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Institutional Comparison of Environmental and Social
Considerations with a Focus on Involuntary Resettlement

住民移転に焦点を当てた環境社会配慮の制度比較

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List of Abbreviation

ADB	the Asian Development Bank
AfDB	the African Development Bank
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
FDI	Foreign Direct Investment
IRR	Impoverishment Risks and Reconstruction
JICA	the Japan International Cooperation Agency
OD	Operational Directive
OP	Operational Policy
PAP	Project Affected People
RAP	Resettlement Action Plan
RFCTLARR	the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement
SCST	the Scheduled Castes and the Scheduled Tribes
SEZ	Special Economic Zone
TA	Technical Assistance

1- Introduction

1-1. Background of research

International development projects have been playing a significant role in poverty reduction and economic growth for many decades. The World Bank has funded more than 12,000 such projects since it was established in 1947.¹ While development projects have improved people's living standards, these projects also cause negative impacts on the environment and societies. Among its significant impacts are land acquisition and involuntary resettlement, which directly influence the living standards of Project Affected Peoples (PAPs) during and after relocation.² According to the World Bank, involuntary resettlement means "project-related land acquisition or restrictions on land use which may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both."³ During 1980–2000, 10 million people were estimated to get displaced by development programs each year, meaning 200 million people in total.⁴

In order to take measures to prevent PAPs from impoverishment resulting from development projects, legislation that appropriately evaluates negative impacts and procedures that effectively mitigate them are essential. Project-implementing agencies, such as borrower countries, are basically responsible for considerations for the social and environmental negative impacts of development projects. International financial institutions assist them in taking adequate measures by requiring them to follow the safeguard policies of each institution.⁵ Based on these policies, implementing agencies make resettlement plans that include the identification of project affected households, entitlement, legal frameworks, and concrete measures taken in the projects.^{6,7}

Several project reports indicate that there are usually significant gaps between national laws and policies of international financial institutions, resulting in resettlement plans that are different from each other every time.⁸ In preparation for resettlement plans, the policy gaps are analyzed and measures taken in the project are decided. PAPs are consequently treated unequally on a project-by-project basis, leading to unequal living standards after involuntary resettlement. The wider the policy gaps, the more risks or uncertainties PAPs are likely to get exposed to. In addition, governments suffer double standards between development projects with international assistance and those domestically implemented. Focusing on domestic laws would contribute to bridging the gaps and taking effective

¹ The World Bank. "What We Do". The World Bank. Accessed on December 20, 2021; <https://www.worldbank.org/en/what-we-do>

² Cernea, M. (2003) For a New Economics of Resettlement: A Sociological Critique Compensation Principle. *International Social Science Journal*, 175.

³ The World Bank. (2016) Environmental and Social Framework.

⁴ Cernea, M. (2004) Impoverishment Risks, Risk Management, and Reconstruction: A Model for Population Displacement and Resettlement. UN Symposium on Hydropower and Sustainable Development, 27.

⁵ JICA. (2010) Guidelines for Environmental and Social Considerations.

⁶ Kingdom of Cambodia, Ministry of Public Works and Transport. (2012) Preparatory Survey for National Road No.5 Improvement Project, Draft Final Resettlement Planning.

⁷ Lao People's Democratic Republic, Peace Independence Democracy Unity Prosperity. (2018) National Road 13 North (NR13N) Improvement and Maintenance, Resettlement Action Plan.

⁸ *Ibid.*

measures that adequately protect PAPs from impoverishment.

1-2. Objective of research

In light of these circumstances, this paper intends to compare legislation related to involuntary resettlement induced by international development projects to find out characteristics of them, consider the possibility of categorization and systematization by applying several theoretical/conceptual models to them, and examine triggers for enactment of legislation which appropriately protects PAPs. Thus, through categorization and systematization of legislation, this paper aims to contribute to construction of legal systems that achieve land acquisition without the impoverishment of PAPs.

1-3. Outline of research

In this paper, consideration of the correspondence of theories to actual current legislation in some countries is provided, followed by a detailed region-specific analysis. Chapter 2 introduces theoretical/conceptual models related to land acquisition and involuntary resettlement, and practical cases that match these models. In Chapter 3 analyzes the correspondence of policies and national legislation with these models. Twelve countries, mainly South Asian and Southeast Asian, are selected. Chapter 4 focuses on three South Asian countries. An overview of the transition of legislation is provided, and the background of these legislation is examined.

2- Literature review

This chapter reviews theories developed in the field of land acquisition and involuntary resettlement and several practical cases.

2-1. Theoretical/conceptual models

2-1-1. Scudder's four-stage framework

Most displaced people have been considered to become worse-off after relocation for many decades.⁹ Those who were displaced and improved or at least restored their livelihoods compared to pre-resettlement levels were studied, and a framework was established.

Scudder proposed a framework composed of four stages that provides the process of involuntary resettlement, which succeeds in environmental, economic, institutional, and cultural sustainability.¹⁰ This indicates how resettled people can receive benefits from development projects that have displaced them.¹¹ The four stages are as follows: recruitment and planning, adjusting and coping, community formation and economic development, and handing over and incorporation.¹² In the first stage, PAPs need to be encouraged to participate in the decision-making process to get adequate consideration to restore their livelihood.¹³ The second stage is the beginning of resettlement when stress on PAPs is maximized socially, psychologically, and physiologically, lasting several years after the completion of relocation.¹⁴ In the third stage, displaced people change their behavior from risk-adverse to risk-taking, and their wealth differentials and social stratification start to increase.¹⁵ In the last stage, resettlers hand over local production systems and community leadership to the next generation and construct wider territorial and political networks.¹⁶

This model contributes to determining the process of how displaced people react and adapt to resettlement, and restore their livelihood successfully from the planning to the handing-over phase.¹⁷ However, many development projects fail to improve or restore the livelihoods of displaced people resulting in them becoming worse-off. It is pointed out that only when resettled people reach stage 2, it is possible to go beyond the pre-project level.¹⁸

2-1-2. Cernea's IRR model

One of the most popular theoretical models is the Impoverishment Risks and Reconstruction

⁹ Cernea, M. (1997) The Risks and Reconstruction Model for Resettling Displaced Populations. *World Development*, 25 (10), 1569-1587.

¹⁰ Scudder, T. (1982) From Welfare to Development: A Conceptual Framework for the Analysis of Dislocated People. *Involuntary Migration and Resettlement*. CO, Boulder: Westview Press.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Matanzima, J. (2021) Thayer Scudder's Four Stage Framework, water resources dispossession and appropriation: the Kariba case. *International Journal of Water Resources Development*. 1-24.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Scudder, T. (2009) Resettlement Theory and Kariba Case: An Anthropology of Resettlement. In A. Oliver-Smith (Ed.), *Development and Dispossession: The Crisis of Forced Displacement and Resettlement*, 25-48. School for Advanced Research Press. Also cited in Matanzima, J. op. cit.

¹⁸ *Ibid.*

(IRR) model for resettling displaced populations proposed by Cernea.¹⁹ It is a comprehensive theoretical model that explains the complexities of resettlement.²⁰ It intends to make the cumulative effects of involuntary resettlement analytically understandable by modeling the constitutive sub-processes of displacement and the mechanisms that prevent and eliminate the causes of impoverishment.²¹

The model is composed of nine components which are risks of impoverishing displaced people: namely, landlessness; joblessness; homelessness; marginalization; food insecurity; increased morbidity and mortality; loss of access to common property resources; and community disarticulation.²² Education loss was later added to this model by the author in the 2002 revision.²³ Landlessness, job lessness, and marginalization in rural areas are direct risks, while others are indirect; joblessness, marginalization, food insecurity, increased morbidity and mortality, loss of access to common property resources, and community disarticulation are long-term risks, while others are short-term.²⁴ Although each component has different characteristics and interacts with each other, all of these risks are said to be perceptible and measurable through science because they are an objective reality.²⁵ In addition to these components, he points out that there are site-, community-, and sector-specific risks.²⁶

This model has four functions: predictive, diagnostic, problem-resolution, and research.²⁷ As this model was established with a knowledge of past processes that conceptualize issues caused by resettlement, it helps project planners and displacees to predict potential risks in advance and search for appropriate measures to reduce them.²⁸ The model works as a diagnostic tool to assess the probability of each risk of specific on-the-ground projects.²⁹ It also contributes to finding a resolution to mitigate the adverse impacts of resettlement, as it gives impoverishment risks that should be reversed.³⁰ Additionally, it provides social researchers with a theoretical basis to collect coherent variables to implement field research.³¹ It allows them to implement a comparative analysis of projects across cultures, countries, and time periods.³²

This model can be used to prevent risks and implement reconstruction effective for displaced people in each project. In addition, it is helpful in formulating policies to implement land acquisition with adequate action for affected persons. It can be linked with other conceptual frameworks to

¹⁹ Cernea, M. (1997) op. cit.

²⁰ Cernea, M. (2004) op. cit.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ John, A. (1998) Risk in a Hyper-Mobile World. Geography Department, University College, London.

²⁶ Cernea, M. (2004) op. cit.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

complement additional perspectives and knowledge.³³ This model is informative for resettlement-related actors such as governments, project designers, implementing agencies, and displaced people as well.

He also emphasizes that cost-benefit analysis is inadequate as a criterion for deciding whether to implement the project, and measuring the losses of displaced populations. Cost-benefit analysis is a macroeconomic tool that does not indicate the benefits of the project that will be attributed to displaced people. In addition, losses of affected people cannot be valued and measured properly as a cost. As a result, it seems that the negative impacts of affected people are not fully considered or mitigated solely by cost-benefit analysis.

2-1-3. Koenig's principle

International policies related to mitigating the negative impacts of development projects have been created since the 1990s.³⁴ Koenig analyzed the principles reflected in these policies.³⁵ The safeguard policies of three international financial institutions were analyzed and pointed out that all of them reflect a common norm that is composed of the following: households without formal land tenure, recommendation on compensation at replacement cost rather than market value, recognition of the precarious position of the most vulnerable, requirement for formal grievance mechanisms to address problems of the displaced, and encouragement of consultation and participation and the sharing of benefits generated by the larger development project that caused displacement.³⁶

2-1-4. Perera

Several scholars have proposed the IRR model to expand its range. Perera focuses on the pre-project stages to capture the entire process of impoverishment in project cycles.³⁷ Once development projects have started being planned, people who will become PAPs become potentially displaced people.³⁸ The longer project planning takes time, the more the potential PAPs become impoverished, hopeless, anxious, and fearful.³⁹ They lose their livelihood and become marginalized at the project planning stage. He suggests that the scope of resettlement and its management include pre-displacement risks.⁴⁰ Policy makers, planners, and practitioners need to consider involuntary resettlement human rights issues and establish a comprehensive system to appropriately mitigate the negative impacts on potential PAPs.⁴¹

³³ *Ibid.*

³⁴ Dann, P. and Riegner, M. (2019) The World Bank's Environmental and Social Safeguards and the Evolution of Global Order. *Leiden Journal of international law*, 32, 537-559.

³⁵ Koenig, D. (2014) Reconstructing and Improving Livelihoods among the Urban Displaced: Lessons from Mumbai, India. In ADB. *Lose to Gain: Is involuntary resettlement a development opportunity?* 126-150.

³⁶ *Ibid.*

³⁷ Perera, J. (2014) Resettlement Planning and Pre-Displacement Impoverishment. In ADB. *Lose to Gain: Is involuntary resettlement a development opportunity?* 82-104.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

2-2. Practical cases

In this section, several practical cases are discussed. Some cases have caused conflicts that articulated criticism against aid agencies, leading to the establishment of safeguard policies to appropriately mitigate the negative impacts of international development projects.

2-2-1. Nam Theun 2 hydropower project

Laos is developing its fertile natural resources to achieve rapid economic growth. The Nam Theun 2 hydropower project, with US\$ 20 million financed by the World Bank, is one of the largest projects in the country approved in 2005 and closed in 2017.⁴² The project is composed of a hydroelectric project of 1,070 MW⁴³ and a social environment project which is considered to be a good practice for implementing the latest resettlement and rehabilitation.

Throughout the project, 6,200 people from 17 villages were displaced to 16 villages.⁴⁴ The implemented livelihood reconstruction plan was composed of four programs: agriculture, aquaculture, livestock farming, and forestry. The following were provided to the PAPs: 1,374 permanent houses; 32 nursery and primary schools; two public dispensaries or health centers and a renovated district hospital; one borehole for every five households; one rice mill for every five households and a rice storage facility for each household; more than 100 km of connecting road between the resettlement areas; village offices; a village storage house and a market for each of the resettled villages; electricity installed in each household; irrigation for each 0.66 ha parcel of land; and tree nursery for each resettled village and zone.⁴⁵ The bank also implemented monitoring and evaluation after relocation, which reported that resettled people improved their income compared to the pre-project level and were satisfied with resettlement and rehabilitation plans.⁴⁶

The implemented resettlement plan covers nine impoverishment risks, as indicated by the IRR model. A basic infrastructure was constructed, and the achievement of income restoration was reported.⁴⁷

2-2-2. Kariba dam construction project

The British Empire established the Kariba dam construction project in the Zambezi River basin between Zambia and Zimbabwe in 1953.⁴⁸ The purpose of this project was to supply 1,626

⁴² The World Bank. (2018) Implementation Completion and Results Report on A Grant in the Amount of SDR 13.1 Million to A Lao People's Democratic Republic for A Nam Theun 2 Social and Environment Project and An IDA Partial Risk Guarantee in the Amount of Up to US\$50 Million for A Syndicated Commercial Loan for the Nam Theun 2 Hydroelectric Project.

