



**SAHARA
AND SAHEL
OBSERVATORY**

INVOLUNTARY DISPLACEMENT AND RESETTLEMENT POLICY

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Acronyms

AF	Adaptation Fund
ESMS	Environmental and Social Management System
GCF	Green Climate Fund
IFC	International Finance Corporation
OSS	Sahara and Sahel Observatory
PRP	Population Resettlement Plan
WB	The World Bank

DEFINITIONS^{1,2}

Comprehensive Social and Environmental Grievance and Protection Mechanism: A comprehensive framework established to address and manage complaints, grievances, and protection measures related to social and environmental issues. It serves as a procedure document that outlines the steps and guidelines to be followed in line with relevant policies, including the Involuntary Displacement and Resettlement Policy.

Economic displacement: Population displacement due to loss of livelihoods.

Indigenous peoples: Peoples originating from the country or region they live in.

Involuntary displacement: Displacement of populations due to development projects affecting their production activities, cultural sites, and/or sources of income.

Physical displacement: Population displacement due to loss of physical assets (land, accommodation, etc.).

Resettlement: A process whereby a displaced population or displaced group of persons, changes place of life and settles in a new place, or returns to its country or region of origin.

Sustainable development: Economically efficient, socially equitable and ecologically sustainable development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.

¹ <https://www.greenclimate.fund/sites/default/files/decision/b19/decision-b19-10-b19-a10.pdf>

² <https://consultations.worldbank.org/sites/default/files/consultation-template/review-and-update-world-bank-safeguard-policies/submissions/reformingtheworldbankpolicyoninvoluntaryresettlement.pdf>

1- INTRODUCTION

Very often times, development and conservation projects require the involuntary displacement of the populations from where they live and/or work and their resettlement elsewhere. Such an involuntary displacement can also be the result of disasters and climate change, hence the risk of socio-economic and cultural disturbances, which could affect these populations. It is therefore advisable to elaborate a policy aimed at avoiding or minimizing the negative impacts of such displacement and to prepare, if necessary, the compensation procedures and measures to be undertaken.

Since its inception in the early 1990s, the Sahara and Sahel Observatory (OSS) (hereinafter also referred to as "Observatory") has implemented projects and programs in close contact with its member countries rural populations. These activities mainly focus on diversifying people's livelihoods, strengthening community-based natural resource management, preliminary planning, and adapting people to climate changes.

In April 2016, the OSS came up with an environmental and social policy, aiming to promote the project results' sustainability, and protecting the environment and the people from any possible negative impact.

The OSS must therefore adopt measures that protect human rights and the environment, when implementing and/or executing projects financed and supported by donors, technical and financial partners.

The OSS is committed to complying with the Performance Standards (PS) of the International Finance Corporation (IFC), an institution of the World Bank Group (WB), in terms of social and environmental sustainability. To date, these standards, along with accompanying guidance notes, are the most appropriate framework at the international level, in terms of management of the socio-environmental impacts and the project development associated risks.

Over time, the World Bank said that if a government implements its own policy to reintegrate displaced persons in the national economy, then the resettlement can be more successful than the project itself (Serageldin, 1995).

The most relevant Performance Standards of this reference framework are: [Standard No.1](#) "Environmental and social risk and impact assessment and management System"; [Standard No.5](#) "Land acquisition and involuntary resettlement"; [Standard No.6](#) "Biodiversity conservation and natural resources sustainable management"; and [Standard No.7](#) "Indigenous populations". These standards refer to the management of physical and economic displacements, resulting from land acquisition associated projects, through economic activities resettlement and restoration processes.

In its efforts to comply with the international standards, the OSS, a regional organization accredited to the Adaptation Fund (AF) and the Green Climate Fund (GCF), developed this document called "Involuntary Displacement and Resettlement Policy" (hereinafter the "Policy" or "IDRP") allowing to identify, assess and examine the projects' implementation potential

effects, especially, those related to the Involuntary Displacement of the Populations, with a view to avoiding and minimizing the projects' environmental and social risks that could result from their realization.

