

MODULE 6

**IMPLEMENTATION OF THE
RESETTLEMENT PROGRAM**

I. Overview

This module is the culmination of all the planning and data collection activities described in the previous modules that enable establishing and delivering compensation and entitlements; construction of resettlement villages and resettling affected persons; and implementing livelihood restoration measures. The implementation tasks, principles, and objectives are defined in the RAP or LRP.

II. Objectives and Tasks of the Implementation Phase

While many projects invest significant resources in planning land acquisition and resettlement, it is as important to resource and budget the implementation phase adequately, even though project permits and financing have typically already been secured.

Key tasks in the implementation phase include the following:

- *Task 1:* Define compensation entitlements for each affected entity and obtain sign-off (see [Module 2. Task 4: Developing and Negotiating Compensation Packages.](#))
 - Process compensation entitlements for each affected entity (households, individuals, businesses, communities) based on the data gathered in the asset survey.
 - Negotiate and formalize compensation agreements with each affected entity and obtain sign-off.
- *Task 2:* Deliver entitlements.
 - *Physical displacement.* Get affected households to make a final resettlement option choice (resettlement site or self-relocation); prepare resettlement sites and replacement housing, including procurement, construction, supervision, and commissioning; organize and support self-relocation; organize moves to resettlement housing; organize demolition of structures in original settlement areas; and hand over resettlement sites and structures.
 - *Economic displacement.* Deliver compensation entitlements, including both in-cash and in-kind compensation.

- *Task 3:* Organize and implement livelihood-restoration activities (addressed in [Module 5. Livelihood Restoration and Improvement](#)).
- *Task 4:* Organize and implement resettlement monitoring (addressed in [Module 7. Monitoring](#)).

III. Challenges and Success Factors of the Implementation Phase

Poor implementation may result in increased stress on impacted households, grievances, delays in accessing land and constructing the project, increased costs, and tension and conflict, which can lead to litigation and reputational harm, among others.

Success factors in the implementation phase include the following:

- *Adequate resourcing* of the resettlement implementation team in terms of staff and equipment
- *Good, solution-oriented, continuous interaction with the project design and construction team* to ensure alignment of schedules between resettlement and compensation, on the one hand, and project construction, on the other
- *Realistic scheduling* to allow sufficient time for resettlement and avoid delays to the project and stress on impacted households
- *Easy access to baseline data, particularly asset data*, so that valuation and compensation information is readily available, grievances can be processed swiftly, and sign-off and compensation procedures can be registered and implemented easily and quickly
- *Thorough internal (across project teams) and external communication* of the resettlement and compensation process with both internal and external stakeholders
- *Adequate contracting and technical supervision processes* for construction of the resettlement housing, with appropriate prequalification and quality control mechanisms
- *Proactive and thorough planning of the handover* of resettlement infrastructure to local government and/or local communities
- *Provision of transitional support and assistance where needed*, particularly to vulnerable people
- *Proactive and thorough planning* of the initiation of livelihood-restoration activities to avoid income and food shortages after resettlement
- *Inclusion* of all demographic groups in the communities

RAP implementation requires the mobilization of experienced managers and staff to ensure that the objectives are met and the standard of living of the impacted households is restored or improved. Resettlement is a complex process, even for a small number of households, and requires adaptive management, including contingencies, so that resources are available to resolve unforeseen problems.

IV. Task I: Defining Compensation and Resettlement Entitlements and Obtaining Sign-Off

Entitlements will typically have been defined in the planning stage at the community level. The entitlement matrix then needs to be applied to every affected household or person to define individual entitlements.

The key steps in defining compensation and resettlement entitlements are as follows:

- Obtain overall agreement from the affected community on compensation rates and resettlement entitlements during the RAP negotiations and finalize the entitlement matrix (see table 2.1 in Module 2). This will typically involve the following:
 - Presentations of resettlement entitlements to the resettlement committee, which may require several discussion sessions, visits to resettlement sites, visits to model or demonstration housing or similar housing built elsewhere, provision of details on allowances and cash compensation calculation and rates (e.g., [Module 3. IV.D. Guide to Land Acquisition and Compensation for Disclosure](#)), and so forth
 - Discussions in focus groups (with diversity of people) to refine details of entitlements, particularly in terms of house design and resettlement site community infrastructure (e.g., water, electricity, sanitation, and community facilities)
- Establish an asset database (refer to [Module 4. Baseline Data Collection](#)) to produce clear and understandable asset summaries for each household, with photographs, outlining the breakdown of assets recorded in the surveys, including land (arable, nonarable, pasture, and residential), crop area and count, type and maturity, house size and materials, and data on other assets with photos and maps where appropriate. An example of such a summary is provided in [Appendix E. Example of an Asset Sheet](#).

- Give the owners of the assets an opportunity to verify asset data, with an appropriate review time (e.g., two weeks). The format of asset summaries should be explained to each individual, household, or enterprise affected to facilitate the verification process. It can be good practice for the project, along with the resettlement committee, to identify a trusted third party paid by the project to help affected households, individuals, and enterprises understand how compensation rates were derived and describe their entitlements. This can build community trust in the process. Affected persons should also be given the opportunity to call on an independent expert of their choosing to verify their asset information.
- Provide access to the GM in case any discrepancies are noted between the proposed asset summary and the affected landowners' claims. Verify asset surveys (including field verifications if needed) and address grievances accordingly.
- Obtain sign-off of the verified asset summary (obtain a thumbprint if the household member cannot write), with a witness signing as well (e.g., local chief or elder, representative of local authority, or independent third party as appropriate). Ensure the households receive a printed copy of the asset summary and valuation.
- Prepare a template compensation agreement that meets both national legal requirements and is written in a simple, easily understandable manner. Avoid complicated legal language and lengthy clauses or disclaimers of limited practical significance. In countries with more than one official language, use the recognized language for the area (or possibly use bilingual agreements if necessary). Where there is economic displacement, the compensation agreement should include the livelihood-restoration package offered and selected by the households. An example of a compensation agreement is provided in [Appendix F. Example of a Compensation Agreement](#).
- Explain the details of the compensation agreement to the relevant resettlement or community committee and amend if warranted.
- Apply the entitlement matrix, including in-kind and in-cash compensation entitlements and rates, to the assets of each household, community, or enterprise to determine the overall package of resettlement benefits, cash compensation, and livelihood-restoration benefits the household, business, or community will receive.
- Generate household-level compensation agreements. Where displacement is significant, the compensation database should be designed to generate these compensation agreements in an automated manner.
- Provide individual compensation agreements to affected households, communities, and enterprises for review. Allow a reasonable review time (e.g., two weeks). At this stage again, the project, in consultation with the

resettlement committee, can provide affected households, individuals, and enterprises the opportunity to consult with an independent expert, paid by the project, to verify the valuation and overall compensation entitlements.

- Present and explain compensation agreements to each affected household and to all members within each household. Presentations should consider the following:
 - Where options are given (between different sites, between different types of houses, etc.), guide both spouses and any other decision-makers in the family through these options so that they make a fully informed decision.
 - Use visual illustrations of resettlement housing where several housing options are available, and wherever possible provide model houses and apartments to enable affected persons to make a fully informed decision. Ensure that both spouses access relevant information.
 - Explain to both spouses any additional allowances, such as for transport, moving, or disturbance, together with any conditions attached.
- Obtain household sign-off on these entitlements after a reasonable review period of a minimum of two weeks.
- Digitally scan signed asset summaries and signed agreements and record them in the resettlement database. Ensure each household has a copy of the signed agreements.
- Make sure that the process is inclusive and understandable to people with lower levels of literacy (e.g., provide detailed verbal explanations in the local language, or illustrations, at each relevant step).
- Provide specific measures (such as dedicated individual visits at home and detailed explanations in the local language) for vulnerable people such as the elderly or disabled.
- Ensure that women are equally involved with men in the asset survey, verification, and sign-off processes and fully participate in planning and decision-making around the compensation and resettlement issues. Unless explicitly not permitted under national legislation, ensure that signatures on compensation agreements are received from both spouses and ensure the female spouse receives all explanations relevant to her decision and signature. Address the specific case of polygamous households if relevant. Apply the same approach in situations where the cohabiting persons are not married.

It is useful to prepare a guide to land acquisition and compensation/resettlement (see [Module 3. Stakeholder Engagement](#)) in advance of the preceding exercise so that households can understand what rates they will be paid and what resettlement benefits they will receive.

On smaller projects, or where displacement impacts are benign (e.g., in the case of some linear projects), some of the steps can be combined. For instance, the asset summary and compensation agreement can be combined in a single document and a single step.

