



Initiative for Responsible
Mining Assurance

EXCERPT FROM THE **IRMA Standard**

for

Responsible Exploration, Extraction,
and Processing of Minerals

→ **2nd DRAFT** ←

for public consultation

**CHAPTER 2.5 – Land Acquisition, Displacement, and
Resettlement**

IRMA Standard v2.0 DRAFT 2

July 2025

English Version

Disclaimer and Context on this Draft

The 2nd DRAFT Version of the IRMA Standard for Responsible Exploration, Extraction, and Processing of Minerals V2.0 (hereafter referred to as the “2nd DRAFT”) is being released for public consultation, inviting the world to join once again in a conversation around expectations that drive value for greater environmental and social responsibility in mining and mineral processing.

The 2nd DRAFT does not represent content that has yet been formally endorsed by IRMA’s equally-governed multi-stakeholder Board of Directors. IRMA’s Board leaders seek the wisdom and guidance of all readers to inform this through an inclusive revision process one more time, to improve the Standard.

This draft document builds on the 1st DRAFT Version published in October 2023, and invites a global conversation to improve and update the 2018 IRMA Standard for Responsible Mining V1.0. This 2nd DRAFT is intended to provide as final of a look-and-feel as possible, although input from this consultation will result in final edits, and consolidation to reduce overall number of requirements (more on this on page 6), for a version that will be presented to IRMA’s equally-governed multi-stakeholder Board of Directors for adoption and implementation.

This 2nd DRAFT has been prepared and updated by the IRMA Secretariat based on:

- learnings from the implementation of the current IRMA Standard (V1.0)
- experience from the [first mines independently audited](#) (as of July 2025, 24 sites have completed audits or are in the process of being audited)
- evolving expectations for best practices in mining to reduce harm
- comments and recommendations received from stakeholders and Indigenous rights-holders
- the input of subject-specific Expert Working Groups convened by IRMA between 2022 and 2024
- all comments and contributions received during the public-comment period of the 1st DRAFT version (October 2023-March 2024)

Please note that Expert Working Groups were created to catalyze suggestions for solutions on issues we knew most needed attention in this update process. They were not tasked to come to consensus nor make formal recommendations. Their expertise has made this consultation document wiser and more focused, but work still lies ahead to resolve challenging issues. We encourage all readers to share perspectives to improve how the IRMA system can serve as a tool to promote greater environmental and social responsibility, and create value for improved practices, where exploration, extraction, and processing of minerals happens.

IRMA is dedicated to a participatory process including public consultation with a wide range of affected people globally and seeks feedback, comments, questions, and recommendations for improvement of this Standard. IRMA believes that diverse participation and input is a crucial and determining factor in the effectiveness of a Standard that is used to improve environmental and social performance in a sector. To this end, every submission received will be reviewed and considered.

This current 2nd DRAFT is based on content already in practice in the IRMA Standard for Responsible Mining V1.0 (2018) for mines in production, and its accompanying normative Guidance document and Supplementary Guidance, combined with the content drafted in the IRMA Standard for Responsible Mineral Development and Exploration (‘IRMA-Ready’ Standard – Draft v1.0 December 2021) and in the IRMA Standard for Responsible Minerals Processing (Draft v1.0 June 2021), and offers an updated version of the 1st DRAFT Version of the IRMA Standard V2.0 that received over 2,500 unique points of comments between 2023 and 2024.

Please note: The IRMA Standard V2.0 is new in its approach in that it now covers more phases of the mining and mineral supply chain, from exploration and development, through mining, closure, and mineral processing. IRMA also, separately, oversees a [Chain of Custody Standard](#) for tracking materials through the supply chain from mine-to-market end use products.

Disclaimer on Language and Corrections

For this public consultation, only an English version is available. A Glossary of Terms used in this Standard is provided at the end of the full version of the document (see below). IRMA reserves the right to publish corrigenda on its web page, and readers of this document should consult the corresponding web page for corrections or clarifications.

This document provides only one chapter excerpt from the IRMA Standard v2.0 DRAFT 2.

The full version contains 27 Chapters, [click here](#) to view it.

Objectives of this 2nd public consultation

Following the release of a 1st DRAFT of the IRMA Standard V2.0 in October 2023 for a 90-day public consultation, the IRMA Secretariat received more than 2,500 points of comments from 82 organizations, then organized additional engagement with stakeholders and Indigenous rights-holders, and solicited complementary guidance from multiple topic-specific Expert Working Groups.

We [anticipated](#) release of this 2nd DRAFT for a second round of public consultation as early as Q3 2024, then subsequently [announced](#) that more time was needed to support engagement of diverse stakeholders; the revised release date was July 2025. We provided more detailed explanation for the extended process [here](#) and [here](#).

IRMA Mining Standard: a journey



The release of this 2nd DRAFT marks a significant milestone on the road to the revision of the IRMA Standard: this public consultation will be the last of this revision cycle on V2.0.

Informed by the outcomes of this public consultation, along with guidance from Expert Advisors and IRMA Working Groups (see more below), and additional engagement with Indigenous rights-holders and stakeholders as requested, the IRMA Secretariat will prepare a final version. This final version will be discussed by the IRMA Board and refined to reach consensus for adoption by all six governing houses of IRMA: Affected Communities including Indigenous Rightsholders; Environmental and Social NGOs; Organized Labor; Finance and Investment Professionals; Mining Companies; Purchasers of Mined Materials.

In IRMA's strategic decision-making, Board members work to achieve consensus. IRMA believes a majority vote is not a model of equal governance. Instead, any motion that results in both of the two representatives from the same governing house voting "no" must go back to the full group for further discussion. In other words, a proposed course of action cannot proceed if both representatives from one of our six governing houses are opposed. Board members will keep talking until a resolution that works for all groups is found. It is a model that has worked for IRMA for nearly two decades and is fundamental to IRMA's credibility, accountability and service to all six houses of governance.

What is IRMA seeking guidance on?

Comments, feedback, and suggestions are welcome on any aspect of this 2nd DRAFT version (including intent and text of the requirements, endnotes, annexes, format and structure, design, readability, etc.).

IRMA is particularly interested in hearing the views of rights-holders and stakeholders on **the provisions in the Standard that are substantially new compared to the IRMA Standard for Responsible Mining V1.0**. These provisions (requirements or at a sub-requirement level) are highlighted in yellow throughout this Draft, to ensure they are easily identifiable.

We ask readers to assist us in weighing these potential new provisions, and also hold awareness that, prior to adoption of the final version, many of these will be consolidated and reduced in overall number.

Although these new requirements have each been drafted in response to lessons learned, the current state of best practices, emerging expectations, and/or in response to requests and suggestions made during the previous public consultation, collectively they represent substantive increased expectations for both implementing entities and audit firms. The IRMA Board of Directors seeks to ensure that the IRMA Standard, while recognized the world's most rigorous and comprehensive mining standard, continue to welcome and support uptake of newcomer companies engaging from the mineral supply chain around the world.

Thus, in this consultation, we seek guidance from all on **the new provisions that seem most urgent** to be integrated in the final version of the Standard V2.0, so that the revised Standard's expectations are paced at a realistic level to support engagement of mineral operations of a range of sizes, materials and global contexts.

It is important to note that all new requirements and sub-requirements, including those not retained in the final V2.0, will serve as the basis for the ongoing review process once the V2.0 is approved and released by our Board, and will provide fodder for future revisions, when it is decided that a V2.1 or V3.0 is needed.



