

## Chapter 2.4A - ‘Proposed Land Acquisition, Displacement and Resettlement’ *and* Chapter 2.4B – ‘Historical Land Acquisition, Displacement and Resettlement’

**NOTES TO REVIEWERS ABOUT THE TABLE BELOW:** The below table is a complement to the full, separate chapters - 2.4A and 2.4B - that have been included in the proposed update to the full IRMA Standard. The table below shows the requirements for proposed (i.e., 2.4A) and historical (i.e., 2.4B) land acquisition side by side. The purpose of doing so is to demonstrate that the expectations for both chapters are similar, but the chapter for historical land acquisition (2.4B) recognizes that some 2.A requirements could never be fully met if not carried out at the appropriate time, and therefore incorporates some flexibility around remediation rather than punishment for past actions. A detailed explanation of the rationale for having two separate chapters and further information on how they are to be applied to entities and audited is provided in the proposed update to the full IRMA Standard.

2.4(A)–PROPOSED LAND ACQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND ACQUISITION AND DISPLACEMENT
<b>2.4.1. Land Acquisition Due Diligence</b>	<b>2.4.1. Land Acquisition Due Diligence</b>
<p>2.4.1.1. The entity hires <u>competent professionals</u> with resettlement expertise to document:</p> <ul style="list-style-type: none"> <li>a. Applicable <u>host country laws</u> related to land acquisition and resettlement;<sup>1</sup></li> <li>b. Circumstances of any land acquisition that already occurred in the project area, identifying, to the extent possible: <ul style="list-style-type: none"> <li>i. Records of formal and informal land ownership, land use, and land occupancy on any lands acquired by the project/operation prior to acquisition by the entity, prior owner, or government in the case of government-led land acquisition;</li> <li>ii. Records of other potential project-related <u>displacement</u>, i.e., due to impacts on natural resources utilized by communities, exposure to noise, vibration, etc.; and</li> <li>iii. If there was any physical or economic displacement of <u>Indigenous Peoples</u>.</li> </ul> </li> </ul>	<p>2.4.1.1. If past development or expansion of a mining and/or mineral processing site involved land acquisition (whether by the current, owning entity or a previous owner), the entity hires competent professionals with land acquisition and resettlement expertise to document and assess the circumstances of any displacement of people. This due diligence identifies, to the extent possible:</p> <ul style="list-style-type: none"> <li>a. Applicable <u>host country laws</u> related to land acquisition and resettlement;<sup>2</sup></li> <li>b. Records of formal and informal land ownership, land use, and land occupancy on project/operation lands prior to acquisition;</li> <li>c. If there was any physical or economic displacement resulting from land acquisition, considering both formal and informal owners, as well as occupants and land users, if any; and</li> <li>d. If there was any physical or economic displacement of Indigenous Peoples.</li> </ul>
<b>2.4.2. Risk / Impact Assessment</b>	<b>2.4.2. Impact Assessment</b>
<p>2.4.2.1. If there is the potential that land acquisition for <u>mining-related activities</u> or the level of direct or <u>indirect impacts</u> from the project/operation could result in the involuntary displacement (for the remainder of this chapter, referred to as ‘displacement’) of people, the entity undertakes a rigorous assessment to evaluate the potential direct and indirect risks and impacts related to the physical and/or economic displacement of people. The assessment:</p> <ul style="list-style-type: none"> <li>a. Is carried out by competent professionals with expertise in land acquisition and resettlement;</li> <li>b. Occurs during the early stages of land acquisition planning;</li> <li>c. Includes identification and systematic evaluation of project design alternatives to avoid or minimize the displacement of people</li> </ul>	<p>2.4.2.1. If land acquisition or direct impacts from the operation resulted in physical or economic displacement the entity hires competent professionals with land acquisition and resettlement expertise to identify, to the extent possible:<sup>4</sup></p> <ul style="list-style-type: none"> <li>a. The names and current locations of all displaced people;</li> <li>b. The social, cultural, and economic impacts of displacement on displaced people and host communities, paying particular attention to impacts on women, children, the poor, and other potentially marginalized or vulnerable groups; and</li> <li>c. Impacts on the human rights of displaced people or host communities that occurred because of the displacement process (before,</li> </ul>

<sup>1</sup> This is recommended by EBRD ‘Resettlement Guidance and Good Practice’ (2017), p. 21. <https://www.ebrd.com/news/2017/ebrd-launches-new-resettlement-guidance-and-good-practice-publication.html>

<sup>2</sup> Ibid.

<sup>4</sup> If the due diligence undertaken in 2.4.1.1 reveals that no involuntary physical and/or economic displacement occurred, no further efforts are required.