⁴³ *Ibid.*

⁴⁴ 安藤早紀, 坂本麻衣子. (2004) ナムトゥン 2 ダムにおける非自発的移転後の収入格差の要因分析. 環境情報科学学術研究論文集, 29, 333-338.

⁴⁵ Sacklollham, S. et al. (2014) Compensation and Livelihood Restoration at Nam Theun 2 Hydropwer Project. Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Matanzima, J. op. cit.

MW⁴⁹ for the development of industrialization after World War II.⁵⁰ The southern part was constructed in 1959, while the northern part was completed construction in 1977 owing to complex political problems.⁵¹

Throughout the project, 57,000 people were said to be displaced to the northern and southern banks of the Zambezi River.⁵² After relocation, livelihood restoration of those resettled in the northern bank and those in the southern bank showed different results. Joshua analyzed the situation of displaced people according to Scudder's four-stage framework and pointed out that those displaced on the northern bank successfully reached stages 3 and 4 of the framework, while most people displaced on the southern bank could not reach either of them.⁵³ There are several reasons for these differences. Displacees on the northern bank had access to the Kariba dam and natural resources, and their homesteads were also located near the reservoir.⁵⁴ Meanwhile, those on the southern bank could not access the dam to receive benefits from dam construction.⁵⁵ Although there are several factors that prevent livelihood restoration of the southern bank, the lack of access to the dam's resources is a significant reason.⁵⁶

Joshua utilized Scudder's four-stage framework to determine how PAPs react to resettlement after relocation and how PAPs including future generations get better-off or worse-off after relocation.⁵⁷ The most significant component in this case is access to constructed dams and natural resources, followed by development opportunities.⁵⁸

2-3. Research proposal

2-3-1. Research question

Theoretical models and conceptual frameworks have been developed by reviewing various cases, and several projects that were implemented correspond to these models. If these models are comprehensive enough, all projects and legislation can be categorized and systematized. This study aims to determine the possibility of categorizing legislation on land acquisition and involuntary resettlement based on existing theoretical/conceptual models, and if categorization is possible, how they could be systematized.

2-3-2. Methodology

To answer the research questions, this study firstly classifies policies of four international institutions, the World Bank, the Asian Development Bank (ADB), the African Development Bank

⁴⁹ "Zambia/Zimbabwe: Kariba dam rehabilitation in urgent progress". Afrik 21, April 9, 2019, accessed on January 6, 2022; <https://www.afrik21.africa/en/zambia-zimbabwe-kariba-dam-rehabilitation-in-urgent-progress/>

⁵⁰ Magadza, C. Kariba Reservoir: Experience and Lessons Learned Brief. International waters Learning Exchange & Resource Network. Accessed on January 6, 2022; <https://iwlearn.net/resolveuid/3adaa38d88dde68c4f5014843d92b322>

⁵¹ Matanzima, J. op. cit.

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

(AfDB), and the Japan International Cooperation Agency (JICA), into 14 components and assesses correspondence with Koenig's principle.⁵⁹ Domestic legislation of 12 countries is also classified into the same 14 components and correspondence with Scudder's framework⁶⁰ and Cernea's IRR model⁶¹ are examined. Countries examined are as follows: the Philippines, Cambodia, Indonesia, Myanmar, Laos, Thailand, Nepal, India, Bangladesh, Pakistan, Georgia, and Kenya. These countries are chosen for the purpose of regional comparisons mainly between South Asia and Southeast Asia, and the two additional samples from other regions are taken for further comparisons. In addition, international policies and national legislation are compared to determine their characteristics and the possibility of categorization is considered. Further, a more detailed case study in South Asia is conducted to analyze what would trigger the enactment of legislation favorable for PAPs. I focus on India, Bangladesh, and Pakistan, since they partially share a common history and once operated the same act, but currently have legislation whose characteristics are diverse.

⁵⁹ Koenig, D. op. cit.

⁶⁰ Scudder, T. (2005) *The Future of Large Dams: Dealing with Social, Environmental, Institutional and Political Costs*. London and Sterling, VA: Earthscan. Also cited in ADB. (2014) *Lose to Gain: Is involuntary resettlement a development opportunity?*

⁶¹ Cernea, M. (2004) op. cit.

3- Legislation and policies on land acquisition and involuntary resettlement

3-1. International institutions

International financial institutions have played a significant role in the implementation of development projects with adequate environmental and social considerations in borrower countries.⁶² Today, each institution sets a safeguard policy and finances only projects that satisfy the requirements. This section describes how international financial institutions have developed policies on environmental and social considerations and characteristics of these policies.

3-1-1. Emergence of international financial institutions as a norm setter

The World Bank, one of the most influential international financial institutions, was established in 1947.⁶³ The purpose was to assist countries in recovering from World War II, which has gradually shifted to development and poverty reduction in developing countries.⁶⁴ Many infrastructure construction projects have been financed by the bank, which have had significant negative impacts on the environment and local societies.⁶⁵ During 1980–1990, civil society organizations became aware of the risks entailed by the bank financed projects.⁶⁶ One of the most popular development projects that triggered internationally widespread protests is the dam construction project in Narmada, India, which was designed in the 1980s, displacing over 140,000 people.⁶⁷ It showed that the national legal system on land acquisition and involuntary resettlement was inadequate, and the project impoverished a tremendous number of people.⁶⁸ This project brought out worldwide criticism and sought responsibility from the bank, which first considered project borrower countries to be fully responsible for the negative impacts caused by projects.⁶⁹ However, the bank gradually admitted that it should pay attention to these impacts to minimize them with powerful criticism, especially by civil society organizations in the US.⁷⁰

Considering this situation, the bank decided to set a norm that requires borrower countries to adequately mitigate the negative impacts of development projects.⁷¹ The first safeguard guideline was established in 1980, and the section related to involuntary resettlement was published in 1990, called Operational Directive (OD) 4.30 to deal with displacement induced by development projects.⁷² Publishing the norm made the bank share responsibility for the adverse impacts of bank-financed projects, and borrower countries became responsible for avoiding and mitigating negative impacts by satisfying the requirements of the bank. OD 4.30 includes avoidance of resettlement, compensation at

⁶² Dann, P. and Riegner, M. op. cit.

⁶³ The World Bank. “What We Do”. The World Bank. Accessed on December 20, 2021; <https://www.worldbank.org/en/what-we-do>

⁶⁴ Dann, P. and Riegner, M. op.cit.

⁶⁵ Cernea, M. (2003) op. cit.

⁶⁶ Dann, P. and Riegner, M. op.cit.

⁶⁷ *Ibid.*

⁶⁸ Maitra, S. (2009) Development Induced Displacement: Issues of Compensation and Resettlement-Experiences from the Narmada Valley and Sardar Sarovar Project. *Japanese Journal of Political Science*, 10 (2), 191-211.

⁶⁹ Dann, P. and Riegner, M. op.cit.

⁷⁰ *Ibid.*

⁷¹ Dann, P. and Riegner, M. op.cit.

⁷² Cernea, M. (2003) op.cit.

full replacement cost before actual displacement regardless of legal title to land, encouragement of community participation throughout the process of resettlement, and publication of a resettlement plan which includes rehabilitation packages aimed at improving or at least restoring the livelihood of PAPs.⁷³ It clarifies the responsibility for resettlement rests with borrower countries, and recommends them to create a special resettlement unit within the project entity or entrust resettlement to the local administration so that the resettlement process can be more acceptable to the local community.⁷⁴

As it was applied to bank-financed projects, OD 4.30 was found to be inadequate to protect PAPs from impoverishment and was replaced by a new guideline called Operational Policy (OP) 4.12 in 2005.⁷⁵ The main changes from the previous policy were the definition of displacement, coverage of the policy, means of compensation, and eligibility for compensation.⁷⁶ OP 4.12 clearly describes that economic displacement without taking land is included for consideration in the PAPs. It covers direct economic and social impacts resulting from bank-financed projects only.⁷⁷ The previous policy shows a preference for PAPs who lose agricultural land, as cash compensation only is considered inadequate. However, OP 4.12 specifies circumstances under which cash compensation is appropriate, such as when agricultural land taken for the project is a small fraction and PAPs use active markets for land, housing, and labor.⁷⁸ In addition, it categorizes PAPs into two groups according to their legal title to land—one with legal land title and the other without it but claims to legal rights; both are eligible for compensation and development assistance to restore their living standards.⁷⁹

Other international financial institutions, such as ADB and AfDB gradually started following the norm of the bank to set their own policies related to social and environmental safeguards.⁸⁰ They copied the World Bank's safeguard policy, and developed and improved their own policies according to their contexts and circumstances.⁸¹ As a result, the policy of the World Bank was gradually falling behind, eliciting some criticism from borrower countries.⁸² OP is more detailed than OD, making borrower countries follow strict requirements, even though circumstances such as illegal squatters differ depending on the socioeconomic and cultural conditions of each country.⁸³ It became a serious burden for borrower countries and they considered that the bank imposed specific normative value on them, and criticism broke out.⁸⁴

At the same time, the global system gradually started to change from unipolar to multipolar

⁷³ The World Bank. (1990) Operational Directive 4.30.

⁷⁴ *Ibid.*

⁷⁵ Cernea, M. (2003) op.cit.

⁷⁶ The World Bank. (2001) Operational Policies 4.12.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ Dann, P. and Riegner, M. op.cit.

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

with the emergence of new actors such as China and India.⁸⁵ As they achieved development to some extent, they started to play an important role in international development. Their increasing foreign investment weakened the presence of traditional assistance systems and gave developing countries a new alternative, creating competitive pressures.⁸⁶ The World Bank faced criticism for their previous policy and was forced to find a way to survive as a global norm setter.

In this context, the World Bank published the latest safeguard policy called the Environmental and Social Framework (ESF) in 2016.⁸⁷ The bank was clearly aware that different borrowers were under different circumstances. Therefore, the new framework emphasized respect for the legal system of borrower countries by allowing them to implement environmental and social considerations based on their national legislation.⁸⁸ The main difference between this and the previous policy is the structure. It is composed of three parts: a vision statement, an Environmental and Social (ES) Policy, and Environmental and Social Standards (ESS).⁸⁹ The vision statement refers to ecological and social sustainability and the Universal Declaration of Human Rights.⁹⁰ The ES Policy clarifies the responsibilities and duties of the World Bank and borrower countries that were previously scattered across all policies.⁹¹ The third component, ESS, is composed of 10 sections with specific obligation standards in each dimension.⁹²

3-1-2. Norms of policies set by international institutions

As mentioned above, the World Bank has triggered the development of safeguard policies followed by other agencies.⁹³ The main points of these policies are common, but the details differ. This section examines the policies of the four agencies to consider what norms they reflect.

Appendix 1 shows the safeguard policies of four international financial institutions: the World Bank, ADB, AfDB, and JICA. What is common among them is the avoidance of involuntary resettlement, implementation of rehabilitation for income/livelihood, encouragement of consultation and public participation, provision of preference, and encouragement of monitoring and evaluation. At its most basic level, involuntary resettlement should be avoided, and appropriate measures should be taken when it is impossible to avoid it. They include not only a fair amount of compensation, but also an income restoration program and particular consideration for vulnerable people such as women, elderly people, disabled people, and ethnic minority groups. All institutions require full replacement cost for compensation, but detailed provisions are slightly different. The World Bank puts importance on clear calculation basis, while JICA requires the full replacement cost only when it is possible.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ The World Bank. (2016) op.cit.

⁸⁸ *Ibid.*

⁸⁹ Dann, P. and Riegner, M. op.cit.

⁹⁰ The World Bank. (2016). op. cit.

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ Dann, P. and Riegner, M. op.cit.

Throughout the resettlement processes, participation and consultation on the decision-making of PAPs are strongly encouraged. The World Bank, ADB, and AfDB categorize PAPs into three groups according to legal land titles and their claims. Each category is provided with different compensation and assistance schemes. AfDB provides the most detailed provisions overall. It is provided that PAPs who do not have formal legal land titles but have spiritual and/or ancestral ties with the land shall be locally recognized as customary inheritors and considered to deserve compensation and resettlement assistance depending on national land use rights.

Each policy has some norms that characterize it. The World Bank and JICA have the Universal Declaration of Human Rights, ADB has the United Nations Declaration on the Rights of Indigenous Peoples and the Paris Declaration on Aid Effectiveness, and AfDB has the UN Charter and African Charter of Human and People's Rights. These norms are reflected in the policies as characteristics. As mentioned above, the policies of international financial institutions have common features for the most part, indicating that they have the same norm as rationale. The correspondence between the principle suggested by Koenig⁹⁴ and policies of international financial institutions is shown in Table 1. All four policies fully fit the Koenig's principle, indicating that although there are differences in the details of these policies, they essentially share the same principle in the background.

3-2. National legislation

In this section, the legislation of 12 countries is reviewed and considered correspondence to theoretical/conceptual models. That is, four countries in South Asia, six countries in Southeast Asia, and one in Central Asia and Africa. Some South Asian countries have recently updated new legislation and frameworks, some of which reflect the international standards.^{95,96} However, Southeast Asian countries have various historically developed legislation. Both areas have implemented a tremendous number of development projects, displacing a large number of people physically and economically.⁹⁷

3-2-1. Characteristics of national legislation

Appendix 2 shows the national legislation of the 12 countries classified into components that are significant for the resettlement process and rehabilitation of PAPs.

3-2-1-1. Compensation

When private land is acquired by development projects for public purposes, compensation for lost assets is paid by the government in most countries. There are some characteristics and differences in some points, such as calculation procedure, timing of payment, and criteria deciding entitlement to receive compensation.

⁹⁴ Koenig, D. op. cit.

⁹⁵ The Government of India. (2013) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.

