



TRADE AND DEVELOPMENT BANK GROUP
GROUPE DE LA BANQUE DE COMMERCE ET DE DÉVELOPPEMENT

**GUIDANCE NOTE FOR MANAGEMENT OF LAND
ACQUISITION, COMPULSORY DISPLACEMENT,
AND INVOLUNTARY RESETTLEMENT IN TDB'S
FINANCED PROJECTS
NOVEMBER 2025**

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ACRONYMS

CSR	Corporate Social Responsibility
E&S	Environmental and Social
ESAP	Environmental and Social Action Plan
ESDD	Environmental and Social Due Diligence
ESF	Environmental and Social Framework
ESG	Environmental and Social and Governance
ESHS	Environmental, Social, Health and Safety
ESMP	Environmental and Social Management Plan
ESMS	Environmental and Social Management System
ESS	Environmental and Social Standard
FI	Financial Intermediary
GBV	Gender-based Violence
GCLS	Grievance Complaint Logging System
GPN	Good Practice Note
GRM	Grievance Redress Mechanism
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
IPF	Investment Project Financing
ISR	Implementation Status Report
IVA	Independent Verification Agent
LRP	Livelihood Restoration Program
M&E	Monitoring and Evaluation
NGO	Non-Governmental Organization
RAP	Resettlement Action Plan
SEP	Stakeholder Engagement Plan
SPD	Standard Procurement Document
TDB	Eastern and Southern African Trade Development Bank
ToR	Terms of Reference
UN	United Nations
UNGIC	Guiding Principles for Business and Human Rights
WHO	World Health Organization

GLOSSARY

Associated Facilities means facilities or activities that are not funded as part of the project but are: (a) directly and significantly related to the project; and (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist.

Census is a complete count of the population affected by project activity including collation of demographic and property information. This will identify and determine the number of Project Affected Persons (PAP) and the nature and levels of impact.

Compensation refers to payment in cash or in kind of the replacement costs of the acquired or affected assets.

Cut-off date is the date by which PAPs and their affected assets, as relevant, have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. People whose ownership and use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.

Displaced Persons (DPs) or Project Affected Persons (PAPs) refer to any person or persons who would be identified, through a baseline census information collected for each of the projects to be affected by any of the following circumstances: i) Acquisition or possession by the Project, in full or in part, permanent or temporary, of any title, right or interest over house/s, land/s (including but not limited to residential, agricultural and grazing lands) and/or any other fixed/movable assets; ii) Acquisition or possession by the Project of crops (annual and perennial) and trees whether partially or in whole; iii) Whose business/livelihood is in part or as a whole affected by the Project. To be eligible for compensation and other assistance, PAPs need to fall within the specified cut-off date.

Grievance Redress Mechanism (GRM) refers to a locally based, formalized way to accept, assess, and resolve community feedback or complaints. It should offer an accessible point for complaints to be received and a predictable process and timeline for communities to obtain a response. Resolution of involuntary resettlement-related complaints should be consistent with PS 5.

Involuntary resettlement means the involuntary taking of land resulting in direct economic and social impacts caused by the involuntary taking of land resulting in relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the PAP has moved to another location and causes adverse impacts on the livelihoods of the displaced persons due to Involuntary restriction of access to legally designated parks and protected areas.

Land acquisition refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.

Livelihood refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.

Rehabilitation refers to compensatory measures provided under these guidelines other than payment of the replacement costs of acquired or affected assets.

Relocation refers to the physical relocation of a DP from his/her pre-project place of residence

Resettlement refers to all measures taken to mitigate all adverse impacts of the project on PAP's property and/or livelihood including compensation, relocation and rehabilitation (where applicable).

Replacement Cost refers to the value determined to be fair compensation for real property based on its productive potential, replacement cost of houses and structures (as reckoned on current fair market price of building materials and labor without depreciation or deductions for salvaged building materials), and the market value of residential land, crops, trees and other commodities.