2.4(A)–PROPOSED LAND AQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND AQUISITION AND DISPLACEMENT
<p>if that is the most protective option for people;</p> <p>d. Identifies and analyzes the social, cultural, human rights, conflict, environmental, and economic risks and impacts to displaced people and host communities for each alternative, paying particular attention to potential impacts on different genders, ages, ethnicities, and any potentially vulnerable groups;<sup>3</sup> and</p> <p>e. Identifies measures to prevent and mitigate risks and impacts and estimate the costs of implementing the measures.</p>	<p>during, or after land acquisition/resettlement occurred).</p>
<p>2.4.2.3. The assessment is made publicly available in the early stages of the resettlement planning process, and details on how it can be accessed are actively provided to potentially affected stakeholders and their advisors.</p>	<p>2.4.2.2. Based on the information gathered, an assessment is done to determine:</p> <p>a. What resettlement/livelihood restoration efforts were undertaken, if any, including:</p> <ul style="list-style-type: none"> <li>i. If physically displaced people received replacement lands/assets of equal or greater value or full replacement value for any lost lands or assets and, if lands provided, if security of tenure was ensured;</li> <li>ii. If the livelihoods of economically displaced people were restored (or, if restoration was not possible, alternative means of income earning provided) and if standards of living were restored or improved compared to pre-displacement levels;</li> <li>iii. Any other compensation paid, or assistance given to displaced people during or after the land acquisition process; and</li> <li>iv. Any engagement with or involvement of affected people in the planning of the above;</li> </ul> <p>b. If land acquisition, displacement, and/or any subsequent resettlement or livelihood restoration activities led to any human rights impacts on displaced people that have not yet been remediated.</p> <p>2.4.2.3. The assessment is publicly available in the early stages of the remediation process and details on how it can be accessed are actively provided to potentially affected stakeholders and their advisors.</p>
<p><b>2.4.3. Community Engagement</b></p>	<p><b>2.4.3. Community Engagement</b></p>
<p>2.4.3.1. The entity discloses, in a culturally appropriate manner, relevant information and conducts consultations with potentially affected people and communities, including host communities, to inform:</p> <p>a. The assessment of displacement and resettlement risks and impacts, including the</p>	<p>2.4.3.1. The entity discloses relevant information and conducts consultations with historically affected people and communities, including host communities, to inform:</p>

<sup>3</sup> Which stakeholders must be included and what may constitute a 'vulnerable group' requiring additional focus depends on the context. Entities should draw on stakeholder mapping, stakeholder interviews, project documentation, as well as site observations to determine whether all relevant stakeholders have been identified and included. For this requirement, particular attention should be paid to those with existing forms of vulnerability (including insecure or non-existent land tenure, inadequate housing, debt, high-risk or informal livelihoods) as well as those whose may experience heightened impacts from resettlement such as women, children, the elderly, those with disabilities, those lacking land titles, those lacking the capacity to understand contractual matters, etc. Additional guidance will be provided in the IRMA Guidance Document.