Chapter 2.5

Land Acquisition, Displacement, and Resettlement**SECOND DRAFT (JULY 2025): SUMMARY OF CHANGES**

- Combined former 2.4A.7.3 and 2.4A.7.5 as they both dealt with the same issue, i.e. measures to be taken if expropriation occurs, expanded on those measures, and clarified that the ENTITY is to cooperate with the responsible government agency, in recognition that expropriation is often carried out by the government once ENTITY-led efforts to negotiate a land sale agreement have failed. (see new requirement 2.5A.7.6).
- Altered now requirement 2.5A.7.2 to add more clarity that 'forced evictions' (which, by definition, are done without provision of legal protections) are distinct from legal expropriation processes, and that forced evictions simply should never be done.
- Re-organized Section 2.5A.7 to follow the logical flow of resettlement proceedings more accurately
- Clarified in chapter "scope of application" that the following requirements previously being considered as 'optional' for post-2012 resettlements are now mandatory for any resettlement undertaken after 2012:
 - 2.5A.7.4 - temporary transitional resettlements
 - 2.5A.7.5 - voluntary land transactions (i.e. voluntary displacement)
- Added a note in the "scope of application" section clarifying what it means for a land acquisition process / resettlement to have "occurred" prior to 2012, between 2012 and 2024, etc. (i.e. that both the planning and implementation, but not the extended M&E, had to have been completed before 2012 for it to be considered as having 'occurred' in that time period).
- Added mention of need for entities to consider climate change adaptation in RAP / LRP planning (2.5A.4.1.f)
- Added an endnote to sub-requirement 2.5.1.1.a stating that entities must explicitly consider all informal landowners or others affected by displacement as 'involuntary' as they will not have any legal basis on which to seek compensation from entities for impacts
- Included a remediation sub-requirement to ensure that, where "voluntary" transactions have fallen short of the provisions of 2.5A.7.5 (mostly in terms of payment of fair market value), that the ENTITY remediates this (see 2.5A.7.5.e)
- Added an optional IRMA+ requirement to consider temporary displacement impacts during discovery / early exploration stages (2.5A.2.2).
- Added language that entities must explicitly demonstrate why temporary transitional displacement is deemed unavoidable and that legal or professional advice must be offered to those being temporarily displaced (2.5A.7.4)
- Removed former Section 2.4A.9 relating to ENTITY responsibilities in government-led resettlements, instead indicating at the outset of the chapter ENTITY obligations in these cases. Previously, this placed the ENTITY's entire chapter score on this single requirement, which asks for the ENTITY to develop a supplementary plan to address gaps between IRMA requirements and the government-led resettlement, in the case of a government-led resettlement. We are proposing instead to specify in the 'scope of application' section that the entire chapter applies, but that in cases where the ENTITY was restricted by the government in their ability to influence resettlement outcomes, that they only have to demonstrate good faith efforts to exert this influence. We will also propose providing guidance that auditors highlight in an opening narrative where entities have been unable to influence the government and therefore resettlement results have fallen short of expectations (which might, if the ENTITY made good faith efforts mentioned above, tell a different story than their total score on the chapter). Public feedback indicated this was important

to avoid IRMA perpetually assigning achievement levels on this chapter to entities who knowingly invest in areas where they know they will not be able to influence the resettlement and that it will therefore fall short of IRMA expectations).

- Minor changes made in 2.5B to reflect changes in 2.5A where relevant.
- Monitoring and Evaluation, and Continuous Improvement requirements have been broken down into multiple requirements to ensure auditability and assessability.
- Substantial structural changes, to ensure clarity, and consistency throughout the Standard.

RESPONSE TO CONSULTATION QUESTIONS OUTLINED IN FIRST DRAFT

Question #	Question	Feedback Received and Proposed Decision
2.4-01	<p>(Grievances related to displacement and resettlement) (Note: question repeated from Chapter 1.4 – ‘Complaints and Grievance Mechanism and Access to Remedy’) Question: Should an ENTITY’s score on grievance-related requirements within individual non-grievance-specific chapters be restrained or linked to the overall score that the ENTITY gets on the grievance chapter (Chapter 1.4) as a whole?</p>	See Chapter 1.6 (former 1.4) for feedback received, proposed decision, and relevant changes to chapter guidance.
2.4A-01	<p>(Inclusion of climate resiliency and climate adaptation during resettlement planning) IRMA has identified climate resiliency and adaptation as a necessary consideration in the ESIA process. Should IRMA also require that climate resiliency and climate adaptation be considered during resettlement planning (e.g., in terms of social capital development, social learning and effective community organization and leadership; livelihoods restoration strategies which respond to changing climatic conditions; climate-resilient housing, settlements layout and infrastructure; or other key areas of climate-related impact as it relates to resettlement)? Examples of current, emerging, or predicted concerns are welcome for context.</p>	<p>Feedback received: Public feedback overwhelmingly supported inclusion of this topic in Chapter 2.5A.</p> <p>Proposed Decision: Add sub-requirement 2.5A.4.1.f requiring entities to consider climate adaptation needs when designing livelihood restoration measures.</p>
2.4A-02	<p>(Displacement of households with no legal or formal claim to lands) Background: IFC guidance states that entities are not obligated to provide replacement land or compensation for land to affected people with no formal or customary claim to the lands on which they live /engage in productive activities. However, PS5 does state that affected people, “should be offered resettlement assistance sufficient to restore their standards of living at a suitable alternative site.” If not through offering replacement land or compensation for land, how should entities restore standards of living of affected people who do not own land and, without compensation, may not be able to purchase land to reestablish their affected structures/livelihoods?</p>	<p>Feedback received –(including an additional survey distributed to leading global resettlement experts): suggested that the decision to provide replacement lands to physically displaced people with no claim to land is a very context-dependent decision, and therefore should not be mandated by IRMA in all contexts (this approach is also taken by the IFC). There is a need to balance ensuring that <u>underserved and/or marginalized people</u> are not made more vulnerable as a result of displacement, with concerns about legitimizing land grabbing and speculation that itself can have negative impacts on communities impacted by a project. Where the opportunistic occupation of lands with the intent of obtaining</p>

	<p>Question: What guidance should IRMA give to entities concerning obligations towards physically displaced households in particular, where those households do not own lands on which to reestablish their residential structures? How should IRMA guide auditors to interpret “options for adequate housing with security of tenure” and the overall obligation to restore previous standards of living?</p>	<p>benefits from a project occurs on public lands, legitimizing these land claims can set a dangerous precedent and in many jurisdictions is incompatible with local legislation. Where speculation occurs through purchases of privately-owned lands in a project area at low costs with the anticipation of selling them to a project for a profit, vulnerable households that perhaps do not have the knowledge or capacity to enforce their rights and ensure a fair sale price are most likely to fall victim to this behavior. That being said, there are other contexts in which the occupation of lands is not opportunistic, i.e. individuals have been living on (or making productive use of) public lands for an extended period of time in jurisdictions that do not recognize this as constituting a customary land claim (which in many other jurisdictions would constitute a customary land claim).</p> <p>Proposed Decision: We are retaining the requirement that entities, at a minimum, undertake measures to ensure that physically displaced households with no legal or formal claim to lands are provided with options for housing with security of tenure appropriate to the context (2.5A.5.3), keeping in mind that all proposed measures will be decided on in communication with the affected people themselves. This could include enabling them to establish a rental situation, offering loans to enable them to purchase lands at a discounted rate, etcetera. Note: this will be reflected in guidance, there is no corresponding change in the chapter text.</p>
2.4A-03	<p>(Displacement of tenants) Background: In the case of tenants, IFC does not specify a particular outcome. IFC guidance states that, “In some cases, tenants may qualify for replacement housing and in other cases they will be resettled in similar housing under similar or improved tenure arrangements.”¹ Without some boundaries it is difficult for companies and auditors to know if the requirement for providing “adequate housing with security of tenure” is fully being met.</p> <p>Question: What should ‘security of tenure’ look like in practice for households renting residential structures that are affected by the project? Should IRMA specify a best practice outcome? If so, what would that look like, e.g., similar housing with a 12-month lease (if there was no previous lease), or something else?</p>	<p>Feedback received: Feedback was limited on this question - some suggested IRMA should defer to country of operation’s laws, others suggested that 12 months is an appropriate timeframe.</p> <p>Proposed Decision: As with Consultation Question 2.4A-02, above, we are retaining the requirement that entities, at a minimum, undertake measures to ensure that physically displaced households with no legal or formal claim to lands, such as households that are renting residences, are provided with options for housing with security of tenure appropriate to the context (2.5A.5.3), keeping in mind that all proposed measures will be decided on in communication with the affected people themselves. This could include providing them</p>

