

**Forced Displacement, Resettlement, Land Acquisition and Restrictions on Land Use  
Major Dilutions Matrix**

	<b>Current Bank Policies and Procedures (OP/BP 4.12)</b>	<b>New Draft Safeguards Framework</b>	<b>Dilution</b>
<b>Objectives</b>			
1.	Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. (OP, para 2(b))	Omitted.	The OP 4.12 objective to conceive and execute resettlement activities as a sustainable development program - central to the Bank's core mission - has been omitted and replaced with a focus on compensation for lost assets. This is a significant regression in the Bank's approach to resettlement and goes against 30 years of empirical research, much of which has been commissioned and endorsed by the Bank, that shows that compensation without sustained development support cannot prevent impoverishment.
<b>Scope</b>			
2.	This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the	Omitted	There are many Bank-supported projects that do not <i>require</i> land acquisition or restrictions on access to land and natural resources, but in the course of

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	<p>judgment of the Bank, are (a) directly and significantly related to the Bank assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project (OP, para 4).</p>		<p>implementation nonetheless result in displacement. These activities are currently covered by OP 4.12 para 4, but this has been removed from the draft ESS5 leaving many people that will be evicted and displaced due to Bank-financed projects wholly unprotected.</p>
3.	<p>The policy also does not apply to disputes between <u>private parties</u> in land titling projects. (OP, footnote 8).</p>	<p>This ESS does not apply to: ... land titling/regularization activities. (ESS5, para 5 (d)).</p>	<p>While OP 4.12 does not apply to disputes between private parties in conjunction with Bank-financed land titling projects, the policy does apply (and has been applied in practice by the Bank) to displacement from public or State lands registered as such through a Bank-supported titling project. ESS5 would leave countless people vulnerable to forced evictions (without ESS5 protections) after they have been determined not to hold ownership rights under land registration schemes</p>

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			supported by the Bank. The experience of physical and economic displacement is identical whether it be as a result of land acquisition or an adjudication of tenure rights, and both should be subject to the same protections.
4.	This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. (OP, footnote 8).	This ESS does not apply to: ... regulation or planning of natural resources or land use on a regional or national level to promote sustainability (ESS5, para 5 (e)).	Bank-supported projects that support regulation of land use have also been excluded from the scope of ESS5. This means that people who are evicted due to, for example, new zoning regulations, will also not be protected by ESS5. (As above.)
<b><i>Exploration of viable alternative designs to avoid or minimize displacement</i></b>			
5.	The [Bank task team] and borrower staff...(b) explore all viable alternative project designs to avoid, where feasible, or minimize displacement (BP, para 2(b)).	The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social, and financial costs and benefits, and paying particular attention to	There is no requirement in the draft ESP for the Bank to work with borrowers to explore alternative project designs to avoid or minimize displacement. This is an abdication of the Bank's responsibilities for ensuring that displacement, which would not occur but for

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		impacts on the poor and vulnerable. (ESS5, para 7)	the Bank's support, is avoided in accordance with the requirements of international human rights law.
<b><i>Baseline surveys and Socioeconomic studies</i></b>			
6.	The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including (a) the results of a census survey covering (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance; (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population; (iii) the magnitude of the expected loss—total or partial—of assets, and the extent	<p>...the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected to determine who will be eligible for compensation and assistance and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. (ESS5, para 16).</p> <p>The environmental and social assessment will be based on...environmental and social baseline data at an appropriate level of detail sufficient to inform characterization and mitigation. (ESS1, para 22).</p>	<p>The requirement for comprehensive household baseline data and other socio-economic studies, which is currently included in OP 4.12, Annex A is fully omitted.</p> <p>These requirements are indispensable to resettlement planning and must be maintained to ensure that affected people are not impoverished and that, at a minimum, they receive full restitution and are fully rehabilitated from all impacts suffered. They are also indispensable to evaluation, as recognized in BP 4.12 footnote 12. An honest evaluation of the extent to which objectives of ESS5 have been met will be impossible without this requirement.</p>