2.4(A)–PROPOSED LAND ACQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND ACQUISITION AND DISPLACEMENT
<p>consideration of alternative <u>project designs</u> to avoid or minimize resettlement; and</p> <p>b. The development, implementation, monitoring, and evaluation of a <u>Resettlement Action Plan (RAP)</u> and/or <u>Livelihood Restoration Plan (LRP)</u>, including but not limited to soliciting input on resettlement and livelihood restoration options (see requirement 2.4.4.2).</p> <p>2.4.3.2. Potentially affected people and communities, including <u>host communities</u>, are actively and explicitly offered access to independent legal or other expert advice. This offer is made at the earliest stages of project design and continue throughout monitoring and evaluation of the resettlement process.</p> <p>2.4.3.3. Potentially affected people and communities are actively and explicitly provided with information about, and access to, a mechanism to raise and seek recourse for concerns or <u>grievances</u> related to <u>displacement</u> and resettlement.<sup>5</sup></p>	<p>a. The due diligence and assessment of historical displacement and resettlement impacts (2.4.1 and 2.4.2); and</p> <p>b. The development, implementation, monitoring, and evaluation of a <u>Displacement Remediation Plan (DRP)</u> or its equivalent (2.4.2.2).</p> <p>2.4.3.2. Historically affected people and communities, including <u>host communities</u>, are actively and explicitly offered access to independent legal or other expert advice. This offer is made at the outset of the due diligence process and continued throughout the development and monitoring and evaluation of a <u>DRP</u> or its equivalent (if relevant and desired by historically affected people or communities).</p> <p>2.4.3.3. Historically affected people and communities, including <u>host communities</u>, are actively and explicitly provided with information about and access to a mechanism to raise and seek recourse for concerns or grievances related to displacement and resettlement.</p>
<p><b>2.4.4. Resettlement and Livelihood Restoration Planning and Preparation</b></p>	<p><b>2.4.4. Displacement Remediation Planning and Preparation</b></p>
<p>2.4.4.1. Where <u>displacement</u> is deemed unavoidable, the entity undertakes the following prior to displacement:</p> <p>a. A household-level socioeconomic census to collect appropriate <u>baseline</u> data on the current livelihoods, standards of living, and socio-cultural practices of people who will be physically or <u>economically displaced</u> by the project/operation; and</p> <p>b. A land and asset survey to: establish an inventory of affected lands and other assets, along with their location, status, and condition; to determine owners or users of the assets; to determine eligibility for compensation; and to establish a cut-off for compensation claims.</p> <p>2.4.4.2. In the case of <u>physical displacement</u>, the entity develops and implements a <u>Resettlement Action Plan (RAP)</u>. If the project involves <u>economic displacement</u> only, then a <u>Livelihood Restoration Plan (LRP)</u> is developed and implemented. In either case, these plans:</p> <p>a. Are developed by <u>competent professionals</u> with land acquisition/resettlement expertise;</p> <p>b. Include a gap analysis of <u>host country laws</u> and international laws pertaining to compensation and restoration for displacement and outline how any gaps will be filled;</p> <p>c. Document the socioeconomic baseline results for the area affected by land acquisition/displacement that describes the current livelihoods, standards of living, and socio-cultural practices of affected people;</p>	<p>2.4.4.1. Where historic operation-related displacement has been identified, the entity undertakes, to the extent possible, an inventory of lost assets and a socioeconomic census to collect appropriate baseline data to characterize those that were physically or economically displaced by the operation as well as their current livelihoods, standards of living, and socio-cultural practices.</p> <p>2.4.4.2. In the case of identified historical physical and/or economic displacement, the entity develops and implements a <u>DRP</u> (or equivalent) that is scaled to the scope of impacts and the identifiability/proximity of impacted people and communities. This plan, at a minimum:</p> <p>a. Is developed by <u>competent professionals</u> with land acquisition/resettlement expertise;</p> <p>b. Describes how affected persons – including different genders, ages, ethnicities, and any potentially vulnerable groups – will be involved in an ongoing process of consultation concerning the development, implementation, and monitoring and evaluation of the plan;</p> <p>c. Describes the strategies to be undertaken to remediate the impacts of displacement, paying particular attention to the needs of</p>

<sup>5</sup> The operational-level grievance mechanism developed as per Chapter 1.4 may be used as a mechanism to receive and address resettlement related grievances, or a mechanism may be created to handle only resettlement-related concerns. If a separate mechanism is developed, it shall be done in a manner that is consistent with IRMA Chapter 1.4 (in particular, it shall be developed in a manner that meets the UNGP effectiveness criteria for grievance mechanisms).