⁹⁶ The Government of Nepal, Ministry of Physical Infrastructure and Transport. (2007) Environmental & Social Management Framework.

⁹⁷ Cernea, M. (2003) op.cit.

While the international standards provide full replacement costs for compensation, national legislation provides various types of compensation. Nepal is the only country, among the 12 countries, which clearly provides replacement costs for compensation. Nepal has a framework named the Environmental and Social Management Framework (ESMF) established in 2007, which provides procedures for implementing appropriate measures to mitigate negative impacts on the environment and societies raised by development projects. Although its provisions nearly reach the international standards, the framework does not have a legally binding force. Cambodia provides that an independent committee or an agent selected by the Expropriation Committee shall determine the compensation amount based on market value or replacement cost. Indonesia also allows licensed land appraisers to determine the compensation amount. It provides land acquired with “adequate and fair” compensation, and no specific legislation is formulated. Market value is used as the compensation amount by Georgia, Myanmar, Thailand, Pakistan, Bangladesh, and Kenya. Kenya provides 15% of the market value determined in addition to the compensation amount. Kenya also has the ability to identify persons to pay compensation. It recognizes customary rights even when people do not have formal legal rights, excluding those who illegally occupy land. This means that PAPs who prove they have occupied the land traditionally and customarily are entitled to receive compensation, while in most of other countries, they are not. This corresponds to the AfDB policy, which entitles PAPs with spiritual and/or ancestral ties with the land, who are locally recognized by communities as customary inheritors, to compensation or resettlement assistance. Other than market value, there are several other styles to determine the compensation amount. The Philippines negotiates with owners of land acquired starting from zonal value, and when it is rejected by them, renegotiation is held within market value. In Laos in contrast, project owners with the committee for compensation and resettlement shall estimate the compensation amount based on prices applied by the state, market prices or average prices applicable for the period of compensation. India determines the compensation amount by choosing from market value specified in the stamp act for the registration for sale deeds, the average price for similar types of land situated in the nearest village or nearest vicinity area, and consented price in case of Public Private Partnership, whichever is higher depending on projects. Once the compensation amount has been determined, it is doubled and paid to the PAPs. India also provides that 12% of market value shall be paid to the PAPs every year from the date of publication on land acquisition to the date of payment. Kenya and India have a similarity in adding some rate of market value to the compensation amount, partially because those countries have a rapid rise rate in land prices.⁹⁸⁹⁹

⁹⁸ “Real estate prices may rise by 30-40% in 4-5 years”. The New Indian Express, October 21, 2021, accessed on January 17, 2022; <https://www.newindianexpress.com/business/2021/oct/21/real-estate-prices-may-rise-30-40-in-4-5-years-2373854.html>

⁹⁹ “Ngong tops in Nairobi land price increases”. Business Daily, August 19, 2021, accessed on January 17, 2022; <https://www.businessdailyafrica.com/bd/economy/ngong-tops-nairobi-land-price-increases-3516424>

In general, every country has its own compensation criteria. Countries referring to replacement costs are Nepal and Cambodia, while six countries provide market value which usually tends to be lower than the replacement costs.

3-2-1-2. Livelihood rehabilitation

In addition to compensation, the measures of livelihood rehabilitation differ among countries, while the international standards need to improve or at least restore the livelihood of PAPs to the pre-project level. Cambodia, Indonesia, Thailand, Pakistan, and Georgia provide no legislation related to livelihood rehabilitation. They acquire private lands with compensation only, which easily makes displaced people become worse off, because losses resulting from land acquisition are not only the direct impacts of losing land and other immovable assets. Myanmar, Bangladesh, Nepal, and Kenya briefly refer to income restoration with abstract provisions. They clarify the significance of rehabilitation, but lack of specific measures leads to differences in rehabilitation programs depending on the project. Laos, the Philippines and India have detailed provisions related to livelihood restoration. The Philippines provides socialized housing programs for those who satisfy the following conditions: being a Filipino citizen; being an underprivileged and homeless citizen; not owing any real property whether in the urban or rural areas; and not being a professional squatter or a member of squatting syndicates. Laos provides that the livelihood of PAPs should be upgraded or at least restored to the original level. In addition, if PAPs lose infrastructure, it is reconstructed or repaired in its original form. Project owners are required to allocate food and consumer goods for each relocated household in accordance with the household registration books on the day of registration of rights of the affected throughout the transitional period. This is significant for PAPs to restore their living standards, because PAPs tend to lose means of livelihood immediately after relocation. In addition, losses of cultures, religions, and traditions of local communities are to be considered. In India, PAPs are provided with rehabilitation from several perspectives. In resettlement sites, all infrastructure facilities must be constructed, and minimum basic amenities should be prepared. In addition, bank account numbers, fishing rights, and employment opportunities are to be provided to PAPs to receive compensation and restore their livelihoods.

Attitudes and measures of rehabilitation vary among countries. Some countries have no provision while other countries regulate specifically detailed provisions in contrast to the international standards, which state rehabilitation as an essential aspect of the land acquisition procedures.

3-2-2. Correspondence to theoretical/conceptual models

Based on the characteristics described above, the correspondence of the legislation to theoretical/conceptual models is considered in this section. Scudder's four-stage framework¹⁰⁰ and

¹⁰⁰ Scudder, T. (1982) op. cit.

Cerneia's IRR model¹⁰¹ composed of nine points are used to consider the possibility of categorization and systematization of national legislation.

The items of legislation contribute to Scudder's four-stage framework.¹⁰² In the first stage, recruitment and planning are successful for PAPs when alternatives are considered in advance, consultation and public participation are encouraged, a grievance redress mechanism is prepared, information is disclosed in an easily accessible and understandable way, a resettlement action plan (RAP) is published, PAPs are identified appropriately, and preference of means of compensation is given. In the second stage, adjusting and coping, fair and just compensation and livelihood rehabilitation are necessary, and additional assistance during the transition period is preferred. In the third stage, community formation and economic development, both sociocultural and economic aspects are significant. The protection of vulnerable people such as women, children, elderly people, and ethnic minorities is essential to include them in the community. In addition, a fair amount of compensation needs to be paid before resettlement. The last stage, handing over and incorporation is a long-term process of resettlement which is influenced by the effectiveness of the entire resettlement process. In addition, monitoring and evaluation after relocation are effective in maintaining community reconstruction with relocated people and host communities.

Cerneia's model¹⁰³ indicates nine aspects that influence the living standards of PAPs. Landlessness and homelessness were covered by an adequate amount of compensation paid before relocation. Joblessness is avoided by creating employment during construction, implementing rehabilitation programs, and providing preference for compensation forms such as land-based and cash-based, which leads to food security. Healthcare systems and educational opportunities are guaranteed by soft and hard assistance. Facilities need to be constructed in an easily accessible way, and communities must be inclusive enough for all persons to make use of them. Monitoring and evaluation also play a significant role. Both healthcare and education have long-term impacts that persist even after relocation. Monitoring the condition of PAPs and resettlement sites and taking appropriate measures contribute to sustaining living standards. Inclusive communities are also effective in protecting displacees and host communities from marginalization and community disarticulation, resulting in security of access to common property resources. These communities are achieved by paying attention to the cultural, traditional, and religious features of PAPs and paying particular attention to vulnerable people by encouraging them to participate in the decision-making process and state their objections, if any.

The correspondence between national legislation and theoretical/conceptual models is shown in Table 2 and Table 3. The extent of match is expressed in three grades: nearly fully match (○), partially match (△), and no match (×). According to Table 2, most countries have inadequate

¹⁰¹ Cernea, M. (2004) op. cit.

¹⁰² Scudder, T. (1982) op.cit.

¹⁰³ Cernea, M. (2004) op. cit.

legislation to achieve the fourth stage of Scudder's framework.¹⁰⁴ The first stage is fully or partially reached in every country. Legislation of Laos and India nearly fully covers the first stage to the third stage and partially covers the last stage. Thailand reaches the first and third stages fully, and does not cover the second and the last stages at all. PAPs who reach the second stage only have the potential to reach the next two stages, meaning that the legislation of Thailand does not work effectively in the third stage because of the lack of the second stage. Pakistan and Georgia partially reach the first stage, but do not cover none of the stages afterwards.

Table 3 shows correspondence to Cernea's model.¹⁰⁵ No country has a legislation which mitigates all nine risks proposed by the model. Landlessness and homelessness are avoided by compensation in all countries. Laos and India partially cover all the risks, and India has more comprehensive legislation. Laos enacted Lao National Land Law in 2003, and India enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR) in 2013, and both countries' legislation nearly reached the international standards. Risks which are hardly tackled in countries' legislation are food insecurity, morbidity and mortality, and educational losses. Only legislation of Laos and India partially deals with these three risks, and other countries cover none of them. These risks are indirect and have long-term impacts brought out by resettlement, which are hardly covered by legislation related to land acquisition.

As further discussion, correlation to year when legislation was enacted and technical assistance (TA) by international institutions are considered. Legislation significant for land acquisition and involuntary resettlement and years when enacted are as follows: The Public Land Act in 1919 in the Philippines; Land Acquisition and Involuntary Resettlement, and Standard Operating Procedures for Externally Financed Projects in 2018 in Cambodia; Law of the Republic of Indonesia No.2 of 2012 regarding Land Procurement for Public Utilities Construction in 2012 in Indonesia; Land Acquisition, Resettlement, and Rehabilitation Act amended in 2019 in Myanmar; Lao National Land Law in 2003 in Laos; The Expropriation of Immovable Property Act in 1987 in Thailand; Environmental and Social Management Framework in 2007 in Nepal; RFCTLARR Act in 2013 in India; The Acquisition and Requisition of Immovable Property Act in 2017 in Bangladesh; The Land Acquisition Act in 1984 in Pakistan; Law on State Property amended in 2016 in Georgia; and Land Acquisition Act in 2010 in Kenya. Among them, TA was implemented in Cambodia, Indonesia, Laos, Nepal, Bangladesh, and

¹⁰⁴ Scudder, T. (1982) op.cit.

¹⁰⁵ *Ibid.*

Pakistan by ADB.¹⁰⁶¹⁰⁷¹⁰⁸¹⁰⁹¹¹⁰¹¹¹ Myanmar also implemented TA aided by JICA.¹¹² According to Table 2 and Table 3, legislation which was enacted or amended after TA of international institutions has tendency to fit to these models. It is possible to say that TA offered by international institutions contributes to enactment of legislation which nearly or partially corresponds to the models. However, classification based on timing of enactment and implementation of TA is unfeasible.

In this section, the correspondence between national legislation and two theoretical/conceptual models and the possibility of categorizing the legislation are examined. None of the national legislation fully matches these theoretical/conceptual models, and they differ regionally, economically, and historically without correlation and tendency. Southeast Asian countries have a variety in religion, ethnicity, history, culture, policy, and economy, which influence various legislation on land acquisition. Even countries that share historical contexts, such as those in South Asia, have developed different legislation. Hence, a question is raised about how the legislation is different in detail and how these differences are generated.

¹⁰⁶ ADB. (2021) Completion report: Cambodia: Strengthening Resettlement and Income Restoration Implementation.

¹⁰⁷ ADB. (2007) Technical Assistance Report: Republic of Indonesia: Enhancing Legal and Administrative Framework for Land Project.

¹⁰⁸ ADB. (2001) Technical Assistance to the Lao People's Democratic Republic for Capacity Building for Environment and Social Management in Energy and Transport.

¹⁰⁹ ADB. (2012) Subproject Proposal: Strengthening and Use of Country Safeguards Systems.

¹¹⁰ ADB. (2008) Technical Assistance Completion Report: Development of a National Involuntary Resettlement Policy.

¹¹¹ ADB. (2014) Technical Assistance Consultant's Report: Country Assessment on Land Acquisition and Resettlement.

¹¹² JICA. (2016) Final Report: Technical Assistance for preparation of Resettlement Work Plan in Myanmar.

Table 1. Table of correspondence between policies of international financial institutions and Koenig's principle¹¹³

	World Bank	ADB	AfDB	JICA
Households without formal land tenure	○	○	○	○
Recommendation on compensation at replacement cost rather than market value	○	○	○	○
Recognition of the precarious position of the most vulnerable	○	○	○	○
Requirement for formal grievance mechanisms to address problems of the displaced	○	○	○	○
Encouragement of consultation and participation and the sharing of benefits	○	○	○	○

Table 2. Correspondence between national legislation and Scudder's four-stage framework¹¹⁴

	The Philippines	Cambodia	Indonesia	Myanmar	Laos	Thailand	Nepal	India	Bangladesh	Pakistan	Georgia	Kenya
Recruitment and planning	○	○	△	○	○	○	△	○	△	△	△	○
Adjusting and coping	○	×	×	△	○	×	△	○	△	×	×	△
Community formation and economic development	○	△	△	△	○	○	○	○	△	×	×	○
Handing over and incorporation	×	×	×	×	△	×	×	△	×	×	×	×

¹¹³ Koenig, D. op. cit.

¹¹⁴ Scudder, T. (1982) op. cit.

Table 3. Correspondence between national legislation and Cernea's IRR model¹¹⁵

	The Philippi nes	Cambo dia	Indo nesia	Myan mar	Laos	Thai land	Nepal	India	Bangla desh	Pakistan	Georgia	Kenya
Landlessness	○	○	○	○	○	○	○	○	○	○	○	○
Homelessness	○	○	○	○	○	○	○	○	○	○	○	○
Joblessness	×	×	×	○	△	×	△	○	△	×	×	△
Marginalization	○	△	×	○	○	○	△	○	△	×	×	○
Food insecurity	×	×	×	×	△	×	×	△	×	×	×	×
Increased morbidity and mortality	×	×	×	×	△	×	×	△	×	×	×	×
Loss of access to common property resources	○	○	×	○	△	○	△	○	△	○	○	○
Community disarticulation	○	○	×	○	△	○	△	○	△	×	×	○
Educational losses	×	×	×	×	△	×	×	△	×	×	×	×

¹¹⁵ Cernea, M. (2004) op. cit.