Security of tenure means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate. In no event will resettled people be provided with tenure rights that are in effect weaker than the rights they had to the land or assets from which they have been displaced.

1 INTRODUCTION

TDB Group has over the years embraced socially responsible financing and aims to be one of the sub-Saharan regional leaders in implementing environmental, social and governance (ESG) risk management initiatives. The intrinsic driver of TDB's vision includes policy reforms and strengthening of institutional capacity through technical assistance and capacity building to help governments, businesses, and project sponsors develop green and socially friendly projects that would further promote the regional economic transformation.

TDB also seeks to play a leading role in the green industrialisation and the development of sustainable trade by increasing investment in renewable energy, resource efficiency, electrification, adaptation, and climate-resilient infrastructure. To this end, TDB Group in partnership with World Bank. World Bank is implementing the Regional Infrastructure Finance Facility (RIFF), Africa Green, Resilient and Inclusive Housing De-Risking (GRIHD) Facility and Accelerating Sustainable and Clean Energy Access Transformation (ASCENT) aimed at expanding long-term finance to private firms in selected infrastructure sectors, accelerating access to and financing of sustainable, reliable, and affordable Housing and Energy in Eastern and Southern Africa. The implementation of GRIHD would entail acquiring of rights over the use of land in its member states - where land is a primary non-labor asset for most people, yet land governance is weak, and land rights are often undocumented or not recognized in law.

Compulsory Displacement is most often driven by large infrastructure projects, and it occurs when legitimate landholders do not have the ability to refuse displacement. On the other hand, Involuntary Resettlement is when affected individuals or communities do not have the right to refuse displacement or resettlement. Involuntary resettlement covers both the physical displacement (relocation or loss of shelter) and economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) because of TDB's financed project-related land acquisition and/or restrictions on land use.

If displacement is unavoidable, then resettlement should be planned and implemented as a sustainable development program. This Guidance Note, therefore, provides best practices for management of adverse risks where TDB aims to finance projects intending to lease or acquire land.

2 OBJECTIVES OF THIS GUIDANCE NOTE

The key objectives of this Guidance Note are to provide guidance on how to access and manage impacts associated with land acquisition. TDB in all its projects will seek to:

- Avoid displacement and, where this is not possible, implement additional measures to minimize, mitigate and, as a last resort, compensate for potential residual adverse impacts.
- Avoid forced evictions, in line with international best practices.
- Manage unavoidable residual displacement impacts by (i) timely compensation at full replacement cost and (ii) ensuring meaningful consultation.
- Ensure that livelihoods have to be improved or, at a minimum, restored.
- Ensure that living conditions are improved by the provision of adequate housing with security of tenure.

2.1 THE KEY PRINCIPLES OF ASSESSMENT OF LAND ACQUISITION PROCESS

The following principles will guide TDB's assessment and review of project/ clients that involve land acquisition:

1. Involuntary resettlement and land acquisition will be avoided where feasible or minimized where it cannot be eliminated.
2. The E&S requirements apply to all Projects irrespective of the number of PAPs, the severity of the impact and whether they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles.
3. The E&S requirements apply to all Projects including those where there is no physical displacement but only economic displacement.
4. Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing resources to give PAPs the due compensation for their losses, and the opportunity to share project benefits.
5. PAPs will be meaningfully consulted and will participate in planning and implementing of the resettlement activities.
6. PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.
7. Measures to address resettlement shall ensure that PAPs are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided with prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project investments.
8. PAPs if resettled will be supported to integrate economically and socially into host communities so that adverse impacts on host communities and vice versa are minimized. To this end, appropriate patterns of social organization will be promoted, and existing social and cultural institutions of PAPs will be supported to the greatest extent possible.
9. All PAPs will be identified and recorded as early as possible, preferably at project investment identification stage, in order to protect those affected by the project and prevent an influx of illegal encroachers, squatters, and other non-residents who will wish to take advantage of such benefit.
10. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children, orphans, marginalized groups and the ethnic minorities or other displaced persons who may not be protected by law. The objective is to provide whatever additional assistance may be necessary to restore pre-project living standards.

