

Environmental and Social Sustainability Framework

Standard 6 – Involuntary Resettlement

Draft – 3 June 2021

This document is for information purposes only.

In case of discrepancies between the different linguistic versions,
the English version of the document prevails.

Glossary

Terms used in these Standards have the following meanings:

“gender”	refers to the social, behavioural and cultural attributes, expectations, norms and opportunities associated with being male or female, or with an individual’s sexual orientation or sexual identity
“mitigation hierarchy”	measures to avoid, prevent and reduce any significant adverse effects and, if required, remedy/compensate any residual effects on affected people, communities and workers, as well as on the environment A human rights mitigation hierarchy is premised on the principle of remedy rather than compensation
“project”	a set of defined works, goods, services and/or business activities for which EIB financing is sought either directly or through an intermediated financing structure for a specific sub-project/underlying investment, as approved by the EIB’s Governing Bodies
“promoter”	EIB’s counterparty implementing a project, as defined in the finance contract
“rights-holders”	from a human rights perspective, all individuals and population groups that can make valid claims to fundamental rights. In the context of EIB projects, persons who are, actually or potentially, adversely affected by the project, including project-affected persons, local community members, workers, etc.
“sexual abuse”	the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with children (defined by the UN Convention on the Rights of the Child as any person under the age of 18) is sexual abuse, regardless of the local age of maturity or consent. Mistaken understanding of the age of a child is not a defence
“sexual exploitation”	any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including profiting monetarily, socially or politically from the sexual exploitation of another
“sexual harassment”	any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment
“social issues”	issues which pertain to workers and persons or groups affected by the project, in relation to: a) Standards 6 to 10; and b) cross-cutting issues such as human rights, stakeholder engagement, gender equality, building resilience in particular in conflict-affected and fragile situations, and social inclusion
“stakeholder engagement”	an inclusive and iterative process that involves, in varying degrees, identification and analysis of stakeholders, engagement planning, information disclosure, meaningful consultation, and a mechanism ensuring access to grievance and remedy
“stakeholders”	persons and/or communities who: i) are directly and indirectly affected by the project, including their legitimate representatives; or ii) have an interest in the project and/or the ability to influence its outcome, either positively or negatively; and iii) the project workforce

“vulnerable groups”	groups or persons who may be more adversely affected by project impacts than others on the basis of their socioeconomic characteristics, such as, but not limited to, sex, sexual orientation, gender, gender identity, caste, racial, ethnic, indigenous or social origin, genetic features, age, birth, disability, religion or belief, political or any other opinion, activism, membership of a national minority, affiliation to a union or any other form of workers’ organisation, property, nationality, language, marital or family status, medical condition, or migrant or economic status
“vulnerability”	a context-specific characteristic determined the interplay of three factors: i) exposure to risk and adverse impacts; ii) sensitivity to those risks and impacts; and iii) adaptive capacity

DRAFT

STANDARD 6: INVOLUNTARY RESETTLEMENT

INTRODUCTION

- 1 Involuntary resettlement refers to displacement that occurs as a direct result of project-related land acquisition¹ or restriction on land use. It includes: (a) physical displacement (i.e. physical relocation, loss of residence or loss of shelter); and/or (b) economic displacement (i.e. loss of assets, or access to assets, that leads to the loss of income sources or means of livelihood²). Resettlement is involuntary when affected individuals or communities do not have the right to refuse such displacement.
- 2 Involuntary resettlement can have severe negative effects on the economic, social and cultural well-being of rights-holders (affected persons and host communities). Income sources can be temporarily or permanently lost, persons can be relocated to environments where their skills may be less applicable and compensation may not be sufficient to prevent long-term hardship or disadvantage.
- 3 Therefore, efforts should be made to avoid involuntary resettlement in the first instance. Where involuntary resettlement cannot be avoided, it should be minimised and appropriate measures should be implemented to mitigate adverse impacts on rights-holders with a view to improving or at least restoring their socioeconomic and cultural conditions.