4- Legislation on land acquisition and involuntary resettlement in South Asia

The previous chapter reviews legislation of international financial institutions and the 12 countries. International legislation reflects a theoretical model proposed by Koenig¹¹⁶ and some other international norms such as the Universal Declaration of Human Rights¹¹⁷ and the Paris Declaration.¹¹⁸ Provisions of their policies are similar to each other, focusing on adequate compensation, income restoration, participation of PAPs, and consideration of vulnerable people. However, the legislation of the 12 countries does not fully correspond to any of the theoretical/conceptual models of Scudder¹¹⁹ and Cernea.¹²⁰ Although all 12 countries have legislation to provide some amount of compensation mostly prior to resettlement, the components and characteristics vary. Some countries include those who have only customary rights in entitlement to compensation, while others punish those who occupy land without formal legal rights. There is little regional, economic and historical correlation among them. Unfitness to the theoretical/conceptual models and a variety of legislation are shown, but the background that triggers the diversity is not clarified. A detailed consideration of the situation in countries that share historical and geopolitical contexts contributes to determining what affects the characteristics of legislation.

This chapter focuses in detail on three countries in South Asia: India, Bangladesh, and Pakistan. These countries share a historical context, as they were originally an integrated nation.¹²¹ They had shared legislation related to land acquisition for long time after independence, but currently each of them has a legislation with different characteristics.

4-1. Legislation related to land acquisition in India, Bangladesh, and Pakistan

Historically, these three countries were colonized by the British.¹²² The British Empire enacted regulations related to land acquisition for several times, and the latest one was the Land Acquisition Act, 1894.¹²³ This Act has been in use for a long time after independence. India and Pakistan achieved independence from the British colonialism in 1947,¹²⁴ followed by Bangladesh independent from Pakistan due to Indo-Pakistani wars in 1971.¹²⁵ These three countries used the Land Act of 1894 continuously, but Bangladesh first replaced the Act with the Acquisition and Requisition of Immovable Property Ordinance in 1982,¹²⁶ which was again replaced by the Acquisition and

¹¹⁶ Koenig, D. op. cit.

¹¹⁷ JICA. (2010) op. cit.

¹¹⁸ ADB. (2009) Safeguard Policy Statement.

¹¹⁹ Scudder, T. (2009) op. cit.

¹²⁰ Cernea, M. (2004) op. cit.

¹²¹ Britannica. "History of India". Britannica. Accessed on December 30, 2021; <https://www.britannica.com/place/India/History>

¹²² *Ibid.*

¹²³ Banglapedia. "Land Acquisition". Banglapedia. Accessed on December 30, 2021;

https://en.banglapedia.org/index.php/Land_Acquisition

¹²⁴ Britannica. "History of India". Britannica. Accessed on December 30, 2021; <https://www.britannica.com/place/India/History>

¹²⁵ "Bangladesh Liberation War: Factors that made Tripura's 1971 experience unique". The Indian Express, December 17, 2021. Accessed on December 30, 2021; <https://indianexpress.com/article/north-east-india/tripura/bangladesh-liberation-war-tripura-1971-experience-7677655/>

¹²⁶ Banglapedia. "Land Acquisition". Banglapedia. Accessed on December 30, 2021; https://en.banglapedia.org/index.php/Land_Acquisition

Requisition of Immovable Property Act in 2017. India enacted RFCTLARR Act in 2013 and repealed the previous act of 1894 which allowed the state authorities to coercively acquire private lands in the name of public purpose.¹²⁷ Pakistan has never enacted regulations related to land acquisition later than 1894, keeping using the ancient act set by the British.

4-2. Background of each country

This section considers the background of the three countries to consider what triggers the amendment of legislation.

4-2-1. India

In India, around 50 million people have been estimated to be displaced because of development projects over 50 years.¹²⁸ A large number of displaced people became worse-off after relocation, resulting in protests breaking out against land acquisition around the country. The protesters demand the cancellation of acquisition, increased compensation, and the return of lands once acquired but not used for a long time.

In 2002, protests by local farmers against land acquisition spread in Singur, West Bengal, when Tata Motors intended to acquire 900 acres of land for the construction of the Tata Nano factory.¹²⁹ The protest continued until the company decided to change its place.¹³⁰ In 2007, violent protests broke out in Nandigram, West Bengal where 10,000 acres of land were to be acquired for the Special Economic Zone (SEZ) to develop a chemical hub invested in by Indonesia.¹³¹ Local villagers' resistance became violent and attacked the police, in which more than 14 people were killed.¹³² In 2011, another violent protest against various projects, including the Yamuna expressway construction, took place in Uttar Pradesh, which started in Greater Noida, and spread to Agra and Aligarh.¹³³ On May 7, 2011, clashes between villagers and police reached to a gun battle leaving two policemen and two villagers dead, some arrested, and over 200 men were missing.¹³⁴

These violent protests accelerated enactment of regulation with better consideration and protection of people whose lands are acquired, especially villagers and farmers.¹³⁵

¹²⁷ Naika, B. (2016) Land Acquisition and Development Induced Displacement: India and International Legal Framework. *Winter Issue*, 2016, 65-77.

¹²⁸ Lok Sabha Secretariat. (2013) Displacement and Rehabilitation of People Due to Developmental Projects. *Reference Note*, No.30. Parliament Library and Reference, Research, Documentation and Information Service.

¹²⁹ "West Bengal Assembly elections 2021: Mamata faces anti-incumbency, resurgent BJP looks to make big gains". The Indian Express, February 26, 2021, accessed on December 29, 2021; <https://indianexpress.com/article/cities/kolkata/west-bengal-elections-2021-schedule-mamata-banerjee-tmc-bjp-pm-modi-7108643/>

¹³⁰ *Ibid.*

¹³¹ "West Bengal abandons plan to acquire land in Nandigram". Mint, March 20, 2007, accessed on December 29, 2021; <https://www.livemint.com/Home-Page/CQHbZs4YdTrMjOr9hMzyJ/West-Bengal-abandons-plan-to-acquire-land-in-Nandigram.html>

¹³² *Ibid.*

¹³³ "Farmers protest against forcible land acquisition, Noida death toll rises to 4". The Economic Times, May 9, 2011, accessed on December 29, 2021; <https://economictimes.indiatimes.com/news/politics-and-nation/farmers-protest-against-forcible-land-acquisition-noida-death-toll-rises-to-4/articleshow/8201192.cms?from=mdr>

¹³⁴ "Digvijay demands three-point relief for Bhatta farmers". The Times of India, May 11, 2011, accessed on December 29, 2021; <https://timesofindia.indiatimes.com/india/Digvijay-demands-three-point-relief-for-Bhatta-farmers/articleshow/8247794.cms?referral=PM>

¹³⁵ Raghuram, G. and Sunny, S. (2015) Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Ordinance 2014: A Process Perspective. Indian Institute of Management, 2015-07-03.

Economic policy is another important factor. India is one of the most influential countries in the global economy because of its rapid economic growth. The government has placed importance on inviting Foreign Direct Investment (FDI) to obtain foreign exchange and grow industries. However, many foreign companies face difficulties in acquiring land because of resistance by local people and the lack of ability of the government to deal with it. After a large protest broke out in Singur, which ended when Tata Motors left the land in 2008, FDI dropped US \$19 billion by 2012.¹³⁶ The industrial world showed concerns that conflict on land acquisition would prevent foreign companies from investing and running businesses in India.¹³⁷ RFCTLARR Act was enacted in 2013, after which FDI started to increase rapidly with the exception of 2017.¹³⁸

After enactment of the Act, several international projects have been implemented. Resettlement plans were made for the projects which induce land acquisition. Gaps between the Act and policies of donor agencies were analyzed, and little gap was indicated.¹³⁹ Resettlement and rehabilitation were thus implemented based on the Indian Act.¹⁴⁰

4-2-2. Bangladesh

Bangladesh is a country with a rapidly growing economy. The GDP growth rate in 2020 was 3.5%, and many development projects, including infrastructure and energy, have been implemented.¹⁴¹ Large projects contribute to the improvement of people's living standards and economic growth. However, those projects displace a number of people with risks of impoverishment, because the 1982 Ordinance does not take measures to restore livelihood of PAPs such as income restoration programs. In 2004, ADB implemented a TA project with US \$350,000.¹⁴² The main outcomes of the project are as follows: a draft national involuntary resettlement policy, recommendations for modifications of the acquisition of the 1982 Ordinance, guidelines for policy implementation and training materials for resettlement management, and an action plan for implementation of the national resettlement policy.¹⁴³

Additionally, Bangladesh has also faced protests against land acquisition by local farmers. In 2016, violent protests broke out against the power plant project in Gandamara, Chittagong.¹⁴⁴ Five hundred local villagers gathered to prevent the acquisition of nearly 600 acres of land and construction of two units of coal-fired power plants, even though any assembly or marches in the area were

¹³⁶ The World Bank Open Data

¹³⁷ 『日経産業新聞』, 2011 年 7 月 6 日

¹³⁸ The World Bank Open Data

¹³⁹ The Government of India, Public Works Department Meghalaya. (2020) Detailed Project Report for Roads in Meghalaya (East) under Meghalaya Integrated Transport Project: Social Impact Assessment Cum Resettlement Action Plan & Gender Equity and Social Inclusion Plan.

¹⁴⁰ *Ibid.*

¹⁴¹ The World Bank. "Project Summary". The World Bank. Accessed on December 29, 2021.

https://projects.worldbank.org/en/projects-operations/projects-summary?countrycode_exact=BD&os=0

¹⁴² ADB. (2008) op. cit.

¹⁴³ *Ibid.*

¹⁴⁴ "Four people killed in protests at coal-fired power plant in Bangladesh". Down To Earth, April 5, 2016, accessed on January 6, 2022; <https://www.downtoearth.org.in/news/energy/four-people-killed-in-protests-at-coal-fired-power-plant-in-bangladesh-53441>

prohibited by the police.¹⁴⁵ As a result, police fired, four people died and many were injured.¹⁴⁶ In March 2016, hundreds of people marched 200 km from Dhaka to the Sundarbans to protest against power plant projects.¹⁴⁷ In 2017, thousands of residents formed a human chain with a length of 5 km from Basila to Kolatia bazar to protest the acquisition of 5,000 acres of land in Taranagar, Kalatia for development projects.¹⁴⁸

In light of these circumstances, the government enacted the 2017 Act, which includes livelihood rehabilitation measures and grievance redress mechanisms that were not covered in the previous regulation. International projects implemented after the enactment of this Act calculated compensation amount on the basis of this Act, but not all the projects provided additional 200% of compensation that is provided in the Act.¹⁴⁹

4-2-3. Pakistan

In Pakistan, a large number of people have been displaced for several reasons. One major cause is armed conflict and violence. Military operations against militants in the Malakand region, Khyber Pakhtunkhwa in 2009 resulted in 2.3 million being relocated.¹⁵⁰ Disasters and development projects do not account for the significant triggers of displacement in the country.¹⁵¹

As mentioned above, the government had operated the Land Acquisition Act enacted during the colonial period in 1894, which allowed PAPs to file objection only about the amount of compensation.¹⁵² This was changed with the addition of section 5A to the Act in 1923, which provides that PAPs shall, if any, state their objection within 30 days after the publication of the notification of land acquisition.¹⁵³

Aiming to improve the legal framework related to land acquisition and involuntary resettlement, ADB implemented TA in the Central and West Asia region with US \$5 million.¹⁵⁴ In this project, a legal framework assessment was conducted to point out the lack of adequate measures to prevent PAPs from impoverishment.¹⁵⁵ Although brief recommendations for better policy were described, the project had little impact on actual legislation in the country.¹⁵⁶

Pakistan has also faced several protests against land acquisition and compensation. In 2019, people in Gilgit-Baltistan took place protests seeking compensation, which is yet to be paid even

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

¹⁴⁸ “Protest over Keraniganj, Savar ‘land acquisition decision’”. The Daily Star, April 3, 2017, accessed on January 8, 2022; <https://www.thedailystar.net/city/protest-over-keraniganj-savar-land-acquisition-decision-1385638>

¹⁴⁹ *Ibid.*

¹⁵⁰ Najam, U. (2010) Internal Displacement in Pakistan: Contemporary Challenges. Human Rights Commission of Pakistan.

¹⁵¹ *Ibid.*

¹⁵² The Government of Pakistan. (1984) The Land Acquisition Act, 1894.

¹⁵³ The Government of Pakistan. op. cit.

¹⁵⁴ ADB. (2019) Completion Report: Mainstreaming Land Acquisition and Resettlement Safeguards in the Central and West Asia Region.

¹⁵⁵ ADB. (2014) Technical Assistance Consultant’s Report: Country Assessment on Land Acquisition and Resettlement.