3 SCOPE AND APPLICATION OF THIS GUIDANCE NOTE

This Guidance Note (to be annexed to the TDB's ESMS) applies to projects that entail physical or economic displacement regardless of their magnitude and whether permanent or temporary, resulting from one of the following types of transaction:

- Land rights and/or assets acquired through expropriation or other compulsory procedures.
- Land rights and/or assets acquired through negotiated settlements, if expropriation or other compulsory processes can be initiated in case negotiation fails.
- Restrictions that result in people experiencing loss of access to land, assets, natural resources, or livelihoods, irrespective of whether such rights of restriction are acquired through negotiation, expropriation, compulsory purchase or by means of government regulation.

- Relocation of people without formal, traditional, or recognizable usage rights under national laws, who are occupying or utilizing land prior to the cut-off date.
- Displacement of people resulting from project impacts that render their land or assets unusable or inaccessible.

Special Considerations:

- This guideline does not apply to voluntary transactions, but TDB still expects reasonable compensation to be paid. Purely voluntary transactions (or “willing buyer–willing seller”) are those where the affected landowner can refuse the transaction (for example, where the planned facility can easily be relocated to another plot of land).
- Negotiated transactions are not voluntary if the project sponsor can at some point resort to expropriation or another similar compulsory process to acquire land, either due to the unwillingness of landowners to reach an agreement or to legal and/or administrative technicalities, even if expropriation is eventually not used. In such cases, this Guideline does apply.
- Where transactions are purely voluntary, the livelihood impacts on land users other than the landowner (even if they are informal) need to be considered (For example, if there are herders informally using a plot of land that is voluntarily sold to the project by its owner, this guideline will apply, and adequate livelihood restoration measures will have to be developed for the herders).

This guideline does not apply in the following cases:

- Where a project entails no acquisition or access to, or restrictions on land and/or assets and/or people living on it (and, as a result, no impact on livelihoods depending on this land or assets)
- Where a project entail impacts on land and/or assets, if and only if all transactions are voluntary (also called “willing buyer–willing seller”) and if, in addition, no land user (other than the landowner) has their livelihood affected as a result of the transaction.
- Where people are displaced as a direct result of natural disasters, conflict, crime or violence.

4 GENERAL REQUIREMENTS

4.1 AVOIDANCE AND MINIMIZATION OF DISPLACEMENT

Whenever a project causes potential displacement, TDB requires its clients to conduct comprehensive assessment of alternative project designs, commensurate with the potential magnitude of impacts, and consult with directly affected parties.

4.2 COMPENSATION AND BENEFITS OF ELIGIBLE DISPLACED PERSONS

TDB’s clients are required to provide PAP compensation for loss of assets at full replacement cost and give other assistance to help improve or at least restore their standard of living or livelihoods. In addition, project sponsors are required to work proactively with affected people to enhance their livelihoods after resettlement (for example, through employment, skills training or other development benefits). Additionally, compensation should be provided not only where affected parties have legal title over assets and land, but also where affected people do not have formal rights over the land (e.g. traditional rights on the use of resources); TDB identifies three categories of rights holders that are eligible for various types of compensation:

- i. Persons who have formal legal rights to the land (including customary and traditional rights recognized under national laws) or assets.
- ii. Persons who do not have formal legal rights to land or assets at the time of the census, but who have a claim to land or assets that is recognized or recognizable under national law.
- iii. Persons who have no recognizable legal right or claim to the land or assets they occupy or use. Note that the word “persons” covers both people and legal entities.

TDB clients are required to develop and follow a transparent compensation framework that:

- i. Identifies all affected people and provides an inventory of affected assets.
- ii. Describes the methods used to value land and affected assets (at full replacement cost).
- iii. Indicates the rates of compensation to be paid.
- iv. Outlines a schedule of land take and compensation payments.
- v. Describes the process whereby affected people can appeal property valuations they deem to be inadequate.