This exercise is very resource intensive, as it requires considerable interaction between the project and affected persons, both at community and individual levels. It is therefore important that it be adequately resourced.

Having a thorough operational household and asset database is also a key success factor of this task. Projects should consider developing or acquiring dedicated IT systems that can process asset and social surveys, generate asset summaries and compensation agreements automatically, and archive all relevant legal information (such as signed agreements, signed receipts of payments, etc.). These systems also typically enable logging and monitoring of grievances, and in the most sophisticated versions are supported by useful mapping utilities. Several companies offer such systems, which will facilitate implementation of the land-acquisition process in a timely and transparent manner. However, they typically require some adaptation to the specificities of the project (particularly the entitlement matrix). If such systems are implemented, staff should be trained, and security of access should be carefully managed. For projects that displace fewer than 100 households, using readily available commercial software is usually sufficient.

Being gender sensitive at this stage is not only about the formality of obtaining a spouse agreement. Some difficult situations may arise that need to be considered in a gender-sensitive manner, as in the example in box 6.1.

Box 6.1. A Gender Issue at Implementation Phase

During the sign-off stage, a mining project in West Africa found that the male owner of a structure identified one year earlier during the census had passed away. The household ownership had also included his wife from a second marriage and several children from his marriages with both the first and second wives. The adult elder son of the first wife, who did not live there, provided the resettlement team with an inheritance certificate according to which he was the sole inheritor of his father's assets. As he no longer lived in the village, he claimed cash compensation to be able to strengthen his business in the capital city. This, however, would have left the second wife and her children homeless. A mediation was attempted with the help of the local authorities and the resettlement committee, to little effect. The project eventually provided cash compensation to the son as his inheritance certificate was legally sound. However, in addition, with the agreement of the resettlement committee and the local authority, the project provided a resettlement house of the simplest model to the second wife as well as a moving allowance, so that she and her children would not become homeless.

V. Task 2: Physical Displacement—Preparing Resettlement Sites and Building Replacement Housing

Site development and house design are very context specific, and therefore this handbook will provide guidance on principles rather than on the details of design. Emphasis is placed on the following aspects of the process:

- Models for organizing site development and housing construction
- Participatory design of dwellings by both men and women
- Procurement process³⁹
- Detailed design process and bidding documents
- Supervision and commissioning



³⁹ See also IFC. 2017. *Good Practice Note: Managing Contractors' Environmental and Social Performance*. Washington, D.C.: IFC. www.ifc.org/ESContractorManagement.

V.A. Models for Organizing Site Development and Housing Construction

Different models for resettlement site development and housing construction can be used:

- Self-relocation and self-build, whereby affected households receive cash compensation and either identify and purchase a replacement property or build a replacement house themselves at a location of their choosing
- Project-organized relocation with self-build of houses, whereby the project develops one or several resettlement sites, with affected households building houses themselves on these sites
- Project-organized relocation and project-organized construction of houses

Table 6.1 describes the advantages and disadvantages of each of these models.

In the latter two models, more or less priority can be given to local procurement and community participation of affected and host communities, depending on local skills and the overall construction schedule. Consider the following in order to maximize opportunities associated with construction for local communities and businesses:

- What are the available local skills, and are there existing local businesses that can support the construction process?
- Are there risks arising from local procurement with respect to health and safety, construction quality, and the delivery schedule?
- What training and support can be offered to local businesses to enable them to meet project requirements and building standards?

Construction schedules should be reasonable to minimize construction defects (e.g., leaking roofs, defective plumbing, and cracked walls), which tend to multiply when construction is rushed. In many areas, seasonal and climatic constraints have to be considered (cold winters or a rainy season).

Table 6.1. Comparison of Site Development and House Construction Models

MODEL	DESCRIPTION	ADVANTAGES	DISADVANTAGES	KEY CONDITIONS FOR SUCCESS
Self-relocation and self-build	<p>Payment of cash to the affected households to construct or purchase their own replacement dwelling at a location of their choice</p> <p>Not applicable to apartment blocks</p>	<p>Usually cheaper for the project</p> <p>Can be quick depending on context</p> <p>Can be beneficial to small local contractors</p> <p>Results in fewer housing-related grievances</p> <p>Housing can be tailored to each household's needs</p> <p>The household may end up with residual cash if they manage the work well or do some themselves</p> <p>Avoids the environmental and social impacts of large greenfield resettlement sites</p>	<p>Some households can make unwise investment decisions and end up in a substandard accommodation or even no accommodation at all.</p> <p>In remote areas, supply of construction materials can be problematic and may result in shortages or inflation.</p> <p>There is no assurance that water, sanitation, and power will be provided at self-relocation site.</p> <p>There is no assurance that basic social services will be available at self-relocation site.</p> <p>If compensation is based on the existing structure and it was in poor condition, the household may end up with insufficient funds to self-build a replacement house.</p> <p>Quality control and construction standard compliance are more difficult to manage and ensure.</p>	<p>Provide technical assistance at the household level for site selection, house planning and design, construction permit, and works supervision and commissioning.</p> <p>Make sure that compensation is sufficient to build a house with at least minimum standards that can be measured by quality, safety, size, number of rooms, affordability, habitability, cultural appropriateness, accessibility, security of tenure, and locational characteristics.</p> <p>Make sure that there is sufficient construction capacity and skills locally.</p> <p>Make sure that there will be no shortages of construction materials and prices will remain under control.</p> <p>Pay compensation in installments as construction progresses.</p> <p>Consider using standard designs that can be easily permitted.</p> <p>Consider using certified material retailers selling building materials at agreed prices to minimize shortage and inflation risks.</p>

(Table continued on next page)

Table 6.1. (Continued)

MODEL	DESCRIPTION	ADVANTAGES	DISADVANTAGES	KEY CONDITIONS FOR SUCCESS
Self-relocation and self-build			<p>It may have detrimental gender impacts (women and children becoming homeless if the male head of household misuses the cash compensation).</p> <p>Vulnerable people may find it difficult to reconstruct their houses themselves.</p> <p>There are potential building permit issues.</p> <p>There is increased risk of domestic violence and intimate partner violence if the money is misused.</p> <p>It is often more onerous on the project in terms of construction organization and monitoring of PAPs.</p> <p>It may impact livelihoods as people spend time on construction and may not be able to focus on livelihood activities.</p>	<p>Consider introducing contractor certification to ensure quality.</p> <p>Look into gender implications and risks. (What safeguards are needed for women and children?)</p> <p>Ensure that vulnerable people are adequately assisted to build their houses or that the project will build for them.</p> <p>Ensure that affected persons are helped to secure building permits.</p> <p>Ensure all discussions about method of delivery if compensation includes both men and women.</p> <p>Provide support with titling of land.</p>
Project-organized relocation with self-build	Provision of a plot in a project-developed resettlement site where the household self-builds its own house or employs a contractor to build the house	Same as above Can provide a solution where residential plots are difficult for affected persons to identify and acquire	Same as above	Same as above

(Table continued on next page)

Table 6.1. (Continued)

MODEL	DESCRIPTION	ADVANTAGES	DISADVANTAGES	KEY CONDITIONS FOR SUCCESS
<p>Project-organized relocation and project-organized construction</p>	<p>Development of a resettlement site where houses are constructed, with or without the participation of the impacted households</p> <p>Required for apartment blocks</p>	<p>Usually results in better quality and more sustainable infrastructure, housing, and social services</p> <p>Usually results in better occupational health and safety performance at the worksite</p>	<p>This model is complex to plan and organize.</p> <p>Typically, this is costly, particularly if a short timeline requires use of large contracting firms with high mobilization costs.</p> <p>It requires standardized houses, hence less scope for tailoring houses to household needs.</p> <p>It may exclude local contractors unless contracts are unbundled into smaller lots.</p> <p>Usually only a few resettlement sites are developed for any one project, which can limit PAPs' choices about where to locate.</p> <p>Standardized housing designs could include materials that are difficult or costly to find locally, making repairs or replacements a challenge.</p> <p>It may fail to consider needs of women and vulnerable persons in design of housing.</p>	<p>Devise a sound procurement strategy to minimize cost and enhance local contractor participation and skills.</p> <p>Avoid construction technology that is unproven in local conditions.</p> <p>Provide for construction of a model house as part of the consultation and information exercise.</p> <p>Consider modular design for easy addition of supplemental rooms.</p> <p>Increase design consultation efforts to ensure that the house design works for all affected persons, and ensure that women are included in these discussions.</p> <p>Provide a warranty against defects.</p>

V.B. Participatory Design of Dwellings

It can be challenging to get feedback on proposed house design options, as affected persons may find it difficult to read and understand design documents such as maps and plans. Notions of volume and area can sometimes be distorted, and using numbers is not a great help in communities with limited numeracy proficiency. Using models and, even better, real-size model houses is a great help and should be developed for any project involving significant physical relocation.