The IDRP defines the OSS vision as to the populations' resettlement and the restoration of economic activities due to land acquisition. This OSS is thus committed with the Policy, to identify, avoid and reduce the risks caused to the populations, following the projects undertaken that caused their displacement.

The Policy requires completion of an environmental and social risk assessment checklist, with a focus on consultation with communities at risk of being affected by the project, and on the restoration of displaced populations' livelihoods (Environmental and Social Standard n° 5: Land Acquisition, Land Use Restrictions and Involuntary Resettlement).

The IDRP is also in line with the "Global Compact for Safe, Orderly and Regular Migration", also known as the Marrakech Pact³, adopted by the Heads of State and Government at the Intergovernmental Conference held on December 10-11, 2018 in Marrakech, Morocco. Indeed, in accordance with its section 12, the Marrakech Pact aims to mitigate the negative and structural causes that prevent people from finding and maintaining sustainable means of subsistence in their country of origin and force them to seek a new start elsewhere. It also aims to reduce the risks and vulnerabilities faced by the migrants at different stages of migration, while favoring the respect, protection and fulfillment of their human rights and providing them assistance and care.

2- RATIONALE

The OSS needs world-class standards for the Policy, in order to promote the projects sustainability and long-term effectiveness, and to maintain social cohesion and community structures.

The IDRP is developed to address the Involuntary Displacement of the Populations and the loss of other economic resources of the affected populations. It addresses the key aspects of Involuntary Displacement and Resettlement of Populations, by defining the OSS orientations so as to avoid this displacement and, failing that, to successfully resettle populations and restore their economic activities following land acquisition. These activities involve physical and economic displacement that may cause socio-economic problems, such as the loss of livelihood, food insecurity and other negative effects. Under exceptional circumstances, if this kind of displacement cannot be avoided, the OSS requirements include a full justification, and appropriate forms of legal protection and compensation.

The Policy must also be implemented in accordance with the OSS 2030 strategy.

3- OBJECTIVES

The Policy aims at identifying avoiding and reducing potential harm to the populations and the environment. If the OSS member countries want to benefit from donor funding for their projects, they must take into account the different socio-environmental risks. The IDRP also aims to avoid or reduce the negative impacts of an involuntary physical or economic displacement of the populations and to make sure they are treated fairly and benefit from

³ GLOBAL COMPACT MIGRATION8N1845200.pdf

the project that lies behind their resettlement.

The specific objectives of the Policy are to:

- Avoid and reduce, as far as possible, resettlements and natural resources access restrictions, likely to improve the livelihoods of the populations and communities;
- Reduce and mitigate the socio-economic negative effects, whenever involuntary resettlement or resource access restrictions, are unavoidable;
- Have the affected populations and communities involved in the planning process, so as to avoid and limit involuntary displacements and resettlements, and resources access restrictions;
- Identify and design mitigation measures to support long-term livelihoods, socially and economically beneficial to affected communities, culturally appropriate and legally acceptable;
- Collect data and improve knowledge on involuntary displacement;
- Improve the use of humanitarian protection measures for the displaced persons, including sustainable solutions mechanisms;
- Strengthen the management of displacement risks, linked to disasters and climate change;
- Promote internal, regional and international cooperation, in the management of the populations' involuntary displacement.

The Policy shall also have an environmental and social risk assessment checklist completed, with an emphasis on the consultation of threatened communities and the restoration of displaced populations' means of livelihood (Environmental and Social Standard n° 5: Land Acquisition, Land Use Restrictions and Involuntary Resettlement).

4- SCOPE

The Involuntary Displacement and Resettlement Policy, applies to all cases of land acquisition and access restriction, and/or resources reduction due to a project implementation.

"Involuntary Displacement" applies when i) people or a group of people are forced off their lands, houses, farms, etc.; ii) are subject to income/livelihoods loss or disruption; iii) are subject to restricted access to resources, including conservation areas (parks or protected areas), due to a project activity.