Where losses cannot be easily valued or compensated for in monetary terms, compensation should be made in goods or resources that are of equivalent or greater value and that are culturally appropriate.

4.3 STAKEHOLDER ENGAGEMENT

TDB considers Stakeholder Engagement as a central step to land acquisition and resettlement scoping, planning and implementation. Thereafter, disclosure of relevant information and participation of Affected Communities and persons will continue during the monitoring, and evaluation of compensation payments, livelihood restoration activities, and resettlement to achieve outcomes that are consistent with the objectives of this Guideline. In summary, any resettlement plan submitted to the TDB must include:

- A clear and detailed account of consultation methods, events and outcomes, as well as relevant documentation, such as signed minutes of meetings, which must be kept for potential auditing.
- A plan for further consultation in the resettlement implementation period (alternatively, this can be presented in the stakeholder engagement plan for the project).

Where indigenous groups or vulnerable parties are affected, the TDB may require a specific stakeholder engagement plan for the resettlement process. This may be similar in structure to the project stakeholder engagement plan, but with a specific focus on consultation, negotiation processes and information disclosure specifically related to resettlement, considering the requirements contained in the IFC PS 7.

4.4 GRIEVANCE MECHANISM

TDB’s clients are required to establish a Grievance Mechanism in alignment with IFC PS 1, at earliest stage of resettlement scoping, to allow the client to receive and address specific concerns about compensation and relocation raised by displaced persons or members of host communities in a timely fashion, including a recourse mechanism designed to resolve disputes in an impartial manner.

4.5 PLANNING AND IMPLEMENTATION OF RAP AND LRP

4.5.1 Socio-Economic Survey

When the involuntary resettlement is unavoidable, either because of a negotiated settlement or expropriation, the client is required to conduct a census to collect appropriate socio-economic baseline data. The key objectives of baseline surveys are as follows:

- **Socio-economic surveys:** establish a social and economic profile of affected individuals, communities and groups that will be used, among other things, to:
 - Devise livelihood restoration activities.
 - Provide the pre-impact baseline against which post-project livelihood restoration and standards of living will be assessed and monitored.
 - Provide the information for a gender analysis.
 - **Census:** identify all affected people.
 - **Inventory of affected assets:** provide the basis of compensation entitlements.
 - Establish a **cut-off date** after which people moving into the area will not be eligible.
 - **Vulnerability analysis:** identify vulnerability factors and pre-identify vulnerable people.

Where socio-economic surveys have been conducted well before actual impacts, an update should be carried out after 2-3 years, sometimes sooner if significant macroeconomic changes have taken place.

4.5.2 Cut-off Date

A cut-off date is the date of completion of the census and therefore the date by which assets and people affected must be registered. Persons who occupy the project area after the cut-off date will not be eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees and woodlots) established after the date of completion of the assets inventory or an alternative mutually agreed on date will not be compensated.

In the absence of host government procedures, TDB clients should establish a cut-off date for eligibility. Information regarding the cut-off date should be well documented and well communicated throughout the project area.

4.5.3 Monitoring and Evaluation

TDB's clients are required to establish procedures to monitor and evaluate the implementation of a Resettlement Action Plan or Livelihood Restoration Plan and take corrective action as necessary, proportional to the magnitude of project's risks and impacts. For projects with significant involuntary resettlement risks, the client is required to employ a competent social resettlement expert to provide advice on compliance with this Guidance Note and IFC PS5, and to assist verifying the client's monitoring information. PAPs will be consulted during the monitoring process. In case a PAP rejects compensation offers that meet the requirements of this Guidance Note while the expropriation or other legal procedures has been initiated, the client will explore opportunities to collaborate with the responsible government agency, and, if permitted by the government authorities, play an active role in resettlement planning, implementation, and monitoring as required in the IFC PS5.