2.4(A)–PROPOSED LAND ACQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND ACQUISITION AND DISPLACEMENT
<p>d. Describe how affected people will be involved in an ongoing process of <u>consultation</u> (including access to grievance processes) throughout the resettlement/livelihood restoration planning, implementation and monitoring phases, including how consultations will ensure the inclusion of different genders, ages, ethnicities, and any potentially vulnerable groups;<sup>6</sup></p> <p>e. Describe the strategies to be undertaken to <u>mitigate</u> the negative impacts of <u>displacement</u> and restore or, ideally, improve livelihoods and standards of living of displaced people, paying particular attention to needs of different genders, ages, ethnicities, and any potentially vulnerable groups and the potential for compensation or livelihoods support to create or exacerbate conflicts within or between communities;</p> <p>f. Describe how livelihood restoration measures draw on consultations with affected people concerning their preferences, as well as a demonstrated understanding of local markets and feasible economic opportunities;<sup>7</sup></p> <p>g. Describe the methods used for valuing land and other assets;</p> <p>h. Establish the compensation framework (i.e., entitlements and rates of compensation for all categories of affected people, including host communities) in a transparent, consistent, and equitable manner;</p> <p>i. Describe how monitoring and evaluation will be conducted; and</p> <p>j. Include a budget and implementation schedule.</p>	<p>different genders, ages, ethnicities, and any potentially vulnerable groups, including:</p> <p>i. If relevant, how any un-remediated impacts on human rights will be remediated;</p> <p>ii. If relevant, measures to compensate for physical and economic displacement that align with criteria 2.4.5 and 2.4.6 to the extent possible;</p> <p>iii. If relevant, measures and methodology used to determine compensation equivalent to full replacement value for land and other assets to the extent possible; and</p> <p>iv. If relevant, establish a displacement remediation framework in a transparent, consistent, and equitable manner.</p> <p>c. Assigns implementation of actions, or oversight of implementation, to responsible staff;<sup>8</sup></p> <p>d. Includes an implementation schedule; and</p> <p>e. Includes estimates of human resources and budget required and a financing plan to ensure that funding is available for the effective implementation of the plan.</p>
<p>2.4.4.3. Clear compensation eligibility criteria and a cut-off date for eligibility are established, and information regarding the cut-off date and eligibility criteria is well-documented and actively communicated to the project’s/operation’s stakeholders in advance of survey and census activities.</p>	<p>2.4.4.3. Clear remediation eligibility criteria including a temporal timeframe for eligibility are established and information regarding the timeframe and eligibility criteria is well-documented and actively communicated to the operation’s stakeholders at the outset of remediation activities.</p>
<p><b>NEW</b> 2.4.4.4. The entity takes steps to integrate gender progressive approaches in the development of compensation and entitlement measures as appropriate to the context, including:</p> <p>a. Measures to address gender inequality in terms of access to and control of resources or assets;</p> <p>b. Ensuring gender responsive livelihood restoration approaches; and</p>	<p>2.4.4.4. The entity takes steps to integrate gender progressive approaches in the development of remediation measures as appropriate to the context, including:</p> <p>a. Measures to address gender inequality in terms of access to or control of resources or assets;</p> <p>b. Ensuring gender responsive livelihood restoration approaches; and</p>

<sup>6</sup> Which stakeholders must be included and what may constitute a 'vulnerable group' requiring additional focus depends on the context. Entities should draw on stakeholder mapping, stakeholder interviews, project documentation, as well as site observations to determine whether all relevant stakeholders have been identified and included. For this requirement, particular attention should be paid to those with existing forms of vulnerability (including insecure or non-existent land tenure, inadequate housing, debt, high-risk or informal livelihoods) as well as those whose may experience heightened impacts from resettlement such as women, children, the elderly, those with disabilities, those lacking land titles, those lacking the capacity to understand contractual matters, etc. Additional guidance will be provided in the IRMA Guidance Document.

<sup>7</sup> Note that IRMA Chapter 2.3-Obtaining Support and Delivering Benefits addresses processes that will provide additional benefits to communities through projects or initiatives such as education, training, infrastructure, economic development opportunities, etc. Community members affected by displacement and/or resettlement would have the opportunity to participate in the planning process for community-wide benefits. Entities are encouraged to consider synergies between community development programming and livelihood restoration efforts; however, for the purposes of this chapter, entities are only obligated to restore and, ideally (potentially but not mandatorily through linkages with broader community development programming), improve livelihoods that are directly affected by land acquisition and displacement.

<sup>8</sup> If work is carried out by third party contractors, then there needs to be a staff employee responsible for overseeing the quality of work, timelines, etc.

2.4(A)–PROPOSED LAND ACQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND ACQUISITION AND DISPLACEMENT
<p>c. Ensuring adequate female representation on community-based resettlement, compensation, or grievance evaluation committees, if relevant.</p> <p><b>NEW</b> 2.4.4.5. The RAP and/or LRP is made publicly available in a manner that is appropriate to the affected population.</p>	<p>c. Ensuring adequate female representation on community-based remediation or grievance evaluation committees, if any.</p> <p>2.4.4.5. The <u>DRP</u> is made publicly available in a manner that is appropriate to the affected population.</p>
<p><b>2.4.5. Specific Measures Related to Physical Displacement</b></p>	<p><b>2.4.5. Specific Measures Related to Physical Displacement</b></p> <p><b>NOTE for 2.4.5:</b> 2.4.4.2.c.ii requires entities to incorporate into their <u>DRP</u> measures to compensate for physical and economic displacement that align with criterion 2.4.5 and 2.4.6 in 2.4A to the extent possible. Attempting to make 'historical' variants of these criteria is not effective, as the extent to which entities can approximate the original criteria (and therefore what a reasonable 'modified' criteria would include) will vary greatly depending on the situation. We are therefore proposing to summarize the relevant criteria from 2.4A in the guidance notes as a guide for entities conducting self-assessments as well as auditors evaluating the extent to which entities with historical displacement have attempted to and succeeded in meeting the relevant criteria given the circumstances of the displacement.</p>
<p>2.4.5.1. In all cases where people are physically displaced, the entity:</p> <ul style="list-style-type: none"> <li>a. Provides relocation assistance that is suited to the needs of each group of <u>displaced</u> people and is sufficient for them to improve or at least restore their standard of living at an alternative location;</li> <li>b. Ensures that locations where displaced people are resettled offer equal or, ideally, improved living conditions;</li> <li>c. Takes into consideration displaced people’s preferences with respect to relocating in pre-existing communities and groups; and</li> <li>d. Respects and seeks to preserve and/or reestablish existing social and cultural institutions of the displaced people and any <u>host communities</u>.</li> </ul> <p>2.4.5.2. In cases where physically <u>displaced</u> people have formal legal rights to the land or assets they occupy or use, or do not have formal legal rights but have a claim to land that is recognized or recognizable under <u>host country law</u>, the entity:</p> <ul style="list-style-type: none"> <li>a. Offers the choice of replacement land of at least equal value and characteristics, security of tenure, and advantages of location; and</li> <li>b. Offers the choice of replacement residential structures of at least equal value and characteristics; if original residential structures do not meet a minimum standard for dignified housing, the entity will provide replacement housing that meets these standards; or</li> <li>c. Offers as an alternative compensation that is sufficient to replace lost land and residential structures at full <u>replacement cost</u> in local</li> </ul>	<p>[See requirement 2.4.4.2.c.ii]</p> <p>[See 2.4.4.2.c.ii]</p>