¹⁵⁶ *Ibid.*

though the acquisition was held in 1949 for airport construction projects.¹⁵⁷ In 2020, a number of residents of Karol Village gathered to protest against land acquisition by the government with lower compensation than the actual land price they had insisted upon.¹⁵⁸

4-3. Implication

India, Bangladesh, and Pakistan were under British colonialism during the mid-19th to mid-20th centuries.¹⁵⁹ After independence, they continued using the 1894 Act until Bangladesh replaced it with the 1982 Ordinance.¹⁶⁰ Recently, India and Bangladesh enacted new acts whose characteristics are different from each other, while Pakistan still operates the previous old-fashioned act. India enacted an act that appropriately prevents PAPs from impoverishment and marginalization by an adequate amount of compensation, specific measures for livelihood restoration, particular consideration for the Scheduled Castes and the Scheduled Tribes (SCST), and monitoring and evaluation. India is an influential country in the global economy due to its rapid growth rate, resulting in the implementation of many development projects. The lack of institutional procedures for land acquisition with adequate consideration for PAPs triggered large violent protests over the country, leading to failure in inviting FDI. Meanwhile, Bangladesh approved an act that extended consideration for PAPs by increasing the amount of compensation, livelihood rehabilitation, and establishment of grievance redress mechanisms. ADB implemented a TA project and introduced a draft of policy which is close to the international standards. The 2013 Act of India is more favorable for PAPs in several respects. Livelihood rehabilitation is provided in more detail, PAPs have more time to appeal to the authority, and RAPs are required to be published.

This chapter compared three countries in South Asia that currently have different legislation. There are several elements that lead to favorable legislation for PAPs, such as protests by local people, assistance from international institutions, and economic policy. All three countries have some triggers, but their scale and strength are different. India has undergone many violent protests all over the country, preventing the growth of FDI, which is one of the significant policies of the government. Bangladesh has faced less active but violent protests several times and received assistance from the ADB, which contributed to drafting legislation on land acquisition and involuntary resettlement. Pakistan has faced few relatively non-violent protests and received TA from the ADB, which is less effective than Bangladesh. In Pakistan, involuntary resettlement induced by development projects is not considered a top priority because more people have been displaced by other reasons. There are several triggers that gradually affect legislation, and in South Asia, the major ones are protests by PAPs, economic

¹⁵⁷ “People in Gilgit stage protest, demand compensation from Pakistan government for acquired land”. Wion, August 8, 2019, accessed on January 8, 2022; <https://www.wionews.com/south-asia/people-in-gilgit-stage-protest-demand-compensation-from-pakistan-government-for-acquired-land-241458>

¹⁵⁸ “Protest against land acquisition”. International The News, October 24, 2020, accessed on January 8, 2022; <https://www.thenews.com.pk/print/734044-protest-against-land-acquisition>

¹⁵⁹ Britannica. “History of India”. Britannica. Accessed on December 30, 2021; <https://www.britannica.com/place/India/History>

¹⁶⁰ Banglapedia. “Land Acquisition”. Banglapedia. Accessed on December 30, 2021; https://en.banglapedia.org/index.php/Land_Acquisition

policies of governments, and assistance from international institutions. When these elements exceed a certain threshold, enactment of legislation that intends to protect PAPs occurs. The extent of consideration for PAPs depends on the scale and strength of elements that accelerate the enactment of better legislation.

5- Conclusion

5-1. Conclusion

This paper reviewed legislation related to land acquisition and involuntary resettlement of four international financial institutions and 12 countries. It was found that international policies match the principle proposed by Koenig¹⁶¹ composed of five elements including compensation at replacement cost and recognition of people without formal land rights, among others. This principle emphasizes the protection of PAPs, rather than the financial and time burdens laid on implementing agencies.¹⁶² While they are similar to each other in most parts, each of them also has additional international norms that characterize them.

However, national legislation does not fully correspond to any of the two theoretical/conceptual models. Some of them partially follow Scudder's four-stage framework,¹⁶³ with only Laos and India partially reaching the fourth stage. Moreover, none of the legislation fully matches the IRR model of Cernea,¹⁶⁴ but all of them cover the elements of landlessness and homelessness by payment of compensation for lost assets. Food insecurity, morbidity and mortality, and educational losses are rarely considered by national legislation on land acquisition. These indirect risks have long-term impacts after relocation, and significantly affect the living standards of PAPs. Therefore, regulations should be formulated to allow implementing agencies to take responsibility and measures to mitigate these risks. Little correlation has been seen regionally, economically, and historically. In addition, years when legislation enacted and implementation of TA are examined. It is shown that legislation enacted after TA of international institutions tends to get closer to the theoretical/conceptual models.

Based on the findings above, three countries in South Asia that share historical contexts are examined in detail as a case study. India, Bangladesh, and Pakistan were once under the British Empire¹⁶⁵ and used the same act on land acquisition after independence.¹⁶⁶ However, these three countries currently have different legislation, and Pakistan still uses the Act regulated by the British. Once these countries were integrated, but they have developed their nations differently after independence. India has implemented many development projects and has invited foreign businesses with land acquisition. Lack of adequate consideration for PAPs incurred violent protests in several places across the country, triggering the enactment of new legislation with high compensation and protection of PAPs. Bangladesh is also an economically growing country that implements a lot of development projects. It faced smaller and less protests by residence, but implemented a TA project to

¹⁶¹ Koenig, D. op. cit.

¹⁶² *Ibid.*

¹⁶³ Scudder, T. (1982) op. cit.

¹⁶⁴ Cernea, M. (2004) op. cit.

¹⁶⁵ Britannica. "History of India". Britannica. Accessed on December 30, 2021; <https://www.britannica.com/place/India/History>

¹⁶⁶ Banglapedia. "Land Acquisition". Banglapedia. Accessed on December 30, 2021; https://en.banglapedia.org/index.php/Land_Acquisition

formulate better legislation related to land acquisition, and enacted a new act consequently. This indicates that, in South Asia, protests by local people, policies of governments, and the intervention of international institutions are included in triggers which accelerate the enactment of legislation which adequately protects PAPs. Occurrence of enactment and coverage of consideration for PAPs are influenced by the scale and strength of these elements.

5-2. Future works

This study analyzed four international financial institutions and 12 countries, mainly in South Asia and Southeast Asia, and focused on three South Asian countries particularly. The study on correspondence of legislation with theoretical/conceptual models is expected to expand to other institutions and countries, such as Africa and Latin America. To see if any systematic theorizing of the matter would be possible, other theoretical/conceptual models should be examined, too. In addition, relations between regional financial institutions and countries in the region should be considered. Correspondence would be more persuasive with a quantitative analytical method, if feasible. It would contribute to determining mechanisms to enact legislation which adequately protects PAPs from impoverishment.

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Appendix

Appendix 1. Policies of international financial institutions

	Compensation	Rehabilitation for income/livelihood	Who to compensate
World Bankⁱ	Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. Compensation rates may be subject to upward adjustment where negotiation strategies are employed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.	Livelihood restoration and improvement programs will commence in a timely fashion in order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.	(a) Who have formal legal rights to land or assets; (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or (c) Who have no recognizable legal right or claim to the land or assets they occupy or use
ADBⁱⁱ	Expenses incurred by the APs during the relocation process Adequate and appropriate replacement land and structures or cash compensation at full replacement cost for (i) and (ii).	ADB policy requires rehabilitation for income/livelihood and severe losses.	(i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land
AfDBⁱⁱⁱ	full replacement costs	Displaced people are	Those who have formal legal rights to land or other assets recognized under the laws of

		<p>provided with targeted resettlement assistance with the aim of ensuring that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels</p>	<p>the country concerned. This category generally includes people who are physically residing at the project site and those who will be displaced or may lose access or suffer a loss in their livelihood as a result of project activities.</p> <p>Those who may not have formal legal rights to land or other assets at the time of the census/evaluation but can prove that they have a claim that would be recognized under the customary laws of the country. This category may include people who may not be physically residing at the project site or persons who may not have any assets or direct sources of livelihood derived from the project site, but who have spiritual and/or ancestral ties with the land and are locally recognized by communities as customary inheritors. Depending on the country's customary land use rights, they may also be considered to have a claim if they are sharecroppers, tenant farmers, and seasonal migrants or nomadic families losing user rights.</p> <p>Those who have no recognizable legal right or claim to the land they are occupying in the project area of influence and who do not fall into either of the two categories described above, if they themselves or witnesses can demonstrate that they occupied the project area of influence for at least six months prior to a cut-off date established by the borrower or client and acceptable to the Bank. These groups may be entitled to resettlement assistance other than compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures and crops, etc.).</p> <p>Where the affected people do not have land titles, cadastral surveys are carried out to establish the basis for compensation, and it may be necessary to establish procedures to regularize and recognize claims to land, including claims that derive from customary law and traditional usage. It is particularly important that the country's national laws and legislation, as well as local definitions of land tenure, rights to common property resources, and inheritance practices, are recognized and clearly explained to people who are entitled to compensation as well as to those groups that may not be eligible for land-based compensation.</p>
JICA^{iv}	<p>Compensation must be based on the full replacement cost as much as possible.</p> <p>Compensation for lost assets must be included in replacement cost at</p>	<p>People whose means of livelihood will be hindered or lost must be sufficiently compensated and supported. Living standards and income</p>	<p>People resettling involuntary and those whose means of livelihood will be hindered</p>

	current market price.	opportunities, and production levels of PAPs should be improved or at least restored.	
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	What to compensate	When to compensate	Consultation and public participation
World Bank	Land and fixed assets for (a) and (b) Resettlement assistance for (c)	Before the borrower take possession of acquired land and related assets	The Borrower engages with stakeholders, including communities, groups, or individuals affected by proposed projects, and with other interested parties, through information disclosure, consultation, and informed participation in a manner proportionate to the risks to and impacts on affected communities.
ADB	All affected houses/buildings Crop losses of landowners and sharecrop/lease tenants whether registered Lost land and structures for (i) and (ii) Loss of assets other than land and improvements to the land for (iii)	Prior to relocation including a comprehensive income and livelihood rehabilitation program	Public consultation and participation is the integral part of ADB's policy which is a continuous process at conception, preparation, implementation and finally at post implementation period.
AfDB	All losses of affected people	before their actual move; before land and related assets are taken; and, if the project is implemented in phases, before project activities begin for the particular phase	Specific consultation, participation and broad community support guidelines are incorporated in the revised IESIA Guidance Notes, which are part of the ISS. Open, inclusive and effective consultation with local communities includes the following elements: <ul style="list-style-type: none"> • Appropriate notice to all potentially affected persons that resettlement is being considered and that there will be public hearings on the proposed plans and alternatives; • Effective advance dissemination by the authorities of relevant information, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; • A reasonable time period for public review of, comments on, and/or objection to any options of the proposed plan; • Public hearings that provide affected persons and/or their legally designated representatives with opportunities to challenge the resettlement design and process,

			and/or to present and discuss alternative proposals and articulate their views and development priorities. When displacement cannot be avoided, the borrower or client must consult in a meaningful way with all stakeholders, particularly the people affected and the host communities, and involve them at all stages of the project cycle in a clear and transparent manner—in designing, planning, implementing, monitoring, and evaluating the Resettlement Action Plan.
JICA		Prior to displacement including other kind of assistance	Participation of APs and their communities in whole process is promoted. In preparing a resettlement action plan, consultations must be held with APs and their communities based on sufficient information made available to them in advance. Appropriate participation of APs must be promoted in planning, implementation, and monitoring of resettlement action plans. When consultations are held, explanations must be given in a form, manner, and language that are understandable to the APs.

	Protection of vulnerable people	Grievance redress mechanism	Information disclosure
World Bank	The Borrower obtains the Free, Prior and Informed Consent (FPIC) of the affected Indigenous Peoples when such circumstances described in ESS7 are present.	The Borrower will ensure that a grievance mechanism for the project is in place as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion.	Disclosure of relevant of affected communities and persons will take place during the consideration of alternative project and throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.
ADB	Identifying individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status, the borrower/client will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.	Complaints & grievances are resolved informally through community participation in the Grievance Redress Committees (GRC), Local governments, and NGO and/or local-level community-based organizations (CBOs).	The borrower/client will provide relevant resettlement information in a timely manner, in an accessible place and in a form and language(s) understandable to APs and other stakeholders. For illiterate people, suitable other communication methods will be used.
AfDB	The borrower or client gives special attention to	As early as possible in the	Beginning early in the design phase the

<p>consultations that involve vulnerable groups. Member countries and other borrowers/clients are responsible for protecting the physical, social and economic integrity of vulnerable groups and for paying particular attention to health needs, particularly for women, including access to female health care providers and to such services as reproductive health care and appropriate counselling for sexual and other abuses.</p> <p>With respect to gender vulnerability in particular; Women's groups and men's groups are involved in resettlement planning, management and operations, and in job creation and income generation.</p> <p>The provision of health care services, particularly for pregnant women and infants, may be important during and after relocation, to prevent increases in morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and the increased risk of disease.</p> <p>The Resettlement Action Plan includes a specific protocol specifying safeguards for the quality and quantity of land to be allocated for women, especially widows and divorcees, to ensure their means to generate income and achieve food security.</p> <p>Land titles at the resettlement site are in the name of both spouses or of single heads of household, regardless of gender, if this does not conflict with the borrower or client's own laws and legislation.</p> <p>Husbands and wives, unmarried women, and elderly sons and daughters are explicitly included as eligible for compensation, including compensation for loss of land, shelter, livelihoods and any other privately owned assets. Compensation payments to families are made to both husbands and wives when this is technically feasible and socially acceptable.</p> <p>Differentiated measures for vulnerable groups include the development of mechanisms for consultation that ensure that</p>	<p>resettlement process, the borrower or client works with informally constituted local committees made up of representatives from key stakeholder groups and, in particular, vulnerable communities to establish a culturally appropriate and accessible grievance and redress mechanism to resolve, in an impartial and timely manner, any disputes arising from the resettlement process and compensation procedures. The grievance redress mechanism, which is monitored by an independent third party, does not impede access to judicial or administrative remedies, and it informs affected people about the Bank's Independent Review Mechanism (IRM).</p> <p>The Bank co-operates with the borrower or client in the design and establishment of the grievance and redress mechanism to ensure that it is legitimate, accessible, predictable, equitable and transparent. The Bank also ensures that local communities are consulted on and associated with the decision, and that they understand the different forms and levels of the accountability framework under which the Bank intervenes. The Bank ensures that adequate monitoring and evaluation of the grievance and redress mechanism are incorporated as essential elements.</p>	<p>borrower or client continually disseminates project plans and assessment findings to stakeholders so that they have access to information that they can use to help identify options for avoiding or mitigating adverse impacts that might pose risks to project costs, schedules, and affected people. This project information must be well disseminated throughout the project area of influence in a timely manner and in a form that is appropriate and understandable to local people.</p>
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	sufficient time is provided for the traditional decision-making processes and for employing intermediaries such as specialist nongovernmental organizations that have expertise in working with vulnerable groups, in elucidating their concerns and needs, and in developing measure to address these concerns and needs.		
JICA	Necessary to give appropriate consideration	Appropriate and accessible grievance redress system must be formulated for the Aps and their communities and function appropriately.	Project proponents etc. are encouraged to disclose and present information about environmental and social considerations to local stakeholders.