Besides, "Involuntary Displacement" refers populations' displacement due to projects to develop. It can be physical (relocation, loss of residential land or housing), economic (loss of land, assets, or access to these assets, mainly resulting in a loss of income or other means of livelihood), or both⁴:

- **Physical displacement:** When land is acquired under a project, the affected person(s) lose accommodation and property, and have to move elsewhere;
- **Economic displacement:** When People lose their source of income or livelihood through land acquisition or restrictions on access to certain resources (land, water, forest, etc.), or because of a project construction or operation or its related facilities. Economically displaced persons do not all necessarily need to move, because of a project.

⁴<http://documents.worldbank.org/curated/en/451731548455369922/ESF-Guidance-Note-5-Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement-French.pdf>

Resettlement is considered involuntary, when the livelihoods of the affected people are less consistent than those they enjoyed before a project was launched. Common cases of involuntary resettlement may take the following forms⁵:

- **Resettlement in rural areas:** It is the result of agricultural land, pasture or rangeland acquisition as part of a project, or the loss of all possibilities to access natural resources, which the populations concerned depend on for their livelihood (forest products, wildlife, fishery resources, etc.);
- **Urban resettlement:** Both physical and economic displacement, affecting housing, employment and businesses;
- **Linear resettlement:** Projects with linear patterns of land acquisition (roads, railways, canals, power transmission lines);
- **One-time resettlement:** Miscellaneous projects (factories, ports, interchanges, hotels, commercial plantations, etc.), in which land acquisitions cover a given area.

5- GUIDING PRINCIPLES

All steps in applying the Policy are guided by the following principles. They are mainly drawn from the general principles of the Environmental and Social Management System (ESMS)⁶, but it is the involuntary displacement and populations' resettlement that are specifically targeted in this context.

- **Dimension**

When the number of people to be resettled is very small, when the affected group is not vulnerable and has a clear title deed of the assets in question, or when the institutional framework and the market provide reasonable opportunities for replacement of the assets or income and intangible factors are not significant, then no resettlement plan as such needs to be prepared. In such cases, it is possible to think of resettlement before the project progresses by mutually agreeing on contractual clauses.

- **Assessing the risks of deepening poverty**

Where baseline information indicates that a significant number of persons to be resettled belong to marginal or low-income groups, particular attention shall be paid to the risks of impoverishment as a result of their displacement and resettlement. These risks, may arise from: (i) loss of housing, land, access to common areas or other property rights, due to lack of clear title deed, economic pressures or other factors; (ii) loss of employment; (iii) loss of access to productive assets; (iv) food insecurity, increased morbidity and mortality; (v) disruption of social structures; and (vi) loss of access to education. A detailed review of gender, ethnic origin, income and other socio-economic factors should be conducted as soon as possible, to identify risks and design preventive measures to reduce them.

- **Legal rules**

The rights for the people to secure their livelihoods enjoy a healthy and productive environment and live in dignity, as follows:

- The legal rights (including customary ones) of specific groups to access to/benefit from specific resources in relevant areas, must be recognized and observed;

⁵<http://documents.banquemonddiale.org/curated/fr/715091468177557341/pdf/246740FRENCH0Handbook.pdf>

⁶<https://www.ifc.org/wps/wcm/connect/b7c4d604-60ed4ab5915b5916a1818aea/ESMS+Handbook+General+v2.1+FR.pdf?MOD=AJPERES&CVID=IIIIFoEe>

- The use of natural resources and land tenure (including customary and non-legally recognized rights) in the relevant areas, must be properly assessed;
- An integrated approach is needed to address all economic, social, cultural and environmental aspects, in addition to the negative effects of displacements.

- **Equity and justice**

Recognize at the national level that equality for all (women, men, young, vulnerable, and traditionally marginalized people), requires acceptance of their respective differences, and take positive steps including empowerment, to promote equitable rights of occupation and access to land, fisheries and forests for these people.

- **Consultation and involvement**

A culturally appropriate, non-discriminatory and gender-sensitive Stakeholder Engagement process needs to be put in place, which ensures consultation with groups and peoples whose lives may be affected by the project, and involves the affected people in the development of mitigation measures. Involving local community leaders and local non-governmental organizations (NGOs) is also very important. NGOs shall serve as liaisons with the affected populations, and act as their intermediaries.