4.5.4 Completion Audit

In alignment with IFC PS5, the implementation of a Resettlement Action Plan or Livelihood Restoration Plan will be considered completed when the adverse impacts of resettlement have been addressed in a manner that is consistent with the relevant plan as well as the objectives of this Guidance Note.

To assess whether the provisions have been met, depending on the scale and/or complexity of physical and economic displacement associated with a project, it is mandatory for the client to commission an external completion audit of the Resettlement Action Plan or Livelihood Restoration Plan. The completion audit should be undertaken once all mitigation measures have been substantially completed and once displaced persons are deemed to have been provided adequate opportunity and assistance to sustainably restore their livelihoods, and will include at a minimum, a review of the totality of mitigation measures implemented by the Client, a comparison of implementation outcomes against agreed objectives, and a conclusion as to whether the monitoring process can be ended.

4.5.5 Displacement

i. Physical Displacement

Where affected people will be physically relocated, TDB clients are required to design and implement a resettlement action plan (RAP). The RAP should be designed to mitigate the negative impacts of displacement. It should include the procedures which the client will follow and outline the actions that it will take to mitigate adverse effects, compensate losses, and provide development.

The RAP will be designed by the client to mitigate the negative impacts of displacement; identify development opportunities; develop a resettlement budget and schedule; and establish the entitlements of all categories of PAPs (including host communities) – i.e., it should include the procedures for the client to follow, and outline the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to affected persons and communities. TDB clients are required to:

- Offer displaced persons a choice of feasible resettlement options, which include adequate replacement housing or (if this is not available) cash compensation.
- Provide compensation at full replacement cost.
- Provide relocation assistance suited to the needs of each group of displaced persons.
- Offer the choice of replacement property of equal or higher value, security of tenure, equivalent or better characteristics, and advantages of location or cash compensation where appropriate.
- Cash compensation if considered should be sufficient to replace the loss of land and other assets at full replacement cost in local markets.
- New resettlement sites built for displaced persons should offer improved living conditions.

Particular attention will be paid to the needs of the poor and the vulnerable. The client will document all transactions to acquire land rights, as well as compensation measures and relocation activities.

ii. Economic displacement

Where PAP lose income or assets (but do not have to relocate), clients should provide compensation. For example, compensation should be paid to the PAP for the loss of crops, the cost of re-establishing commercial activities elsewhere and for lost net income during the period of transition. In cases where activities/projects involve economic displacement only, clients should develop a livelihood restoration plan (LRP) to compensate affected persons and/or communities and offer other assistance in accordance with

good international best practices. The LRP should establish the entitlements of affected persons and/or communities and ensure these are provided in a transparent, consistent, and equitable manner. The mitigation of economic displacement is considered complete when all affected persons or communities have received compensation and other assistance and deemed to have been provided with adequate opportunity to re-establish their livelihoods.

In alignment with IFC PS5, economically displaced persons who face loss of assets or access to assets will be compensated for such loss at full replacement cost, as follows:

- In cases where land acquisition or restrictions on land use affects commercial structures, affected business owners will be compensated for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery, or other equipment.
- In cases affecting persons with legal rights or claims to land which are recognized or recognizable under national law; replacement property (e.g., agricultural, or commercial sites) of equal or greater value will be provided, or, where appropriate, cash compensation at full replacement cost.
- Economically displaced persons who are without legally recognizable claims to land will be compensated for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at full replacement cost. The client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date for eligibility.

Similarly, economically displaced persons whose livelihoods or income levels are adversely affected will also be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living:

- For persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost should be offered as a matter of priority.
- For persons whose livelihoods are natural resource-based and where project-related activities restricts on access, implementation of measures will be made to either allow continued access to affected resources or provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where appropriate, benefits and compensation associated with natural resource usage may be collective in nature rather than directly oriented towards individuals or households.
- If circumstances prevent the client from providing land or similar resources as described above, alternative income earning opportunities may be provided, such as credit facilities, training, cash, or employment opportunities.
- Cash compensation is frequently insufficient to restore livelihoods; therefore, transaction support should be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

4.6 GOVERNMENT-MANAGED RESETTLEMENT

Where land acquisition and resettlement are the responsibility of the government, clients are required to collaborate with the responsible government authorities to the extent permitted to ensure outcomes consistent with good international practice as outlined in the IFC PS5. This includes addressing any compensation gaps between government payment and international standard compensation definitions.