	Avoidance of involuntary resettlement	Publication of RAPs	Identification and record of PAPs
World Bank	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 gender impacts and impacts on the poor and vulnerable.	The Borrower will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action as necessary during implementation to achieve the objectives of ESS. The extent of monitoring activities will be proportionate to the project's risks and impacts. For all projects with significant involuntary resettlement impacts, the Borrower will retain competent resettlement professionals to monitor the implementation of resettlement plans, design corrective actions as necessary, provide advice on compliance with this ESS and produce periodic monitoring reports. APs will be consulted during the monitoring process. Periodic monitoring reports will be prepared and APs will be informed about monitoring results in a timely manner.	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 benefit.
ADB	Seeking to avoid involuntary resettlement wherever possible; minimize involuntary resettlement by exploring project and design alternatives; enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project	The borrower/client will prepare a resettlement plan for all projects having involuntary resettlement impacts.	The borrower/client will conduct socioeconomic survey(s) and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced by the project and to assess the project's socioeconomic impacts on them.

	levels; and improve the standards of living of the affected poor and other vulnerable groups.		
AfDB	The borrower or client considers feasible alternative project designs, including re-siting and re-routing, to avoid or minimize physical or economic displacement, while balancing environmental, social, and financial costs and benefits. When the resettlement implications of a project would appear to be particularly severe, the borrower considers either downsizing the project to reduce resettlement or finding other alternatives that can reasonably replace the project.	The borrower or client prepares a Full Resettlement Action Plan (FRAP) for (i) any project that involves 200 or more persons (as defined by the involuntary resettlement policy), or (ii) any project that is likely to have adverse effects on vulnerable groups. For any project in which the number of people to be displaced is fewer than 200 people and land acquisition and potential displacement and disruption of livelihoods are less significant, the borrower or client prepares an Abbreviated Resettlement Action Plan (ARAP).	The borrower or client carries out a comprehensive socioeconomic survey—in line with international standards for social and economic baseline studies as agreed to in the environmental and social assessment process—including a population census and an inventory of assets (including natural assets upon which the affected people may depend for a portion of their livelihoods). This survey identifies the people who will be displaced by the project; all the relevant characteristics of those people, including conditions of vulnerability; and the magnitude of the expected physical and economic displacement.
JICA	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. When it is unavoidable, effective measures to minimize impact and to compensate for losses should be taken.	For projects that entail large-scale involuntary resettlement, RAPs must be prepared and made available to the public. In preparing a resettlement action plan, consultations must be held with the affected persons and their communities based on sufficient information made available to them in advance.	

	Preference	Monitoring and evaluation
World Bank	Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Women's and men's preferences in	The Borrower will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action as necessary during implementation to achieve the objectives of ESS. The extent of monitoring activities will be proportionate to the project's risks and impacts. For all projects with significant involuntary resettlement impacts, the Borrower will retain competent resettlement professionals to monitor the implementation of resettlement plans, design corrective actions as necessary, provide advice on compliance with this ESS and produce periodic monitoring reports. APs will be

	terms of compensation mechanisms, such as replacement land or alternative access to natural resources rather than in cash, should be explored.	consulted during the monitoring process. Periodic monitoring reports will be prepared and APs will be informed about monitoring results in a timely manner.
ADB	Preference will be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land, or on private land acquired or purchased for resettlement. Whenever replacement land is offered, displaced persons are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken.	<p>The borrower/client will monitor and measure the progress of implementation of the resettlement plan. The extent of monitoring activities will be commensurate with the project's risks and impacts. In addition to recording the progress in compensation payment and other resettlement activities, the borrower/client will prepare monitoring reports to ensure that the implementation of the resettlement plan has produced the desired outcomes. For projects with significant involuntary resettlement impacts, the borrower/client will retain qualified and experienced external experts or qualified NGOs to verify the borrower's/client's monitoring information. The external experts engaged by the borrower/client will advise on safeguard compliance issues, and if any significant involuntary resettlement issues are identified, a corrective action plan will be prepared to address such issues. Until such planning documents are formulated, disclosed and approved, the borrower/client will not proceed with implementing the specific project components for which involuntary resettlement impacts are identified.</p> <p>The borrower/client will prepare semiannual monitoring reports that describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval. The costs of internal and external resettlement monitoring requirements will be included in the project budget.</p>
AfDB	The borrower or client consults the affected people about their preferences pertaining to resettlement and gives them genuine choices among technically, economically, and socially feasible resettlement options. In particular, they are given the opportunity to participate in the negotiation of compensation packages, and in decisions on resettlement assistance and how standards of living, income-earning capacity, production levels and overall means of livelihood might be	The borrower or client is responsible for the implementation, monitoring and evaluation of the activities set out in the Resettlement Action Plan, and it keeps the Bank informed of progress. The resettlement component of an operation is fully and specifically covered in the reports on the progress of the overall project, and is included in the logical framework of the operation. The loan agreement specifies the monitoring and evaluation requirements and their timing. An independent third party monitors the implementation of large-scale or complicated Resettlement Action Plans, with regular feedback from the affected people. Affected people are also given the opportunity to participate in such implementation monitoring. The Bank and borrower agree on either contracting an independent third party to perform the evaluation on their behalf, or using a third party to implement the resettlement activities, with an obligation to report back to them both. For large-scale resettlement operations quarterly reviews are recommended, and in-depth reviews of midterm progress, consistent with the overall project scheduling, are critical. Such reviews are planned from the beginning to allow the executing agencies and the Bank to make the necessary adjustments in project implementation. Monitoring activities include a review of the grievance and redress mechanism and of the physical progress and impact of the Resettlement Action

	<p>improved through the Resettlement Action Plan.</p> <p>The borrower or client gives preference to land-based resettlement strategies and as a matter of priority offers land-to-land compensation and/or compensation-in-kind in lieu of cash compensation where feasible; further, the borrower or client clearly explains to affected people that cash compensation very often leads to rapid impoverishment.</p>	<p>Plan. Monitoring also evaluates the borrower or client's commitment to the Resettlement Action Plan and the availability of sufficient financial resources, as identified in the budget, to carry out the Resettlement Action Plan. Upon completion of the project, the borrower or client assesses the success of the Resettlement Action Plan and includes relevant information in the Project Completion Report (PCR). The Bank then develops its own PCR. If either of these assessments reveals that any key objectives of the Resettlement Action Plan were not achieved, follow-up measures are developed to remedy the situation. The borrower and the Bank carry out an independent ex-post evaluation—a Resettlement Action Plan completion audit or implementation completion report. Among other things, this evaluation examines the effectiveness of the mitigation measures recommended and implemented and derives lessons learned to inform similar types of projects in the future. The evaluation compares the actual situation with the planned or predicted situation, including in particular the number of people affected, and reviews the assumptions, the resettlement induced and associated risks, and the uncertainties encountered.</p>
JICA		<p>. After projects begin, project proponents etc. monitor whether any unforeseeable situations occur and whether the performance and effectiveness of mitigation measures are consistent with the assessment's prediction. They then take appropriate measures based on the results of such monitoring. 2. In cases where sufficient monitoring is deemed essential for appropriate environmental and social considerations, such as projects for which mitigation measures should be implemented while monitoring their effectiveness, project proponents etc. must ensure that project plans include feasible monitoring plans. 3. Project proponents etc. should make efforts to make the results of the monitoring process available to local project stakeholders. 4. When third parties point out, in concrete terms, that environmental and social considerations are not being fully undertaken, forums for discussion and examination of countermeasures are established based on sufficient information disclosure, including stakeholders' participation in relevant projects. Project proponents etc. should make efforts to reach an agreement on procedures to be adopted with a view to resolving problems</p>

Appendix 2. National Legislation

	Compensation	Rehabilitation for income/livelihood	Who to compensate
The Philippines vvi	If the mode of acquisition is through a negotiated sale, the first offer shall be the zonal value of the particular land where the property is located, as determined by Bureau of Internal Revenue (BIR). If the owner rejects the first offer, the implementing agency shall renegotiate within the fair market values. The “valuation of improvements and/or structures” shall be determined using the Replacement Cost Method.	Relocation is not possible within 45days, financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by 60 days shall be extended to the affected families by the local government unit concerned.	Monetary compensation is provided for the PAPs who have legal rights to land and structures. Informal settlers: To qualify for the socialized housing program, a beneficiary: (a) Must be a Filipino citizen; (b) Must be an underprivileged and homeless citizen (c) Must not own any real property whether in the urban or rural areas; and (d) Must not be a professional squatter or a member of squatting syndicates.
Cambodia viiviiiix	The market value or the replacement price on the date of declaration of the expropriation determined by an independent committee or agent selected by the Expropriation Committee.	N/A	Those who have occupied right-of-way (ROW) or public property are not be compensated. Illegal occupants of state land have no right to compensation and can be punished. A lessee who is holding a proper lease agreement, the immovable property’s lessee who is operating a business, business owners operating in land acquired
Indonesia ^x	Land procurement for public interest is conducted by granting adequate and fair compensation determined based on the assessment by a licensed land appraiser.	N/A	The entitled party means a party who owns or possesses land procurement object. The entitled party who receives compensation is responsible for the validity and legality of the evidence of possession and ownership which has been delivered.
Myanmar ^{xi} xii	Land: Market-value compensation Crops: Three times of market price for standing trees and the yield amount per acre of seasonal crops as compensation. Livelihood and job opportunities: Estimated loss of income is provided as compensation. Cattle, farm animals and farm machineries: Estimated loss in value is provided as compensation.	Restoration program which includes arrangement of livelihood activities and job opportunities shall be implemented.	Entitlements includes occupiers/stakeholders of lands with the building or operating business in particular building.

<p>Laos^{xliixiv}</p>	<p>The compensation shall be in the form of land, material or money. PJ owners, in collaboration with the committee for compensation and resettlement at the local level, must estimate the value for compensation and organize consultations with Aps by selecting the right and appropriate options based on prices applied by the state, market prices or average prices applicable for period of compensation and based on the types of properties and locations. The prices applied by the state (middle prices) are the prices specified in a separate regulation which are identified and regulated by the Ministry of Natural Resources and Environment from time to time.</p> <p>(1) With APs with land use right documents whose land is partly affected and the rest is unusable, PJ owners have to compensate whole land by allocating a new one.</p> <p>(2) If the rest is usable, PJ owners have to compensate for the affected piece of land.</p> <p>(3) APs possesses the traditional land use right, compensation is the same as (1)(2), provided that the APs have possessed the land use rights for a long period of time and he/she has protected, developed and used the land peacefully without invasion into protected forest areas or restricted areas with land use certificate issued by local authorities and relevant state agencies.</p> <p>(4) In case Aps do not have land use rights documents as defined in (1)(2)(3), the Aps shall not be entitled to receive any compensation for the loss of such land. However, he/she will be entitled to receive compensation for the loss of constructed facilities, trees and crops from the PJ owner based on the value for compensation as already calculated before.</p> <p>(5) For total or partial loss of constructed facilities, PJ owner must compensate the owner of the constructed facilities based on the lost value of such constructed facilities without deduction of depreciation value or without deduction of the value of the remaining unused construction materials.</p>	<p>Livelihood rehabilitation means the assistance provided by the PJ owner to APs who are resettled with livelihood assistance to improve living conditions to be better off or to be at the same level as of the level before the PJ.</p> <p>In case of loss of infrastructures and facilities of local communities, the PJ owner must be responsible for rehabilitation and repair to make the infrastructures and facilities in their original forms. The project owner has to pay more attention in the rehabilitation efforts if there are losses of cultures, religions and traditions of local people. The level of livelihood conditions of the affected households must be upgraded or at least to be in the same original level. The PJ owner must provide food, consumer goods for each of the</p>	<p>PAPs who do not have legal land title, land use certificate or other acceptable documentation indicating their land use right, including customary and traditional land use right, only provides the right to claim compensation for their lost assets such as house/structures, trees and/or crops, and not land.</p>
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	<p>(6) In case the land or constructed facilities have not been used temporarily, the PJ owner must compensate the owner of the land use right or the owner of the constructed facilities and ensure that the land or constructed facilities are returned to the affected person in original forms.</p> <p>(7) In case of loss of trees, crop products, livestock or incomes, PJ owner must be responsible for compensation based on the value of compensation.</p>	<p>relocated.</p> <p>affected in accordance with the household registration books on the day of registration of rights of the affected throughout the transitional period.</p>	
Thailand^{xv} xvixvii	<p>(1) Commercial price of immovable property to be expropriated on the date the Royal Decree enacted under section 6 comes into force;</p> <p>(2) Price of immovable property appraised for collection of local tax;</p> <p>(3) Price of immovable property appraised for collection of tax on registration of right and juristic act;</p> <p>(4) Conditions and location of that immovable property;</p> <p>(5) Objectives and purposes of such expropriation;</p>	N/A	<p>The following person shall be entitled to compensation:</p> <p>(1) owner of, or the person who legally takes possession of, land to be expropriated;</p> <p>(2) owner of tenement or other constructions which are unable to demolish and existed on the land to be expropriated on the date the Royal Decree comes into force or constructed later by permission of the officer;</p> <p>(3) lessee of land, tenement or other constructions on the land to be expropriated, but the lease contract shall be made in writing prior to the date the Royal Decree comes into force or made later upon the permission of the officer and such contract stills valid on the date the officer or his entrusted person takes possession of that land, tenement or construction. The compensation in this case shall merely be paid to the lessee who has to leave that land, tenement or construction prior to the termination of that lease contract;</p> <p>(4) owner of perennial grew on the land on the date the Royal Decree comes into force;</p> <p>(5) owner of tenement or other constructions which are able to demolish and existed on the land to be expropriated on the date the Royal Decree comes into force, but that person is not</p>