- **Indigenous Peoples**

Low-income indigenous and other ethnic minority communities, whose identity is based on the territory they occupy, are particularly vulnerable to the disruptive and impoverishing effects of resettlement. In many cases, they have no formal property rights over the land from which they derive their livelihood, and are disadvantaged in their claims for compensation and rehabilitation. The OSS applies Article 10 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that: *"Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return"*.

- **Temporary resettlement**

Where a project requires the temporarily relocation of people, resettlement must be subject to considerations and criteria that are consistent with the IDRP, while taking into account the temporary nature of the relocation. In order to minimize the inconvenience to the affected populations, special attention will also be paid to preventing irreversible negative effects (such as permanent loss of employment), providing satisfactory temporary services and, where appropriate, compensating for transitional difficulties. The needs of disadvantaged groups among the displaced, especially those with incomes below the poverty line, the elderly, women and children, must be adequately addressed, as well as those without legal documents of ownership, to help them cope with the effects of relocation and improve their situation. Displaced populations and host communities should be sufficiently consulted and encouraged to participate at an early stage in the planning process, and to take part to the implementation of the resettlement program.

- **International cooperation**

It recognizes that no one institution can deal alone with the management of Involuntary Displacement alone, given its transregional and transnational nature.

- **Sustainable development**

The Policy is based on the 2030 Agenda for Sustainable Development, which recognizes that

migration is a multidimensional reality of paramount importance for the sustainable development of the countries of origin, transit and destination and requires coherent and comprehensive responses.

6- POLICY REQUIREMENTS

Projects led or carried out by the OSS will aim to prevent physical and economic displacement and to mitigate the inherent effects and risks, when they cannot be avoided. For this to happen, projects likely to have people displaced, shall include the following measures as well as other provisions deemed necessary. The OSS undertakes to carry out the required follow-up and documentation to ensure that all these measures have been taken:

- **Prohibit evictions:** Evictions refer to acts and/or omissions that result in the forced or involuntary displacement of individuals, groups or communities from their homes and/or lands, and/or in the deprivation of common land resources that they had or on which they depended, by thus eliminating or restricting the ability to live in a particular dwelling, residence or place or to work, without benefit or access to suitable forms of legal or other kind of protection;
- **Assess the vulnerabilities:** Of the OSS-projects' recipient populations, who are likely to be uprooted for different reasons.
- **Avoid and mitigate physical and economic displacement:** The OSS projects will attempt to avoid physical and economic displacement, and to mitigate the relocation risks and impacts, when unavoidable.
- **Develop displacement plans:** Where physical or economic displacement is unavoidable, the OSS will include in the project documentation a clear action plan, on resettlement or livelihoods of the people and communities to be displaced, after discussion with them.

7- ROLES AND ACCOUNTABILITIES

Once approved, the OSS shall take steps to ensure that the Policy requirements are applied both during the business development phase and during the implementation one.

One of the key objectives of the IDRP, is to make sure that the affected population is fully informed and consulted, and enjoys adequate and legitimate opportunities to actively take part to the design of the project and its implementation stages. Consultations and subsequent project planning and documentation processes shall address potential risks and effects that may harm the population. The scope and the scale of consultations, and subsequent project planning and documentation processes, shall keep pace with the size and magnitude of the risks and consequences, given their threat to populations.

The OSS assesses with its national and regional partners, the nature and extent of the direct and indirect economic, social, cultural and environmental impacts on the people living in the project area.

With the involvement of the government and the potentially affected populations, the OSS will develop a consultation strategy and identify the means to involve affected populations in the design and implementation of activities, as it will share the benefits equitably.

8- DEVELOPMENT OF A POPULATION RESETTLEMENT PLAN (PRP)

The OSS resettlement strategy must include an accurate Population Resettlement Plan (hereinafter also referred to as the "Plan"). Resettlement costs (both expropriation compensation and other economic recovery measures) must be included in the overall project costs, and taken into account in the calculation of the rate of return when preparing the economic analysis of a project.