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<p>of displacement, physical or economic; (iv) information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement. (b) Other studies describing the following (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, nontitle-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area; (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; (iii) public infrastructure and social services that will be affected; and (iv) social and cultural characteristics of displaced communities, including</p>		
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	<p>a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities (OP, Annex A, para 6).</p> <p>The ICR's assessment of the extent to which resettlement objectives were realized is normally based on a socioeconomic survey of affected people conducted at the time of project completion, and takes into account the extent of displacement, and the impact of the project on the livelihoods of displaced persons and any host communities. (BP, footnote 12).</p>		
<b><i>Resettlement Planning, Due Diligence and Appraisal</i></b>			
7.	<p>As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument</p>	<p>The Borrower will develop and adopt an ESCP, which will set out measures and actions required for the project to achieve compliance with the ESSs over a specified timeframe. The ESCP will be agreed with the Bank and will form part of the legal agreement (ESS1, para 34).</p>	<p>The requirement in OP/BP 4.12 for a comprehensive, policy-compliant resettlement instrument to be submitted as a condition of appraisal and as a key determinant of Bank support for the project has been deleted. This critical due diligence requirement has been a</p>

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<p>as providing an adequate basis for project appraisal, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner (OP, para 22).</p> <p>For projects with impacts under para 3 (a) of OP 4.12, the TT assesses the following during project preparation:</p> <p>(a) the extent to which project design alternatives and options to minimize and mitigate involuntary resettlement have been considered; (b) progress in preparing the resettlement plan or resettlement policy framework and its adequacy with respect to OP 4.12, including the involvement of affected groups and the extent to which the views of such groups are being considered; (c) proposed criteria eligibility of displaced persons for compensation and other resettlement assistance; (d) the feasibility of the proposed resettlement measures, including provisions for sites if needed; funding for all resettlement activities, including provision of counterpart funding on an</p>	<p>The Bank's due diligence responsibilities will include, as appropriate: (a) reviewing the information provided by the Borrower relating to the environmental and social risks and impacts of the project, and requesting additional and relevant information where there are gaps that prevent the Bank from completing its due diligence... The Borrower is responsible for ensuring that all relevant information is provided to the Bank so that the Bank can fulfill its responsibility to undertake environmental and social due diligence in accordance with this Policy (ESP, para 29).</p> <p>The Bank recognizes that projects may have different levels of information regarding the environmental and social risks and impacts available at the time the Bank carries out its due diligence. In such circumstances, the Bank will assess the risks and impacts of the proposed project based on the</p>	<p>core obligation of the World Bank since the adoption of its first resettlement policy in 1980.</p> <p>The draft only requires an undefined Environmental and Social Commitment Plan (ESCP), coupled with extremely vague due diligence requirements upon the Bank, none of which are specific to managing the devastating social risks of resettlement.</p> <p>By contrast, under the current BP 4.12, the Bank conducts an extensive review of the resettlement instrument as part of its due diligence and does not complete its appraisal until it is satisfied that the draft resettlement instrument is capable of restoring and improving the livelihood of those displaced.</p> <p>This wholesale gutting of resettlement</p>