2.4(A)–PROPOSED LAND ACQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND ACQUISITION AND DISPLACEMENT
<p>markets, if cash compensation is appropriate and/or preferred by the affected person.</p> <p>2.4.5.3. In cases where physically displaced people have no recognizable legal right or claim to the land or assets that they occupy or use, the <u>entity</u>:</p> <ol style="list-style-type: none"> <li>Provides affected people with options for adequate housing with security of tenure; and</li> <li>Compensates for the loss of assets other than land at full <u>replacement cost</u>, provided that the people had been occupying the project area prior to the cut-off date for eligibility.</li> </ol>	<p>[See 2.4.4.2.c.ii]</p>
<p><b>2.4.6. Specific Measures Related to Economic Displacement</b></p>	<p><b>2.4.6. Specific Measures Related to Economic Displacement</b></p> <p><b>NOTE for 2.4.6:</b> See above explanation for criterion 2.4.5.</p>
<p>2.4.6.1. If project- or operation-related land acquisition or restrictions on land use result in <u>economic displacement</u> in the form of displaced business operations or commercial structures, regardless of whether the affected people are physically displaced, the <u>entity</u>:</p> <ol style="list-style-type: none"> <li>Compensates business owners for the cost of rebuilding affected non-moveable commercial structures, for re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of any moveable business-relevant equipment, goods, or structures;</li> <li>Compensates renters of commercial structures for lost net income during the period of transition, for the costs of the transfer and reinstallation of any moveable business-relevant equipment or goods, and provides assistance to establish a new, equivalent commercial lease with secure tenure (i.e., 12 months lease); and</li> <li>Compensates employees of affected businesses for lost income.</li> </ol>	<p>[See 2.4.4.2.c.ii]</p>
<p>2.4.6.2. If project- or operation-related land acquisition or restrictions on land use result in <u>economic displacement</u> in the form of acquisition of lands on which affected people engage in productive activities or possess productive assets, regardless of whether or not the affected people are physically displaced, the <u>entity</u>:</p> <ol style="list-style-type: none"> <li>Compensates affected people with legal rights or claims to lands that are recognized or recognizable under national law with replacement land of equal or greater value appropriate to the affected people’s livelihoods or, where appropriate, with cash compensation for land/improvements to the land at full <u>replacement cost</u>; and</li> <li>Compensates economically displaced people who are without legally recognizable claims to land for lost assets other than land (i.e., productive structures, crops/trees/grasses, and other improvements to lands) at full <u>replacement cost</u>.</li> </ol>	<p>[See 2.4.4.2.c.ii]</p>
<p>2.4.6.3. To economically displaced people whose livelihoods are wage-based or dependent upon access</p>	<p>[See 2.4.4.2.c.ii]</p>