			<p>required to demolish that tenement or construction upon request of the land owner. The compensation under (5) shall be paid only for demolition, relocation and reconstruction;</p> <p>(6) any person who lost his right of way or right to lay down water-pipeline, drainpipe, electricity line or the like through the land to be expropriated and that person pays considerations in return for the use of that right to the owner of the land to be expropriated.</p>
Nepal ^{xviiiix} xx	<p>When the government requires assets, national law does not specify about the provision of mandatory replacement cost. It is recommended that: Practical provisions must be made for the compensation for all lost assets to be made at replacement cost without depreciation or reductions for salvage materials. Efforts must be made to assess the real replacement costs of land to the extent possible. A procedure should be established for determining compensation rates accurately plus rigorous efforts to assess the replacement costs and market rates for all assets, including labor costs for construction.</p>	<p>The affected persons in the project will be entitled to various types of compensation and resettlement assistance that will help in the restoration of their livelihoods, at least, to the pre-project standards.</p>	<p>In the proposed project, the absence of formal titles will not be a bar to resettlement assistance and rehabilitation. Persons affected by land acquisition, and relocation and/or rehabilitation of structures/assets (businesses, houses, etc.) are entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons.</p>
India ^{xxixxi}	<p>The market value whichever is higher.</p> <p>(a) The market value, if any, specified in the for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated.</p> <p>(b) The average sale price for similar type of land situated in the nearest village or nearest vicinity area.</p> <p>(c) Consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects. To determine the value of things attached to land or buildings, the collector use professional specialists.</p> <p>In addition to the market value of the land, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the</p>	<p>(1) Rehabilitation and resettlement amount payable to the family;</p> <p>(2) Bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;</p> <p>(3) Particulars of house site and house to be allotted, in case of displaced families;</p> <p>(4) Particulars of land allotted to the displaced</p>	<p>Land owner and landless whose livelihoods are primarily dependent on the lands being acquired.</p>

	<p>notification of the Social Impact Assessment till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.</p> <p>In addition to the market value of the land as above provided, the Authority shall in every case award a solatium of one hundred per cent. over the total compensation amount.</p>	<p>families;</p> <p>(5) Particulars of one-time subsistence allowance and transportation allowance in case of displaced families;</p> <p>(6) Particulars of payment for cattle shed and petty shops;</p> <p>(7) Particulars of one-time amount to artisans and small traders;</p> <p>(8) Details of mandatory employment to be provided to the members of the affected families;</p> <p>(9) Particulars of any fishing rights that may be involved;</p> <p>In every resettlement area the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities.</p>	
Bangladesh xxiiiixxivxxvxxvi	<p>(a) The market value of the property at the date of publication of the notice under section 4: Provided that in determining such market value, the Deputy Commissioner (DC) shall take into account the average value, to be calculated in the prescribed manner, of the properties of similar description and with similar advantages in the vicinity during the twelve months preceding the date of publication of the notice under section 4;</p> <p>(b) The damage that may be sustained by the person</p>	<p>Notwithstanding any compensation provided under this section, necessary steps may be taken to rehabilitate evicted persons due to acquisition in the prescribed form.</p>	<p>the owner or a person who is legally in possession of the immovable property.</p>

	<p>interested, by reason of the taking of any standing crops or trees which may be on the property at the time of the making of the joint list;</p> <p>(c) The damage that may be sustained by the person interested by reason of severing such property from his other property;</p> <p>(d) The damage that may be sustained by the person interested by reason of the acquisition injuriously affecting his other properties, movable or immovable, in any other manner, or his earnings; and</p> <p>(e) If in consequence of the acquisition of the property, the person interested is likely to be compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.</p> <p>Additional 200% compensation on current mouza rate is added to the estimated value. If private organizations acquire, added compensation will be 300%.</p> <p>Additional 100% compensation on top of the current market price for impacts</p> <p>When the property acquired contains standing crops cultivated by bargadar (shareholders), such portion of the compensation will be determined by the DC and will be paid to the bargadar in cash.</p>		
Pakistan xxviixxviii	<p>In determining the amount of compensation to be awarded for land acquired, the Court shall take into consideration followings:</p> <p>(1) The market-value of the land at the date of the publication of the notification;</p> <p>(2) The damage sustained by the person interested, by reason of the taking of any standing crops trees which may be on the land at the time of the Collector's taking possession thereof;</p> <p>(3) The damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of serving such land from his other land;</p> <p>(4) The damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by</p>	N/A	

	<p>reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;</p> <p>(5) In consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change,</p> <p>(6) The damage (if any) bona fide resulting from diminution of the profits of the land between the time of the publication of the declaration and the time of the Collector's taking possession of the land.</p> <p>In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification, in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.</p>		
Georgia^{xxix}	The market value of lost assets determined by a third party. Resettlement expenses are not provided.	N/A	Landowners and legalizable landowners after they register their ownership.
Kenya^{xxxxxi}	The market value of the land at the date of publication and additional fifteen per cent. of the determined market value.	Refers to livelihood restoration, but not in detail.	<p>Those holding land tenure rights.</p> <p>Written and unwritten official or customary land right are recognized as valid land right.</p> <p>The constitution recognizes 'occupants of land even if they do not have titles and payment made in good faith to those occupants of land. However, this does not include those who illegally acquired land.</p> <p>The act recognizes those who have interest or claim in the land such as pastoralist or those who use the land for their livelihood.</p>

	What to compensate	When to compensate	Consultation and public participation
The Philippines	Monetary compensation is provided for the PAPs who have legal rights to land and structures. For informal settlers, relocation site and socialized housing program is developed by the National Housing Authority (NHA) and local government units (LGUs).	Payments must be made at the time of relocation.	No resettlement of urban or rural dwellers shall be undertaken without adequate consultations with them and the communities where they are to be relocated. The act requires LGUs in coordination with Presidential Commission for the Urban Poor (PCUP) and concerned government agencies, to enable program beneficiaries “to be heard and to participate in the decision-making process over matters involving the protection and promotion of their legitimate collective interests which shall include appropriate documentation and feedback mechanisms.”
Cambodia	Legal rights to private property; <ul style="list-style-type: none"> • A lessee who is holding a proper lease agreement is entitled to compensation for disruptions arising from dismantling equipment and transporting it to a relocation site. • The immovable property’s lessee who is operating a business shall have access to compensation for effects on the business and to just and fair additional compensation for the capital actually invested for the business operation. The compensation shall commence from the date of the declaration on an expropriation project. • For the expropriation of a location where a business is in operation, the owner is entitled to support of additional compensation at a fair and just rate for the cost of the property 	Before deprivation of ownership	The Expropriation Committee shall arrange a public consultation with the authorities at capital, provincial, municipal, district, khan levels, and with the commune and Sangkat councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have opinions from all concerned parties about the proposal for a public physical infrastructure project.

	<p>that is actually affected, commencing from the date of the declaration of the expropriation.</p> <p>In resettlement practice owners of relocating shop will receive one-time cash assistance and renter will receive i) transport allowance, ii) disruption allowance, and iii) rental allowance.</p> <p>Compensation for structures and other assets located in the ROWs is prohibited.</p>		
Indonesia	The land procurement objects such as land, building etc.	Deliberation is conducted between the land agency and the entitled party within 30 working days at latest since the assessment by the appraiser.	The implementation of land procurement for public services is based under the principles of humanity, justice, favorable, certainty, transparency, consensus, participation, prosperity, sustainability and harmony. The means of “participation principle” is the support for land procurement implementation through the society participation, whether directly or indirectly, since the planning process until the construction activity.
Myanmar	Damages to standing crops/trees, lands, movable/immovable properties, relocation cost, economic activities are requested to compensate.	N/A	Consultation and seeking opinions from local communities should be done for field investigation. Additionally, in these discussions, relevant parliament may be invited for participation. Land owners are entitled to participate in investing in the project to be implemented on the acquired land or to be provided an appropriate share of the land.
Laos	Land, constructed facilities, agricultural products, livestock, potential incomes.	PJ owners must complete the implementation of their compensation plans within twenty-four months as from the date the compensation plan is officially adopted. Failure by project owners to implement their compensation plans within the specified time frame, the project	<p>The compensation and resettlement shall be carried out in compliance with the following;</p> <ul style="list-style-type: none"> • Protection of the rights and legitimate benefits of affected people; • Ensure equality, correctness, transparency, disclosure and fairness;

		owners can submit applications to the compensation committees at the provincial or city levels for consideration to extend the implementation time frame. However, such time frame extension shall not exceed twelve months to complete the compensation plans. If the plans are still not completed there must be evaluations to identify the remaining parts of compensation for a new application for re-consideration.	<ul style="list-style-type: none"> • Ensure coordination, consultation and participation between the PJ owner, APs, state agencies and other relevant stakeholders. <p>The PJ owner shall fulfill its obligation stipulated in the environmental certificate where the affected as well as other stakeholders participate in all steps of the compensation, allocation and relocation and rehabilitation of their livelihood as well as the co-ordination with relevant parties.</p> <p>APs have rights to attend consultations at different levels, make comments to the plan of compensation, resettlement, and rehabilitation of their livelihood.</p>
Thailand	Land and other immovable properties	The ownership of immovable property to be expropriated shall be transferred to the officer on the date the Act comes into force, but the officer shall have the right to take possession of or use that immovable property only upon payment or deposition of compensation.	In regard to any undertaking by the State or that the State will permit any person to carry out, if such undertaking may severely affect the natural resources, environmental quality, health, sanitation, quality of life or any other essential interests of the people or community or environment, the State shall undertake to study and assess the impact on environmental quality and health of the people or community and shall arrange a public hearing of relevant stakeholders, people and communities in advance in order to take them into consideration for the implementation or granting of permission as provided by the law.
Nepal	All lost assets	Prior to displacement	The Procedural Steps in Road IEEs and EIAs of ESMF, and other sections covers all conditions concerning public participation/consultation. Domestic EIA procedure supported by some conditions in ESMF requires public consultation meeting.
India	Land, crops, trees, and other properties of	The Collector shall make an award	N/A

	PAPs, movable or immovable, in any other manner, or their earnings.	within a period of twelve months from the date of publication of the declaration.	
Bangladesh	Land, crops, trees, any other properties movable or immovable or in any other manner, or his earnings affected by the acquisition, change of residence or place of business.	Before taking possession of the property, after the submission of the estimated amount of compensation by the Requiring persons, the DC shall pay the aforesaid compensation within not exceeding 60 days from the date of deposit by the Requiring persons.	N/A
Pakistan	Land, crops, trees, any other properties movable or immovable or in any other manner, or his earnings affected by the acquisition, change of residence or place of business.	N/A	N/A
Georgia	Registered houses/buildings are compensated for damages/demolition caused by a project. Crop losses compensation provided to registered Landowners.	N/A	Provision of consultations and participation of Aps.
Kenya	Land, structures, trees and crops	The Commission shall, as soon as is practicable, before taking possession, pay full and just compensation to all persons interested in the land.	The act requires that PAPs give their consent and public hearing is held. The bill prescribes the procedures that shall be observed before forced evictions is carried out which includes adequate consultation.