		<p>with at least a 12-month lease in a similar residential structure (similar to the requirements for commercial renters in 2.5A.6.1.b) or other reasonable solution agreed to by the affected person/household, unless a lease of this duration is prohibited by country of operation's laws.</p> <p>Note: this will be reflected in guidance, there is no corresponding change in the chapter text.</p>
2.4A-04	<p>(Transitional temporary physical resettlement) Background: Per IRMA guidance for requirement 2.4.7.6 (which was 2.4.6.6 in the 2018 Mining Standard²) the IFC PS5 requires entities to pay compensation and provide affected people with replacement lands/structures prior to displacement, while recognizing that circumstances can arise in which it is not feasible to do so. However, there is little international guidance detailing how these 'transitional' temporary resettlements should occur. Requirement 2.4.7.7 is designed to fill this gap and ensure that the treatment of displaced people subject to transitional temporary physical resettlement is done in a manner that is consistent with the spirit of this chapter in terms of reducing vulnerability and ensuring that stakeholders are not made worse off as a result of displacement.</p> <p>Question: Do you agree that this is an issue that needs to be addressed? And if so, do you have any feedback on the requirement as proposed</p>	<p>Feedback received: Public feedback was strongly supportive of addressing this issue for any resettlement occurring post 2012. Some even suggested strengthening it.</p> <p>Proposed Decision: The new draft adjusts the requirement (now 2.5A.7.4) to require entities to not only "make efforts" to avoid transitional temporary physical resettlement, but also to demonstrate how / why it was not avoidable.</p> <p>Also, the requirement now includes that affected households are offered the option for independent legal or professional advice (see 2.5A.7.4.c) before formally agreeing/not agreeing to the proposed temporary resettlement terms.</p>
2.4A-05	<p>(Applicability of requirements related to voluntary displacement) Background: The current proposal for requirement 2.4.7.9 is that entities undertaking their land acquisition between 2012 and the release of the updated IRMA Standard can choose to be exempted from this requirement, based on the logic that regulation of voluntary land transactions goes beyond the IFC PS and therefore cannot be said to have been normative (and therefore expected of entities) beginning in 2012. However, one might also argue that the requirements indicated for voluntary transactions (fair market price, decisions made free of coercion, etc.) constitute norms of fair market value transactions that were normative long before 2012.</p> <p>Question: Do you agree with the proposed approach of allowing entities whose land acquisition occurred between 2012 and the release of IRMA Version 2.0 (2024) to choose to be audited (or not) against this requirement (2.4.7.9 - obligation to assess and ensure quality of "voluntary" [willing buyer-seller] transactions)</p>	<p>Feedback received: Public feedback supported the idea that global norms pertaining to fair market value transaction norms and good faith negotiations and voluntary transactions (as represented by the sub-requirements of current 2.5A.7.5) were widely accepted international best practice even before 2012. Therefore, this requirement should be retroactively applied to resettlements occurring after 2012. Some requested a remediation requirement, i.e. that if 'voluntary transactions' did not, for example, pay full market value, that the ENTITY should remediate this.</p> <p>Proposed Decision: The requirements will apply to all entities post-2012, and sub-requirement on remediation has been added (2.5A.7.5.e).</p>

	<p>as it was arguably not considered international best practice.</p> <p>Or do you believe that despite not falling under the gamut of the IFC standards (the motivation for the current 'exemption' clause indicated above), 2.4.7.9 reflects extant normative expectations since 2012 concerning the characteristics and outcomes of good faith free-market negotiations, and that it should therefore be applied retroactively to all voluntary land acquisition processes occurring between 2012 and the release of the updated IRMA Standard? Put differently, do you agree that entities should not be exempt from this requirement in the updated IRMA Standard, as they are from others that arguably go beyond IFC norms?</p>	
2.4A-06	<p>(Voluntary displacement)</p> <p>Background: The previous consultation question suggests that the conditions under which voluntary (willing buyer-seller) land transactions occur in the context of land acquisition for mining-related activities often do not meet the requirements for truly voluntary (informed, equitable, non-coerced) land transactions.</p> <p>Question: If that is the case, should IRMA go further than the proposed 2.4.7.9 for entities undertaking land acquisition after the release of the updated IRMA Standard and require that <u>all land acquisition</u> be treated as "involuntary," regardless of whether it is what the IFC deems to be involuntary (i.e., the ENTITY has recourse to expropriation) or voluntary (willing buyer-seller)? This would mean that entities acquiring lands after the release of this version of the IRMA Standard would therefore be required to meet the full set of requirements in this Chapter 2.4A, including not only the outcome components (full replacement value, livelihood restoration, etc.) but also the process requirements such as creation of a transparent common compensation framework, community engagement, creation of a RAP/LRP, etc.</p>	<p>Feedback received: Public feedback was split on this topic, with some stating that all land transactions should be treated as 'involuntary' and others stating that minimum requirements for 'involuntary' are sufficient.</p> <p>Proposed Decision: As a compromise, and in recognition that it is perhaps not yet international best practice for entities engaging in voluntary transactions to engage in the full range of activities outlined in Chapter 2.5A, we will elaborate in guidance that treating all land acquisition as involuntary is advisable from a risk reputation perspective.</p> <p>The new draft includes a remediation sub-requirement (2.5A.7.5.e) to ensure that, where "voluntary" transactions have fallen short of the provisions of 2.5A.7.5 (mostly in terms of payment of fair market value), that the ENTITY remediates this.</p> <p>There is also new proposed language in 2.5.1.1 clarifying that must explicitly consider all informal landowners or others affected by displacement as 'involuntary' as they will not have any legal basis on which to seek compensation from entities for impacts (see endnote for 2.5.1.1.a). This was previously insinuation in the introductory material for the chapter, but it is now an explicit requirement.</p> <p>Finally, the IRMA Standard already asks entities to explicitly consider impacts on all stakeholders affected by land acquisition - whether voluntary or involuntary - in human rights impacts assessments, and will make cross-linkages between Chapter 1.3 on human rights due diligence and Chapter 2.5 more apparent.</p>