As it is difficult to discuss technical aspects, such as the location or size of kitchens with a whole community, the use of focus groups is recommended. Such groups should be designed to represent a cross-section of the affected community, and discussions should address the needs of different groups in the community, including vulnerable and marginalized groups, women, youth, the elderly, and physically disabled people.

Beyond the house size and general layout, some specific aspects will need special attention and discussion with affected persons, particularly the following:

- *Ventilation, ceiling height, and temperature.* Resettlement often involves a shift from traditional building materials (e.g., earth walls and thatch roofs) to modern ones (concrete walls and metallic roofs), and in warm climates this shift could result in much warmer houses that cause discomfort to residents if no proper attention is paid to thermal insulation (ceilings) and ventilation (this usually requires specialist advice).
- *Heating.* In cold climates, this can become a very significant expense if structures and systems are not properly designed and if the thermal performance of the building is poor. Also, where displaced people's houses were previously heated by a municipal centralized system (common in former Soviet states), shifting to individual heaters may be problematic, for economic and technical reasons (cost increase and lack of technical experience with individual heating systems).
- *Bedroom layouts.* The arrangement of bedrooms in the house must accommodate the respective needs of men, women, and children. Changing the way people organize their sleeping space may have strong cultural and gender implications, including an increased risk of sexual violence.
- *Domestic shrines.* In some cultures, the house design will need to accommodate a dedicated space for one of these.
- *Kitchens.* Their design often has a strong economic, practical, and cultural significance for women.
 - Outside or inside kitchens, the selection of cooking fuel, the position women adopt to cook, the safety of the locations, the specific requirements

of the preparation of certain dishes (e.g., pounding), and access to water in relation to cooking are all important design factors that must be discussed with women.

- Sometimes, particularly where women tend to cook outside of the main building, it may be better to encourage residents to design and build their own kitchens. If this is the case, the cost and time needed for kitchen construction must be accommodated in the compensation amounts as well as in the moving schedule. Ensure that women are not left to construct outdoor kitchens from scraps.
- *Bathrooms and toilets.*
 - This issue often has more significance for women and should be discussed mainly with them.
 - Privacy and visibility are important cultural and gender factors that should be understood when proposing the design and location of toilets, particularly where these are proposed to be located outside of the main house (e.g., dry latrines).
 - Safety is also a concern and should be considered with respect to both the locations of the latrines and bathrooms and the design of the facilities. The risk of sexual violence increases if the safety concerns and experiences of women and adolescent girls are not taken into account.
 - Accessibility and affordability of a private water source or connection are key factors of bathroom and toilet design. Where a private water connection will not be accessible and affordable in the long term, proposing a bathroom with running water and flush toilets makes little sense.
 - Design and location is an important factor for effluent disposal. Consider the following:
 - Is it technically possible and permissible to dispose of effluent in situ (e.g., septic tank and drain)?
 - Will the plot size and soil characteristics permit in situ disposal?
 - Or should a reticulated sewerage system be considered, which may have cost and affordability implications at both construction and operation stages?
 - Accessibility of elderly and disabled people to bathrooms and toilets must be discussed with communities, households, and the affected persons.
 - Where dry latrines are considered for toilets, they should not be used as shower areas, as this negatively impacts the latrine's life span. A separate showering area should be built, with proper drainage to avoid sanitary hazards.
 - There has been abundant work on hygiene and sanitation techniques in many countries, and this experience should be used. Poor bathroom and

toilet design can generate many complaints and much discomfort for residents of resettlement housing.

- *Outside space.* Verandahs, yards, and balconies can be important to social and family life in many cultural contexts. Sometimes an outside prayer space or a dedicated location for a family shrine should also be accommodated. Shade is an important design factor for outside space, and the planting of shade trees should be planned well in advance.
- *Fences.* Whether each land plot should be fenced or not should be discussed with the affected community and individual households ahead of the move. It may be more convenient to compensate such features as fences in cash so that affected persons can build them themselves, using traditional materials. If this is the case, compensation should be accommodated both in the cash moving allowance and in the moving schedule.
- *Storage space.* A rural way of life often requires significant storage space (for grain, fruit or potato, forage, animals, agricultural equipment, etc.). Size and location of this storage space (granaries, sheds) must be discussed with the affected community and individual households in focus groups and household interviews so that mutually acceptable solutions are found and agreed.
- *Parking space.* This may be important in urban and suburban settings and may be paramount to certain livelihoods (e.g., cab, minivan, and truck drivers).
- *Commercial space.* This may be needed, particularly where the establishment of small enterprises is envisioned by the livelihood-restoration strategy.

V.C. Establishing Minimum Housing Standards

Minimum housing standards should be defined, communicated, and enforced, particularly where the self-build option is going to be implemented. Such standards can be defined by quality, safety, size, number of rooms, habitability, accessibility, security of tenure, and locational characteristics. In situations where people live in substandard housing of inadequate material and size, compensation amounts should be adequate to enable construction of a replacement house of at least minimum standards.

V.D. Procurement of Construction and Implications for Local Procurement and Hiring

The development of a greenfield resettlement site usually involves significant earthmoving and other works and will typically have to be allocated to sizable contractors with the ability to mobilize heavy equipment and associated staff. This

will require both unskilled and skilled work and can provide opportunities for local employment, including the recruitment of PAPs themselves.

Building individual houses provides interesting opportunities for local subcontracting, capacity building, and local employment. Two main procurement options can be considered:

- One turnkey contractor for all housing, with potential subcontracting of smaller lots to local enterprises (either smaller batches of houses or specific pieces of work, e.g., foundations, roofs, electricity, plumbing)
- Several smaller contractors being allocated batches of houses on a turnkey basis and working concurrently at the resettlement site, potentially with support from the client (see box 6.2)

Community infrastructure (schools, clinics, and water and electricity supply) can be contracted separately (often preferable for scheduling reasons) or as part of one of the main contracts.

Box 6.2. Newmont Ghana Resettlement House Construction

Newmont Ghana Gold Limited implemented a “local-local” contractor policy for the construction of the resettlement houses for its Amoma expansion project at the Ahafo South Mine in Ghana.

Thirteen local contractors were assisted by Newmont’s Local Business Support Unit to prepare tenders for the construction process. Once the tenders were submitted, Newmont negotiated a fixed-price contract for the resettlement house construction with the local contractors. Each contractor was allocated one house each to construct. Those contractors that were deemed to have a lower capacity were allocated resettlement houses to construct that were not on the critical path of the mine construction schedule, so that any delays would not slow down the project.

Newmont established a block-making yard and engaged a local contractor to make all the blocks for the resettlement houses, using local labor. Newmont engaged construction managers to oversee the local contractors’ work and ensure standards were maintained, and bulk-purchased all building materials in order to keep costs down and then allocated these to the local contractors. Those contractors that completed their houses to the required standard were then allocated additional houses, rewarding the best-performing companies.

Newmont constructed a market area on the resettlement construction site, which allowed local women to earn an income from preparing and selling food to the workers. The contractors were required to use labor from Newmont’s local labor pool. Each mine area village was allocated an employment quota, and ballots were held for each round of employment opportunities to ensure a fair process. Using this model, Newmont maximized the local labor involvement in the resettlement construction process while meeting international standards.

Where apartment blocks are to be built, this usually requires a sizable turnkey contractor, with certain components of the work potentially subcontracted (e.g., plumbing, electricity, or roofing). This is more demanding from an occupational health and safety perspective than building individual houses, and therefore suggests the use of experienced contractors.

Procurement departments in large projects tend to impose demanding requirements that are not necessarily related to safety or quality issues and which cannot be met by small local contractors. Where possible, entry barriers for small contractors should be addressed with a focus on the beneficial social impacts and potentially lower cost of using smaller, local contractors. Top management involvement helps in addressing these barriers. A prequalification process can be useful so that only reasonably sound local contractors are allowed to participate in tenders. Key prequalification criteria should include awareness of essential occupational health and safety and environmental management measures.

