- Supplemental Action Plans (SAPs) may be required to address gaps in government or JV Partner planning and implementation to reach international standards
- SAPs may be required in respect of: stakeholder engagement; baseline data collection; resettlement provision; and, particularly livelihood restoration, which is often not detailed in government resettlement legislation
- A Supplemental Resettlement Plan should include as a minimum:
 - Identification of affected people and impacts
 - A description of regulated activities and the entitlements of displaced households under national laws
 - The supplemental measures being taken to meet standards
 - How this will be permitted by the responsible agencies
 - The financial and implementation responsibilities of the parties involved

Things To Bear in Mind

It can be tempting to leave government or local partners to undertake aspects of local engagement and land access, however, this may not be prudent

Projects and lenders need to ensure they have sufficient oversight and input to ensure standards are met and social risks and impacts are adequately addressed.

Chapter 11: **The Negotiation Process**



LAND ACCESS & RESETTLEMENT INSIGHT SERIES COMPENDIUM

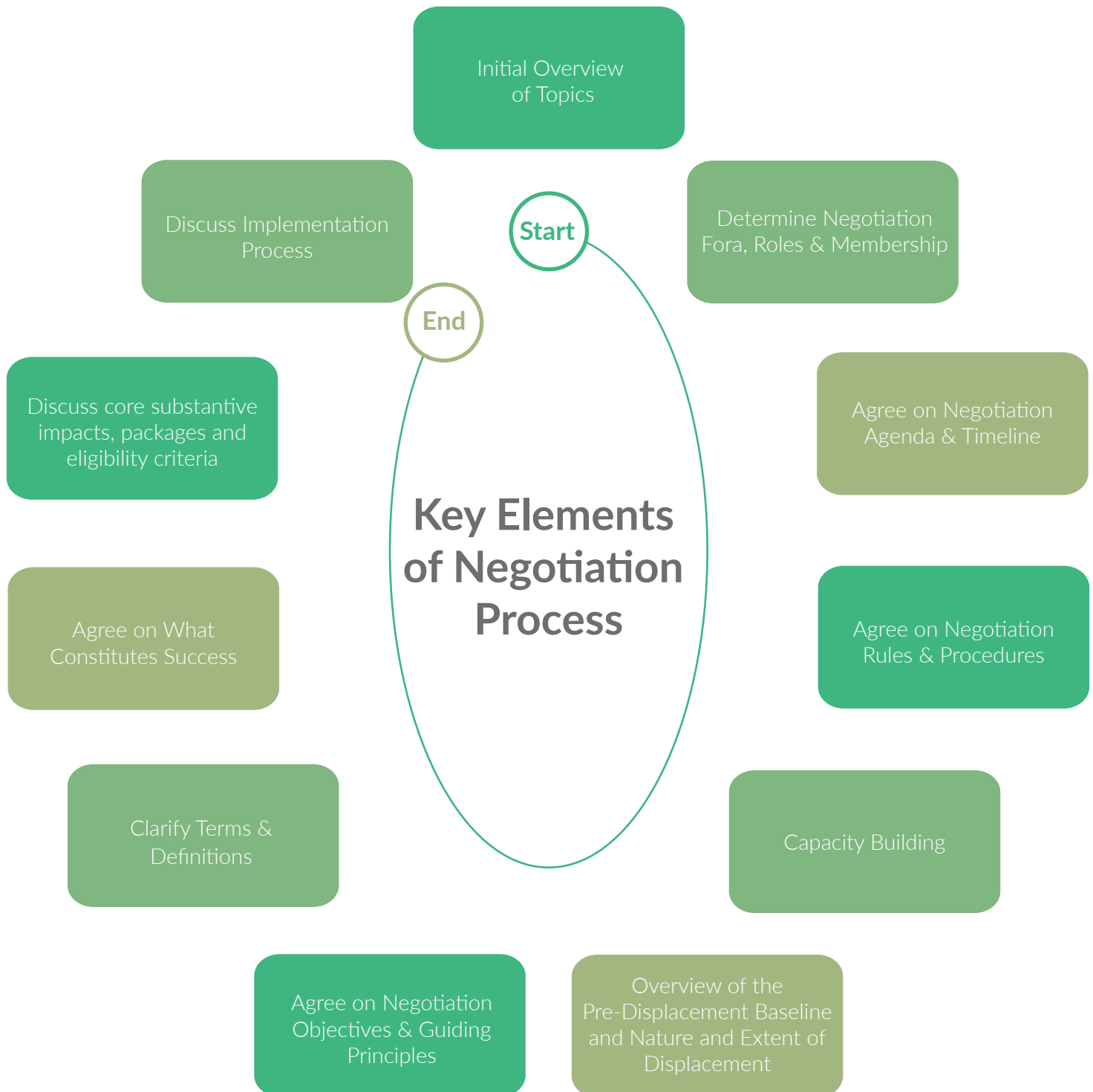
The Negotiation Process

Resettlement is one big internal and external negotiation - Start a well-planned process early to give yourself time and flexibility to negotiate.

The negotiation process should be at the heart of the land access and resettlement process.



All impacts and topics should be discussed as part of a comprehensive process and package – Avoid piecemeal discussions with affected communities.



To plan and manage the negotiation process, the project should prepare a Negotiations Plan. This would be a confidential internal project document setting out the project's negotiation strategy, tactics and related aspects.

Things To Bear in Mind:

Make sure you have right team - Resettlement negotiations are not for the faint hearted, inexperienced or unprepared.

Community representatives must be truly representative.

Offer nothing during negotiations without it first being fully costed and mandated.

Ensure adequate feedback to the broader community during the negotiation process.

Do not promise what you cannot deliver.

Whatever the project initially offers, communities will feel it has more to offer.

Truly engage - It is impossible to build communities' confidence and support if they believe that outcomes are pre-determined.

Do not just give, be seen to negotiate – Get something in return.

Negotiated packages need to be fair, consistent, and transparent - Packages offered should provide true replacement value and improvements.

Record the negotiation proceedings.

Enter into comprehensive and clear agreements detailing the commitments of all parties.

Need a Win/ Win outcome to ensure implementable agreements.

Chapter 12: Eligibility & Entitlements



LAND ACCESS & RESETTLEMENT INSIGHT SERIES COMPENDIUM

Eligibility & Entitlements

Determining eligibility and entitlements is a crucial aspect of the land access and resettlement process.

Practitioners often use the two terms interchangeably, but their meaning is different. Eligibility refers to those who are eligible for compensation, resettlement and related assistance as a result of project impacts (negative and positive). Entitlements refers to the types of compensation and assistance developed to address various impacts and to which various categories of eligible persons may be entitled.

Factors Determining Eligibility



Developing an Entitlement Matrix

An Entitlement Matrix can be used to identify all affected people (eligible persons), the types of impacts incurred, and the types of compensation and other assistance being provided to eligible persons to address those impacts (the entitlements).