5 SPECIFIC REQUIREMENTS FOR LAND ACQUISITION IN TDB's FINANCED PROJECTS

5.1 ASSESSMENT OF LAND ACQUISITION PROCESS

There are three possible ways in which land can be secured for the Projects, these are:

SCENARIO 1	Land Provided by Government
Option 1:	The government has provided land which it previously acquired
Option 2:	The government will provide land which is under acquisition or is yet to be acquired.
SCENARIO 2	Land Arranged by the Sponsor
Option 1:	The sponsor will purchase the land for the Project on willing buyer and willing seller basis.
Option 2:	The sponsor has already purchased the land

For assessing the land acquisition/ procurement process, TDB will ask the sponsor to provide information as per the following table:

Questions		Remarks
SCENARIO 1/OPTION 1: GOVERNMENT ACQUIRED LAND IS ALREADY AVAILABLE WITH THE SPONSOR		
(if the land was purchased less than five years back then option 2 should be followed)		
1	How much land is available for the Project? Is it enough?	
2	When was this land acquired and for what purpose?	
3	What was the previous use of the land?	
4	Is the land acquisition process complete ¹ ?	
5	What is the status of compensation payment? Has full compensation been paid to all project affected families?	
6	Any outstanding litigation?	
7	Any unresolved stakeholder concerns around land acquisition and payment of compensation	

¹ Land acquisition is considered complete when full compensation has been paid.

SCENARIO 1/OPTION 2: LAND ACQUISITION PROCESS IS UNDERWAY OR THE LAND WAS RECENTLY ACQUIRED IN PREPARATION FOR THE PROJECT

1	How much land is being/ was acquired (provide ownership details- govt land, private land, community land, etc.)?	
2	At what stage is the land acquisition process?	
3	Is there any physical or economic displacement because of land acquisition and/or restriction on land use?	
4	How many people are impacted by the land acquisition	<p>Number of families/people impacted by:</p> <ul style="list-style-type: none"> • Loss of land: • Loss of livelihood: • Loss of residential buildings: • Loss of commercial buildings: • Loss of cultivated crops (cash and food) and trees: • Loss of businesses or employment: • Loss of communal assets (e.g. land, wells, grazing areas): <p>Categories of PAPs</p> <ul style="list-style-type: none"> • Landowners • Land tenants including encroachers. • Land users • Owners of temporary buildings • Owners of permanent buildings • Tenants of buildings
5	Is the compensation calculated at replacement cost?	
6	What is the land acquisition timeline?	
7	What is the status of compensation payment?	
8	Has a social impact assessment been completed?	
9	Has a resettlement action plan and livelihood restoration plan been developed?	
10	Does the SIA, RAP and LRP comply with the E&S requirements?	
11	What are the key gaps in the SIA, RAP and LRP?	
12	Has the project affected community been consulted and have they been informed about the Project? (review the consultation records)	
13	Are there any litigations related to the land acquisition and compensation process?	
14	Any stakeholder concerns/ protests around land acquisition?	

SCENARIO 2/OPTION 1: THE SPONSOR WILL PURCHASE THE LAND ON WILLING-BUYER AND WILLING-SELLER BASIS		
1	How much land is required for the Project?	
2	Can it be procured through willing-buyer and willing-seller route?	
3	What happens if the willing- buyer & willing-seller arrangement for buying land does not succeed?	
4	What process will the sponsor follow for willing-buyer and willing-seller transaction?	
5	Is the Project situated in an area that require eviction of people occupying land without formal, traditional, or recognizable usage rights?	
6	How will the price be negotiated?	
7	Is the sponsor providing one uniform price to all sellers? If not, what is basis for fixing differential land price?	
SCENARIO 2/OPTION 2: THE SPONSOR HAS ALREADY PURCHASED THE LAND		
1	When did the sponsor buy the land?	
2	How many people was the land bought from?	
3	How was the land price determined?	
4	Are there any pending issues with respect to the land purchase?	
5	Have all the government records been changed to reflect the change in ownership?	
6	How has the sponsor used this land since its purchase?	