2.4A-07	<p>(Private Sector Responsibilities Under Government-Managed Resettlement)</p> <p>Background: As per IRMA Chapter 1.1, entities are not expected to violate host country law in order to meet IRMA requirements. Therefore, under both the 2018 and this proposed version of the IRMA Standard entities will only be expected to fulfill IRMA requirements to the extent that is possible within the law in situations where host country law largely controls the resettlement process. If the law is silent on aspects addressed in the IRMA chapter, then entities will be expected to advocate for their inclusion in government resettlement projects or plans, or the ENTITY should include those provisions in their own supplemental resettlement plan. This is aligned with the IFC PS, which state that, "While government agencies are often mandated to lead resettlement efforts, experience indicates that there are generally opportunities for clients to either influence or supplement the planning, implementation and monitoring of government-led resettlement..."³ However, the auditing of this requirement as written is challenging because, if an ENTITY applies for IRMA assessment and their land acquisition was (or will be) government-led, then the Standard as currently written asks them to attempt - to the extent possible - to meet all of the requirements in this entire chapter but only evaluates them against 2.4.9.1. This puts the full weight of the chapter onto a single requirement and does not allow the audit report to easily capture nuances such as which of the various components of this chapter the ENTITY did or did not meet and/or where the ENTITY failed to meet a component due to negligence/omission versus where they made a good faith effort to do so but were constrained by government regulations. Working group members also expressed concerns that hinging an ENTITY's performance on this 'best effort' requirement in the case of a government-led resettlement might allow entities to shift blame onto governments for poorly executed resettlements and claim 'government restrictions' prevented them from fair compensation and due process. Even where the ENTITY does indeed make acceptable efforts to supplement or substitute government actions, in instances where government regulations are particularly restrictive, IRMA could end up certifying a land acquisition/resettlement process that is, in fact, deeply problematic.</p> <p>Question: Is it common that host country laws explicitly <u>prohibit</u> private entities from supplementing/supporting land acquisition processes (i.e., engagement, notification timelines, etc.) and outcomes (i.e., compensation and other support) provided for by government bodies? If</p>	<p>Feedback received: Public feedback - including an additional survey distributed to leading global resettlement experts - suggested that it is quite rare that governments legally prohibit entities from influencing resettlement and livelihood restoration processes. However, others mentioned again the concerns indicated in the premise / background to the consultation question, that entities might use 'government-led' as an excuse to shirk obligations.</p> <p>Proposed Decision: In the case of government-led resettlements, entities are to be audited against the requirements of Chapter 2.5 that apply to their particular situation (i.e., historical, recent, new / planned); however, where entities can provide robust evidence that efforts made to influence the government in various issue areas failed, the auditors will take this into consideration in their evaluation.</p> <p>To address a valid concern expressed about wanting to avoid a situation in which entities are consistently investing in places where they know the government will not allow or enable them to meet IRMA requirements, yet are being awarded IRMA achievement levels based on 'robust efforts', IRMA will require that, in such cases, auditors write an opening narrative or disclaimer providing objective context for the entities' achievement on this chapter in order to draw attention to the reality of the achievement level and the risks associated.</p> <p>Note: the 2018 Standard section relating to private ENTITY responsibilities for government-led resettlements (2.4.8) essentially placed the ENTITY's entire chapter score on this single requirement, which asked for the ENTITY to develop a supplementary plan to address gaps between IRMA requirements and the government-led resettlement. We have gotten rid of this requirement, and rather specified in the 'scope of application' section in the chapter introduction the approach proposed above (i.e. that entities must endeavor to meet the requirements of the chapter as applicable to their situation, and will be evaluated on the robustness of their efforts to do so in areas where their ability to achieve a particular outcome was either legally prohibited within the country of operation context, or explicitly objected to by the country of operation government).</p>
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	so, should entities be simply evaluated against the extent of their demonstrable efforts to influence government (the 2018 and proposed approach)? If not, should entities be audited against the full set of requirements of this chapter, regardless of whether it is an ENTITY-led or government-led land acquisition/resettlement?	
2.4B-01	<p>(Assessing affected people and impacts of historical displacement/resettlement)</p> <p>Background: Depending on the nature of a project's land acquisition process or the amount of time since it occurred, there may be instances where entities are unable to find information on the extent/nature of a historical land acquisition/displacement process. In these cases, IRMA proposed that the requirement be assessed based on the robustness of the methodology utilized by the ENTITY to determine sufficiency in terms of investigating the impacts of a historical displacement. The purpose of doing so is to avoid an open-ended obligation on entities to investigate historical displacement.</p> <p>Question: Keeping in mind the intent to balance robustness of the due diligence process with the constraints faced by entities whose efforts are unlikely to bear fruit (due to previous project owners, amount of time passed since displacement occurred, etc.), what criteria should be considered when evaluating the 'robustness' of the investigation? Some suggestions are: What sources did the ENTITY use to attempt to determine historical events? Were interviews conducted? Were local authorities involved? Were notices posted in relevant communities soliciting information, if relevant? Are there recordkeeping timeframes by law that limit access before a certain period?</p>	<p>Feedback received: Public feedback supported the idea of using robustness of efforts to identify historical impacts as a way of both limiting perverse incentives for entities do not do a thorough due diligence and ensuring such efforts do not become a limitless pursuit and that entities can achieve this requirement even if, ultimately, the result is that they are unable to identify historical resettlement impacts. Feedback on what criteria should be used specifically to gauge this was somewhat limited.</p> <p>Proposed Decision: IRMA to develop guidance pertaining to robust due diligence for historical land acquisition. This guidance will speak to attempts to obtain documentation or other formal evidence such as imaging, as well as engagement with authorities and communities to triangulate findings (or lack thereof).</p>

BACKGROUND

In some cases, often by virtue of the location of a mineable ore body, mining or mineral processing projects are located in close proximity to where people live. In order to develop a project, companies often have to acquire land – either permanently or temporarily – on which people are living, or are dependent on.

Land acquisition includes both outright purchases of property and acquisition of access rights, such as easements or rights of way.⁴ This may result in people being economically displaced from their livelihoods as well as physically displaced from their lands, homes, communities, and social and cultural ties. Project impacts can also, if sufficiently adverse and not mitigated, result in physical and economic displacement even where no land acquisition occurs.

For the purposes of this Standard, the situation where those affected do not have the legal right to refuse land acquisition is referred to as involuntary displacement.⁵ IRMA considers 'involuntary' therefore to also include people who are involuntarily displaced from (or otherwise adversely impacted as a result of the acquisition of) lands that they do not own as a result of 'voluntary' transactions between a landowner (different from those people) and the ENTITY.

The World Bank experience indicates that, "involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social and environmental risks: productive systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost."⁶ Social disintegration and severe impoverishment are therefore some of the immediate risks of resettlement that affect not only the displaced people but also communities receiving them (referred to as 'host communities').⁷

IRMA does not prohibit involuntary resettlement, although it encourages entities to avoid it when doing so is in the best interest of the people and communities affected. When avoidance is not possible nor in the best interest of those affected, IRMA, like other internationally recognized standards on resettlement (e.g., the International Finance Corporation's (IFC) Performance Standard 5 on Land Acquisition and Involuntary Resettlement) requires that companies strive to minimize impacts on affected people by implementing mitigation measures such as fair compensation and improvements to livelihoods and living conditions that are discussed ahead of time with affected peoples. Active engagement of affected people and their advisors is required throughout the process, from the earliest stages of resettlement risk and impact assessment through the monitoring of resettlement outcomes.

As does the IFC, IRMA encourages entities to use negotiated settlements, even if they have the legal means to acquire land without the seller's consent.⁸ Negotiated settlements typically give affected people a greater role in planning the resettlement, help avoid expropriation, and eliminate the need to use governmental authority to remove people forcibly.⁹ However, should efforts at good faith negotiations and subsequent arbitration options fail, any legally-permitted expropriation process ending in involuntary removal of people from the lands they occupy must only be conducted in accordance with national laws and international best practices.¹⁰

KEY REFERENCES

This chapter strongly builds on, or aligns with, the following international or multilateral frameworks, conventions, and guidance:

- United Nations Guiding Principles on Business and Human Rights, 2011
- IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement, 2012
- IFC Performance Standard 5 Guidance Note, 2012
- European Bank for Reconstruction and Development (EBRD) Performance Requirement 5: Land Acquisition, Involuntary Resettlement and Economic Displacement, 2014
- European Bank for Reconstruction and Development (EBRD) Resettlement Guidance and Good Practice, 2017
- UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, 2007

RELEVANCE TO VOLUNTARY AND INVOLUNTARY DISPLACEMENT

IRMA considers that informal land occupiers or users displaced from lands or otherwise impacted as a result of 'voluntary' (i.e., "willing buyer-seller") land transactions on behalf of the landowner fall into the category of 'involuntary displacement', even if there is no inherent underlying recourse to expropriation to make the transaction by definition 'involuntary'. Therefore, as part of the initial land acquisition review process (requirement 2.5.1.1), Entities are required to investigate the conditions surrounding 'voluntary' land transactions as well. This is necessary not only to identify people that may be considered "involuntarily displaced" (and therefore subject to most of the requirements of this Chapter) but also to identify potential human rights abuses associated with land acquisition (as required in Chapter 1.3) and to allow for evaluation of dedicated requirements aimed at ensuring quality of 'voluntary' land transactions (see requirements 2.5A.7.5 in Sub-Chapter 2.5A).

OBJECTIVES OF THIS CHAPTER

To understand past and potential land acquisition and displacement, avoid displacement and resettlement if that is the most protective option for people, and, when avoidance is not the best option, equitably compensate affected people and ensure that the livelihoods and standards of living of displaced people are improved and sustainable over the long term.