Category of Loss	Impact	Category of Eligible Person	Basis of Approach	Entitlements
E.g. Loss of Structures	E.g. Loss of structure or access to structure	E.g. Immoveable house owner	E.g. Area for area replacement	E.g. Choice of . . .
Loss of Businesses	Reestablishment costs; loss of income in transition	Immoveable business owner		resettlement house designs;
Loss of Farmland	Loss of farmland; Loss of crops; Loss of livelihood	Land owner; Farmer; Farmer		according to area, plus kitchen;
Loss of Rental Income	Loss of property; Loss of income	Landlord		cash compensation for annexes; etc.....

The Entitlement Matrix should be exhaustive and detail:

- All categories of impacted people (asset owners, tenants, sharecroppers, squatters, nomads, etc.)
- All categories of loss (loss of assets, loss of access, loss of income, communal losses – cultural heritage, cemeteries, public infrastructure, etc.)
- All entitlements (compensation, replacement offers, livelihood programs, moving and transport allowances, vulnerable packages, etc.)

Things To Bear in Mind

In-kind replacement of assets is preferred to cash compensation to reduce the risk of impoverishment, but there are situations where cash compensation may be appropriate

Government compensation rates may often be well below market rates and should

not be relied on or used as justification for lower rates

Provision of compensation and resettlement benefits needs to occur in tandem with livelihood restoration strategies and adequate financial and money management training

Even households with no legal rights to the land they occupy are eligible for assistance.

Chapter 13: Physical Resettlement Implementation



LAND ACCESS & RESETTLEMENT INSIGHT SERIES COMPENDIUM

Physical Resettlement Implementation

Chapter 8 of this series deals with the physical resettlement planning process. This series briefly outlines the key steps and considerations in the construction and bringing to life of new sites, housing, facilities, and ultimately communities. Chapter 17 of this series will discuss the issues surrounding Sign-Off on Entitlements, Moves of Households, and Follow-Up with Resettled Households.

The key steps in physical resettlement implementation include the following:

Detailed Engineering & Design

- Confirm that all detailed engineering and design are prepared and have been both agreed through the negotiation process and approved by statutory authorities

Tender Documentation

- Develop all tender documentation including:
 - All engineering and architectural drawings and specifications
 - Blank bills of quantities
 - Information on health and safety regulations and standards
 - Roles and responsibilities of project proponent, contractor and any other contractor supervision
- Consider comprehensive presentations and assistance with bids when using local contractors, who may have limited experience and capacity
- Fixed-price tenders may be useful in controlling costs and assisting local contractors

Inception Period

- Individual household sign-off on livelihoods program choices.
- Mobilize resources - Establish a multi-stakeholder implementation team (including community representatives, local government and civil society, as appropriate) with clear roles and responsibilities.
 - Conclude tendering process and contracting arrangements for livelihoods programs.
- Hold inception kick-off workshop(s).

- Establish local capacity building measures early on to enable affected people and contractors to take advantage of project construction phase and other opportunities and to ensure optimized livelihoods program implementation.
- Establish and activate M&E systems for each livelihoods program.

Main Implementation Period (on an ongoing basis):

- Implement activities per the work plan and schedule for each livelihoods program.
 - Pilot proposed livelihood programs – Projects should pilot livelihood restoration initiatives before scaling up activities to ensure that these are proven and will be sustainable.
 - Full program rollout.
- Monitor and review progress.
- Revise operational plans if necessary, in light of experience.
- Report on progress.

Phase Out / Exit Period (Progressively):

- Hand over all responsibilities to local partners.
- Ensure maintenance plans are in place.
- Ensure relevant skills are effectively transferred / Arrange necessary capacity building.
- Help ensure recurrent cost requirements are secured.

Defects Liability Period (if appropriate):

- Monitor project deliverables e.g. buildings, to determine if latent defects arise during this period.
- If latent defects do arise, ensure that contractor rectifies these.

Participatory Monitoring

- Ensure regular guided visits by community representatives and resettling households to foster appreciation of the process, and confirm that construction is being undertaken in accordance with agreements
- An official ceremony to mark the start and finish of works may be appropriate to foster ownership and pride in the new settlement, and adhere to any traditional rituals
- Ensure regular monitoring by statutory authorities, particularly those agencies who will adopt infrastructure once completed – their involvement throughout the process will make handover easier
- Progress updates and photos should also be posted on noticeboards in the community

Handover & Maintenance

- Timely handover of resettlement site housing, infrastructure and community facilities is critical to a project
- If a project proponent undertakes ongoing maintenance of a resettlement site it is costly, reduces the potential to spend resources elsewhere (such as community investment), prevents development of a sense of ownership, and delays integration and 'normalization' of the settlement
- A Handover Committee should be developed consisting of project proponents, statutory authorities (particularly those who will adopt infrastructure), resettlers, and any groups who will manage community facilities
- The Handover Committee should:
 - Be engaged early in the process so that they are involved in design of all elements and can agree management modalities early on
 - Conclude detailed agreements on handover and maintenance roles and responsibilities – this may include specific agreements with various statutory agencies (e.g. water, roads) as well as community groups

Demolition of Existing Settlements

- The timing of demolition of existing settlements needs to take into account the need for land access (ideally phased), and when resettlers are moving to the new site
- The time lag between moves and demolition should be minimized to avoid the possibility of squatting, anti-social behaviour, or structures becoming dangerous as they fall into disrepair. It is also important for the resettlers to 'move on' and see the new site as their new community
- Consider the use of local demolition teams, suitably supervised and to health and safety standards, so that locals can be in control of demolition of the old site
- Consider the opportunity for salvaging of materials by homeowners
- Where moves are phased, demolition also needs to be carefully controlled as some residents may still be on the old site – partial demolition, such as removal of roofs, may be considered so as to prevent squatting while maintaining a safe environment