Additional questions for undertaking a due diligence of the land acquisition process are provided below. The questions should be asked to the sponsor.

Questions	Observations
What proportion of total land was acquired under national law/policy?	
What proportion was negotiated directly with landowners/willing sellers?	
Describe the actual land acquisition process followed- from land selection through start of construction activities.	
What objections were raised by the local community or project affected families? Any section of population which was unduly affected? Any section which was agitating?	

Any court cases, litigations? Any adverse media reports? Any type of stoppage, road blockade, disruption due to land acquisition?	
Resettlement planning	
What R&R policy is applicable for the project?	
Who was responsible for R&R? When were the affected families about the intended land take?	
How did you interact with the PAFs/ PAPs? When and how often?	
How was the land price arrived at? How was the payment made? In bank accounts? By cheques? Cash? Why use a particular mode of payment?	
Where the PAFs/ PAPs paid any additional amount, top up? Was it paid to all or to selected families? Who were these selected families?	
Did the PAFs/ PAPs raise any grievances related to land acquisition or land compensation/ price?	
How were these grievances handled?	
What other entitlements were provided to PAFs/ PAPs?	
Was employment promised to the affected families?	
Was a census survey done of the project affected families? Who did the census survey?	
Who prepared the RAP and LRP?	
Displacement	
How many families were displaced?	
Where were they resettled? How far from the original settlement?	
How was the resettlement site selected?	
What facilities are provided at the resettlement site?	
What was promised in the RAP?	
Was there any host community? How did the host community react to this resettlement?	
Were the families provided with any assistance in relocating to the new site?	
Indigenous peoples	
Have you identified any indigenous community in or around the project area? What do they do?	
Have you communicated about the project to the indigenous communities?	
Does your project impact indigenous community in any manner?	
Was an Indigenous People Development Plan (IPDP) prepared?	
Were there any grievances? How were these recorded?	
How were the grievances addressed?	

What were the typical grievances like? Provide examples.	
Is any land of indigenous community impacted in any manner?	
Is there any impact on the customary practices and how have that changed now?	
What mitigations measures are planned/implemented?	
What compensation was provided?	
Have indigenous people been consulted in development of mitigation plans?	

Based on the information collected, the E&S Specialist of TDB should prepare a summary note on land acquisition identifying the gaps in assessment and compensation. TDB should recommend corrective actions for closing the identified gaps. The corrective actions could include completion of additional/ supplementary studies, development of additional social management plans, provision of additional compensation/ top up to close the gap on compensation payment, development and implementation of community grievance mechanism, and monitoring of implementation of social management plans and payment of compensation.

Top of Form

6 ANNEXES

6.1 ANNEX 1 – LIST OF SPECIFIC EXCLUDED/LAND ACQUISITION RELATED ACTIVITIES

Bottom of Form

- Any land acquisition activity has significant adverse impacts on critical cultural heritage.
- Critical cultural heritage consists of one or both of the following types of cultural heritage: (i) the internationally recognized heritage of communities who use, or have used, within living memory the cultural heritage for long-standing cultural purposes; or (ii) legally protected cultural heritage areas, including those proposed by host governments for such designation.
- Any land activity that leads to conversion of natural and critical habitats/ecologically sensitive areas and/or having adverse impact on critical habitats and/or legally protected and internationally recognized areas of high biodiversity value (Exclusively defined as UNESCO Natural World Heritage Sites, UNESCO Man and the Biosphere Reserves,