SCOPE OF APPLICATION

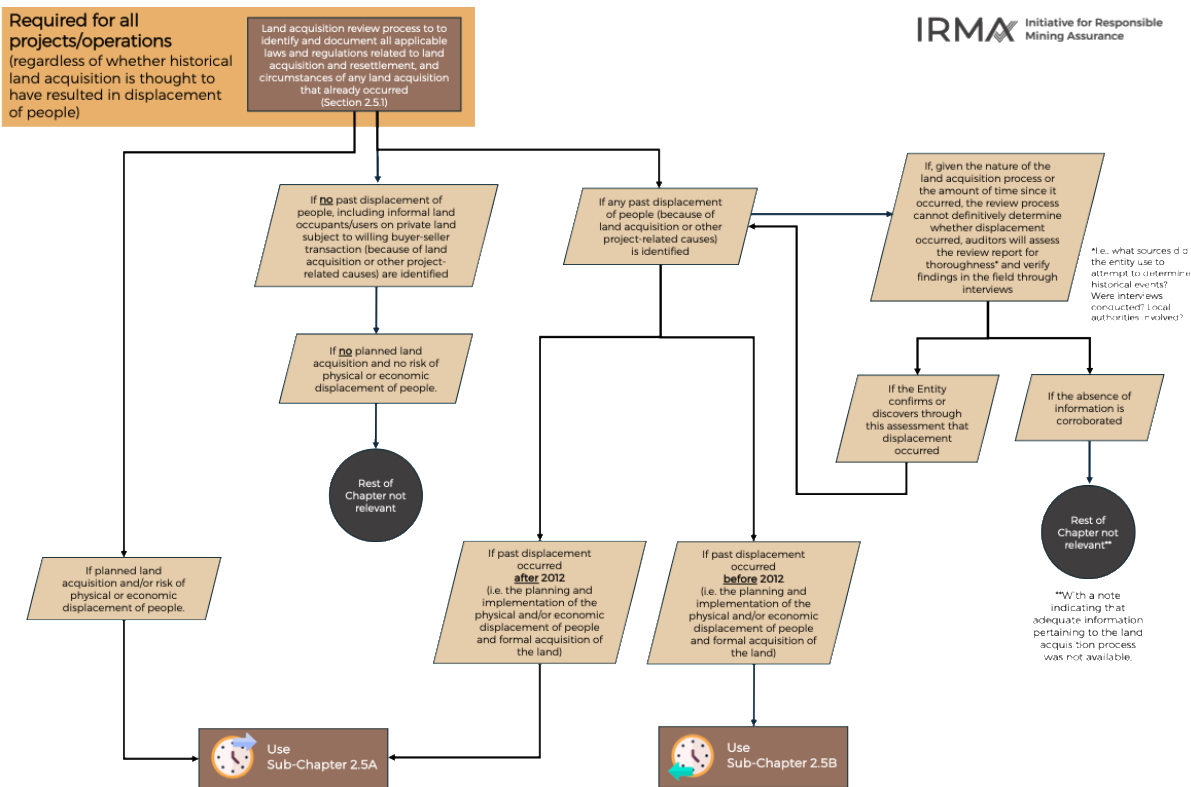
All sites undertaking and IRMA assessment must conduct the land acquisition review process required in 2.5.1.1, regardless of whether land acquisition is thought to have resulted in (or may potentially result in) permanent or temporary involuntary or voluntary physical or economic displacement of people.¹¹ (see 'Relevance of Voluntary and Involuntary Displacement' above). Beyond that, entities will be audited according to the following scheme:

- For sites that fully meet requirement 2.5.1.1 AND that demonstrate that no past land acquisition processes resulted in (or may potentially result in) permanent or temporary involuntary or voluntary physical or economic displacement of people, and that there is no proposed land acquisition planned, the rest of the Chapter will be mark 'not applicable' (and not scored).
- Sites where land acquisition occurred, was or is ongoing, or is proposed to occur, **after 2012**, are audited against the requirements of **2.5A**. There are some requirements that, if entities do not do them from the outset of their resettlement process and prior to entering the IRMA system, cannot be retroactively met due to their temporal nature; however, with remediation measures they may be able to achieve 'substantially' or 'partially' meets.¹²
- Sites where any land acquisition occurred and were completed **before 2012**¹³ are audited against the full set of requirements in **2.5B**. This applies irrespective of whether the ENTITY owned the asset at the time of the land acquisition. It may be the case that an ENTITY conducted and concluded a resettlement process prior to this date that adhered to international norms (i.e., the IFC PS). In such cases, the ENTITY may not wish to be audited against 2.5B, as its focus on retroactive assessment and remediation do not make sense for an already-concluded resettlement that meets many of the requirements of 2.5A. In such cases, the ENTITY may opt to be audited against 2.5A.
- Some sites may have had both some land acquisition and displacement occur before 2012 and some other land acquisition and displacement occur after 2012 (and/or be proposed to occur). Such sites will be audited against 2.5A and 2.5.B for the respective processes. The scores will be calculated and reported separately for each process.

Refer to the Figure 2.5 below for how entities with historical resettlements would proceed through the chapter, and how/when determinations of 'not relevant' can be made.

Additionally, where land acquisitions / resettlements are the responsibility of the government, entities are to be audited against the requirements of Chapter 2.5 that apply to their particular situation (i.e., 2.5A or 2.5B); however, where entities can provide robust evidence that good faith efforts were made to collaborate constructively with the government vis-a-vis IRMA requirements but failed, the auditors will take this into consideration in their evaluation. For more details, see 'Responsibilities Under Government-Managed Resettlement' below.

FIGURE 2.5. How to determine applicability of the Sub-Chapters included in this Chapter.



For each requirement, the following colors are displayed in the margin to indicate the phases for which it is required:

E1	Exploration – Stage 1
E2	Exploration – Stage 2
E3	Exploration – Stage 3
D	Project Development and Permitting
M	Operating Mine
P	Operating Mineral Processor

RESPONSIBILITIES UNDER GOVERNMENT-MANAGED RESETTLEMENT

Where land acquisitions / resettlements that were or are the responsibility of the government have been identified as per 2.5.1.1, Entities are to be audited against the requirements of Chapter 2.5 that apply to their particular situation. For government-managed land acquisitions / resettlements that took place **after 2012**, or are proposed, the requirements in Sub-Chapter 2.5A apply.

Where historical land acquisition occurred **before 2012** and was the responsibility of the government, the ENTITY is required to ensure that:

- 1) A mapping process is carried out by competent professionals, in accordance with requirement 2.5B.2.1;
- 2) An impact assessment is conducted by competent professionals, in accordance with requirement 2.5B.2.2; and
- 3) To the extent possible, it collaborates with the government and its relevant agencies (if and where necessary and possible) to: incorporate affected people into a Displacement Remediation

Plan (DRP) in accordance with the requirements of Section 2.5B.4; foster meaningful stakeholder engagement as per Section 2.5B.6; monitor and evaluate the implementation of the DRP, as well as review and improve its effectiveness, as per Sections 2.5B.7 and 2.5B.8; and share relevant information as per Section 2.5B.9.

For all points in 3) where the ENTITY can provide robust evidence that good faith efforts were made to collaborate constructively with the government but failed, the auditors may give score exemptions on these relevant Sections.

CRITICAL REQUIREMENTS IN THIS CHAPTER

Throughout the Standard, critical requirements are identified using a red frame. There are three (3) **critical requirements** in this Chapter (all in Sub-Chapter 2.5A).

OPTIONAL IRMA+ REQUIREMENTS IN THIS CHAPTER

Throughout the Standard, optional IRMA+ requirements are identified using a dotted blue frame. There is one (1) **optional IRMA+ requirement** in this Chapter.

In this second draft, IRMA introduces a new category of requirements: IRMA+. These requirements are aspirational and forward-looking. They reflect emerging expectations and recommendations from stakeholders, but currently go above and beyond existing and established best practice. IRMA+ requirements are entirely optional, and they will not affect the scores and achievement levels obtained by the entities choosing to be assessed against them.



ISSUES UNDER CLOSE WATCH (EYE ICON)

Entire Sub-Chapter 2.5B for Remediating Historical Land Acquisition, Displacement, and Resettlement:

This was only a suggestion in the 2018 IRMA Standard for Responsible Mining V1.0, and only mentioned in the 'Scope of application' section and not actually transposed in any auditable requirements. This is an important issue that should not be left unattended, and the IRMA Standard attempts to reflect international best practices for exploration, mining, and processing companies to do so.