2.4(A)–PROPOSED LAND AQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND AQUISITION AND DISPLACEMENT
<p>to natural resources and where project- or operation-related restrictions on access or other impacts adversely affect livelihoods or income levels, the entity provides:</p> <ul style="list-style-type: none"> <li>a. Continued access to affected resources or access to alternative resources with at least equivalent livelihood-earning potential and accessibility; or</li> <li>b. Alternative income earning opportunities to restore livelihoods that are feasible and agreed to by affected people, where circumstances prevent the entity from providing land or similar resources as described above.</li> </ul>	
<p><b>2.4.7. Resettlement and Livelihood Restoration Agreements and Implementation</b></p>	<p><b>2.4.7. Displacement Remediation Plan Agreements and Implementation</b></p>
<p>2.4.7.1. If proposed <u>mining-related activities</u> require the <u>displacement</u> of Indigenous Peoples’ communities from their traditional lands or economically displace them from pursuing their traditional livelihoods, the entity obtains the <u>free, prior and informed consent</u> (FPIC) of affected <u>Indigenous Peoples’</u> communities before proceeding with the resettlement and proposed <u>mining-related activities</u> (as per Chapter 2.2).</p> <p>2.4.7.2. Prior to negotiating with affected people, the <u>entity</u> provides or facilitates access to resources necessary to participate in an informed manner. This includes, at minimum:</p> <ul style="list-style-type: none"> <li>a. Copies of the <u>RAP/LRP</u> (based on results of consultations outlined in requirement 2.4.3.1);</li> <li>b. Details on what to expect at various stages of the resettlement or livelihood restoration process (e.g., when an offer will be made to them, how long they will have to respond, how to access the <u>grievance mechanism</u> if they wish to appeal property or asset valuations, legal procedures to be followed if negotiations fail); and</li> <li>c. Access to independent legal experts or others to ensure that affected people understand the content of any proposed agreement and associated information.</li> </ul> <p>2.4.7.3. In cases where affected people reject compensation offers that meet the requirements of this chapter and where subsequent arbitration efforts fail and, as a result, expropriation or other legal procedures are initiated, the <u>entity</u> explores opportunities to <u>collaborate</u> with the responsible government agency, and, if permitted by the agency, plays an active role in resettlement planning, implementation, and monitoring to <u>mitigate</u> the risk of impoverishment of affected people.</p> <p>2.4.7.4. The entity does not carry out forced evictions, defined as the permanent or temporary removal against their will of people from their homes and/or land which they occupy, without the provision of, and</p>	<p>2.4.7.1. If a historical land acquisition process resulted in the displacement of Indigenous Peoples’ communities (as identified in 2.4.1.1) the entity establishes mutually agreed processes for Indigenous Peoples to raise concerns related to past and present impacts or concerns related to displacement and to determine provisions for the mitigation and remediation of past and present impacts in a manner that is acceptable to Indigenous Peoples.<sup>9</sup></p> <p>2.4.7.2. Prior to negotiating specific remediation activities with affected people (if applicable), the <u>entity</u> provides or facilitates access to resources necessary to participate in an informed manner. This includes, at minimum:</p> <ul style="list-style-type: none"> <li>a. Copies of the <u>DRP</u> (based on results of consultations outlined in Criteria 2.4.3.1);</li> <li>b. Details on what to expect at various stages of the displacement remediation process (e.g., timelines for various components including payment of compensation or implementation of remediation programming, how to access the <u>grievance mechanism</u>, etc.); and</li> <li>c. Access to independent legal experts or others to ensure that affected people understand the content of any proposed agreement and associated information.</li> </ul> <p>2.4.7.3. All displacement remediation discussions, measures, and activities and their implementation are documented.</p> <p>N/A</p>

<sup>9</sup> Refer to Chapter 2.2, requirement 2.2.4.1, regarding developing a mutually agreed process to remediate for past impacts.