OBJECTIVES

- 4 This Standard outlines the promoter's responsibilities to manage involuntary resettlement risks and impacts. The objectives of the Standard are:
 - a. To avoid or, when unavoidable, minimise involuntary resettlement by exploring alternative projects, project designs and locations;
 - b. To avoid any forced evictions;
 - c. To improve displaced persons' livelihoods and/or living standards, or at least restore them to pre-project levels;
 - d. To improve living conditions among displaced poor and other vulnerable groups to at least minimum living standards, promoting adequate housing³ and security of tenure⁴;
 - e. To mitigate social and economic impacts from unavoidable involuntary resettlement by: (i) providing timely compensation for a loss of assets at the full replacement cost; (ii) ensuring that resettlement is designed, planned and implemented with the appropriate disclosure of information to those affected along with their consultation and informed participation; and (iii) providing displaced persons with access to grievance mechanisms.

SCOPE

- 5 This Standard applies to a specific project when its relevance is determined during the environmental impact assessment/environmental and social impact assessment (EIA/ESIA) process (as outlined in Standard 1), and specifically to EIB-financed projects⁵ that lead to permanent or temporary involuntary resettlement resulting from:
 - a. The acquisition or restriction of land rights or land-use rights through expropriation or other compulsory procedures⁶ in accordance with national law;

¹ Land acquisition refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of land and assets and acquisition of temporary or permanent access rights, such as easements, rights of way, and establishment of restrictions of access to protected and other areas.

² Livelihood refers to the full range of means that individuals, families and communities utilise to secure their living conditions, such as housing, food, clothing and others.

³ Adequate housing is a fundamental component of the right to an adequate standard of living. The criteria to determine and ensure adequate housing standards are the following: adequacy, accessibility, affordability, habitability, cultural appropriateness, suitability of location, security of tenure and access to essential infrastructure and services.

⁴ In the context of involuntary resettlement, the term "security of tenure" refers to the protection of displaced persons from eviction at the new resettlement sites, through provision of culturally and socially appropriate tenure rights.

⁵ And its ancillary/associated works/facilities as defined in Standard 1.

⁶ Compulsory procedure refers to the process whereby the promoter is legally entitled to take possession of property required for the realisation of the project and duly designated as such, although there may be outstanding grievances and/or pending court judgements concerning the involuntary acquisition or valuation of such asset.

- b. The acquisition or restriction of land rights or land-use rights through negotiated settlements, if expropriation or other compulsory procedures can be initiated in the case of failed negotiations;
 - c. Restrictions on land use that result in a loss of access to land, physical assets or natural resources⁷.
- 6 This Standard also applies to the displacement of persons without formal, traditional or recognisable usage rights, who are occupying or utilising land prior to the cut-off-date⁸.
 - 7 This Standard also applies to any resettlement activities that are already underway or finalised before the promoter applies to the EIB for financing, if such activities were carried out in anticipation of or preparation for the project.
 - 8 This Standard does not apply to resettlement resulting from voluntary land transactions conducted with integrity, accountability, efficiency and transparency, and are free of coercion, intimidation, fraud and/or malfeasance. A voluntary land transaction refers to a market transaction where: (i) the buyer cannot resort to expropriation or other compulsory procedures if negotiations fail; and (ii) there is no displacement of persons, other than the seller, who occupy, use or claim rights to the land.
 - 9 This Standard does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land-use restrictions imposed by the project. Such impacts shall be assessed as part of the EIA/ESIA process defined in Standard 1.
 - 10 This Standard is not applicable to displacement that occurs as a direct result of a natural disaster, armed-conflict, crime or violence.
 - 11 For cases where an EIB-financed project leads to the displacement of settlements of refugees and/or internally displaced persons, the involuntary resettlement process shall be adapted to be aligned with the Guiding Principles on Internal Displacement⁹.

GENERAL REQUIREMENTS

- 12 All projects located in EU and EFTA countries shall comply with the applicable national and EU legislation, any obligations deriving from the applicable international legal instruments to which the host country is party, as well as any obligations deriving from the relevant case-law of the European Court of Human Rights.
- 13 In projects requiring the displacement of persons, such as slum-dwellers or squatters, that are occupying land or assets without a formal title, the promoter shall prepare and implement a plan in compliance with this Standard.
- 14 The promoter shall supplement its assessment and actions with any additional action identified and/or deemed necessary by the EIB, in line with the provisions listed in this Standard.
- 15 For projects in all other countries, including Candidate and potential Candidate countries, the promoter shall observe all the requirements specified in this Standard as well as comply with any obligations arising from the applicable national legislation and international human rights instruments.