Chapter 14: Livelihood Restoration Implementation



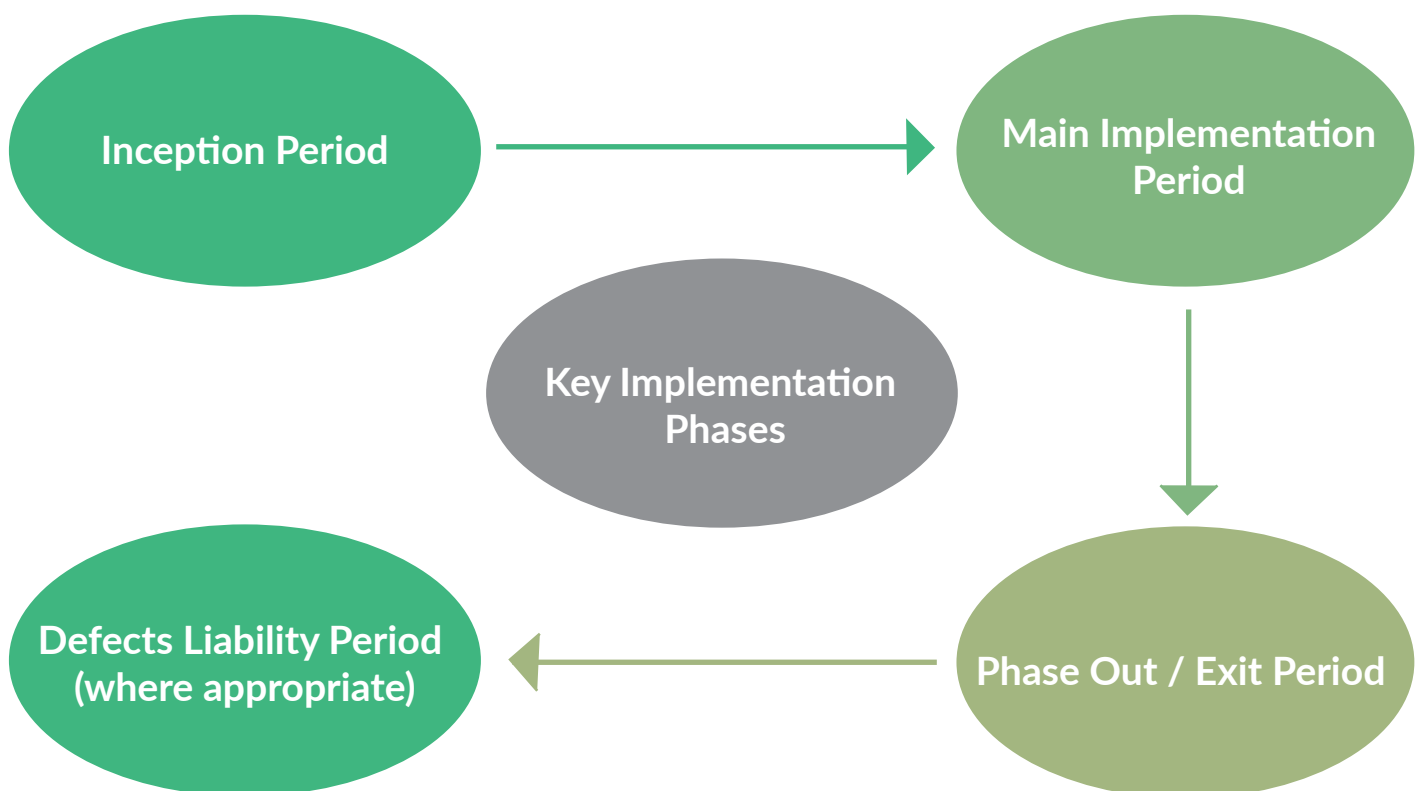
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Livelihood Restoration Implementation

It is essential to remember that livelihood restoration is typically a long-term process.

Implementation of livelihoods mitigation and enhancement measures must take place in a coordinated, systematic and adequately resourced manner.

A key issue with livelihood restoration is the timing of activities. These should commence, to the extent possible, prior to the moving of any affected people from the project footprint, in order to ensure a smoother transition by trying to avoid or limit any livelihood gaps once people move.



Consider Local Employment & Procurement

- Often resettlement construction is the first significant opportunity to utilize local labour, contractors and service providers
- Undertake an assessment of local labour and contractor skills and capacities
- Consider capacities against construction requirements and project timescales
- Consider opportunities for capacity building, on-the-job assistance, and additional supervision using different management modalities
- Consider bulk procurement of key materials by the project to assist contractors with prices, cash flow and logistics

Develop a Construction Management Plan

- The CMP should include:
 - Management and supervision arrangements
 - Opportunities for phased development, which may assist the project in terms of moves of resettlers and phased land access
 - Numbers of contractors on site and how works will be allocated
 - Health, safety and site security considerations
 - Transport of labour and materials to and from the site
 - Any on-site preparation of materials such as block-making
 - Arrangements for material storage and lay-down areas
 - Facilities for workers, including sanitation and food (consider also using local food providers to maximize local content)
 - Environmental protection measures during construction
 - Insurances

Managing Construction

- Ensure construction managers maximize use of local labour and services, and maximize capacity building opportunities
- Ensure construction is implemented according to negotiated agreements (the social team who negotiated need to be involved in construction oversight; it cannot just be handed over)

Things To Bear in Mind

Take a multi-generational approach i.e. whilst it may not be possible for people in their 50's and 60's to fully transition their livelihoods, it may be possible for young people to replace some of the lost income of families, even if some of them leave the area.

The implementation stage of the project cycle is the most critical because actions speak louder than words.

Transitional support – Supplement other livelihoods programs with temporary transitional support like re-establishment allowances where appropriate, but be clear on the criteria and duration of these in order to avoid developing dependency on the project.

Local contractors and labour often have limited capacity – Capacity building programs are therefore critical, including providing project related opportunities off the critical path of the project so that capacity is developed to enable more and larger opportunities to be provided over time.

Chapter 15: Benefit Sharing and Community Investment



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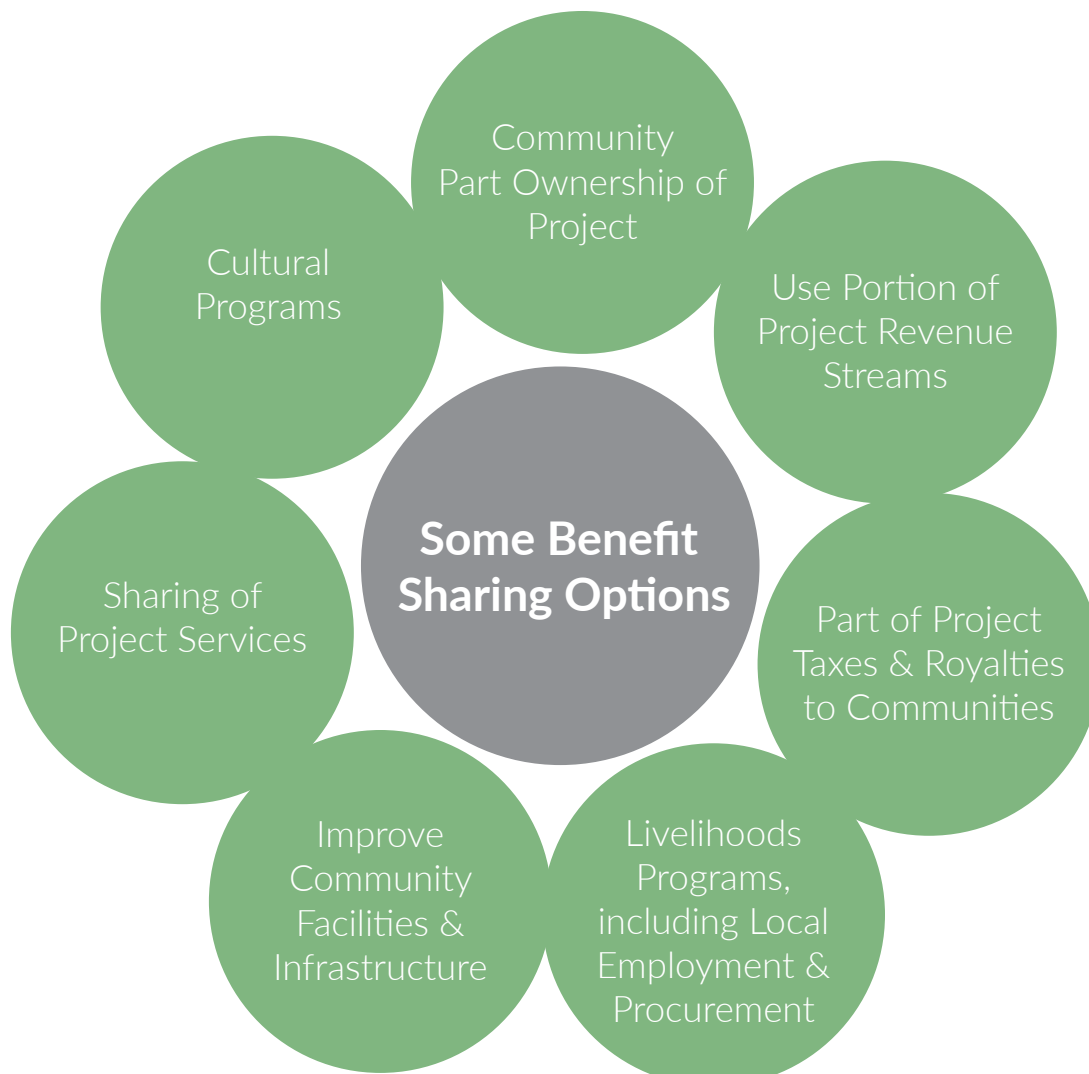
Benefit Sharing and Community Investment