V.E. Detailed Design Process and Bidding Documents

Once key design principles (such as size of dwellings, number of rooms, level of finish, heating systems, cooking systems, location of bathrooms and toilets, etc.) have been decided in a participatory manner, detailed bidding documents must be developed. The following factors should be considered in this process:

- Bidding documents should be developed by persons with experience in local building standards (e.g., fire and electrical safety, heating, seismic requirements, etc.) and in building materials and techniques available locally. Local construction standards can be complex and differ significantly from those applying in the country of origin of the project sponsor, ergo, local specialists are needed. Otherwise, securing building permits may be a long process.
- Consistent with good industry practice, IFC's PSs should apply to resettlement construction work and should be included as part of applicable standards in the bidding documents, particularly PS2 and PS4.
- Similarly, environmental issues at construction sites (e.g., runoff water and erosion management, post-earthmoving reinstatement, and construction waste management) should be addressed to conform with the PSs.
- Selection of the successful bidder should give adequate weight to contractor experience and reference, and to quality assurance systems. Opportunities for women to benefit from the construction should also be considered.

V.F. Supervision, Commissioning, and Guarantee

Construction of resettlement housing must be properly supervised by experienced, onsite building supervisors. This is particularly the case where small, local contractors are used; they may require significant support and supervision. Resettlement committees should be given the opportunity to visit the construction site at regular intervals.

Commissioning is the verification at the end of construction that completed work complies with standards and specifications in the bidding documents. Experience in developing countries indicates that the quality of the following should be given particular attention during work supervision and commissioning:

- Foundations, materials, and concrete
- Electrical installations
- Carpentry, roofing materials, and the installation of those materials
- Plumbing and fittings
- Heating systems (where applicable) and their compliance with national industry standards

It is recommended, where projects are responsible for contracting the construction of resettlement houses, to offer resettled people a guarantee on aspects of the house. Guarantee periods required of building contractors should be in line with national standards and no less than two years. The guarantee typically covers the soundness of the walls, windows, doors, floor, and roof.

V.G. Preparing Resettlement Sites and Housing

Table 6.2 shows key factors to consider when preparing resettlement sites and building resettlement dwellings.



Table 6.2. Factors in Preparing Resettlement Sites and Building Resettlement Housing

ACTIVITY	DESCRIPTION
Procurement and construction	<p>Make sure that buildings meet applicable national standards and use experienced national consultants to achieve these.</p> <p>Develop the procurement strategy during preparation of the RAP.</p> <p>Consider unbundling the works into smaller lots to maximize local procurement and to encourage bids from female entrepreneurs.</p> <p>Consider associating small local contractors as subcontractors to a larger turnkey contractor to build capacity.</p> <p>Provide assistance to smaller contractors in the form of technical supervision, assistance in procuring building materials, and administrative support.</p> <p>Maximize local employment for men and women, including PAPs.</p> <p>Seek compliance with IFC’s labor, occupational health, and safety, environmental, and community safety requirements (PS2, PS3, and PS4).</p> <p>Implement protections against sexual exploitation and abuse in the procurement process. For example, ensure this is specified in a procurement policy. This might include establishing a code of conduct and ensuring that outside workers are not housed within the community.</p>
Supervision	<p>Ensure close technical supervision by construction specialists with regular presence at the worksite.</p> <p>Check quality of materials and concrete.</p> <p>Check compliance to standards.</p> <p>Check quality of foundations.</p> <p>Check electrical safety and all other relevant technical aspects.</p> <p>Make sure that resettlement committees visit the site(s) at regular intervals.</p> <p>Involve relocated households in monitoring the construction process so that they have a role in ensuring the quality of building and are willing to take over their new houses and accept responsibility for maintenance.</p>
Commissioning and guarantee	<p>Establish an inspection and commissioning procedure with lists to review all aspects of the work.</p> <p>Make sure that any gaps identified during the commissioning inspection are addressed and fixed before affected persons move into their new dwelling.</p> <p>Put in place a procedure to log and review with PAPs and the contractor(s) all grievances pertaining to technical defects occurring during the guarantee period.</p> <p>Ensure that technical defects for which the contractor is found liable are fixed before the end of the guarantee period.</p>

VI. Task 2: Physical Displacement— Organizing Moves

The move will typically involve handing over the keys to houses or apartments and the associated administrative and legal procedures, plus organizing the moving process. Steps and factors to consider are presented in table 6.3.

Before and during the move, it is important to start building relationships between the resettlers and the host community. This can be done by developing joint programs involving social, religious, cultural, sports, and business activities to foster partnerships between the two groups. These activities will demonstrate to the host communities that there are benefits to welcoming the resettlers, and they will promote a faster integration process.



Table 6.3. Factors in Organizing Moves

ACTIVITY	DESCRIPTION
Handover of resettlement housing	<p>Provide an opportunity for affected households to conduct an inspection once the house has been constructed and compile a list of any final adjustments and improvements that need to be made prior to the handover. Ensure women and vulnerable groups participate in these inspections.</p> <p>Once these issues have been addressed, obtain sign-off of a final inspection form confirming agreement by the resettled household that the house meets the agreed standards.</p> <p>Ensure that, in addition to the beneficiary household, this form is signed off by a witness such as government and/or community representatives, as well as project representatives.</p> <p>Hand over keys and any relevant technical documentation as well as a tentative allocation certificate established to allow further application for a title. The final ownership title will typically not be available at the time of move—see section XII. Other Important Elements of the Implementation Stage of this module.</p>
Move	<p>Plan the timing of physical moves to ensure minimal disruption to the communities in terms of seasonal farming cycles, school years, disruption to businesses, and access to employment.</p> <p>Plan the move of the entire community over a relatively short period to maintain social cohesion.</p> <p>Provide resettling families with advance notice of relocation dates so that they can prepare their belongings.</p> <p>Engage all members of the affected community through their committees on plot allocation within the resettlement site (by lottery or otherwise) to allow relatives and friends to group together and resettle in the same part of the site.</p> <p>Subject to consultation outcomes, consider giving preference to businesses to relocate in the main market streets and time their move with the majority of the community so that they can maintain their customer base.</p>

(Table continued on next page)

Table 6.3. (Continued)

ACTIVITY	DESCRIPTION
	<p>Provide resettlers with a disturbance or settling-in allowance to help them buy the basics for their new house, help reduce stress, establish subscriptions to utilities, update identification documents, and build goodwill.</p> <p>Engage PAPs and the host community in choosing the moving date(s). Moves are typically organized in several successive waves so that assistance can be provided as moves take place.</p> <p>Do not move households until the supporting community infrastructure, including roads, drainage, water, education, health, and so forth, are substantially in place.</p> <p>Provide assistance to enable resettlers to move to the new site. Provide vehicles to transport household belongings and salvaged assets to the new house and a team to assist with loading and unloading; these should be locally employed people, preferably PAPs.</p> <p>Provide additional assistance to vulnerable people in the process of salvaging their materials from old houses, reregistering their new address with authorities, obtaining new identity documents, establishing subscriptions with utility companies, and so forth.</p> <p>Consider having medical services on hand during the moving process to support any resettlers who have chronic illnesses or otherwise require medical attention.</p> <p>Involve local people who have local knowledge and good relationships with the PAPs in the transportation process and in the relocation teams, as they will be more sensitive to local attachments to the place and enable people to move at their own pace.</p> <p>Engage with any households that may be reluctant to move and alleviate their concerns, using third-party mediation where appropriate.</p> <p>Ensure that there is a process to celebrate, formally open the resettlement site, and welcome the resettlers to the area. This will help to establish connections between the host community and resettlers and may take various forms depending on the cultural context.</p>

VII. Task 2: Physical Displacement— Salvage and Demolition

The ability to salvage materials from their affected house can be a useful bonus to affected persons and should be considered, as long as basic safety rules can be respected. The final demolition can also be an employment opportunity for local people, including affected households themselves. Lastly, the preparation of a photographic memory of the old settlement before the move is also generally appreciated by affected persons.

Key steps and factors to consider are presented in table 6.4.