SPECIFIC REQUIREMENTS

Project design

- 16 The promoter shall consider and document feasible alternative projects, project designs and/or locations to avoid and/or minimise physical and/or economic displacement.
- 17 The promoter shall limit the size of buffer zones or rights of way (such as road or rail reserves) in order to avoid or minimise resettlement, considering safety for human use or occupancy.

⁷ This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project.

⁸ Cut-off date is set primarily to determine who are the PAPs and their eligibilities. It usually corresponds to the date of the census and assets inventory

⁹ Available at: <https://www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx> [accessed 4 March 2021]

Eligibility criteria

- 18 All displaced persons or Project Affected Persons (PAPs)¹⁰ are eligible for certain types of mitigation measures. They may be classified as:
- a. Persons with formal legal rights to land or assets (including customary and traditional rights recognised under national laws);
 - b. Persons who do not have formal legal rights to land and/or assets, but who have claims to land or assets that are recognised or recognisable under national laws or customary and traditional rights;
 - c. Persons who occupy/use the land and/or assets but have no recognisable legal rights or claim to it/them.

Census, baseline data and cut-off date

- 19 The promoter shall conduct a census and a socioeconomic baseline survey to identify all PAPs who will be physically or economically displaced and eligible for compensation and/or assistance.
- 20 The census shall cover the total population of PAPs and include an inventory of all losses (assets, business, access to resources or services, etc.). The census shall include seasonal resource users who are not present at the time of the census but who have a legitimate claim to the land.
- 21 The socioeconomic baseline survey shall include: (i) the current socioeconomic profile of the PAPs; (ii) an assessment of vulnerability and the need for special arrangements to be made; and (iii) degrees, types and nature of impacts. The socioeconomic baseline survey may require intra-household analyses in cases where the livelihoods of different members in a household (e.g. women and men) are affected differently.
- 22 In conjunction with the census, the promoter shall establish a cut-off date for eligibility. The cut-off shall be well documented and effectively disseminated throughout the project area.
- 23 The cut-off date will be valid: (i) for the period specified in national laws; or (ii) for the period specified in the resettlement planning documents; or (iii) for a reasonable time period from the census or inventory date. After this period the census, socioeconomic baseline and resulting valuation need to be updated.
- 24 The promoter is not required to compensate or assist persons who encroach on the project area after the cut-off date (or its update in line with paragraph 23).

Valuation, compensation and income restoration

- 25 Whenever feasible, the promoter shall offer all PAPs an informed choice of either compensation in kind (land-for-land; house-for-house; shop-for-shop) or monetary compensation. The promoter shall comply with the choice stated by the PAPs and to the extent possible take into account the suggestions made by the PAPs.
- 26 All PAPs described in paragraph 18 shall receive compensation for the structures they own and occupy, and/or livelihood restoration measures, and/or other assistance/compensation in accordance with the next paragraphs.
- 27 PAPs under paragraph 18 (a) and (b) shall receive compensation for land. PAPs under paragraph 18 (c) shall receive, as a minimum, sufficient resettlement assistance for re-establishing, and possibly improving, their livelihoods and/or residence elsewhere.
- 28 In cases of physical displacement:
- a. Where alternative housing is offered, the new residence's value should be equal¹¹ to or higher than prior-project conditions, with equivalent or better characteristics, advantages and location. For PAPs under paragraph 18 (c), the promoter shall provide arrangements to allow them to obtain adequate housing and pursue security of tenure;

¹⁰ PAPs refer to all persons impacted by the involuntary resettlement. The term includes all members of a household (women, men, girls, boys, including several generations in the case of extended households); the owner and employees of a business; members of an ethnic minority group; tenants; land owners and sharecroppers; informal settlers (i.e. lacking formal titles); holders of customary land rights; informal business-operators/vendors and their employees/assistants.

¹¹ Provided it is not below minimum living standards

- b. Where cash compensation is offered, the valuation of all affected assets shall be at the full replacement cost¹²;
- c. Where tenants are being displaced, arrangements shall be put in place to help them secure alternative housing;
- d. As required, the promoter shall also provide resettlement assistance suited to the needs of each group of displaced persons, paying particular attention to vulnerable PAPs and/or groups. Resettlement assistance can consist of legal assistance, moving allowances or other forms of support. It shall be determined in consultation with the PAPs.