Why discuss benefit sharing in the context of land access and resettlement?

In dealing with displacement impacts arising from land acquisition, projects need to not only address their negative displacement impacts - they also need to show affected communities the positive impacts / benefits arising from the project in order to obtain the support they require.

Benefit sharing is premised on local communities not just being impacted parties but also important neighbours that should be viewed as development partners. There are a number of potential ways in which projects can benefit share. However, what is appropriate for a particular project will depend on its own set of circumstances.

Community Investment (CI) Key Steps



Stakeholder Engagement

A move towards a partnership approach requires:

- Improved information disclosure by all partners
- Broader and improved engagement with all community members and other stakeholders
- Joint decision making based on informed and active community and local government involvement and participation in CI project identification, evaluation, planning, implementation, monitoring and reporting

Assessment

Determine who should benefit from CI i.e. 'How should the cake be cut' and shared between different communities and within each community:

- Assess project impacts on communities
- Undertake a thorough process of stakeholder identification and analysis, including socio-economic assessment, identification of networks, institutional mapping, and identification of potential partners
- Ascertain what the key issues, risks and opportunities facing the communities, local government and the project are?
- Reflect on a projects past CI i.e. what worked and did not work
- Benchmark comparable projects

Planning

Develop a CI policy, strategy and management plan, including:

- Objectives and guiding principles
- Key program areas in which the project will invest
- The project's core competencies and resources to support communities
- What partners can contribute e.g. local government, communities and other agencies
- Criteria against which all CI proposals will be screened
- The implementation model and decision-making / governance structures
- Work plan, roles and responsibilities, and budget

- Project exit / handover and sustainability strategies
- Required capacity building
- Monitoring and evaluation mechanisms

Implementation

Implement the management plan

The implementation stage for each individual CI program / initiative is usually composed of the following:

- Inception period
- Main implementation period
- Phase-out / exit period
- Defects liability period (where appropriate)

Monitoring & Evaluation

- Early M&E - M&E needs to take place from the planning phase till post-implementation, with community involvement, based on KPIs' developed early on
- Indicators - Make sure you have indicators to not just measure Implementation (inputs, activities and outputs), but also Results (outcomes, and impacts)
- Chapter 18 of this Insight Series will discuss monitoring & evaluation in further detail

Things To Bear in Mind

Sustainable development is not possible without a sense of community ownership and empowerment.

Make sure that your initiatives and programs are locally appropriate.

Manage community expectations and perceptions.

Be fair, consistent and transparent.

Chapter 16: Land Management



LAND ACCESS & RESETTLEMENT INSIGHT SERIES COMPENDIUM

Land Management

What does Land Management mean and how does it relate to land access and resettlement?

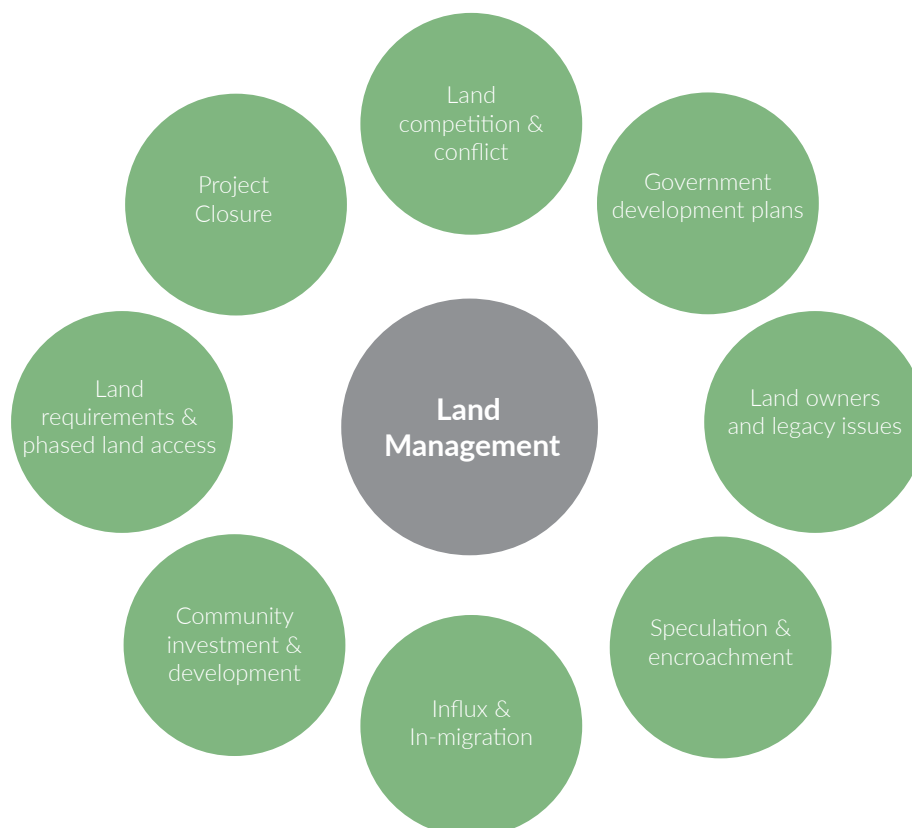
Many projects will involve large land areas where land access may occur in a phased period over time.

Projects are also not developed in isolation, but within the context of local, regional and national land use planning priorities, while competing with many different land users.

Projects need to manage lands for the life of a project, which in some cases will include closure and hand over.

Development of a Land Management Plan is an opportunity not just to manage project lands but to draw together key social management plans such as resettlement action plans, community investment plans, and influx management plans, and examine how they can complement effective land management and maximize social and project benefits.