	Protection of vulnerable people	Grievance redress mechanism	Information disclosure
The Philippines	Provision benefits and privileges to solo parents and their children (solo parents include unmarried mother/father, widow/widower, abandoned/separated). Under this law, they are given allocation in housing projects with liberal payment	N/A	The order requires that All information about the proposed project or undertaking shall be presented by the proponent to the public in a language and manner that are easily understood.

	terms, medical assistance and educational scholarship benefits. For informal settlers below the poverty line and landless, requires preparation of relocation sites. Other related laws of the Philippines address needs of vulnerable groups.		
Cambodia	<p>Collective ownership for indigenous minorities.</p> <p>Those who become landless by the project will receive a plot of residential land for residential or family farming in the village or village nearby or at relocation site with provision of access road, intra road network, water and electricity network (if locally available), and individual household latrine.</p> <p>Full consideration to children and mothers. Establishment of nurseries and help in supporting women and children who have inadequate support.</p> <p>Assistance of the disabled and the families of combatants who sacrificed their lives for the nation.</p>	<p>A Grievance Redress Committee shall be established and led by a representative from the Ministry of Land Management, Urban Planning and Construction, and composed of representatives from relevant ministries/institutions.</p> <p>Upon receiving the declaration of the expropriation project, the owner of and/or holder of real right to immovable property can file a complaint requesting an investigation to find out if the expropriation is a real need for public or national interest or if it can be moved to other locations. Such complaint can be lodged by their lawyer or representative. The complaint shall be filed in a written form with the Grievance Redress Committee as stipulated in Article 14 of this law within 30 working days following the receipt of the declaration of the expropriation project. However, the owner of and/or holder of real right to the immovable property cannot file a complaint requesting an investigation in case that the expropriation is for the development of main national roads, bridges, railway, connection and distribution of water and electricity systems, kerosene pipes, sewage pipes, drainage systems, networking or main drainage systems and irrigation systems. Within 30 working days following the completion of the investigation, the Grievance Redress Committee shall write up a report including recommendations and submit it to the Royal Government to make a decision.</p>	<p>The Expropriation Committee shall arrange a public consultation with the authorities at capital, provincial, municipal, district, khan levels, and with the commune and Sangkat councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have opinions from all concerned parties about the proposal for a public physical infrastructure project.</p>
Indonesia	N/A	Objection can be made by the related parties in the process of land procurement.	N/A

Myanmar	Special attention on vulnerable people including women, children, ethnic minorities and those entitled to own by customary practices should be paid attention to prevent adverse effects due to resettlement and restoration activities.	<p>(1) If any affected persons are unsatisfied with the size of the land, compensation amount, person who should be compensated, and allocation of compensation and damage for compensation, and request the ruling of the court, the Land Acquisition Implementation Body shall submit the request letter to the relevant court within 60 days. The court must shall file a case in accordance with the code of civil law and start the investigation within 30 days.</p> <p>(2) If affected persons are unsatisfied with the Notification of Intention to Acquire Land, the Objection letter can be submitted to relevant Region or State government and Naypyidaw Council within 45 days from the day of issuing the Notification.</p>	A notification of intention to acquire land shall be published in the Gazette, in daily newspapers, local newsletters at least two times during a specific period. Additionally, it should be disclosed on the notice board in the State or Region Government or Nay Pyi Taw Council Office and at the places where land is located, if necessary, in the local language.
Laos	There must be special attention to address the needs of the vulnerable groups who are affected by the development project in order for these groups of people to overcome poverty and to be in better livelihood conditions based on the supervision of the provincial or city compensation and resettlement committee.	In case the affected view that the PJ owner does not comply with the plan for compensation, resettlement and rehabilitation of people's livelihood in accordance with this decree or other related plans that affect their interests, they are entitled to request to related authorities to solve the request(s).	PJ owner shall make a report on environmental, social and natural impact assessment, including the plan for the environmental, social and natural management, follow-up and examination in Lao language for his own project in compliance with the relevant technical instruction to be submitted to the Ministry of Natural Resources and Environment for consideration and endorsement prior to the project construction or the signing of project concession agreement. PJ owner shall be responsible for the information developed by him and provide and disclose the information related to the implementation of the development project as well as the

			implementation of the plans of compensation, resettlement, and rehabilitation of the livelihood of people for the relevant state and public organizations.
Thailand	Under national laws and practices “vulnerable” sectors of the APs, such as the poor, the disabled, female household heads, ethnic minorities, and the elderly, are most part of the equation in determining compensation and other forms of assistance for displaced people.	In the implementation or granting of permission which severely affect the natural resources, environmental quality, health, sanitation, quality of life or any other essential interests of the people or community or environment, the State shall take precautions to minimize the impact on people, community, environment, and biodiversity and shall undertake to remedy the grievance or damage for the APs or community in a fair manner without delay. The person entitled to compensation does not satisfy with the price of immovable property or the amount of compensation determined by the Committee may appeal to the minister having charge and control of the execution of the Royal Decree or the minister having charge and control of the execution of the Act on immovable property expropriation within sixty days as from the date he receives the written notice from the officer or his entrusted person to collect that compensation.	A person and community shall have the rights to receive information, explanation, and reasons from a State agency prior to the implementation or granting of permission which severely affect the natural resources, environmental quality, health, sanitation, quality of life or any other essential interests of the people or community or environment.
Nepal	Stipulation of the considerations scheme for vulnerable groups.	Stipulation of establishment of grievance redress mechanism.	N/A
India	The rehabilitation and resettlement award shall include; (1) particulars of annuity and other entitlements to be provided; (2) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes (SCST) to be provided Particular provisions for the SCST are following; (1) As far as possible, no acquisition of land shall be made in the Scheduled Areas. (2)	All persons interested in the land are required to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice not being less than thirty days and not more than six months after the date of publication of the notice, and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, their claims to rehabilitation and resettlement along with their objections, if any.	The Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language. The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take

	<p>Where such acquisition does take place, it shall be done only as a demonstrable last resort. (3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force: (4) In case of a project involves involuntary displacement of the SCST families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition. (5) It shall also contain a program for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes. (6) In case of land being acquired from members of the SCST, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the</p>		<p>possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him.</p>
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	<p>rest shall be paid after taking over of the possession of the land. (7) The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity. (8) The resettlement areas predominantly inhabited by the SCST shall get land free of cost for community and social gatherings. (9) Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void, and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes. (10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects. (11) Where the affected families belonging to the SCST are relocated outside of the district, then, they shall be paid an additional twenty-five per cent. rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a onetime entitlement of fifty thousand rupees. (41.)</p> <p>(1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected</p>		
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	areas shall continue in the resettlement area. (3) Where the community rights have been settled the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.		
Bangladesh	N/A	<p>If any person is aggrieved by the decision of the DC, he may file an appeal to the Commissioner within the next 7 working days.</p> <p>The Commissioner, in the prescribed manner, shall hear the appeal and shall provide with the decision within next 15 working days and in case of a nationally important project, shall provide with the decision within the next 10 working days. The decision shall be deemed to be final.</p> <p>Any person concerned may file an objection against the acquisition proceeding to DC within 15 working days. The DC shall, speedily hear the objection filed in the presence of the appellant or an agent, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, prepare a report within thirty working days, and in case of a nationally important project within 15 working days, following the expiry of the period containing his opinion on the objections.</p> <p>The DC shall-</p> <p>(a) if the property exceeds 50 standard bighas (or 16.5 acre) of land, submit the record of the proceedings held by him, together with his opinion, for the decision of the Ministry of Land; and</p> <p>(b) if the property does not exceed 50 standard bighas (or 16.5 acre) of land, submit the record of the proceedings held by him, together with his opinion, for the decision of the Commissioner.</p>	Whenever it appears to the DC that any property in any locality is needed or is likely to be needed for any public purpose or in the public interest, he shall cause a notice to be published at convenient places on or near the property in the prescribed form and manner stating that the property is proposed to be acquired.

		<p>Provided that if no objection is raised within the period specified, the DC shall, instead of submitting the records of the proceedings to the Divisional Commissioner, make a decision within ten days of the expiry of the aforesaid period, or within such further period but not exceeding thirty days, as the Divisional Commissioner permits on the request of the DC in writing and in case of a national important project within 15 days, about the acquisition of the property and such decision of the DC shall be final.</p> <ul style="list-style-type: none"> • Final decision shall be- <p>(a) The government shall, not exceeding 60 days after the submission of the report, and (b) within 15 days of the submission of the report of the Commissioner or recording the report of delay within not exceeding 30 days- shall take final decision.</p>	
Pakistan	N/A	<p>Any person interested in any land needed or likely to be needed for a public purpose or for a Company may, within thirty days from the date of the publication of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.</p> <p>Every objection shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorized by him in this behalf or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government. The decision of the appropriate Government on the objections shall be final.</p>	<p>(1) The Collector shall cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations for all interests in such land may be made to him. (2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests</p>

			in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements. The Collector may in any case require such statement to be made in writing and signed by the party or his agent. (3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.
Georgia	N/A	Land Acquisition Committee is the only prelitigation final authority to decide disputes and address complaints regarding quantification and assessment of compensation for the affected assets.	Decisions regarding land acquisition and resettlement (LAR) are discussed only between the landowners and the Land Acquisition Authorities.
Kenya	Spouses are included in land and property transactions to safeguard their interest.	Encouragement of communities to settle land disputes through recognized local community initiatives and use of Alternative dispute resolution mechanisms. Re-negotiation with National Land Commission (NLC) that is backed by the judicial system through Environmental and Land Courts for determination.	Every citizen has the right of access to— (a) information held by the State; and (b) information held by another person and required for the exercise or protection of any right or fundamental freedom.

	Avoidance of involuntary resettlement	Publication of RAPs	Identification and record of PAPs
The Philippines	N/A	The proponent agencies shall design and submit ROW acquisition plan and resettlement action plan.	There is an established provision that LGUs must conduct inventory of their ISFs. The conduct of survey and tagging are established practice by the Urban Poor Affair Office (UPAO).
Cambodia	N/A	N/A	N/A
Indonesia	N/A	N/A	N/A
Myanmar	N/A	To acquire land, it is required to submit Notification of Intention to Acquire Land including particularity of land, the reason why the land is needed, the order that assign duties to the Land Acquisition Implementation Body and Resettlement and implementation Body, summary of EIA and plan to be undertaken that are included in the proposal, and the summary of resettlement and rehabilitation plan by the central committee.	Surveys to identify some but not all potentially affected populations are required.
Laos	N/A	Before project implementation or before the signing of a concession project, the PJ owner must collect information on people to be affected including a detail plan of compensation to contribute to the management and monitoring of social and environmental impacts in relation to project implementation. The date of approval of the plan for the management and monitoring of social and environmental impacts shall be deemed as the date of registration of the rights of APs. If it is found out that resettlement plan has no progress after 12 months after the date of registration of eligibility of PAPs, the	In preparation of compensation plans, PJ owners must collect information on the number of people to be resettled as well as to identify new resettlement areas in detail manners to prepare the resettlement plans while contributing to the development plans of PJ owners in terms of management and monitoring of social and environmental impacts.

		<p>resettlement plan shall be cancelled. If the PJ owner wish to continue with the resettlement plan, the plan must be improved to reflect the real situations and must be submitted to the sectors concerned for re-consideration and approval.</p> <p>Compensation plan, Resettlement plan, and livelihood rehabilitation plan in Lao language must be prepared by PJ owners by coordinating with the compensation and resettlement committee at the local level.</p>	
Thailand	N/A	N/A	When the accurate fact in relation to immovable property to be expropriated has completely been gathered, the Act on expropriation of such immovable property shall be enacted. In this Act, the plot of land or other immovable property to be expropriated together with the name of the owner of, or the person who legally takes possession of, such immovable property shall also be prescribed therein.
Nepal	The adverse impacts can be minimized or avoided or dealt with positive and constructive ways. Government of Nepal may, if it so deems necessary, acquire any land at anyplace for any public purpose, subject to compensation.	RAP preparation is regulated. The abbreviated RAP under the condition of fewer than 200 people is stipulated.	Census survey shall be held.
India	N/A	The Administrator shall, based on the survey and census shall be held to prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being	The Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed, which shall include— (1) particulars of lands and immovable properties being acquired of each affected family; (2) livelihoods lost in respect of land

		acquired and where resettlement of affected families is involved— (1) a list of Government buildings to be provided in the Resettlement Area; (2) details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area.	losers and landless whose livelihoods are primarily dependent on the lands being acquired; (3) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved; (4) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and (5) details of any common property resources being acquired.
Bangladesh	N/A	N/A	Before the publication of notice, in the prescribed manner and form, shall record the real nature, condition and infrastructures built therein, crops and trees of the proposed immovable property in video or still picture or any other technology and thereafter prepare a report accordingly. After the publication of notice, in the prescribed manner and form, shall prepare a joint-list of Requiring persons or organizations and persons interested.
Pakistan	N/A	N/A	N/A
Georgia	N/A	N/A	N/A
Kenya	N/A	N/A	Land act provides for identification and documentation of persons within a wayleave.

	preference	Monitoring and evaluation
The Philippines	A property needed for exchange with other government property near the project site. ↔ there is no such property near the PJ sites.	N/A
Cambodia	N/A	N/A
Indonesia	N/A	N/A
Myanmar	The replacement land or other kind of compensation should be provided for the landowner with the approval from Union Government and reaching agreement with the landowner.	N/A
Laos	The APs are moved out from their original living areas to be	The PJ owner must set up a management unit of compensation and

	<p>resettled new living areas allocated by the development projects based the majority of votes by the APs.</p> <p>In case the APs do not want to live in the new resettlement areas established by the PJ owners, compensations must be made in full of losses plus additional allowances for transportation costs for the APs to move to new locations based on their preferences.</p>	<p>resettlement to take charge of monitoring and examination by himself other than other parties. The unit is obliged to make reports to the state audit-inspection organizations concerning the monitoring and examination of the implementation of the plan for compensation, allocation and relocation, and rehabilitation of people's livelihood of the development project as stipulated in the overall plan, at each period.</p>
Thailand	N/A	N/A
Nepal	<p>Preference should be given to organize land-based resettlement program for PAPs whose livelihoods are land-based. In such case, the land should have combination of higher comparative advantage or at least equivalent to the land taken. If the land is not the preferred options of PAPs, or equivalent land could not be available, non-land-based options built around opportunities for employment/livelihood should be provided in addition to cash compensation for land and other assets lost. Cash compensation to PAPs should be sufficient to replace the lost land and other assets at full replacement cost in local markets.</p>	N/A
India	Only for the SCST	<p>Where land proposed to be acquired is equal to or more than one hundred acres, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas.</p> <p>The Central Government may, whenever necessary, for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.</p> <p>The State Government shall constitute a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans.</p>
Bangladesh	N/A	N/A
Pakistan	N/A	N/A

Georgia	N/A	N/A
Kenya	The Act appears to consider cash-based compensation.	N/A

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