29 In cases of economic displacement:

- a. Where the PAPs' livelihood is land-based or the land is collectively owned, the promoter shall favour land-for-land compensation. If this option is not available, the promoter shall provide sufficient justification to the EIB as to why this option is not feasible;
- b. Replacement land shall be of equivalent or higher quality and situated as close as possible to the original location or to the current place of residence;
- c. Where a community's commonly held resources are affected, measures shall be implemented to allow continued access to the affected resources or to provide access to equivalent resources. When this is not possible, the promoter shall provide sufficient justification to the EIB as to why not and provide assistance to offset the loss of access to the lost resources or the lack of access to alternative sources. This could take the form of initiatives that enhance the productivity of the remaining resources to which the community has access and/or in-kind/cash compensation;
- d. In the case of cash compensation for all affected assets (including crops, irrigation infrastructure and other improvements made to the land), the valuation shall be at the full replacement cost;
- e. In addition to compensation for lost assets, economically displaced persons whose livelihoods or income levels are adversely affected shall also be provided with targeted assistance and transitional support to at least restore their livelihoods. The transitional support can consist of cash, job opportunities, training, legal assistance or other forms of support. It shall be determined in consultation with the PAPs;
- f. In cases of commercial structures, the compensation of the affected business-owner shall also consider the cost of re-establishing commercial activities elsewhere, and the cost of transferring and reinstalling any equipment, as applicable. Affected employees shall receive assistance for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities¹³.

30 Replacement land/housing/business shall be provided prior to any displacement or access restrictions on land or natural resources.

31 In the case of cash compensation, the promoter shall make the payment before the actual resettlement takes place in order to allow PAPs to find a suitable replacement¹⁴. The promoter shall pay due attention to the local context and personal considerations in order to select, in accordance with the affected person, the most appropriate payment method (i.e. cheque, bank transfer, cash, etc.).

¹² Full replacement cost is defined as a method of valuation that provides sufficient compensation for replacing assets and transaction costs. Where functioning markets exist, the full replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, the full replacement cost can be determined through alternative means, such as the calculation of the output value for land or productive assets, or the undepreciated value of replacement material and labour for the construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in the loss of shelter, the full replacement cost must at least be sufficient to enable the purchase or construction of housing in a similar condition to the housing impacted by the project.

¹³This will also consider state assistance that employees can benefit from, such as employment subsidies or other forms of support.

¹⁴Where repeated efforts to contact absentee owners have failed, where project-affected persons have rejected fair compensation offers, or where competing claims to ownership of lands or assets are subject to lengthy legal proceedings, the promoter may, with prior agreement of the Bank, deposit the relevant compensation funds in an interest-bearing escrow account or similar and proceed with the project activities. The promoter will immediately make compensation available to the eligible persons upon resolution of these issues.

- 32 Where feasible, in-kind or cash compensation shall be issued in the name of both the head of the household and his/her partner.
- 33 In some cases, the use or restriction of access to land might occur only for a temporary period of time. In such cases, priority shall be given to vacant land and to voluntary land transactions from PAPs (such as renting or leasing). If temporary economic or physical resettlement is unavoidable, the promoter shall compensate PAPs either in-kind or in cash so that they can maintain their living standards and/or livelihoods during the period of land use restriction.
- 34 In cases where only part of the land or asset is acquired and the residual land is not residentially or economically viable, the promoter shall offer the option to acquire the full plot. If there is a dispute in relation to the residential or economic viability of the remaining plot of land, the promoter should engage an independent third-party valuator to assess it.
- 35 Any community facilities, utilities or public amenities impacted shall be replaced to provide a similar or better level of service. The replacement should be carried out based on consultation with the project-affected community and relevant government stakeholders.
- 36 When possible, the promoter, in cooperation with the relevant authority, shall also improve social and public infrastructure with the aim of contributing to the sustainable and inclusive socioeconomic development of the affected and host communities.
- 37 The promoter shall implement compensation and income restoration measures without discriminating against persons and/or groups that are vulnerable, marginalised, discriminated against or excluded on the basis of their socioeconomic characteristics.¹⁵