Key Considerations in Land Management



Key Steps in Developing a Land Management Plan (LMP)

Institutional & Legal Framework

- Outline all relevant legislation and standards that impact land use and land management, including local customary law and traditions
- Consider international standards and corporate policies

Key Issues, Risks & Opportunities

Identification of key issues, risks and opportunities may include:

- In-flux and in-migration to the area
- Illegal land use and squatting/encroachment
- Speculative building and planting
- Increased pressure on infrastructure
- Anti-social behaviours
- Life-of project and related closure impacts

Stakeholder Engagement Strategy

A land management specific Stakeholder Engagement Strategy will ensure that:

- All levels of government and other relevant stakeholders such as land users are identified and engaged
- Project plans are integrated with government land use and development plans
- A partnership approach can be fostered in respect of management and control of land and potential conflicts
- Influx management and community investment measures aimed at mitigating and controlling in-migration and growth can be managed in partnership
- Development and land controls can be managed in partnership, with capacity building of partners as required

Land Control Measures

The The Land Management Plan should detail:

- Measures to control speculative activities
- How conflicting land uses, such as grazing on national park land, or artisanal mining on mining concessions, will be managed
- How lands will be monitored and policed, including partnership with local authorities and communities; patrolling; satellite imagery

Influx Management

Influx management measures may include:

- Local employment and procurement plans which restrict opportunities to existing residents and affected communities as much as possible
- Integrated planning with government to focus growth that does occur in certain areas
- Addressing the impacts of influx through additional provision of services in partnership with government and others (ideally in focussed growth areas to minimize cost & maximize benefits)

Fit With Community Investment

- Allied with influx management, ensure that community investment is focussed in a way that channels growth to planned expansion areas, and away from project lands and infrastructure
- Provide services to growth areas in a way which addresses the impacts of influx

Closure Planning & Land Return

- Consider national legislation and project responsibilities in terms of land rehabilitation and land return, and integrate these with management planning from day one
- Consider phased rehabilitation and return of land, which could also enhance community investment and/or livelihood programs
- Phased land return may also address land conflicts and competing land uses

Work Plan & Budgets

- As with other social management plans, a LMP will require a detailed work plan, clear roles and responsibilities, and a dedicated budget

Monitoring & Evaluation

- An LMP will require M&E being undertaken on both short-term and long-term timescales, examining both control measures, land management/conflicts and land return issues
- M&E is dealt with in further detail in Chapter 18 of this Series

Things To Bear in Mind

Land Management can complement other social management plans and statutory development plans by focussing growth and effective social spend in appropriate areas.

Influx and in-migration can create stresses not just on a project but on local communities through a strain on services, cultural pressures and anti-social behaviours.