The PRP is a detailed document that the OSS will work on in a participatory manner if needed, before the project kick-off. The Plan must primarily include the following points:

- The project impacts and the affected populations;
- A legal framework for land acquisition;
- A framework for compensation;
- A schedule of activities and actions taken, with a detailed budget, broken down by component, organization, date, activities and their sources of funding;
- A description of the assistance for resettlement and restoration of income-generating activities;
- A description of the organizational accountabilities;
- A framework for public consultation, involvement and development planning;
- A description of the mechanisms by which redress can be obtained;
- A framework for the reports monitoring and evaluation.

The Plan must be submitted as an official document to the relevant national, local and/or municipal authorities and must include an annexed summary document indicating the number of affected people, the possible measures and activities for their resettlement, key definitions and pending issues.

9- IMPLEMENTATION APPROACH OF THE STRATEGY AND THE POPULATION RESETTLEMENT PLAN

For the strategy and the PRP to be successfully, efficiently and sustainably implemented, the following approach is recommended:

- **Selection of the resettlement locations**

The selection of the resettlement sites and locations cannot be made without the participation of the populations and families affected by the involuntary relocation, including the populations of the host places. It is also necessary to ensure that the assets (land, forests, swamps, grazing lands, etc.), are at least equal in value to the assets expropriated for the benefit of the project. Measures must also be taken by the various parties, to provide the resettled populations with all the housing and infrastructure they originally had. New resettlement sites should also be subject to mitigation measures, to reduce the adverse social and environmental impacts.

- **Assistance to the displaced population**

The OSS, together with its Partners, must ensure that all the necessary measures are taken to enable the displaced populations to maintain at least the same standard of living as they had before their displacement. As the ultimate goal of the Plan is to upgrade the living standard of the displaced populations, it is of paramount importance to provide post-resettlement assistance to displaced people and host communities, during a transitional period deemed appropriate to allow them to settle and improve their livelihoods. It is also important to emphasize the need to take into account the cultural, religious and, in some cases ethnic specificities of the population. Therefore, any damage to cultural, religious and archaeological sites must be avoided as much as possible. It would be advisable to consider, in accordance with the context, the return of displaced persons to their places of origin as far as possible.

- **Involvement of the population**

It is important to involve the affected people concerned from the beginning of the project, and during the design phase in the resettlement strategy development and the PRP. NGOs and civil society can in turn play a crucial role in providing guidance and support to the population, especially before and when commencing the resettlement activities. Involvement of the population should enable them to better understand the project, take account their needs and concerns, and convince who are reluctant one.

Very often times, it is simply not possible to communicate with and consult the populations. So it would be more appropriate to involve the administrative centers, or the people's representatives of the people, etc. The authorities, at various levels of the authorities including decentralized structures, must be consulted for advice, their support obtained, and above all the actions to be taken adapted to the strategic documents in force.

- **Procedure for compensation**

Procedures to follow for expropriation and compensation should be well defined in advance. There should be standardized and transparent criteria, for determining the value of land, housing and other assets. The Comprehensive Social and Environmental Grievance and Protection Mechanism has been established to resolve any disputes that may arise between the various PRP Stakeholders. Cadastral surveys should be conducted to determine the basis for any compensation, and procedures should be established to regularize and recognize rights to land, including those arising from customary law and traditional use. The OSS must establish a mechanism to monitor compensation and payments to displaced and resettled population.

- **Legal and institutional framework**

The PRP must identify any gaps or discrepancies between the local legal framework and the Policy, and define the mechanisms likely to find the appropriate solutions and remedies. This framework must also comply with the national regulation and the national policies in force, as well as the requirements defined in the IDRP. The Plan must be consistent with the overall schedule of the project and take into account social and religious aspects. The Plan shall also include provisions for reporting, monitoring, and ex-post evaluation which should be consistent with the project programming and overall schedule. Reporting which is usually quarterly, on the progress of the Plan implementation, should be entrusted to the

implementing body.

The person in charge of monitoring must also be accountable for the potential impact of the various activities and measures, put forward in the Plan.

10- EFFECTIVENESS AND REVISION

This Policy will come into effect upon its adoption by the OSS Board. It will apply to all OSS activities to the extent reasonably possible, and to those that will be approved after the effective date of this Policy.

This Policy will remain in effect until amended or superseded. It will be reviewed and updated as necessary.