Table 6.4. Factors in Salvage and Demolition

ACTIVITY	DESCRIPTION
Salvage	<p>In consultation with the affected community, develop a salvaging policy. The policy should articulate whether it is permissible and over what duration, taking into account relevant legislation and regulations. Where expropriation is used, the state typically mandates that materials of expropriated properties become the property of the state, but salvaging to the benefit of affected persons is often tolerated.</p> <p>Communicate the salvaging policy clearly to resettling households.</p> <p>Where feasible, permit resettlers to salvage materials from their houses before demolition and provide transportation for these materials to the resettlement site.</p> <p>Ensure that reasonable safety and environmental provisions are in place during salvaging.</p> <p>Where salvage is permitted, provide support to vulnerable households.</p>
Demolition	<p>If there is a risk of squatting by newcomers in vacated houses, consider demolishing structures quickly, possibly as each resettled household is moved.</p> <p>When there will be a long time between the start and end of relocation, consider delaying demolition to avoid having the remaining households living in the middle of a demolition site. Access to houses may need to be restricted by boarding up doors and windows.</p> <p>Where houses are demolished, remove all debris to make the site safe.</p> <p>Ensure that demolition and disposal of demolition waste take place in conformity with reasonable occupational health and safety and environmental standards, particularly where hazardous materials may be found (e.g., asbestos-containing materials).</p>

VIII. Task 2: Physical Displacement— Handover of Resettlement Sites and/or Apartment Buildings

It is a common problem in resettlement that the long-term management and maintenance of infrastructure, such as water supplies and sanitation, access roads, and education and health facilities is not adequately planned and managed. This usually involves government and/or municipal agencies that need to be engaged well ahead of the move, during the planning process and early implementation phase (see table 6.5). It also includes the communities themselves, which need to be adequately prepared and trained in view of the handover of facilities they may not necessarily have been familiar with in their previous settlement. For convenience and consistency, the discussion of handover issues has been placed in this implementation module. However, it is important to note that many of these elements are actually relevant to both the planning and implementation phases.

In apartment blocks, collective space needs collective management of tasks (e.g., cleaning, lighting, and security). Where the height of the buildings requires lifts, this makes collective management even more complex. Box 6.3 provides an example of establishing a collective management organization in such complex apartment buildings.



Table 6.5. Factors in the Handover of Resettlement Sites and Apartment Blocks

ACTIVITY	DESCRIPTION
<p>In the planning and implementation stages</p>	<p>In the planning and design process, involve state and municipal agencies that will be expected to manage the infrastructure and services, possibly through a dedicated handover committee allowing regular liaison.</p> <p>Comply with the requirements of government agencies with regard to design and operations.</p> <p>Seek clear and formalized commitments from these agencies to provide full resources for education and health facilities (e.g., staff, maintenance of facilities, recurrent costs, inputs such as schoolbooks, supplies, medicine, fuel). Ensure education of girls and boys is given equal attention and weight.</p> <p>Establish a handover committee comprising representatives of the community (men and women from both resettler and host communities), government, and the project at of the planning stage.</p> <p>Involve the handover committee in selecting the resettlement site, agreeing on the physical infrastructure, and defining management and maintenance requirements.</p> <p>Verify that budgets have been put in place at the adequate level of government (central, regional, or local, as needed).</p> <p>Where communities depended on free access to communal resources such as wells, springs, or rivers for water; local woody vegetation for firewood; and local disposal of waste, assess willingness and ability to pay for water, fuel, and waste disposal if these resources and facilities will no longer be freely accessible.</p> <p>Where communities will have to take responsibility for water supply or solid waste collection, assess capacity to manage these services and provide capacity-building support and training where required. Make sure the principle of payment-for-service is accepted.</p> <p>Seek specific and appropriate arrangements for vulnerable people to pay for services.</p> <p>Consider gender aspects of service delivery and management (e.g., water supply is often best managed by women).</p>
<p>In the implementation stage</p>	<p>Develop formal memoranda of understanding for the handover of each major element of infrastructure between the project and the responsible government or municipal agency, approved and witnessed by all members of the handover committee.</p> <p>Establish a management committee at the resettlement site to take care of waste management, water supply, and associated cost recovery.</p> <p>Communicate clearly on fees, ongoing maintenance activities, organizational systems and processes, and any constraints.</p> <p>Consider initial subsidization of user fees, with a clear exit strategy.</p>

Box 6.3. Establishing Condominiums for Building Management

As part of the expansion and reconstruction of Zvartnots International Airport at Yerevan, the capital of Armenia, all residential properties within the airport perimeter were to be removed to conform with the terms of the concession and international airport safety practices. This required the demolition of four Soviet-era buildings, with a total of about 170 households (510 people) needing to be displaced as a result. More than one-half of the households were rent-free occupants of 10–20 square-meter (m²) rooms in two government-owned hostels. For many years these families had endured living in rundown buildings in a state of significant disrepair, with no heating facilities; common toilets and kitchen facilities were shared. A smaller group of households, who had titles, were resident in two Soviet-era apartment buildings.

After extensive consultations that spanned more than three years, the project sponsor, Armenia International Airports (AIA), decided to finance the design and construction of six apartment blocks from its own funds to resettle all affected households in the Malatya Sebastya district of Yerevan. AIA allocated \$17.5 million of its internally generated funds to undertake the relocation project, which was equivalent to approximately 10 percent of the total project construction cost (\$166.75 million). In accordance with the RAP agreed with the project lenders, (European Bank for Reconstruction and Development, Asian Development Bank, and Deutsche Investitions und Entwicklungsgesellschaft [DEG]), 96 nontitled households were given, free of charge, one- to two-bedroom apartments with a minimum size of 40 m² for a family with one to three members; 50 m² for a family with four or more members; and 64 m² for those who had occupied two rooms of more than 20 m².

In addition, 67 titled households were given, free of charge, apartments of 67 m², 80 m², and 100 m², which were bigger than the apartments that families had been occupying. The resettlement of all households came with titles of ownership under the names of all family members, thereby not only improving their living conditions but also giving, to those who had previously been nontitled occupiers, legal security of tenure to the condominium property.

The actual move took place in two waves, in December 2014 and December 2015. AIA also agreed with the project lenders to provide support to the resettled community during and after the move and help the resettlers to take responsibility for the management and maintenance of the new buildings, including lift maintenance, cleaning of collective spaces, and so on. This was particularly challenging, as the household-incurred costs of the old buildings had been minimal. To support the householders' adjustment to the new facilities, AIA therefore also agreed to provide a 15-month grace period from the date of the move, during which time it would continue to manage maintenance and related payments. The resettled households were expected to assume full responsibility by the end of the grace period. A team of consultants, funded by DEG Business Support Services, provided technical and legal support for about two-and-a-half years, helping the resettled community establish two condominiums in accordance with Armenian law and preparing their bylaws and operational procedures (budgeting, general assemblies, documentation, fee collection, record keeping, accountability and transparency mechanisms, etc.). Contracts were established with specialists for lift maintenance, and part-time employees were hired for general management, cleaning, and recordkeeping, and some improvements were made (such as a playground for children).

(Box continued on next page)

Box 6.3. (Continued)

Meanwhile, some of the associated infrastructure (access roads) built by the project sponsor was transferred to the responsibility of the municipality for maintenance. By the end of the program, the vast majority of households were paying the required community fee. Importantly, retail spaces established on the ground floor were transferred to condominium ownership and were rented out (see photos in this box), which allowed a regular stream of income. In addition, one of the condominiums also signed an agreement with a cell phone company that established an antenna on one of the roofs, also generating regular rental income.



One of the resettlement buildings.



One of the shops that generate rental revenue for the condominiums.

IX. Task 2: Delivering Compensation Entitlements

Once compensation entitlements have been defined, there are key steps and factors to consider prior to delivery of cash compensation, as presented in table 6.6.

Table 6.6. Delivering Cash Compensation: Key Factors

ACTIVITY	DESCRIPTION
Payment	<p>Ascertain the identity of entitled individuals, using fingerprinting if acceptable to all parties, or reliable official identity documents (passports, identify cards, electoral cards, birth certificates). Where identity cannot be ascertained, require the presence of several witnesses, including administrative officers and/or community elders, and obtain their sign-off.</p> <p>Pay cash compensation by check or bank transfer wherever possible. Consider telephone banking where available and proven to be secure, as it is often the method of choice for cash payments in rural areas. Encourage and assist affected persons to open bank accounts preferably in the name of both spouses. Where the banking system is not perceived as reliable by affected persons, seek to educate them to the benefits of banking. Consider using microfinance institutions, which may be beneficial to affected persons in the long term.</p> <p>Seek the cooperation of a reliable bank in the payment process. Consider banks with a local presence and a good track record, including providing support to women. Once one or several banks have been selected, work with them to streamline the payment process and sensitize employees to the specific needs of affected persons. Require the bank to open a specific window for affected persons when payments are made. Monitor the payment process at the bank to ensure that compensation reaches the intended recipients.</p> <p>Provide training in cash and budget management to the recipients of compensation where significant amounts are paid in cash to people that may be unfamiliar with the management of such amounts. This can be done by banks or microfinance institutions, as well as consumer associations or similar CSOs. It should be offered to be both men and women.</p> <p>Consider paying cash compensation in installments where this is acceptable to affected persons—this avoids a sudden inflow of cash that people may find difficult to manage properly.</p>

X. Task 3: Organize and Implement Livelihood-Restoration Activities

See [Module 5. Livelihood Restoration and Improvement](#).