These requirements are signaled with an 'eye icon' to ensure that IRMA closely monitor their relevance, and their implementation as the Standard V2.0 is applied. This is also intended to ensure IRMA will review associated challenges and needed decision more quickly if necessary. Note that these requirements are not 'optional' (unlike IRMA+).

IRMA Requirements

2.5.1 Land Acquisition Review

2.5.1.1 A review process is conducted by competent professionals to:

- a. Identify and document all applicable laws and regulations in the country of operation that are related to land acquisition and resettlement,¹⁴ as well as circumstances of any land acquisition that already occurred in the project/operation's area of influence;
- b. This review includes, to the extent possible, records of formal and informal land ownership¹⁵, land use, and land occupancy on any lands acquired by/for the project/operation by the ENTITY, prior owner/s, or government in the case of government-led land acquisition;
- c. This review determines, to the extent possible, whether there was any physical or economic displacement resulting from land acquisition and/or any other potential project-related displacement¹⁶, considering both formal and informal owners, as well as occupants and land users, if any; and
- d. This review determines, to the extent possible, if there was any physical or economic displacement of Indigenous Peoples.



SUB-CHAPTER 2.5A

For Managing Proposed or Recent (after 2012) Land Acquisition, Displacement, and Resettlement

2.5A.2 Risk and Impact Assessment



2.5A.2.1 If there is the potential that land acquisition by/for the project/operation, or the level of direct or indirect impacts from the project/operation, could result in physical or economic displacement (hereafter referred to as 'displacement') of people, a risk and impact assessment is carried out by competent professionals, as early in the project planning as possible, as follows:

- a. It evaluates the potential direct and indirect risks and impacts related to the displacement of people;
- b. It includes identification and systematic evaluation of project design alternatives to avoid or minimize the displacement of people **if that is the most protective option for people;**
- c. It identifies and analyzes the social, cultural, human rights, conflict, environmental, and economic risks and impacts to displaced people and host communities for each alternative
- d. It pays particular attention to potential impacts on different genders, ages, ethnicities, and any potentially underserved and/or marginalized people¹⁷;
- e. **It takes into account occupants or land users without formal land claims affected by voluntary transactions, considering both direct and indirect forms of physical and economic displacement;**
- f. It identifies measures to prevent and mitigate risks and impacts and estimates the costs of implementing the measures;
- g. **It uses a credible methodology, and the methodology used is documented; and**
- h. It is made and maintained publicly accessible, as early in the resettlement planning process as possible, and details on how it can be accessed are proactively shared with potentially affected rights-holders and stakeholders and their advisors.



2.5A.2.2 IRMA+

The risk and impact assessment includes consideration of impacts associated with temporary displacement associated with the exploration stages.

2.5A.3 Baseline Data

2.5A.3.1 Where displacement is deemed unavoidable, prior to any displacement, and prior to any survey and census activities (see 2.5A.3.2):

- a. Clear compensation eligibility criteria and a cut-off date for eligibility are established;
- b. Information regarding the eligibility criteria and the cut-off date is documented; and
- c. This information (a. and b.) is proactively and preemptively communicated to the rights-holders and stakeholders affected by the project/operation;

2.5A.3.2 Where displacement is deemed unavoidable, prior to any displacement, and after the information required in 2.5A.3.1 has been communicated to affected rights-holders and stakeholders, competent professionals carry out the following actions:

- a. A household-level socioeconomic census to collect appropriate baseline data on the current livelihoods, standards of living, and socio-cultural practices of people who will be physically or economically displaced by the project/operation;
- b. A land and asset survey to: 1) establish an inventory of affected lands and other assets, along with their location, status, and condition; 2) determine owners or users of the assets; 3) determine eligibility for compensation; and 4) establish a cut-off date for compensation claims; and
- c. These censuses and surveys follow credible methodologies, and are documented.

2.5A.4 Resettlement and Livelihood Restoration Plan

- 2.5A.4.1** In the case of **physical displacement**, a Resettlement Action Plan (RAP) (or equivalent) is developed by competent professionals with land acquisition/resettlement expertise. If the project involves **economic displacement** only, then a Livelihood Restoration Plan (LRP) (or equivalent) is developed by competent professionals. In either case, these plans:
- Include a gap analysis of the country of operation's laws and international standards pertaining to compensation and restoration for displacement and outline how any gaps will be filled;
 - 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;
 - Describe how affected people will be involved in an ongoing process of consultation (including access to grievance mechanisms) throughout the resettlement/livelihood restoration planning, implementation and monitoring phases, including how consultations will ensure the inclusion of potentially underserved and/or marginalized people¹⁸;
 - Describe the strategies to be undertaken **to mitigate the negative impacts of displacement and improve, or at least restore, livelihoods and standards of living of displaced people**, paying particular attention to the needs of potentially underserved and/or marginalized people and the potential for compensation or livelihoods support to create or exacerbate conflicts within or between communities;
 - 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 opportunities¹⁹;
 - Describe how the ENTITY has incorporated climate adaptation considerations into all components of RAP / LRP planning;
 - Describe the methods used for valuing land and other assets;
 - Establish the compensation framework²⁰ in a transparent, consistent, and equitable manner;
 - Include both input- and outcome-related indicators²¹ (including gender-disaggregated indicators where appropriate), linked to adequate baseline data, to enable monitoring and evaluation of the effectiveness of measures over time in achieving the objectives of the RAP/LRP to improve, or at least restore, affected people's livelihoods and standards of living;
 - Assign implementation of measures to responsible staff with adequate skills and expertise;
 - Assign responsibility to its top management level to oversee plan implementation, monitoring, and recordkeeping²²;
 - Has clearly-defined timelines and implementation schedules in place that specify the expected outcomes for the affected people;
 - Maintains estimates of human resources and budget required; and
 - Include financing plans, to ensure that funding is available for the effective implementation of the plans.



2.5A.4.2 To integrate gender progressive approaches in the development of compensation and entitlement measures as appropriate to the context, the plans also include:

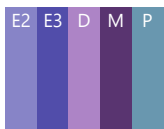
- a. Measures to address gender inequality in terms of access to and control of resources or assets;
- b. Measures to ensure gender responsive livelihood restoration approaches; and
- c. Adequate female representation on community-based resettlement, compensation, or grievance evaluation committees, if relevant.

2.5A.5 Specific Measures Related to Physical Displacement



2.5A.5.1 In all cases where people are physically displaced, the ENTITY has a system in place to:

- a. Provide relocation assistance that is suited to the needs of each group of displaced people and is sufficient for them to improve or at least restore their standard of living at an alternative location;
- b. Ensure that locations where displaced people are resettled offer improved, or at least equal, living conditions, and take into consideration displaced people's preferences with respect to relocating in pre-existing communities and groups; and
- c. Respect and seek to preserve and/or reestablish existing social and cultural institutions of the displaced people and any host communities.



2.5A.5.2 In cases where physically displaced 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 the country of operation's law, the ENTITY has a system in place to:

- a. Offer the choice of replacement land of at least equal value and characteristics, security of tenure, and advantages of location;
- b. Offer 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 provides replacement housing that meets these standards; and
- c. As an alternative, and if cash compensation is appropriate and/or preferred by the affected person, offer compensation that is sufficient to replace lost land and residential structures at full replacement cost in local markets.



2.5A.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 under the country of operation's law, the ENTITY has a system in place to:

- a. Provide them with options for adequate housing with security of tenure;
- b. Compensate for the loss of assets other than land at full replacement cost, provided that the people had been occupying the affected land, and the affected assets had been established, **prior** to the cut-off date for eligibility; and
- c. Ensure those people are included in the collaborative development, implementation, monitoring and evaluation of the RAP.

2.5A.6 Specific Measures Related to Economic Displacement

- 2.5A.6.1** In cases where project/operation-related land acquisition or restrictions on land use result in economic displacement in the form of displaced business operations or commercial structures, regardless of whether the affected people are physically displaced, the ENTITY has a system in place to:
- Compensate 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;
 - Compensate 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 provide assistance to establish a new, equivalent commercial lease with secure tenure (i.e., 12 months lease); and
 - Compensate employees of affected businesses for lost income.