Chapter 17: **Sign-Off, Moves & Follow-Up**

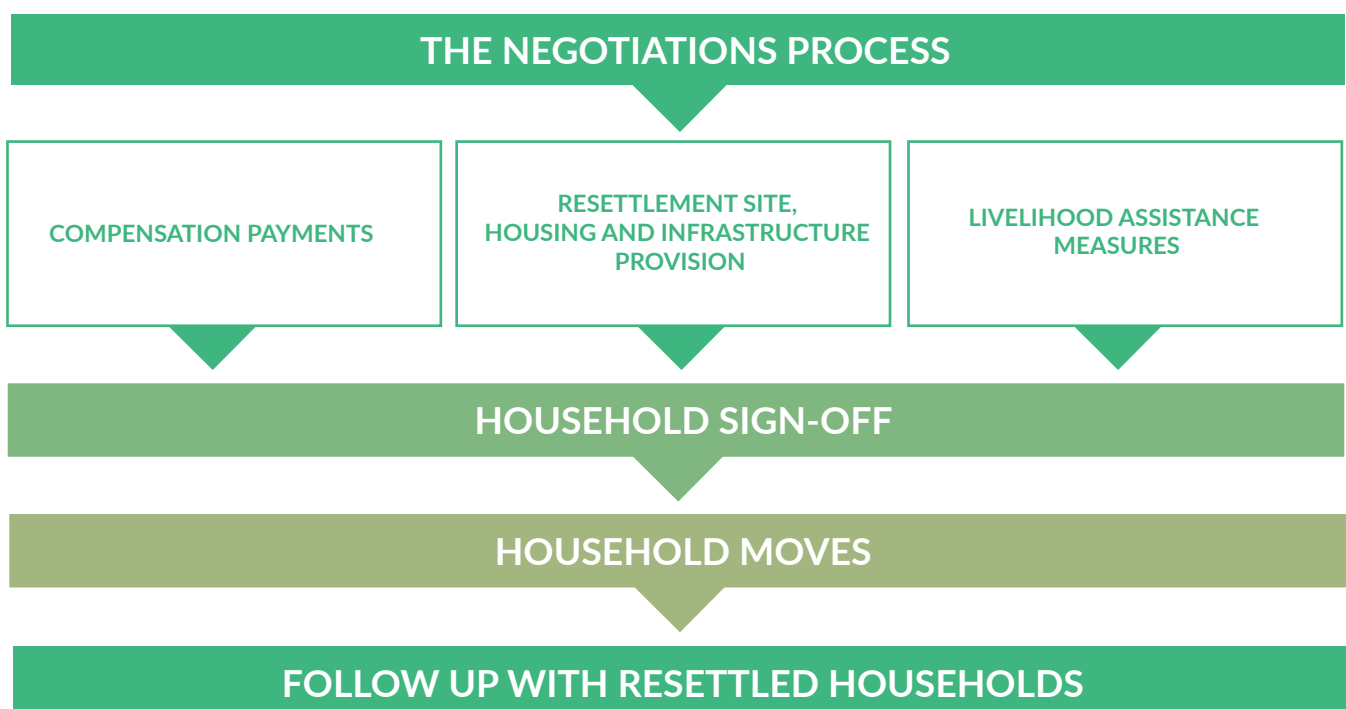


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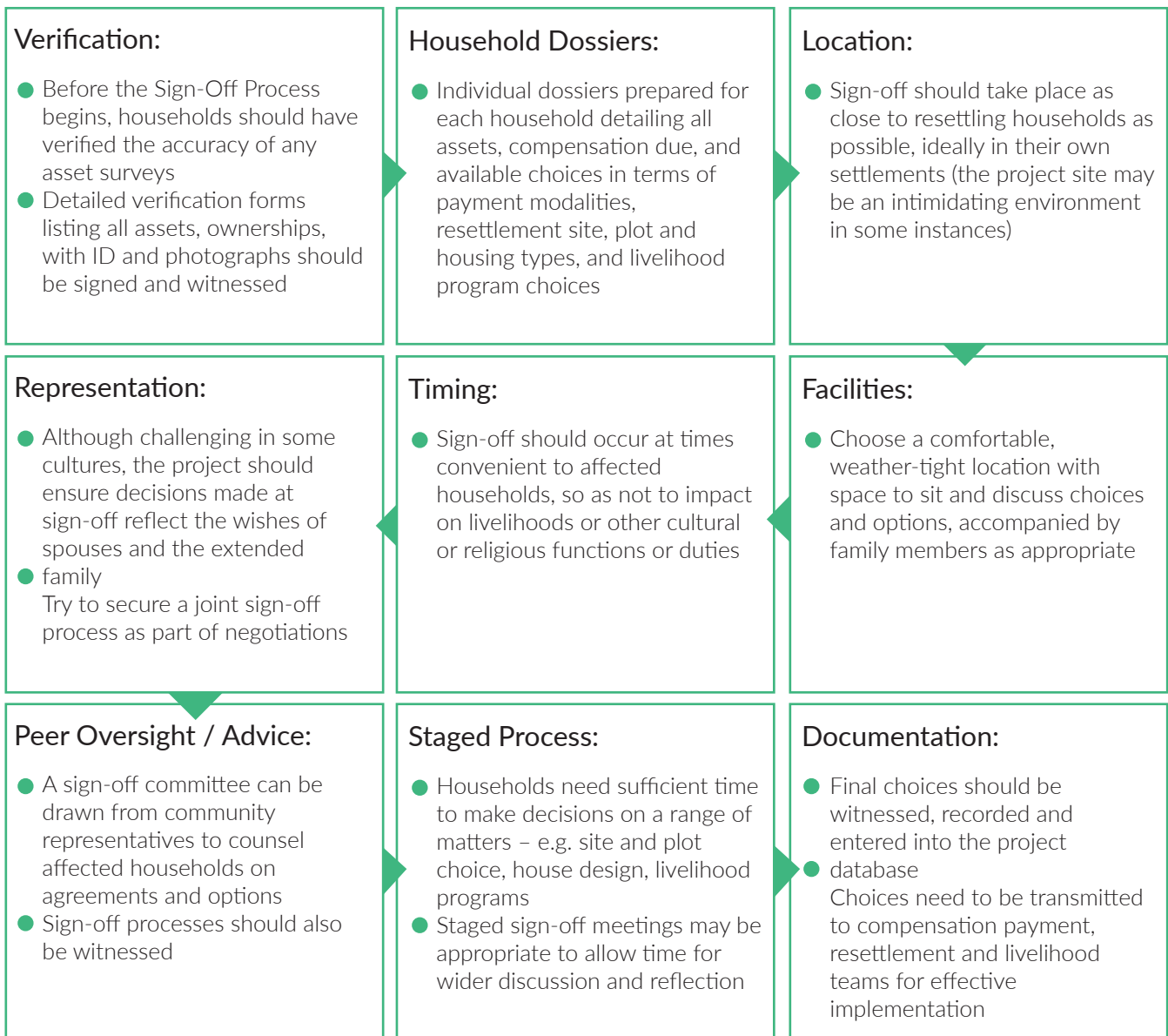
Sign-Off, Moves & Follow-Up

Following negotiations and the finalization of agreements regarding compensation payments, resettlement site and house designs, and livelihood programs, a project will require the following:

- An efficient and transparent sign-off process so each household understands their entitlements and that they are being treated fairly.
- An efficient move to resettlement sites to allow for land access and development of the community at the new sites.
- Effective follow-up with resettlers, to ensure there are no issues at the new site, particularly concerning potentially vulnerable households.



Household Sign-Off Planning & Process



Move of Households to the Resettlement Site

Phasing Plan

- A phased approach will aid planning and management, reducing the numbers of households moving at any one time
- The timing of moves of vulnerable households needs special consideration – it may be better they move quickly with their social networks, or remain in the existing settlement until the new site is well established

Notifications

- Resettling families need early notification and agreement on move dates, how they should prepare, and what assistance will be in place to assist them

Moving Assistance

- Assistance needs to be provided according to negotiated agreements (e.g. moving teams, trucks, payment of moving allowances)
- Special assistance such as medical transport may be required for some vulnerable households
- If providing moving teams they should come from the affected community, to avoid cultural misunderstandings or invasion of privacy issues
- Moves should occur with reference to all cultural considerations – for example, people may prefer to move in the evening, when livelihoods are not affected, or when their assets are not so clearly displayed

Handover

- Prior to moves the resettling households should have undertaken a snagging visit to the resettlement house to confirm all works have been undertaken to specification and sign-off on this with the contractor
- The keys should then be handed over on moves day, with arrangements for follow-up outlined and assured
- A 'Welcome Pack' can be prepared for resettled households outlining their responsibilities and rights in the new settlement, any specific arrangements in terms of services (e.g. solid waste collection), copies of house plans, and title deeds if available at the time of moves

Follow Up with Resettled Households

Engagement with resettling households must not end with the move to the new site.

A major fear of resettling communities is that they will be abandoned after moves, which leads to tougher negotiations in the first instance as they believe it is their last chance to exact concessions from the project.

Resettlement is a shock, and resettling households may need psychological assistance

as well as material assistance. The elderly in particular may find it difficult to adapt to the new site, which may also introduce new ways of living and both private and communal responsibilities.

The social team needs to schedule follow-up visits with all resettled households, as well as particular attention to those within the projects vulnerables program. The same personnel involved throughout the resettlement process should undertake these visits to ensure continuity and familiarity.

Chapter 18: Monitoring and Evaluation



LAND ACCESS & RESETTLEMENT INSIGHT SERIES COMPENDIUM

Monitoring and Evaluation

In the context of land access and resettlement, monitoring and evaluation (M&E) primarily answers the question: Are project displacement impact mitigation and other measures in place, on time and having the intended effects as planned in the Resettlement Action Plan (RAP) / Livelihoods Restoration Plan (LRP)?

Key Steps

Implementation

- Inputs (Resources) e.g.: budgetary allocation, vehicles and equipment
- Activities (Effort) i.e. steps / activities, as set out in a work plan and schedule
- Outputs (Services / Products) e.g. number of people trained during a capacity building program