XI. Task 4: Organize and Implement Monitoring and Review

For more detailed guidance, see [Module 7. Monitoring](#).

XII. Other Important Elements of the Implementation Stage

XII.A. Security of Tenure

PS5 and other similar international standards require that resettlers be provided with adequate security of tenure. Activities required at the planning stage to achieve this objective are described in [Module 2. VIII.B. Security of Tenure](#).

A resettlement site offers security of tenure if it protects, to the greatest extent possible, the resettled persons from forced evictions. Obtaining a full title can be a lengthy and cumbersome process in many jurisdictions but provides the highest level of protection for resettled people. This process will typically be handled by a government land agency with which the project may have limited leverage. However, it remains the responsibility of the project that no burden occurs to affected persons as a result of resettlement, and the project should therefore facilitate the process and bear its cost (box 6.4).

Security of tenure can be obtained through a variety of means, depending on the local land legislation and the context (e.g., rural land with customary ownership being predominant):

- A perpetual ownership title is the ideal outcome, but it is not always achievable for legal or practical reasons.
- A long-term, renewable lease (e.g., 30 to 99 years), of which there are many legal forms depending on jurisdictions, may be the only practicable outcome in the many developing or emerging economies or countries where land is vested in the state.
- In some jurisdictions, temporary occupation permits granted by the land administration agency or municipality can constitute an interim stage in the process toward obtaining full and perpetual ownership. Attention should be paid to the duration of such permits and what happens after they expire.

Box 6.4. Security of Tenure: Factors to Consider

Make sure that resettlers hold a valid occupancy document for their new home prior to the move. Start the process of obtaining full ownership titles or long-term leases as soon as possible (where possible, before the move or immediately thereafter).

To enhance outcomes associated with the gender and vulnerability aspects of security of tenure, do the following:

- Establish titles in the names of both spouses wherever legally possible.
- Review and address specific cases such as polygamous households.
- Review risks of GBV, including threats to women and vulnerability of women should the situation for women change, especially in situations where women are not allowed to hold legal ownership over property.
- Provide extensive support to vulnerable households (particularly with facilitation of paperwork and complex administrative processes that they may be unfamiliar with).
- Provide assistance to affected persons in registering their resettlement property (e.g., negotiate a one-stop process with the relevant authority, with logistical facilitation by project).
- Where cash compensation is provided (versus replacement housing), supervise the acquisition of replacement land to ensure security of tenure.
- Cover all costs of providing titles to resettled people, including indirect costs such as transport and time lost. (This can be done via the lump-sum distribution or moving allowance mentioned in section V. [Task 2: Physical Displacement—Preparing Resettlement Sites and Building Replacement Housing](#) of this module.)

- Also, the site and its residential and/or agricultural occupation should be officially sanctioned by spatial planning documents (such as municipal general plans, town plans, and regional plans).
- Another option is for the company to purchase resettlement land and then hand it back to resettlers under various forms of ownership or occupation (free occupation, lease).

XII.B. Expropriation: Practical Issues and How to Address Them

There are several possibilities when a government can apply compulsory measures, or expropriation, to a project. For example, projects can be fully responsible for the land acquisition and resettlement and work toward negotiated settlements with all affected households. Should affected persons reject initial compensation offers that were aligned with PS5, and, as a result, expropriation or other legal procedures are initiated, the project should explore opportunities to collaborate with the responsible government agency and apply the compensation measures defined in the RAP to the expropriated property if the outcome of expropriation is less favorable than the initial offer.

Triggering expropriation on a private-sector project will often result in a government agency taking over land acquisition according to processes and procedures established in local expropriation legislation. In such cases and, if permitted by the government agency, the project should play an active role in resettlement planning, implementation, and monitoring. For more guidance on government-led resettlement refer to [Module 8. II. Government-Led Land Acquisition](#).

In many countries, expropriation laws involve a two-stage process, which could be triggered after a first attempt by the project to reach a negotiated settlement has failed:

- The first is an administrative stage, in which a commission of representatives of different administrations (e.g., land, urban planning and housing, agriculture, etc.) seeks to reach a negotiated agreement based on set rates usually maintained by a given governmental agency. The rates may be based on the “cadastral value” of land, usually considering depreciation of structures and therefore not meeting the full replacement-cost requirement. Cadastral values may not always be up-to-date or reflective of the current market.
- The second is a judicial stage, in which the expropriation claim is processed by a judge, who would usually mandate an independent expert valuation of the property, summon a hearing of the expropriated party, and rule on (i) the validity of the expropriation for public needs and (ii) the compensation (sometimes in two separate proceedings). This first instance ruling can usually be appealed, with successive appeals potentially triggering a lengthy process. In recognition of this long process, many jurisdictions allow the expropriating agency to take possession of the property at the end of the administrative stage once the expropriated party has rejected the initial compensation offer, subject to the corresponding amount being deposited by the expropriating agency in an escrow account held by the treasury.

Such processes raise a number of practical issues in terms of compliance with IFC’s PS5. Details of such issues and potential actions to address them are presented in table 6.7.

Expropriation may result in protracted judicial processes in a number of jurisdictions. It is therefore in the project’s best interest to reach amicable negotiated settlements in as many cases as possible. Where expropriation is unavoidable, addressing the issues it raises according to the guidance in table 6.7 will usually result in smoother processes and limit the potential for undesirable evictions (see the following section C. Evictions).

Table 6.7. Expropriation Issues and How to Address Them

ISSUE	KEY QUESTIONS	HOW ISSUES CAN BE ADDRESSED
Legal advice to affected persons	<p>Does the expropriated party have access to legal advice?</p> <p>Is there a risk of excessive pressure on the expropriated party to accept the proposed compensation offer?</p> <p>Are gender norms influencing power relations in delivery of the legal advice?</p>	Consider facilitating access to legal advice for the affected party and supporting the cost, subject to this being agreeable to the government expropriating agency.
Compensation rates	Are rates offered by the government adequate? Do they meet the PS5 full replacement cost criterion?	If expropriation rates are not adequate, consider whether the project can come back to its initial full replacement cost offer and settle the case on an amicable basis even after expropriation has been triggered or provide a top-up to ensure that compensation is at full replacement cost, even after expropriation has been triggered.
Inventory of assets	Are all structures and features of the property taken into consideration, even those that may be informally erected?	If not, can the project offer a top-up to cover the assets that were not included? Can the project influence the government to compensate informally erected assets?
Cost of independent expert valuation mandated by court	Who supports the cost of the independent valuation?	Consider having the project cover the cost.

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Table 6.7. (Continued)

ISSUE	KEY QUESTIONS	HOW ISSUES CAN BE ADDRESSED
Other costs	Who pays other costs, such as legal advice and transport?	Consider having the project cover these costs.
Compensation offer	Does the final compensation offer meet full replacement cost according to PSS?	If the cost is not supported by the expropriating agency, can the project offer to support the cost through a top-off?
Taking possession of land	Can the expropriating agency take possession of the land without paying compensation if the expropriated party rejects the compensation offer made in the administrative stage?	<p>Determine whether the initial compensation offer could be paid by the project prior to the government taking possession of the land.</p> <p>Can the compensation be paid into an escrow account? What is the mechanism to retrieve compensation once the process is complete?</p>
Project timeline	<p>Is the time required for the expropriating agency to process the expropriation cases compatible with the project schedule?</p> <p>Can the project lawfully enter land even if the expropriation ruling is appealed?</p>	<p>If there is a timeline issue, consider providing support to the expropriating agency in reviewing and closing cases. Direct involvement of the client in resettlement activities, if permitted by the agency, can result in more cost-effective, efficient, and timely implementation of those activities.</p> <p>Explore legal remedies and other options to protect the expropriated party's right to fair and prior compensation.</p>
Appeals	<p>Is there a possibility for the expropriated party to appeal the first instance expropriation ruling?</p> <p>How can this impact the project schedule?</p>	Ensure the project is adequately informed of expropriation law and factors the possibility of appeal into the project timeline.

XII.C. Evictions

Avoiding any forced eviction⁴⁰ is one of the key objectives of PS5. Forced eviction can pose a risk to affected persons and can create reputational risks to projects. Proponents should minimize risks associated with forced eviction by providing opportunities for genuine consultation, seeking to reach a reasonable agreement with affected persons to avoid forced eviction. However, eviction may sometimes be unavoidable. In such cases, eviction should conform to all the relevant requirements of PS5, including provision of and access to appropriate forms of legal or other protection. It should not be undertaken except in alignment with the national law and the requirements of PS5. Box 6.5 describes the factors and measures for consideration during implementation of the process.