- 2.5A.6.2** To compensate economically displaced people, the ENTITY has a system in place to:
- In cases where they have formal legal rights to the land or assets they use or depend on, or do not have formal legal rights but have a claim to land that is recognized or recognizable under the country of operation's law, compensate them with replacement land of equal or greater value appropriate to their livelihood;
 - As an alternative, and if cash compensation is appropriate and/or preferred by the affected person, offer cash compensation for land/improvements to the land at full replacement cost; and
 - In cases where economically displaced people have no recognizable legal right or claim to the land or assets that use or depend on, compensate them for lost assets other than land²³ at full replacement cost.

- 2.5A.6.3** In cases where economically displaced people's livelihoods are wage-based or dependent upon access to natural resources and where project/operation-related restrictions on access or other impacts adversely affect livelihoods or income levels, the ENTITY has a system in place to:
- Prioritize the provision of continued access to affected resources;
 - Where access to affected resources is not possible, provide access to alternative resources with at least equivalent livelihood-earning potential and accessibility; and
 - Where circumstances prevent the ENTITY from providing land or similar resources, provide alternative income earning opportunities to restore livelihoods that are feasible and agreed to by affected people.

2.5A.7 Resettlement and Livelihood Restoration Agreements

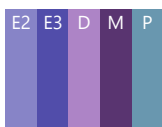
- 2.5A.7.1 Critical Requirement**
- The ENTITY can demonstrate that, if proposed activities require the displacement of Indigenous Peoples (identified as per 1.2.1.1. and 1.3.2.3) from their lands, or economically displace them from pursuing their traditional livelihoods, it proceeds with the resettlement and proposed activities only if, and after, it has obtained the free, prior and informed consent of affected Indigenous Peoples.



2.5A.7.2 Critical Requirement

The ENTITY can demonstrate that:

- a. It never carried out, and does not plan to carry out, forced evictions or illegal expropriation, defined as the permanent or temporary removal against their will of people from their homes and/or land which they occupy;
- b. It takes possession of acquired land and related assets only after full compensation has been made available;
- c. It takes possession of acquired land and related assets only after replacement housing/lands/assets and moving allowances have been provided to the displaced people, where applicable; and
- d. It prioritizes the avoidance of temporary transitional resettlement.



2.5A.7.3 In accordance with Chapter 1.2, prior to negotiating with affected people, the ENTITY provides them, or facilitates their access to, resources necessary to participate in an informed manner. This includes:

- a. Copies of the RAP/LRP (based on results of consultations outlined in Section 2.5A.8);
- b. Details on what to expect at various stages of the resettlement or livelihood restoration process²⁴;
- c. Details on the input- and outcome-related indicators (including gender-disaggregated indicators where appropriate) used to evaluate the effectiveness of measures over time; and
- d. Access to independent legal experts or other advisors to ensure that affected people understand the content of any proposed agreement and associated information.



2.5A.7.4 Where temporary transitional resettlement cannot be avoided, the ENTITY:

- a. Documents and shares with affected people a clear explanation for why temporary transitional resettlement is the only feasible option;
- b. Ensures that affected people have been consulted on the implications of transitional temporary relocation;
- c. Offers to affected people the option for independent legal or professional advice;
- d. Ensures that the transitional temporary resettlement only occurs if, and after, affected people have formally agreed to it;
- e. Ensures that transitional temporary residential structures and replacement lands meet all the applicable requirements of this Chapter²⁵;
- f. Ensures that transitional temporary resettlement is time-bound and the timeline has been agreed upon with affected people; and
- g. Ensures that affected people are duly compensated for the multiple disruptions to their lives.



2.5A.7.5 In the case of voluntary displacement (willing buyer-seller transactions where there is no recourse to expropriation), the ENTITY has a system in place to ensure that:

- a. All land transactions are documented;
- b. Affected people are paid a fair market price, using up-to-date and credible data;
- c. 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;
- d. Decisions are made free of coercion and on a timeline conducive to informed decision-making and consultation with family members/legal experts as necessary;
- e. If any shortcomings are identified, the ENTITY undertakes reasonable remediation measures to address, to the extent possible²⁶; and
- f. 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 1.3 on Human Rights Due Diligence.



2.5A.7.6 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, legal expropriation or other legal procedures are initiated, the ENTITY has a system in place to explore opportunities to collaborate with the responsible government agency, and, if and when permitted by the agency, to play an active role in, and make good faith efforts to, ensuring that people are only removed from their land as follows²⁷:

- a. Affected people are provided fair compensation for their lands and any eligible assets on those lands;²⁸
- b. Affected people are provided with clear and timely information on the procedures for and timing of proposed evictions
- c. Affected people are given adequate and reasonable notice prior to the scheduled date of eviction;
- d. Government officials or their representatives, and any relevant local authorities, are present during the removal;
- e. Removals are not carried out in in particularly bad weather or at night unless the affected people consent to these conditions;
- f. Information is provided about legal remedies and where possible, legal aid to people who are in need of it to seek redress from the courts;
- g. All people carrying out the removal are identified and trained on human rights and the appropriate use of force;
- h. Procedures outlining appropriate measures to take in case of conflicts or violent opposition to the removals are established, and appropriate personnel trained on them; and
- i. Special considerations are made for potentially underserved and/or marginalized people in all of the above (a. to i.), to the greatest extent possible.

2.5A.8 Meaningful Engagement with Stakeholders

2.5A.8.1 In accordance with Chapter 1.2, the ENTITY proactively shares relevant information and conducts consultations with potentially affected people, including host communities, to inform:

- a. The assessment of displacement and resettlement risks and impacts, required in 2.5A.2, including the consideration of alternative project designs to avoid or minimize resettlement;
- b. The development, implementation, monitoring and evaluation, and review of the RAP and/or LRP, as per 2.5A.4, 2.5A.5, 2.5A.6, 2.5A.7, 2.5A.9, and 2.5A.10, including to soliciting input on resettlement and livelihood restoration options; and
- c. Consultations and collaborative decision-making take place in a manner that is inclusive of different genders, ages, ethnicities, and any potentially underserved and/or marginalized people.

2.5A.8.2 In accordance with Chapter 1.2, the ENTITY has a system in place to ensure that potentially affected people, including host communities:

- a. If necessary, are provided with resources for capacity building and training to enable meaningful stakeholder engagement²⁹;
- b. Are actively and explicitly offered access to independent legal or other expert advice of their own choosing, from the earliest stages of project design, and throughout monitoring and evaluation of the resettlement process; and
- c. Are offered opportunities to receive funding to enable them to select and consult with such independent advisors, including from government agencies and/or non-governmental organizations.

2.5A.8.3 Affected rights-holders and stakeholders, including Rights Defenders and civil society organizations, have access to a grievance mechanism to raise, and seek resolution or remedy for, complaints and grievances specifically related to displacement and resettlement, as follows:

- a. A grievance mechanism through which affected rights-holders and stakeholders, including Rights Defenders and civil society organizations, can raise, and seek resolution or remedy for, complaints and grievances specifically related to displacement and resettlement, are in place;
- b. This grievance mechanism is rights-compatible³⁰;
- c. Affected rights-holders and stakeholders have been informed about the existence and functioning of this grievance mechanism, as well as of other relevant mechanisms³¹;
- d. If the operational-level grievance mechanism developed as per Chapter 1.6 (Complaints and Grievance Mechanism and Access to Remedy) is used as the mechanism to receive complaints and grievance specifically related to displacement and resettlement, the Entity fully meets all requirements in Chapter 1.6; and
- e. If a separate mechanism is created to handle only complaints and grievances related to displacement and resettlement, it is established and managed in a manner that fully meets all requirements in Chapter 1.6.