Results

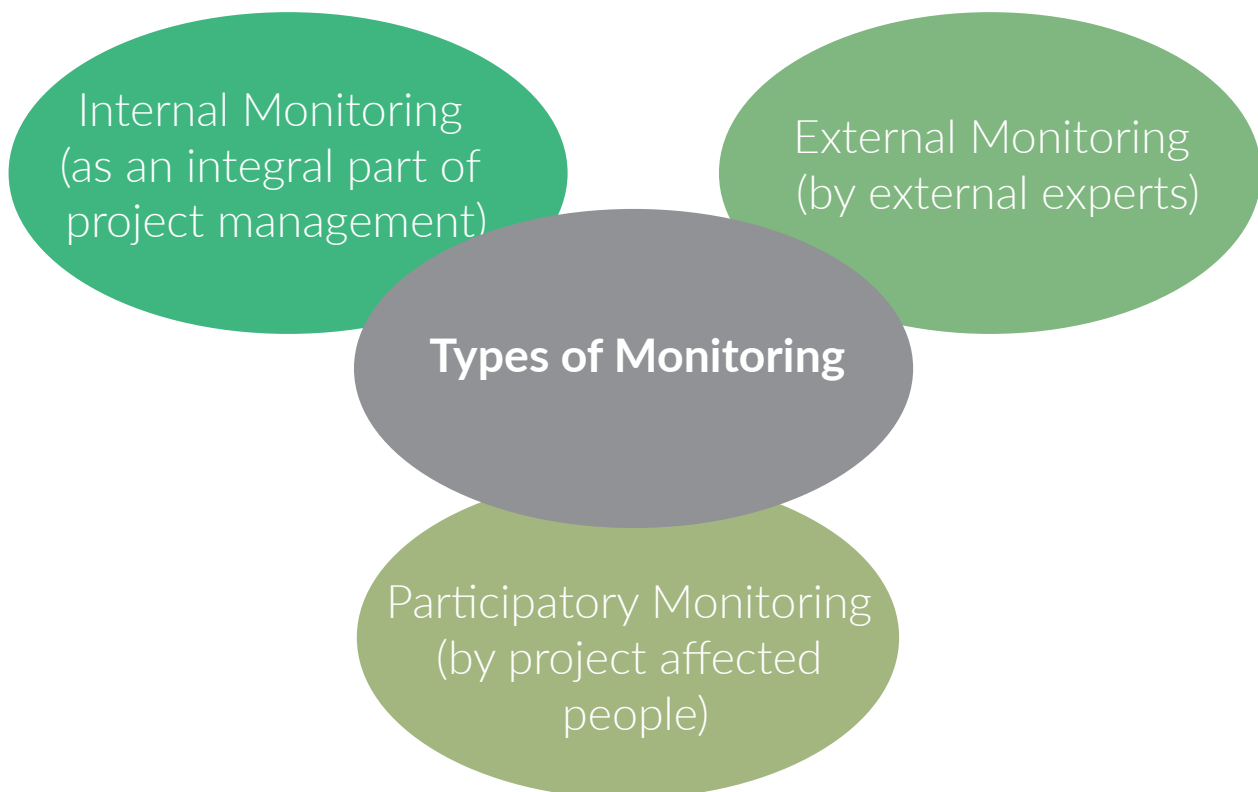
- Outcomes (Effectiveness) e.g. did the capacity building training program result in improved staff performance
- Impacts (Changes) e.g. was the standard of living of people displaced by a project restored or improved when compared with their pre-displacement position

Compliance

- Compliance monitoring looks at compliance with the requirements of IFI resettlement standards (e.g. IFC PS 5, World Bank OP 4.12, EBRD PR 5, etc.) and related management plans e.g. the RAP / LRP
- Compliance monitoring is always external of the project and generally done on an on-going basis concurrently with the implementation of the management plan (e.g. every 6 months)

Completion

- Completion auditing - Independent verification that all outcomes expected of and in the RAP have been reached and a check on grievances
- Typically a one-off exercise done after the end of the active implementation of the plan and a livelihood restoration period of 2-5 years



The Project should develop a formal structured M&E Plan specific to resettlement.

An appropriate Information Management System (IMS) should be put in place to capture, store and analyze monitoring data.

A manageable and meaningful set of indicators should be chosen rather than trying to track everything.

Things To Bear in Mind

M&E should be integrated into project planning from the outset, so that meaningful indicators can be developed early (prior to baseline data collection), measured and used to inform management and other relevant stakeholders during the resettlement process.

Keep the monitoring system simple:

- There is no point in gathering information that is not necessary for action.
- Keep the number and complexity of indicators under control.

Agree up front on What Constitutes Success.



Steyn Reddy Associates

**Global Leaders in Land
Access & Resettlement**

Chapter 19: The Business Case for Obtaining a Social License to Operate

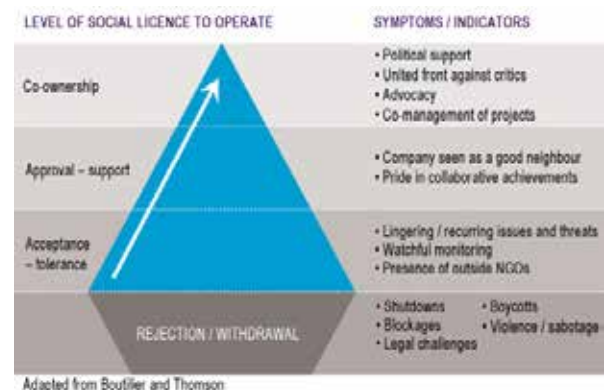


LAND ACCESS & RESETTLEMENT INSIGHT SERIES COMPENDIUM

The Business Case for Obtaining a Social License to Operate

What is a Social License to Operate?

A Social License to Operate (SLO) exists when a project is seen as having the approval and broad acceptance of society to conduct its activities.¹ It is not a license provided by civil authorities, or a product of an internal corporate process such as an audit of company practices. In addition, a SLO cannot be seen as a single license, granted by all members of a 'community' at a point in time – it is 'renegotiated' over time as people's experiences, perceptions and opinions change. In addition, a SLO should be regarded as a continuum of multiple licenses with various groups in society.



What is the 'Business Case' for obtaining a SLO?

In addition to the clear need to address project impacts on affected communities, the bottom line is that if projects lack a social license to operate then it is going to hurt them directly in their wallets:

- Schedule - Delays
- Budget/ Cost Estimates – Increased costs (including staff time being diverted to manage conflict)
- Reputation – Impact on share price and future opportunities
- Lost Opportunity Costs – Lost value linked to projects, expansion plans, or sales that do not go ahead.

The cost of business stoppages and delays can dwarf the cost of any social spend.

R. Boutilier, I. Thomson, Modeling and Measuring the Social License to Operate: Fruits of a Dialog between Theory and Practice. International Mine Management, Queensland, Australia (2011)

²Cost of Company-Community Conflict in the Extractive Sector, Harvard Kennedy School, 2014

Costs Associated With Conflict

A study based on 50 cases of company-community conflict found

"...a company's relationship with society accounts for around 30% of its market value." (Lord Browne, Former Chief Executive of BP)

that loss of productivity due to shutdowns or delays in operations for "a major world class mining project with capital expenditure between US\$3-5 billion equated to costs of roughly US\$20 million per week of delayed production in Net Present Value (NPV)."² In addition, not being able to develop a project at all can cost billions in share price reductions, reducing declared reserves, lost salaries and procurement spending, lost tax revenues. In fact, the developers of a project in Argentina were forced to write down almost US\$380 million in assets and forego development of US\$1.33 billion in project reserves.³

Reputational Risk

Neglecting communities and the SLO has direct negative implications on shareholder value and reputation through consumer boycotts, losses in attracting talent or retention and fines.⁴ The Oil Spill in the Gulf of Mexico in 2010, severely damaged BP's reputation, including a 55% drop in share price and led the US Government to halt any offshore licensing. Another example is the Minas Conga Project in Peru, where the company was forced to suspend construction at the request of the Peruvian government following community conflict. The estimated life production of the deposit was 15-20 million ounces of gold and 4-6 billion pounds of copper.⁵

Returns on Investment

A study of 19 publicly traded junior gold mining companies found that 2/3rds of the market capitalisation of these firms is a function of the individual firm's stakeholder engagement practices, whereas only 1/3rd is a function of the value of the gold in the ground.⁶

³ Ibid.