Relocation sites

- 38 In cases where relocation sites shall be provided, the promoter shall consult the PAPs, both women and men, on the choice of sites and, as far as possible, offer choices among sites.
- 39 As a minimum, relocation sites need to fulfil the following conditions:
 - a. They are not situated on polluted land or in immediate proximity to pollution sources that threaten the mental and physical health of the inhabitants;
 - b. They are not located in zones prone to or identified as potentially subject to natural disasters;
 - c. They are not under threat of eviction (e.g. location on a public right of way, presence of natural resources to be exploited such as minerals or geothermal energy, or location on a site where infrastructure is planned, etc.);
 - d. They are not on land used by communities which have been displaced as a result of violence or conflict;
 - e. They are available and have the capacity to absorb the influx of resettled persons at acceptable density levels, namely in terms of:
 - Availability of services, facilities and infrastructure (such as health and education);
 - Opportunities for local employment, availability of natural resources, and food and water security.
 - f. They include measures to mitigate the impact on the host communities, including consultations with host communities and local governments.
- 40 Relocation sites are considered an integral part of a project and their development therefore needs to be carried out in compliance with all EIB Environmental and Social Standards, as relevant.

Stakeholder engagement and disclosure

- 41 The promoter shall identify and meaningfully engage with all PAPs, both men and women, host communities and other relevant stakeholders regularly throughout resettlement planning,

¹⁵ Such characteristics include, but are not limited to, sex, sexual orientation, gender, gender identity, caste, racial, ethnic, indigenous or social origin, genetic features, age, birth, disability, religion or belief, political or any other opinion, activism, membership of a national minority, affiliation to a union or any other form of workers' organisation, property, nationality, language, marital or family status, medical condition, or migrant or economic status.

implementation, monitoring and evaluation. Stakeholder engagement shall comply with the requirements outlined in Standard 2 and be properly documented.

- 42 The promoter shall inform PAPs about their options and rights pertaining to resettlement. The promoter shall disclose all relevant information (including planning documents referred to in paragraph 56) in a timely and context-specific manner, in an accessible place, and in a form and language(s) understandable to PAPs. Special attention should be taken in cases of illiteracy or where education differs according to age, gender or economic status.
- 43 In accordance with Standard 7, the promoter shall pay special attention to vulnerable groups that might be disproportionately affected by the resettlement process and apply special provisions to consultations that involve Indigenous Peoples.

Grievance mechanism

- 44 The promoter shall establish a grievance mechanism consistent with the requirements set out in Standard 2 as early as possible. The mechanism shall be socially appropriate and readily accessible, regardless of gender or any other socioeconomic characteristics.
- 45 The mechanism shall promptly address concerns and grievances related to the involuntary resettlement process (such as entitlements, access to information, compensation or relocation) raised by PAPs, host communities or others. Additionally, the mechanism shall include a recourse procedure to resolve any disputes in an impartial manner. The mechanism should not impede access to the country's judicial or administrative remedies.

Evictions

- 46 Forced evictions refer to the coerced displacement of individuals, groups and communities from their homes, lands and/or common property resources (either legally owned or informally occupied) without the provision of, and access to, appropriate forms of legal and other protection, or adherence to the basic principles defined in this Standard.
- 47 Forced evictions constitute a gross violation of human rights¹⁶ and are not tolerated by the EIB.
- 48 Eviction can be carried out in exceptional circumstances when in full compliance with: (i) the provisions of international human rights instruments¹⁷; and (ii) national law. In such cases, the promoter shall ensure that:
 - a. The rights to information and to meaningful consultation and participation are respected at all stages of the process;
 - b. Legal and other remedies are available at all times;
 - c. Evictions do not result in homelessness;
 - d. Adequate compensation is provided before the eviction takes place.
- 49 The promoter shall inform the EIB before any eviction takes place. This shall be accompanied by a documented statement that the above conditions have been and are being met.

Vulnerable groups and gender dimensions

- 50 During the resettlement consultation, planning and implementation process, the promoter shall give special consideration to individuals and groups that are vulnerable, marginalised, systematically discriminated against or excluded on the basis of their socioeconomic characteristics. The vulnerability assessment shall be context-specific and performed in line with Standard 7.
- 51 The promoter shall pay attention to the specific gender dimensions of involuntary resettlement, especially regarding stakeholder engagement, the census, valuations, payment of compensation and income restoration. The promoter shall put in place specific measures as necessary so that women's perspectives and interests are considered in all aspects of resettlement planning and

¹⁶ The EIB is guided by the UN Commission on Human Rights, Forced evictions, 10 March 1993, E/CN.4/RES/1993/77, available at: <https://www.refworld.org/docid/3b00f0c514.html> [accessed 4 March 2021]

¹⁷ Including the procedural protections against forced evictions as outlined in the UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, available at: <https://www.refworld.org/docid/47a70799d.html> [accessed 4 March 2021]; and the UN Basic Principles and Guidelines for Development-based Evictions and Displacement. Available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx> [accessed 4 March 2021].

implementation. The promoter shall consider feasible measures for women to gain security of tenure and receive cash or in-kind compensation on equal terms as men.