2.4(A)–PROPOSED LAND ACQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND ACQUISITION AND DISPLACEMENT
<p>access to, appropriate forms of legal or other protection as outlined in this chapter.</p>	
<p>2.4.7.5. Should affected people refuse to leave the lands they own or occupy at the end of a legal expropriation process preceded by good faith negotiations that meet the requirements of this chapter, the entity only removes people from their lands in accordance with law and international best practice,<sup>10</sup> meaning the entity:</p> <ol style="list-style-type: none"> <li>a. Provides affected people with clear and timely information on the procedures for and timing of proposed evictions;</li> <li>b. Gives adequate and reasonable notice to all affected people prior to the scheduled date of eviction;</li> <li>c. Arranges for government officials or their representatives, and any relevant local authorities, to be present during the removal;</li> <li>d. Does not carry out removals in particularly bad weather or at night unless the affected people consent otherwise;</li> <li>e. Provide information about legal remedies and where possible, legal aid to people who are in need of it to seek redress from the courts;</li> <li>f. Identifies all people carrying out the removal and ensures that they are trained on human rights and the appropriate use of force; and</li> <li>g. Establishes and trains relevant people on procedures describing appropriate actions to take in case of conflicts or violent opposition to the removals.</li> </ol>	<p>N/A</p>
<p>2.4.7.6. The <u>entity</u> takes possession of acquired land and related assets only after full compensation has been made available and replacement housing/lands /assets and moving allowances have been provided to the displaced people, where applicable.</p>	<p>N/A</p>
<p><b>NEW</b> 2.4.7.7. The entity takes steps to avoid temporary transitional resettlement. Where temporary transitional resettlement cannot be avoided, the entity ensures that:</p> <ol style="list-style-type: none"> <li>a. Affected people have been consulted on the implications of transitional temporary relocation and are in agreement;</li> <li>b. Transitional temporary residential structures and replacement lands meet the requirements of this chapter (i.e., housing adequate, respect for social networks and stakeholder preferences, access to basic amenities, adequate to support livelihoods including continued access to natural resources, etc.);</li> <li>c. Transitional temporary resettlement is time-bound and agreed upon with affected people; and</li> <li>d. Affected people are duly compensated for the multiple disruptions to their lives.</li> </ol>	<p>N/A</p>
<p><b>NOTE: For displacement taking place prior to the release of the proposed update to the IRMA Standard,</b></p>	

<sup>10</sup> See: UN Committee on Economic, Social and Cultural Rights (CESCR). 1997. General Comment No. 7: The right to adequate housing (Art. 11.1): forced evictions. In particular, see Paragraph 15. Available at: [www.refworld.org/docid/47a70799d.html](http://www.refworld.org/docid/47a70799d.html)

2.4(A)–PROPOSED LAND ACQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND ACQUISITION AND DISPLACEMENT
<p>entities can choose not to be audited against this requirement.</p> <p>2.4.7.8. All transactions to acquire land rights and all compensation discussions, measures, and resettlement activities are documented.</p> <p><b>NEW</b> 2.4.7.9. In the case of <u>voluntary displacement</u> (i.e., willing buyer-seller transactions where there is no recourse to expropriation), the entity ensures that:</p> <ol style="list-style-type: none"> <li>All land transactions are documented;</li> <li>Affected people are paid a fair (market) price paid;</li> <li>Landowners (sellers) have sufficient information about project timelines and the various options available to them (including the voluntary nature of the sale) to make an informed decision;</li> <li>Decisions are made free of coercion and on a timeline conducive to informed decision-making and consultation with family members/legal experts as necessary; and</li> <li>Informal land occupants are identified and considered in a way that is consistent with the contents of this chapter relating to involuntarily displaced people as well as the chapter on Human Rights Due Diligence (Chapter 1.3).</li> </ol> <p><b>NOTE:</b> For displacement taking place prior to the release of the proposed update to the IRMA Standard, entities can choose not to be audited against this requirement.</p>	<p>N/A</p> <p>N/A</p>
<p><b>2.4.8. Resettlement and Livelihood Restoration Monitoring and Evaluation</b></p>	<p><b>2.4.8. Displacement Remediation Monitoring and Evaluation</b></p>
<p>2.4.8.1. <b>(Critical Requirement)</b> Procedures to monitor and evaluate the effectiveness of the implementation of a <u>RAP/LRP</u> are in place, and the entity takes corrective actions as necessary until the provisions of the <u>RAP/LRP</u> and the objectives of this chapter have been met. These procedures are designed and implemented by competent professionals with expertise and experience in monitoring and evaluation of land acquisition and resettlement.</p> <p><b>NEW</b> 2.4.8.2. Monitoring and evaluation indicators will incorporate both input and outcome related criteria that are substantively and directly linked to the objectives of the <u>RAP/LRP</u> to restore or, ideally, improve affected people’s livelihoods and standards of living.<sup>11</sup></p> <p>2.4.8.3. The entity reports periodically to affected people and other relevant stakeholders on progress made toward full implementation of the <u>RAP/LRP</u>.</p>	<p>2.4.8.1. <b>(Critical Requirement)</b> To the extent possible and if relevant and desired by historically affected people or communities, procedures to monitor and evaluate the implementation of the <u>DRP</u> are established. Monitoring and evaluation are appropriate to the scale and scope of agreed-upon displacement remediation activities. These procedures are designed and implemented by competent professionals with expertise and experience in monitoring and evaluation of land acquisition and resettlement.</p> <p>2.4.8.2. To the extent possible and if relevant and desired by historically affected people or communities, monitoring and evaluation indicators will incorporate both input and outcome related criteria that are substantively and directly linked to the objectives of the <u>DRP</u>.</p> <p>2.4.8.3. The entity reports to affected people and other relevant stakeholders as appropriate on progress made toward implementation of the <u>DRP</u>.</p>

<sup>11</sup> Examples of input indicators include number of improved seed varieties provided, number of livelihoods trainings offered, percentage of affected households signing up for financial management training, etcetera. Conversely, examples of outcome indicators can include affected people’s perceptions of their standards of living vis-à-vis pre-displacement levels, changes in educational attendance and achievement versus pre-displacement levels, reestablishment of functioning socio-cultural networks and cooperatives, etc.