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<p>annual basis; the legal framework and implementation and monitoring arrangements; and (e) if sufficient land is not available in projects involving displaced persons whose livelihoods are land-based and for whom a land-based resettlement strategy is the preferred option, the evidence of adequate land... (BP, para 5).</p> <p>The borrower submits to the Bank a resettlement plan, a resettlement policy framework, or a process framework that conform with the requirements of <u>OP 4.12</u>, as a condition of appraisal for projects involving involuntary resettlement (see <u>OP 4.12, paras. 17-31</u>)... (BP, para 8).</p> <p>Once the borrower officially transmits the draft resettlement instrument to the Bank, Bank staff--including the Regional resettlement specialists and the lawyer--review it, determine whether it provides an adequate basis for project appraisal, and advise the Regional sector management accordingly... (BP, para 9)</p> <p>During project appraisal, the TT assesses (a) the borrower's</p>	<p>information that is available to the Bank, together with an assessment of: (a) the risks and impacts inherent to the type of project and the specific context in which the proposed project will be developed and implemented; and (b) the capacity and commitment of the Borrower to develop and implement the project in accordance with the ESSs. The Bank will assess the significance of the gaps in information, and the potential risk this may present to achieving the objectives of the ESSs. The Bank will reflect this assessment in the relevant project documents at the time the proposed financing is submitted for approval (ESP, para 30).</p> <p>The Bank will assist the Borrower in developing an ESCP. The ESCP will set out the material measures and actions required for the project to achieve compliance with the ESSs over a specified timeframe. The ESCP will form part of the legal agreement. The</p>	<p>appraisal requirements represents a very dangerous dilution and effectively exonerates the Bank from responsibility vis-à-vis the consequences of the forced displacement that it enables through its lending. These include: social and economic exclusion, sudden joblessness, homelessness, marginalization, and impoverishment of millions of displaced people. These pathological effects are financed by the WB, but their avoidance and mitigation is now left to the borrower's discretion.</p> <p>It should also be noted that OP 4.12 includes an annex describing the elements of a resettlement plan, which provides an essential framework to ensure that borrowers prepare a comprehensive plan. These requirements have also been</p>
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<p>commitment to and capacity for implementing the resettlement instrument; (b) the feasibility of the proposed measures for improvement or restoration of livelihoods and standards of living; (c) availability of adequate counterpart funds for resettlement activities; (d) significant risks, including risk of impoverishment, from inadequate implementation of the resettlement instrument; (e) consistency of the proposed resettlement instrument with the Project Implementation Plan; and (f) the adequacy of arrangements for internal, and if considered appropriate by the TT, independent monitoring and evaluation of the implementation of the resettlement instrument. The TT obtains the concurrence of the Regional social development unit and LEG to any changes to the draft resettlement instrument during project appraisal. Appraisal is complete only when the borrower officially transmits to the Bank the final draft resettlement instrument conforming to Bank policy (<u>OP 4.12</u>) (BP, para 10).</p> <p><i>See also BP paras 2, 3, 11, and 12.</i></p>	<p>legal agreement will include, as necessary, obligations of the Borrower to support the implementation of the ESCP (ESP, para 39).</p>	<p>completely omitted from the draft ESS5.</p>
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<b><i>Information Disclosure and Consultation</i></b>			
8.	<p>... Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs (OP, para 2 (b)).</p> <p>The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives...(OP, para 6(a)).</p> <p>For impacts covered under para. 3(a) of this policy, the Bank also requires the following: (a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement (OP, para 13(a)).</p> <p><i>Community participation</i> [will include:] Involvement of</p>	<p>The Borrower will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose, where applicable (ESS5, para 14).</p> <p>If people living in the project area are required to move to another location, the Borrower will: (a) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation...(ESS5, para 23(a)).</p> <p>Disclosure of relevant project information helps stakeholders understand the risks, impacts and opportunities of the project. If communities may be affected by environmental or social impacts from the project, the Borrower will</p>	<p>While the new draft framework contains a standalone standard on “stakeholder engagement,” the provisions for information disclosure, consultation and participation of displaced persons regarding resettlement planning, implementation and monitoring have been diluted.</p> <p>The new draft removes any reference to informing displaced persons about their rights pertaining to resettlement. It significantly dilutes the language in the current policy regarding the provision of choices among resettlement alternatives to affected people, apparently leaving the displaced to choose only between cash compensation or alternative housing. Other choices that are required in OP 4.12</p>