⁴ Sen, S., Gurhan-Canli, Z. And Morwitz, V. 2001. Withholding Consumption: A Social Dilemma Perspective on Consumer Boycotts. *Journal of Consumer Research*, 28(3): 399-417.

⁵ Cost of Company-Community Conflict in the Extractive Sector, Harvard Kennedy School, 2014

⁶ Ibid.

Practical Steps to Obtaining a SLO

Setting Objectives

- Define the core set of values or operating principles that are used to set the tone for the project's overall operations
- Set short, medium and long term objectives

Policy Guidelines

- Adopt an overarching policy framework to guide planning activities
- Integrate framework guidelines from the applicable International Financial Institutions (IFIs) that have developed standards

Stakeholders

- Undertake a process of stakeholder identification and analysis
- Identify any and all individuals, groups, organizations, and institutions interested in and potentially affected by the project or having the ability to influence the project

Impacts

- Conduct a thorough Impact Assessment to determine the potential effects related to key project
- Identify impacts in relation to project activities: Consider all project phases including planning, construction, operations, decommissioning, closure and post-closure infrastructure

Planning

- Plan to minimize social impacts to the extent possible and maximize opportunities – Develop appropriate Management Plans
- Ensure that all relevant issues, impacts, risks and opportunities are dealt with, and that the overall project can develop in a timely manner within budget, and/or operate without disruption

Stakeholder Engagement

- Establish effective communication between the project and each of its stakeholders - It is an ongoing process throughout the life of a project
- Develop internal engagement, as it is critical to get other members of the project team to recognize that social is not just the responsibility of the community relations team

Implementation

- Actively implement the Management Plans
- Implement plans through involving stakeholders/partners, closely managing schedules and budgets and, monitoring and evaluating implementation. Always be ready to adjust if necessary

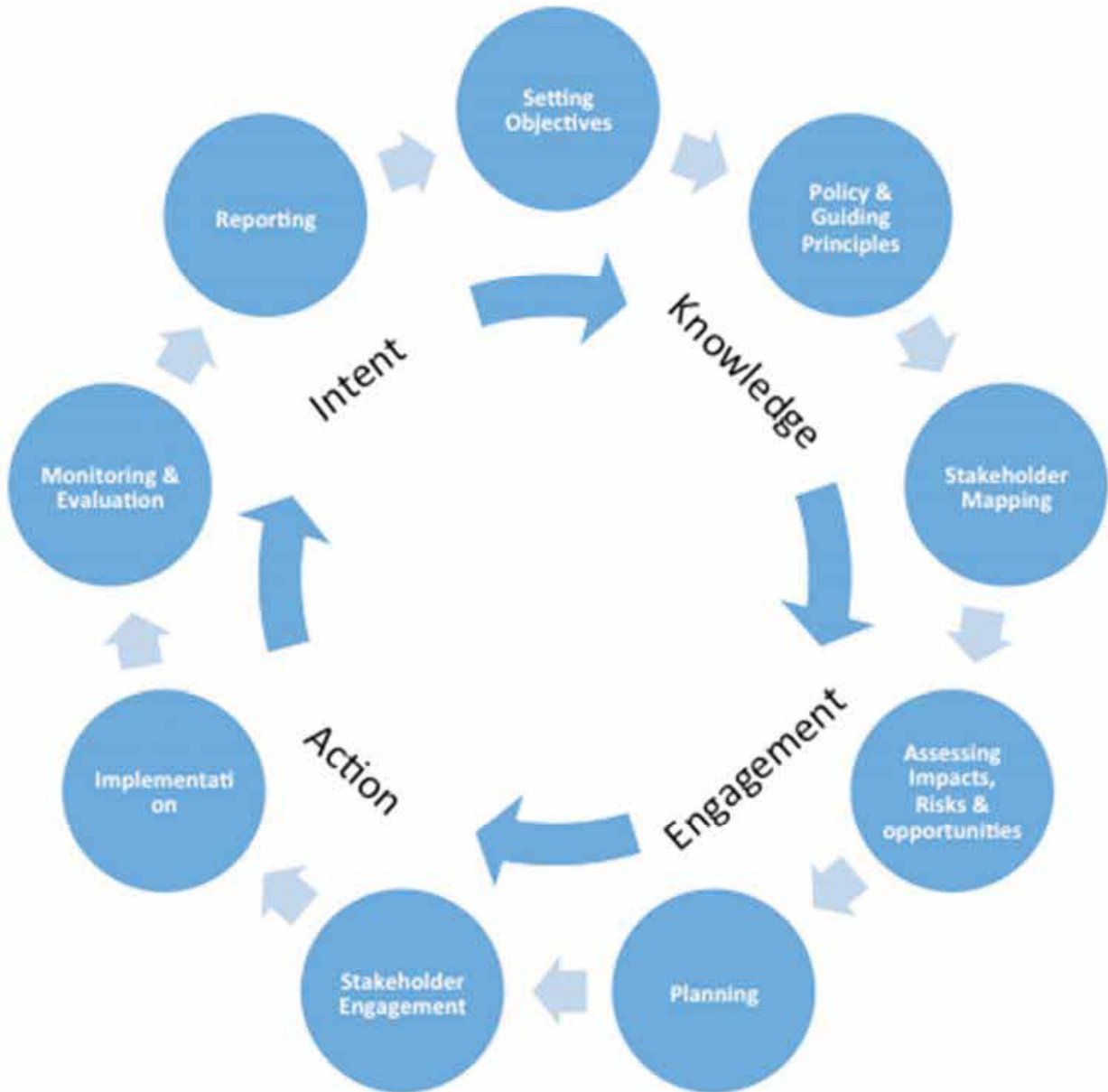
Monitoring & Evaluation

- Monitor specific situations or difficulties arising from implementation, as well as compliance of implementation with standards
- Evaluate emergent, mid-and long-term impacts of the project on the welfare of impacted households, communities, and local government
- Involve stakeholders in M&E, including identifying how success will be measured

Reporting

- Provide stakeholders with feedback on progress and issues, in particular, asking the question: Is the project doing what it says it would?
- Take into account, Who is your audience? What is the issue or risk? What is the stakeholder level of understanding? What is the project phase? What is the frequency of reporting?

Summary of Key Steps to Obtaining a SLO



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About Us

SRA helps our clients acquire the land they need – on time and on budget. We work collaboratively with our clients' teams and affected communities to identify, assess and manage displacement impacts in a practical, responsible and sustainable manner.

SRA's experienced team:

- Has managed hundreds of land access and resettlement projects around the world
- Has a track record of realising win-win-win solutions for our clients, communities, and host governments
- Applies international standards and best practices in a pragmatic, innovative and locally appropriate manner
- Is results-oriented and hands on, working largely at project sites with clients and other
- Are well recognised thought leaders in the field, co-authoring a well-known guide and publishing a popular Insight Series.