- 52 The promoter shall use best efforts in exploring alternative project designs to avoid the physical or economic relocation of Indigenous Peoples. If avoidance is impossible, the resettlement plan shall be devised in coordination with or as part of the Indigenous Peoples plan as defined in Standard 7.

Planning requirements

- 53 When a project leads to involuntary resettlement, planning documents shall be prepared that are commensurate with the extent and degree of the impacts, the scope of the physical and economic displacement and the vulnerability of the affected persons. These documents aim to develop and implement measures to address and mitigate impacts on displaced persons in accordance with the present Standard. In order to do so, the planning documents shall compare the local legislation and the present Standard and detail how to bridge any gaps between the two.
- 54 The promoter is responsible for ensuring the preparation, implementation and monitoring of the relevant resettlement planning documents in compliance with this Standard. For this, appropriate funds and resources (including relevant resettlement expertise as needed) shall be allocated throughout the resettlement process.
- 55 To the extent possible, resettlement planning shall be integrated in the overall ESIA process, as per Standard 1.
- 56 Annexes 1a and 1b to the present Standard define the minimum requirements of the main planning resettlement documents, namely:
- a. A resettlement framework, usually called a Resettlement Policy Framework (RPF), is required for projects whose exact design, footprint and associated impacts (locations and number of PAPs) have not been determined, or for programmes and plans where individual project components are still to be developed. Once the project design is specified and the necessary information about the project impacts is available, the framework document shall be further developed.
 - b. A resettlement plan, usually called a Resettlement Action Plan (RAP), is required for projects leading to significant physical displacement. The promoter shall develop an RAP covering, at a minimum, the applicable requirements of this Standard.
 - c. A Livelihood Restoration Plan (LRP) is required for projects leading to economic displacement (affecting livelihoods or income generation). The promoter shall develop an LRP in order to improve, or at least restore, the incomes or livelihoods of affected persons. The LRP can be devised as a stand-alone document, or incorporated in the RAP in cases where the project leads to both physical and economic displacement.
- 57 Before the implementation of resettlement activities, the EIB, the promoter and any responsible entity involved in the resettlement activities shall formally agree on the content of the resettlement planning documents.
- 58 If the resettlement activities are already underway or finalised when the promoter applies to the EIB for finance, the EIB may ask the promoter to develop and implement a supplementary/corrective action plan if the resettlement planning documents and/or resettlement activities do not comply with the requirements of this Standard.

Entities responsible for the resettlement

- 59 The promoter might not be directly responsible for the preparation and implementation of resettlement. Even if that is the case, the project shall comply with all requirements listed in this Standard and the promoter must ensure that those responsible for the involuntary resettlement related to the project follow this Standard.
- 60 Therefore, when land acquisition and/or resettlement involves the responsibility of third-party entities, the promoter shall:
- a. Engage with the responsible entity as early as possible in order to inform it about any potential gaps between national law/practices and this Standard;
 - b. When allowed by the responsible entity, participate in and support the resettlement planning, implementation and monitoring;

- c. When national practices do not comply with this Standard, the promoter shall take responsibility for bridging these gaps in a manner that is acceptable to the responsible entity and to the EIB; and
- d. If possible, sign an agreement clearly defining each entity's roles and responsibilities in line with this Standard.

Monitoring and evaluation

- 61 The promoter shall set up a monitoring system (i.e. resources, staff, and procedures) commensurate to the scale of the resettlement and the risks involved. The promoter shall submit to the EIB monitoring reports as part of its reporting requirements. In the case of significant involuntary resettlement impacts, the promoter shall be required to engage an external party to conduct monitoring or a mid-term resettlement review/audit.
- 62 The promoter shall present to the EIB an audit report upon completion of all resettlement activities as detailed in their respective plans. The report shall assess whether livelihoods and living standards have been improved or at least restored and, as necessary, shall propose corrective actions to meet objectives not yet achieved. Where resettlement impacts are significant, an external party shall carry out the evaluation.
- 63 The promoter shall put in place the supplementary actions identified and/or deemed necessary during resettlement monitoring and/or the final audit, in line with the provisions listed in this Standard.
- 64 The resettlement shall be considered complete when the adverse impacts of resettlement have been addressed in a manner consistent with this Standard.