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<p>resettlers and host communities, including a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities; (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan; (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries) (OP, Annex A, para 15).</p> <p>For projects with impacts under para 3 (a) of OP 4.12, the TT assesses... progress in preparing the resettlement plan or resettlement policy framework and its adequacy with respect to OP 4.12, including the involvement of affected groups</p>	<p>provide them with access to the following information: (a) The purpose, nature and scale of the project; (b) The duration of proposed project activities; (c) Any risks to and potential impacts on communities and proposed mitigation plans; (d) The envisaged stakeholder engagement process, if any, and opportunities and ways in which stakeholders can participate; (e) The time and venue of any envisaged public consultation meetings, and the process by which meetings are notified, summarized, and reported; and (f) The process and means by which grievances are raised and managed (ESS10, para 10).</p> <p>Meaningful consultation is a two-way process that will: ... (c) Incorporate feedback, where appropriate... (f) Enable participation, where applicable...(ESS10, para 19).</p>	<p>Annex A, including those related to forms of compensation and resettlement assistance, relocation as individuals or as part of pre-existing communities, and the retention of access to cultural property, have been omitted from ESS5 and ESS10.</p> <p>Finally, there is no requirement in ESS10 to actually take the views of affected people into account; borrowers are only expected to “incorporate feedback, where appropriate.” By contrast, in the current policy, borrowers must not only take the views of resettlers into account but they must document how they did so in the draft Resettlement Action Plan and the Bank task team must appraise whether this has been done satisfactorily, per the requirements of BP 4.12.</p>
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	and the extent to which the views of such groups are being considered (BP, para 5(b)).		
<b><i>Sub-projects</i></b>			
9.	<p>For each subproject [including those deriving from sector investment operations, financial intermediary operations and all other Bank-assisted projects with multiple sub-projects) that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing (OP, para 29).</p> <p>...The subproject-specific resettlement plan needs to include baseline census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and</p>	<p>For all projects involving the preparation and implementation of subprojects, the Borrower is responsible for classifying the subprojects, carrying out environmental and social assessment, and reviewing the results of such assessment. Where the Bank is not satisfied that adequate capacity exists on the Borrower's part, all High Risk subprojects, including the environmental and social assessment, will be subject to prior review and approval by the Bank (ESP, para 34).</p> <p>If the project involves the preparation of subprojects, the Borrower will carry out appropriate environmental and social assessment of each subproject in accordance with national law. Where subprojects are classified as High Risk, the environmental and social assessment will be consistent with ESSs 1 to 8</p>	<p>Under the current Bank policy, all sub-projects that involve resettlement must comply with OP 4.12. Under the new policy, only sub-projects involving resettlement that are classified as <i>High Risk</i> must comply with ESS5. This means that projects that are classified as having <i>Substantial Risk</i> need not comply with ESS5 but only national regulations.</p> <p>It should be noted that these risk categories are undefined in the draft framework and that it is the Borrower (which may include <i>inter alia</i> rights-abusing governments or private equity funds), rather than the Bank, that classifies the level of risk of subprojects.</p> <p>Under the current</p>

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	<p>detailed cost estimate (OP, Annex A, para 25).</p>	<p>and ESS10. Borrowers will ensure that subprojects are structured to meet national regulatory requirements relating to environmental and social risks and impacts, and where subprojects are classified as High Risk, they are also structured to meet ESSs 1 to 8 and ESS10. Where deemed necessary by the Bank the Borrower will prepare an environmental and social management framework, to assist the Borrower in developing and implementing the subprojects (ESS1, para 29).</p>	<p>policy, the Bank requires that a satisfactory resettlement plan, including baseline socioeconomic survey information, be submitted to the Bank for approval before the subproject is accepted for financing. Under the new framework, there is no requirement for the Borrower (which includes financial intermediaries) to submit resettlement plans to the Bank for prior approval, even for <i>High Risk</i> projects.</p>
<b><i>Monitoring and Supervision</i></b>			
10.	<p>...The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument... (OP, para 24).</p> <p>Recognizing the importance of close and frequent supervision to good resettlement outcomes, the Regional vice president, in coordination with the relevant country director, ensures that appropriate measures are established for the effective</p>	<p>...The Bank will monitor the environmental and social performance of the project in accordance with the requirements of the legal agreement, including the ESCP. The extent of Bank monitoring with respect to environmental and social performance will be commensurate with the potential environmental and social risks and impacts</p>	<p>As with the front-end appraisal responsibilities, there is a major abdication of supervision responsibilities by the Bank in the new framework. Whereas OP/BP 4.12 recognized the “importance of close and frequent supervision to good resettlement outcomes,” and includes detailed</p>