2.4(A)–PROPOSED LAND ACQUISITION AND RESETTLEMENT	2.4(B)–HISTORICAL LAND ACQUISITION AND DISPLACEMENT
<p>2.4.8.4. When the entity determines that its <u>RAP/LRP</u> has been successfully and fully implemented, a completion audit is commissioned and undertaken to determine if the objectives of the <u>RAP/LRP</u> have been met. The completion audit:</p> <ul style="list-style-type: none"> <li>a. Is carried out by external <u>competent professionals</u> with expertise in livelihood restoration and/or resettlement as applicable;</li> <li>h. Includes a review of the <u>mitigation</u> measures implemented by the <u>entity</u> and a comparison of implementation outcomes against the requirements of this <u>RAP/LRP</u>;</li> <li>i. Clearly demonstrates that the objectives of the <u>RAP/LRP</u> have been successfully met (and therefore the monitoring process can be ceased); and</li> <li>j. Is made available to affected people and their advisors.</li> </ul> <p><b>NEW</b> 2.4.8.5. If the completion audit determines that the objectives of the <u>RAP</u> and/or <u>LRP</u> have not been met, a corrective action plan is developed and implemented. This plan includes concrete measures to be implemented and a timeline budget for doing so and provisions for a second completion audit that meets the requirements of 2.4.8.4 when the objectives of the correction action plan are deemed to have met the objectives of the <u>RAP</u> and/or <u>LRP</u>.</p>	<p>2.4.8.4. When the entity determines that its <u>DRP</u> has been successfully and fully implemented, a completion audit is commissioned and undertaken to determine if the objectives of the <u>DRP</u> have been met (to the extent possible and if relevant and desired by historically affected people or communities). The completion audit:</p> <ul style="list-style-type: none"> <li>a. Is carried out by external <u>livelihood restoration</u> and/or <u>resettlement</u> experts as applicable;</li> <li>b. Includes a review of the <u>mitigation</u> measures implemented by the <u>entity</u> and a comparison of implementation outcomes against the requirements of this <u>DRP</u>;</li> <li>c. Clearly demonstrates that the objectives of the <u>DRP</u> have been successfully (and therefore the monitoring process can be terminated); and</li> <li>d. Is made available to affected people and their advisors.</li> </ul> <p>2.4.8.5. If the completion audit determines that the objectives of the <u>DRP</u> have not been met, a corrective action plan is developed and implemented (to the extent possible and if relevant and desired by historically affected people or communities). This plan includes concrete measures to be implemented and a timeline budget for doing so, and provisions for a second completion audit that meets the requirements of 2.4.8.4 when the objectives of the correction action plan are deemed to have met the objectives of the <u>DRP</u>.</p>
<p><b>2.4.9. Private Sector Responsibilities Under Government-Managed Resettlement</b></p>	<p><b>2.4.9. Private Sector Responsibilities Under Government-Managed Resettlement</b></p>
<p>2.4.9.1. Where land acquisition and resettlement are the responsibility of the government, the <u>entity</u> collaborates with the responsible government agency, to the extent permitted by the agency, to identify government resettlement and compensation measures. If these measures do not meet the relevant requirements of this chapter, the <u>entity</u> prepares a supplemental plan that, together with the documents prepared by the responsible government agency, addresses the relevant requirements of this chapter. The entity includes in its supplemental plan, at a minimum:</p> <ul style="list-style-type: none"> <li>a. Identification of affected people and impacts;</li> <li>b. A description of regulated activities, including the entitlements of physically and economically displaced people provided under applicable national laws and regulations;</li> <li>c. The supplemental measures to achieve the requirements of this chapter in a manner that is permitted by the responsible agency and implementation time schedule; and</li> <li>d. The financial and implementation responsibilities of the entity in the execution of its supplemental plan.</li> </ul>	<p>2.4.9.1. Where land acquisition was the responsibility of the government, the <u>entity</u> conducts due diligence and impact assessment per requirements 2.4.1.1 - 2.4.1.3 and, to the extent possible collaborates with government (if and where necessary and possible) to incorporate affected people into the <u>DRP</u> per the requirements of this chapter.</p>