⁴⁰ The term *forced eviction* is defined as “The permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or lands which they occupy without the provision of, and access to, appropriate forms of legal and other protection.” IFC. 2012. *Guidance Note 5 on Land Acquisition and Involuntary Resettlement*. Washington, DC: IFC.

Box 6.5. Lawful Evictions: Factors and Measures to Consider

Project proponents should avoid direct involvement in evictions and rather focus on the development and implementation of measures to prevent the need for evictions. These include the following:

Prior to eviction

- Increase engagement with those involved before eviction is considered, providing genuine opportunities for dialogue with no pressure or coercion exerted.
- Properly document all engagement and attempts at reaching a reasonable agreement prior to eviction.
- Avoid changing the compensation entitlements established in the RAP/LRP and negotiated with other affected persons, which would raise a risk of unfairness and increase the risk of conflict with others.
- Provide full information on legal avenues available to those affected, best conveyed by an independent party, and mediation services and legal aid to those in need of it to seek redress. These could include use of a mutually agreeable NGO with experience in land acquisition or an independent lawyer, at no cost to those affected.
- Prior to eviction, ensure adequate and reasonable notice to all affected persons.
- Ensure that reasonable temporary accommodation is provided to those evicted should they not have an alternative place to stay.

During the eviction

- Project proponents should avoid direct involvement in implementing evictions and should exercise caution and monitor the process to avoid reputational and operational risks. Government officials or their representatives should be present. All individuals carrying out the eviction should be properly identified.
- The proponents should engage with public security forces to agree and ensure that there is no use of disproportionate force.
- Evictions are not to take place in bad weather or at night.
- Specific care must be taken of vulnerable people, particularly disabled or sick individuals, pregnant or lactating women, young children, the elderly, and those that are at risk of GBV, with provision of medical assistance if necessary.

After the eviction

- Those who are evicted must continue to be monitored and their circumstances documented, preferably by a third party, in order to manage the associated social, reputational, and operational risks.

XII.D. Transition Support

Support for resettled households does not end when the occupants move into their new houses. As described in earlier sections, it can take weeks and sometimes months for affected persons to adjust to their new residence. Project planning and support can make all the difference between a smooth and a difficult transition period. Box 6.6 describes factors to consider when planning and implementing transition support and duration.

Frequent follow-up visits to the community and each relocated household should continue for at least six months after the move to help resolve issues and ensure that the community and government agencies take responsibility for the management and maintenance of the social infrastructure. The follow-up process needs to be undertaken together with government health and social welfare providers so they can provide the support required to the families.

Box 6.6. Transition Support: Factors to Consider

Rural resettlement

Will people be able to harvest their crops? How will their normal agricultural cycles be disrupted? If there is a disruption, transition support must be calculated to offset the loss.

What is the general food security situation in the area? If there is food shortage at the time of the displacement, transition support may have to be delivered in food rather than in cash.

Are there specific transition issues for vulnerable people that may require additional support (e.g., medical, GBV protection) and/or food or cash?

Urban resettlement

If transportation services to work areas are not immediately available at move-in time, cover the additional cost in the transition support.

Cover any other interim costs that arise from the move and establishment process.

Are there specific transition issues for vulnerable people that may require additional support and/or food or cash support?

Gender aspects

Will the childcare facilities that were previously available be open at move-in time?

Are the new schools functioning? Or are the old schools ready to receive new students? Can the kids walk or is there transport for them?

Do women feel safe in the new house and settlement?

XII.E. Land Acquisition by Contractors

Contractors responsible for project construction may be involved in some land acquisition, such as for temporary construction camps, laydown and storage areas, access roads, quarries or borrow pits, and so forth. It is key that contractors are kept under strict control by the project to avoid any deviation from project land-acquisition policies. Project land-acquisition and compensation policies must also accommodate the temporary character of such land occupation through specific rates, processes, agreements, and land reinstatement and hand-back policies.

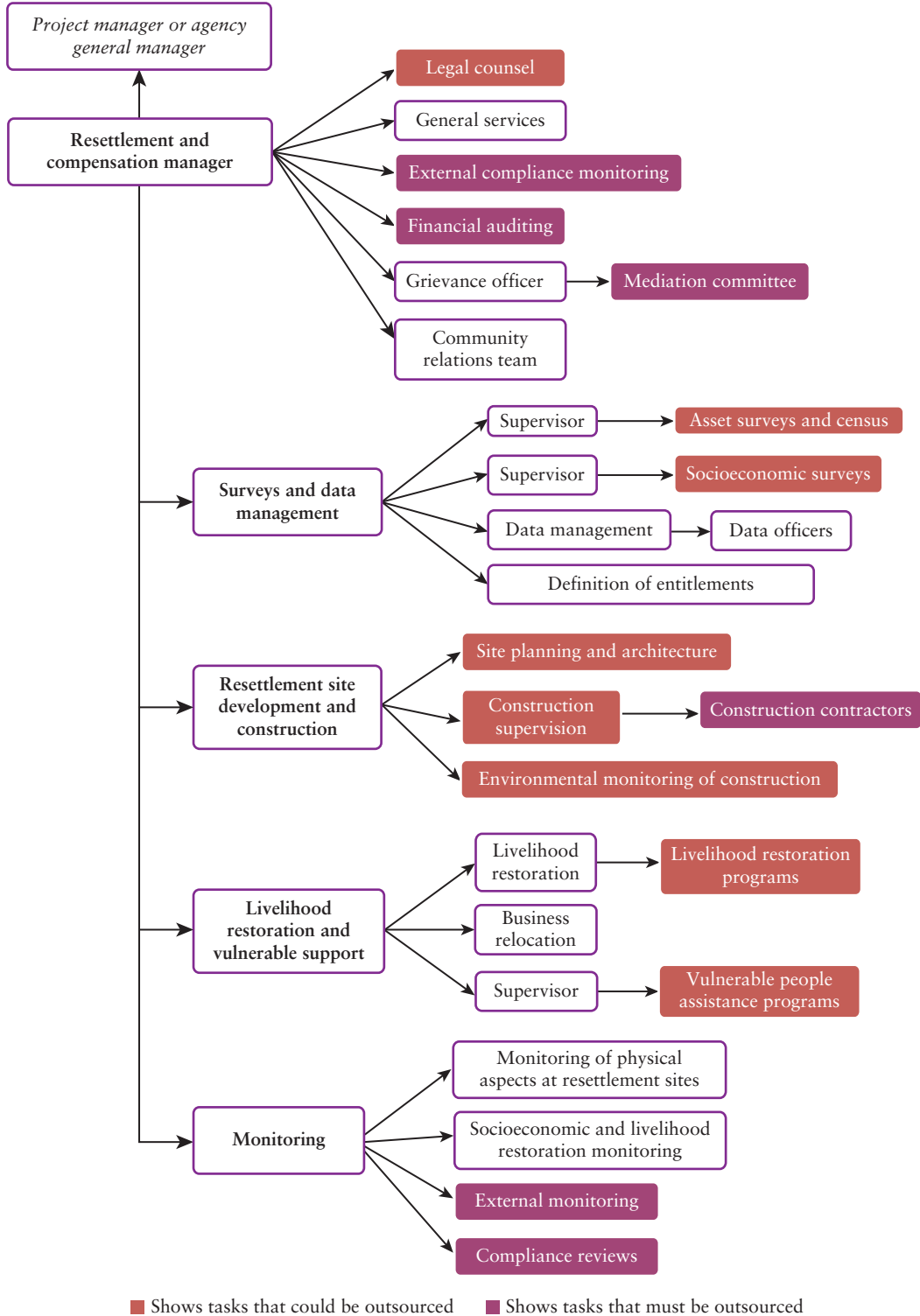
Contractor compliance must be monitored to avoid any violations of such policies. It is generally better for the project to keep direct control of all land acquisition, including any land required for contractor's needs. Contractors are not necessarily well equipped to manage the demands of land acquisition, associated social issues, and grievance management and often lack the staff and experience to address these in a compliant manner. Where contractual arrangements dictate that land acquisition required for a contractor's temporary land be paid for by the contractor, the project sponsor can still take responsibility for managing the process and back charge the cost to the contractor at the time of project commissioning.

XIII. The Implementation Team

Successful implementation of resettlement activities requires teams with a broad array of skills. Implementation arrangements must provide for sufficient material resources (computers, office and survey equipment and materials, vehicles, office accommodation, and so on), an adequate organizational structure with clear lines of reporting, and budgetary and financial autonomy of resettlement implementation units. Flexibility in decision-making and implementation are priorities.