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<p>supervision of projects with involuntary resettlement. For this purpose, the country director allocates dedicated funds to adequately supervise resettlement, taking into account the magnitude and complexity of the resettlement component or subcomponent and the need to involve the requisite social, financial, legal, and technical experts. Supervision should be carried out with due regard to the Regional Action Plan for Resettlement Supervision (BP, para 13).</p> <p>Throughout project implementation the TL supervises the implementation of the resettlement instrument ensuring that the requisite social, financial, legal, and technical experts are included in supervision missions. Supervision focuses on compliance with the legal instruments, including the Project Implementation Plan and the resettlement instrument, and the TT discusses any deviation from the agreed instruments with the borrower and reports it to Regional Management for prompt corrective action. The TT regularly reviews the internal,</p>	<p>associated with the project. The Bank will monitor projects on an ongoing basis as required by OP 10.00 (ESP, para 46).</p> <p>During Project implementation, the Bank monitors the Borrower's or the Project Participants' compliance, with its (or their) obligations as set out in the legal agreements with the Bank. The Bank also provides implementation support to the Borrower or the member country by reviewing information on implementation progress, progress towards achievement of the Project's development objectives and related results, and updates the risks and related management measures (OP 10.00, para 21).</p> <p>In providing implementation support, the Bank pays particular attention to reviewing the monitoring by the Borrower or Project Participant(s) of the performance of the Project and compliance with contractual undertakings.</p>	<p>requirements upon the Bank to conduct robust supervision from the beginning of project implementation through completion, including an evaluation conducted by the Bank of the extent to which the objectives of the policy have been achieved, the draft ESS5 places all monitoring responsibilities upon the Borrower. The four paragraphs on supervision in the current BP 4.12 have been reduced to three sentences in the draft ESP and two sentences in the new OP 10.00, which are extremely vague, not specific to resettlement, and based on a review by the Bank of self-reporting by the Borrower.</p>
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<p>and where applicable, independent monitoring reports to ensure that the findings and recommendations of the monitoring exercise are being incorporated in project implementation. To facilitate a timely response to problems or opportunities that may arise with respect to resettlement, the TT reviews project resettlement planning and implementation during the early stages of project implementation. On the basis of the findings of this review, the TT engages the borrower in discussing and, if necessary, amending the relevant resettlement instrument to achieve the objectives of this policy (BP, para 14).</p> <p>A project is not considered complete--and Bank supervision continues--until the resettlement measures set out in the relevant resettlement instrument have been implemented. Upon completion of the project, the Implementation Completion Report (ICR) evaluates the achievement of the objectives of the resettlement instrument and lessons for future operations and summarizes the findings of the borrower's assessment referred</p>	<p>The Bank periodically assesses the Project, and reviews the monitoring by the Borrower or Project Participant(s) of results, risks, and implementation status, updating Project information and identifying follow-up actions needed as appropriate (BP 10.00, para 40).</p>	
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	<p>to in <u>OP 4.12, para. 24</u>. If the evaluation suggests that the objectives of the resettlement instrument may not be realized, the ICR assesses the appropriateness of the resettlement measures and may propose a future course of action, including, as appropriate, continued supervision by the Bank (BP, para 16).</p>		
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