DRAFT

ANNEX 1A: RESETTLEMENT FRAMEWORK

A Resettlement Policy Framework (RPF) is a document providing guidelines for developing appropriate mitigation and compensation measures for resettlement-related impacts caused by projects whose exact design, footprint and impacts (locations and number of PAPs) have not been determined, or for programmes and plans where individual project components are still to be developed.

At a minimum, the Resettlement Framework should:

- Provide a brief description of the project and components for which land acquisition and resettlement are required, and an explanation why a framework is being chosen over a defined resettlement plan;
- List the principles and objectives governing the resettlement preparation and implementation;
- Provide a description and schedule of the process for preparing and approving the resettlement plan (also in relation to sub-projects);
- If sub-projects are not yet defined, list the screening criteria to determine which sub-projects will need a resettlement plan, and the type of plans needed;
- Estimate, to the extent possible, the displacement impacts and the estimated number of PAPs by eligibility category;
- Provide eligibility criteria for defining various categories of displaced persons and the valuation methodology for compensation;
- Determine the organisational procedures for delivery of compensation and other types of resettlement assistance;
- Provide a description of the legal framework and propose how to fill the gaps between national law and EIB requirements should such gaps be identified;
- Identify the responsible entities for resettlement activities;
- Briefly describe the implementation process, highlighting the interaction between the resettlement implementation and the project's civil works;
- Describe the arrangements for funding the resettlement and estimate the costs;
- Describe the mechanisms for consultation with, and securing the participation of, displaced persons in the planning, implementation and monitoring phases;
- Describe the grievance redress mechanism; and
- Describe the arrangements for monitoring by the implementing agency and, if applicable, by third-party monitors.

ANNEX 1B: RESETTLEMENT PLAN & LIVELIHOOD RESTORATION PLAN

A Resettlement Action Plan (RAP) or Livelihood Restoration Plan (LRP) are documents in which the promoter of a project or other responsible competent entity describes the impacts of involuntary resettlement, specifies the procedures that shall be followed to identify, evaluate and compensate the impacts and defines the actions to be undertaken during all phases of the resettlement and/or livelihood restoration process.

At a minimum, the Resettlement Plan should:

- State the guiding principles and objectives of the resettlement;
- Describe the project alternatives considered in order to avoid resettlement;
- Describe the nature and magnitude of project impacts and identify all people to be displaced, paying special attention to vulnerable groups and gender perspectives;
- Carry out a census and socioeconomic survey to establish the number and socioeconomic characteristics of the people to be displaced, the livelihoods affected, the property to be compensated and the cut-off date for eligibility claims;

- Describe the legal framework expected to guide this plan's land acquisition (when applicable) and its compensation, conflict resolution and appeals procedures, including an analysis of applicable national legislation and any gaps with EIB requirements; propose how to fill the gaps between national law and EIB requirements should such gaps be identified;
- Establish the eligibility criteria and describe the entitlements for all categories of displaced people and the types of impacts suffered;
- Identify the project's stakeholders and describe how affected populations, including women, minorities and other vulnerable groups, have been and shall continue to be effectively consulted and how their views are taken into account;
- Include the methodology and description of the valuation of and compensation for lost assets and loss of income and demonstrate that these rates are adequate, i.e. they are at least equal to the replacement cost of lost assets/income or meet minimum average wage thresholds;
- In cases where relocation sites are provided, explain the site selection, preparation and relocation process and how integration with host communities shall be ensured;
- Provide details, if applicable, on how to provide and/or maintain civic infrastructure and social services after displacement;
- Provide details of sustainable arrangements for improving or, at a minimum, restoring livelihoods through income restoration programmes and further opportunities for economic development;
- Outline measures, including transitional support, to assist displaced persons, particularly vulnerable groups, throughout the resettlement process;
- Outline a grievance mechanism for the settlement of disputes arising from resettlement-related issues, while ensuring unrestricted access to this grievance mechanism and taking into account the availability of judicial recourse for all affected persons;
- Describe how the responsibility for resettlement implementation is divided between the various entities involved, as well as the implementation schedule and budgets; and
- Describe the monitoring and evaluation system.