The size of the resettlement implementation team will depend on the scale of the land acquisition and resettlement and the complexity of the project context. For small projects with limited complexity, a team consisting of a manager, community liaison staff deployed in key communities, and supporting consultants could suffice. For more complex projects, resettlement should be considered as a project within the project, and the best option will usually be to establish a dedicated unit within the project-implementing organization under a resettlement project manager with a direct line of reporting to a senior manager in the organization (e.g., general manager; deputy general manager; health, safety, environment, and communities manager; or external affairs manager). The resettlement unit should be based close to affected areas and be easily accessible to affected persons. Figure 6.1 presents an example of the organizational structure of a resettlement implementing unit, in which the following positions are required:

Figure 6.1. Example of a Resettlement Team for a Complex Project



- *The resettlement manager* should have excellent project and people management skills, a thorough understanding of social and livelihood issues underlying the resettlement process, and the ability to communicate with both authority and empathy with affected persons. One important aspect of his or her tasks will be to seek internal alignment and to create internal awareness of resettlement-related risks and the benefits of aligning with best practice.
- *Engagement and grievance management officers* should have excellent interpersonal and communication skills, empathy for local communities, and knowledge of local languages and the local context. The team should have both women and men and ensure that women and vulnerable people are equally consulted. The team should be trained in how to respond to grievances linked to allegations of sexual exploitation and abuse.⁴¹
- *The survey, census, mapping, and data team* will collect, record, and analyze all baseline and compensation data. It will have a role in verifying assets and will conduct resurveys where grievances are lodged. It is important that the project have a database to securely manage data, preferably with GIS functionality. For larger projects, a dedicated data management system may be necessary to record data in an organized manner and generate the large number of asset summaries, grievance reports, compensation agreements, and so forth. The team should have both women and men and ensure that women and vulnerable people are equally consulted.
- *The monitoring team* will have to liaise with the survey, census, and data team (or potentially be integrated with it), as monitoring will primarily be based on numerical indicators generated by the resettlement database.
- *The resettlement design and construction team* should consist of in-house staff and consultants with skills in architecture, planning, engineering, and construction supervision and management. It is common for women to be excluded from this kind of work due to social norms and so-called cultural barriers. Efforts should be made to ensure inclusion of women.
- *The livelihood-restoration and vulnerable people team* should consist of specialists in agriculture, forestry, animal husbandry, business development, and microcredit, as needed, and social welfare workers with experience in identifying and assisting vulnerable people. This team should also include a GBV specialist.
- *Specialist resettlement consultants* should be used to review and assess the RAP and the capacity and experience of the resettlement team and provide specialist support and training as required.

⁴¹ For additional guidance on identifying and mitigating GBV in private-sector projects, see IFC. 2020. *Addressing Gender-Based Violence and Harassment: Emerging Good Practice for the Private Sector*. Washington, DC: IFC. www.ifc.org/addressinggbvh.

- *A team of in-house or outsourced lawyers* is typically needed to handle the legal aspects of land acquisition and titling. Frequently the acquisition and titling teams operate in isolation from each other. If the legal land-acquisition team is not embedded with the resettlement team, it is critical that the two teams coordinate closely.
- *Support services* include administrative, financial, procurement, logistics, and transport support.

For a project involving hundreds of affected persons, depending on the time frame, a typical implementation team at peak could include 50 or more full-time individuals. Linear projects that involve a multitude of land transactions over a large area can be particularly demanding in terms of number of staff (albeit over a shorter period of time). Finally, there is no point in having a sufficient number of staff if they are unable to move—an adequate fleet of good quality vehicles is a critical factor of staff efficiency. Bureaucratic tasks should be streamlined, and financial operational arrangements should be flexible while safeguarding integrity.

Resettlement implementation is physically and psychologically demanding on personnel. Remuneration policies must reflect these difficulties. Performance should be taken into consideration, with annual reviews of quantitative and qualitative delivery indicators. Unethical behaviors should be immediately and severely sanctioned.

Where resettlement is implemented under the responsibility or with the participation of a government agency, it is essential that at the planning stage administrative procedures be reviewed to ensure timely disbursement and effective decision-making processes. It is not uncommon, for example, that compensation disbursement requires sign-off at different levels of government or that procurement of basic goods or services requires lengthy bidding and contracting procedures. Such potential obstacles must be identified beforehand and handled through adequate project operational procedures and accommodated in the overall scheduling.

It is also important to establish a good balance between the use of project staff and consultants to retain the institutional memory of the resettlement process after completion. There will be ongoing issues to resolve, and project staff must have established knowledge and relationships with the community from the commencement of the planning stage to resolve issues going forward.

The cost of implementing resettlement must not be underestimated: adequately resourced implementation teams typically cost between 12 to 20 percent of the total cost of the resettlement and compensation program, and sometimes more for particularly complex and difficult projects.

XIV. Typical Unit Costs

Unit costs for resettlement are very site specific and vary considerably depending on the nature of existing housing, municipal services, community aspirations, government requirements, and local construction costs. Typical ranges of unit costs are provided in [Module 2. X.B. RAP/LRP Budget](#).

One important factor to achieve a successful resettlement is the provision of a contingency budget of between 10 and 20 percent of the overall cost of resettlement to resolve unforeseen issues that arise during implementation.

XV. Time Frames for Completing Resettlement

Time frames for completing resettlement vary widely depending on the local context, local experience, precedents, and the national regulatory framework. As a general guide, a typical resettlement process might take between two to five years from the time scoping is conducted, through planning, stakeholder engagement, asset surveys, compensation, land acquisition, design and construction of infrastructure, and moving of households and communities to the new settlement site. Livelihood restoration is much more complex and can take from three to ten years to fully achieve.

XVI. Management of Change

Notwithstanding the quality of planning, changes to the initial plans will invariably be required during implementation. They may involve one or several of the following:

- Changes in selected resettlement sites due to technical or permitting issues or land disputes
- Changes to the design of resettlement housing due to technical reasons or as a result of consultation with affected persons
- Additional land requirements or expansion of footprint
- Updates to compensation rates due to macroeconomic changes
- Updates to asset surveys, potentially including consideration of new categories of eligible people, or because a cutoff date has expired (see [Module 2. V.D. Validity of Cutoff Date and Subsequent Changes](#))
- Changes to the original overall project schedule, with resulting changes for the resettlement schedule

It is important to have a process that manages such changes. This will typically entail the following:

- Periodic review of initial RAP documents to ensure the approach still applies and to check the need for updates
- Internal coordination across relevant project teams to inform all internal stakeholders of upcoming changes, particularly those who are influential and in contact with communities
- Community engagement to validate the changes
- External engagement with various stakeholders, including consultations with government and proactive engagement with lenders
- A mechanism to update the RAP or LPR, with associated disclosure, to be discussed with lenders and described in the initial RAP (usually done through updates or addenda to the initial RAP or LRP)



XVII. Do's and Don'ts

Table 6.8 lists the do's and don'ts of resettlement implementation.

Table 6.8. The Do's and Don'ts of Resettlement Implementation

DO'S	DON'TS
<p>Keep the focus at all times on affected persons.</p> <p>Be mindful of impacts of any implementation decision on women and the vulnerable and include them in discussions and decision-making.</p> <p>Look closely at reconstruction and construction procurement models that best fit the project schedule and available skills in the area.</p> <p>Be mindful of the long-term sustainability and safety of all facilities created in the resettlement program.</p> <p>Start planning handover of resettlement sites and houses as of their design and construction.</p> <p>Start planning ways to ensure security of tenure by commencement of the implementation phase.</p> <p>Maintain ongoing engagement started during the planning process with affected persons and other stakeholders.</p> <p>Rigorously document all implementation processes and expect subsequent scrutiny of documentation, for example, in legal proceedings.</p> <p>Liaise with government on a regular basis and not only when problems arise.</p> <p>Maintain control of any aspects of contractor activities that may impact land or people.</p>	<p>Underbudget RAP implementation.</p> <p>Understaff RAP implementation.</p> <p>Underequip RAP implementation staff (vehicles, IT, field gear).</p> <p>Work against an unrealistic time schedule.</p> <p>Rush resettlement activities or skip steps based on construction schedules.</p> <p>Create bureaucratic processes that are incompatible with the resettlement and compensation schedule.</p> <p>Take shortcuts; these surely will backfire later.</p> <p>Initiate impacts to land without completing the compensation process.</p>

