Involuntary Resettlement Policy Mapping Exercise

Laureen Laurito
Environment and Safeguards Division, ADB
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Policy Mapping Exercise

• ADB Safeguard Policy Statement (SPS) objective: to assist borrowers address projects’ environmental & social impacts and risks

• Using tools in the SPS, map involuntary resettlement policy in the region
Policy Mapping Exercise

• Recognize strengths in IR policy across ADB developing member countries

• Identify gaps at national level & rationalize allocation of resources to bridge these

• Make assessments available to practitioners & development partners as a regional public good
Tool: Equivalence Assessment Matrix

• Array relevant country policy instruments & international good practice

• ADB SPS : 12 IR policy principles & 36 IR policy principle elements

• Full, partial or no equivalence assessment for each of the policy principles and key elements
## Equivalence Assessment Matrix for Involuntary Resettlement Safeguards

<table>
<thead>
<tr>
<th>ADB Safeguard Policy Statement</th>
<th>Corresponding DMC Legal Provisions</th>
<th>Extent of Equivalence</th>
<th>Recommended Gap-filling Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objectives:</strong> To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance; or at least restore; the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced; poor and other vulnerable groups.</td>
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<tr>
<td><strong>Scope and Triggers:</strong> The involuntary resettlement safeguards covers physical displacement (relocation; loss of residential land; or loss of shelter); and economic displacement (loss of land; assets; access to assets; income sources; or means of livelihoods) as a result of (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial; permanent or temporary.</td>
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<tr>
<td><strong>Policy Principle 1:</strong> Screen the project early on to identify past; present; and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons; including a gender analysis; specifically related to resettlement impacts and risks.</td>
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<tr>
<td><strong>Key Element (1):</strong> Screen the project early on to identify past; present; and future involuntary resettlement impacts and risks.</td>
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<tr>
<td><strong>Key Element (2):</strong> Determine the scope of resettlement planning through a survey and/or census of displaced persons.</td>
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</tbody>
</table>
Mapping Results
Legal Framework Equivalence Assessment: Involuntary Resettlement

![Bar chart showing policy principles for different countries]
Policy Framework Equivalence Assessment:
Involuntary Resettlement

Policy Principles

Full  Partial  No

IND  6  5  7
INO  6  6  5
KAZ  6  6  7
KIR  8  4  5
KGZ  8  7  5
LAO  9  4  5
MAL  9  5  4
MLD  8  6  5
RMI  6  7  3
FSM  7  5  4

Legend:
- Full
- Partial
- No
Policy Framework Equivalence Assessment: Involuntary Resettlement

Policy Principles

- Full
- Partial
- None

MYA: 5 (Full), 10 (Partial), 2 (None)
NAU: 7 (Full), 9 (Partial), 2 (None)
NEP: 3 (Full), 8 (Partial), 3 (None)
Pak: 4 (Full), 8 (Partial), 4 (None)
PAL: 4 (Full), 8 (Partial), 4 (None)
PNG: 8 (Full), 8 (Partial), 4 (None)
PHI: 8 (Full), 12 (Partial), 4 (None)
SAM: 4 (Full), 4 (Partial), 8 (None)
SOL: 4 (Full), 4 (Partial), 8 (None)
SRI: 1 (Full), 11 (Partial), 1 (None)
Policy Framework Equivalence Assessment: Involuntary Resettlement

Policy Principles

<table>
<thead>
<tr>
<th>Country</th>
<th>Full</th>
<th>Partial</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAJ</td>
<td>5</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>THA</td>
<td>8</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>TIM</td>
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<td>2</td>
<td>1</td>
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<tr>
<td>TON</td>
<td>6</td>
<td>2</td>
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<tr>
<td>TKM</td>
<td>6</td>
<td>2</td>
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<tr>
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<td>10</td>
<td>10</td>
<td>2</td>
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<tr>
<td>UZB</td>
<td>7</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>VAN</td>
<td>7</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>VIE</td>
<td>3</td>
<td>9</td>
<td>0</td>
</tr>
</tbody>
</table>
Legal Framework Equivalence Assessment: Involuntary Resettlement Selected Countries
Common Areas of Equivalence

- Survey displaced persons
- Conduct consultation
- Provide resettlement assistance
- Provide compensation prior to displacement
Common Gaps

- Livelihood restoration
- Compensation for affected persons without title
- Monitoring resettlement process & outcomes
- Gender-sensitive consultation
- Preparation & disclosure of resettlement plan and monitoring report
- Grievance redress
Country Safeguard Systems (CSS) Portal

http://countrysafeguardsystems.net/
Legal Instruments

Environment

Indigenous Peoples

Involuntary Resettlement

Disclaimer

The legal instruments provided on this website are only those used as bases for the relevant equivalence assessments and are not guaranteed to be the complete set of laws for the respective countries. While ADB, DFAT, JICA, the World Bank and other partners maintain the site and aim to provide high quality content on the website, they do not guarantee the accuracy, reliability, or timeliness of these materials and therefore will not be liable in any capacity for any damages or losses that may result from the use of these materials. ADB, DFAT, JICA, the World Bank and other partners, likewise, shall not be responsible for any errors, inadvertent omissions, or unauthorized alterations that may occur in the disclosure of content on this website.
Sri Lanka

Involuntary Resettlement

Legal Instruments:
- COAST CONSERVATION ACT
- COAST CONSERVATION AMENDMENT 1988
- COAST CONSERVATION AMENDMENT 2011
- EIA REGULATIONS 772
- FFPO 1993
- FFPO 2009
- FFPO
- LAND ACQUISITION ACT
- LAND ACQUISITION AMENDMENT 1983
- LAND ACQUISITION AMENDMENT 1986
- LAND ACQUISITION REGULATIONS 2008
- LAND ACQUISITION REGULATIONS 2013
- NEA 47-80
- NEA 53-2000
- NEA 56-88
Summary

• IR policy frameworks are evolving towards international good practice

• However, policy gaps persist

• Addressing these requires political will and resources to support policy action and capacity

• Mapping exercise: desk review
Thank You! Salamat Po!

For more information

- http://www.adb.org/site/safeguards/main
- http://www.adb.org/site/safeguards/country-safeguard-systems
- llaurito@adb.org