2.5A.9 Monitoring and Evaluation

2.5A.9.1 To monitor and evaluate the effectiveness and appropriateness of the RAP and/or LRP, at least annually, or more frequently if requested by affected people, the ENTITY:

- Tracks and documents its performance, over successive time periods, against the indicators defined in 2.5A.4.1.i;
- Tracks and documents how the measures developed and implemented as per 2.5A.4, 2.5A.5, 2.5A.6, and 2.5A.7 are effectively mitigating the negative impacts of displacement and improving, or at least restoring, livelihoods and standards of living of displaced people; and
- Disaggregates the data according to gender-specific indicators, if and where applicable.

2.5A.9.2 The monitoring and evaluation process:

- Encourages and facilitates joint tracking or joint fact-finding with affected and displaced people, in a manner that is inclusive of different genders, ages, ethnicities, and any potentially underserved and/or marginalized people, as per Chapter 1.2³²;
- Includes continuous feedback from internal and external sources, including from joint tracking and joint fact-finding with affected people; and
- Includes safeguards to protect the security and privacy of collected personal data or characteristics of people³³.

2.5A.10 Continuous Improvement and Completion

2.5A.10.1 Critical Requirement

At least annually, or more frequently if requested by affected people, and until the provisions of the RAP/LRP and the objectives of this Sub-Chapter have all been met, the ENTITY collaborates with affected people to review:

- The monitoring and evaluation results, informed by internal and external feedback, as per Section 2.5A.9;
- Any displacement-related grievances and the functioning of the relevant grievance mechanism/s required in 2.5A.8.3 (see also Section 1.6.4); and
- The ENTITY's effectiveness in mitigating the negative impacts of displacement and improving, or at least restoring, livelihoods and standards of living of displaced people, informed by the monitoring and evaluation required in 2.5A.9.1 and 2.5A.9.2.

2.5A.10.2 If the monitoring and evaluation process required in 2.5A.9, and/or the review process required in 2.5A.10.1, and/or credible independent sources of information demonstrate that the ENTITY fails to effectively mitigate the negative impacts of displacement and to improve, or at least restore, livelihoods and standards of living of displaced people, the ENTITY:

- Develops and implements time-bound corrective measures to update, as required, its risk and impact assessment in accordance with Section 2.5A.2, and baseline data in accordance with Section 2.5A.3;
- Develops and implements time-bound corrective measures to update, as required, its RAP and LRP in accordance with Sections 2.5A.4, 2.5A.5, 2.5A.6, and 2.5A.7; and
- Develops and implements time-bound corrective measures to update, as required, its monitoring and evaluation processes in accordance with Section 2.5A.9.



2.5A.10.3 When the monitoring and evaluation process, and the review process, determine that its RAP/LRP has been successfully and fully implemented:

- a. A completion audit is commissioned, and undertaken by competent professionals, to determine if the objectives of the RAP/LRP have been met;
- b. The completion audit includes a review of the mitigation measures implemented by the ENTITY and a comparison of implementation outcomes against the requirements and success criteria of this RAP/LRP;
- c. It clearly demonstrates that the objectives of the RAP/LRP have been successfully met (and therefore the monitoring process can be ceased); and
- d. If the completion audit determines that the objectives of the RAP and/or LRP have not been met, a corrective action plan is developed and implemented by competent professionals, in accordance with all relevant requirements of this Sub-Chapter (resulting in a second completion audit being commissioned and undertaken when all the objectives of the RAP and/or LRP have been met).

2.5A.11 Information-Sharing and Public Reporting



2.5A.11.1 In accordance with Chapter 1.2, the ENTITY proactively shares with affected people and their advisors, and makes and maintains publicly accessible:

- a. Any RAP and LRP, in full text, including annexes and amendments;
- b. An annual report on progress made on the implementation of the RAP/LRP; and
- c. Key findings, and summary versions, of the RAP/LRP completion audit/s.

SUB-CHAPTER 2.5B

For Remediating Historical (before 2012) Land Acquisition, Displacement, and Resettlement



2.5B.2 Mapping and Impact Assessment

2.5B.2.1 If land acquisition³⁴ or direct impacts from the operation resulted in physical or economic displacement of people before 2012 (hereafter referred to as 'historical displacement'), as identified in 2.5.1.1,³⁵ a mapping process is carried out by competent professionals to identify, to the extent possible:

- a. The names and current locations of the people displaced and their host communities (hereafter referred to as 'historically-affected people');
- b. The social, cultural, and economic impacts of displacement on those historically-affected people, paying particular attention to impacts on women, children, the poor, and other potentially underserved and/or marginalized people; and
- c. Impacts on the human rights of historically-affected people that occurred because of the displacement process (before, during, or after land acquisition/resettlement occurred).

2.5B.2.2 Based on the information gathered, an impact assessment is conducted by competent professionals to determine what resettlement/livelihood restoration efforts were undertaken, if any, including:

- a. If historically-affected people physically displaced 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;
- b. If the livelihoods of historically-affected people economically displaced were restored (or, if restoration was not possible, alternative means of income earning provided) and if standards of living were improved, or at least restored, compared to pre-displacement levels;
- c. Any other compensation paid, or assistance given to historically-affected people during or after the land acquisition process;
- d. Whether historically-affected people were engaged with or involved in the planning of these restoration efforts;
- e. Whether land acquisition, displacement, and/or any subsequent resettlement or livelihood restoration activities led to any human rights impacts on historically-affected people that have not yet been remediated; and
- f. This impact assessment is made and maintained publicly accessible, from the earliest stages of the remediation process, and details on how it can be accessed are proactively shared with historically-affected people and their advisors.



2.5B.3 Baseline Data



2.5B.3.1 Where historical displacement has been identified, as per 2.5.1.1, prior to any survey and census activities (see 2.5A.3.2):

- a. Clear remediation eligibility criteria and a cut-off date for eligibility are established;
- b. Information regarding the eligibility criteria and the cut-off date is documented; and
- c. This information (a. and b.) is proactively and preemptively communicated to historically-affected people;



2.5B.3.2 Where historical displacement has been identified, as per 2.5.1.1, and after the information required in 2.5B.3.1 has been communicated to historically-affected people, competent professionals carry out the following actions:

- a. An inventory of lost assets;
- b. A socioeconomic census to collect appropriate baseline data to characterize those who were physically or economically displaced; and
- c. Baseline data is also collected to characterize the current livelihoods, standards of living, and socio-cultural practices, of those historically-affected people.



2.5B.4 Displacement Remediation Plan

- 2.5B.4.1** In the case of identified historical physical and/or economic displacement, a Displacement Remediation Plan (DRP) (or equivalent) that is commensurate to the scope of impacts and the identifiability/proximity of historically-affected people is developed by competent professionals. This plan:
- Describes how historically-affected people, including different genders, ages, ethnicities, and any potentially underserved and/or marginalized people, will be involved in an ongoing process of consultation (including access to grievance mechanisms) concerning the development, implementation, and monitoring and evaluation of the plan;
 - Describes the strategies to be undertaken to **remediate unremediated negative impacts** of historical displacement,³⁶ paying particular attention to the needs of different genders, ages, ethnicities, and any potentially underserved and/or marginalized people;
 - Includes both input- and outcome-related indicators³⁷ (including gender-disaggregated indicators where appropriate), linked to adequate baseline data, to enable monitoring and evaluation of the effectiveness of measures over time in achieving the objectives of the DRP to remediate negative impacts on historically-displaced people that remain unremediated;
 - Includes, if relevant, measures to compensate for physical and economic historical displacement that align with Sections 2.5A.5 and 2.5A.6 to the extent possible;
 - Describes, if relevant, the measures and methodology used to determine compensation equivalent to full replacement value for land and other assets, to the extent possible;
 - Establishes, if relevant, a displacement remediation framework³⁸ in a transparent, consistent, and equitable manner;
 - Assigns implementation of measures to responsible staff with adequate skills and expertise;
 - Assigns responsibility to its top management level to oversee plan implementation, monitoring, and recordkeeping³⁹;
 - Has a clearly-defined timeline and implementation schedule in place that specify the expected outcomes for the historically-affected people;
 - Maintains estimates of human resources and budget required; and
 - Includes a financing plan in place, to ensure that funding is available for the effective implementation of the plan.

- 2.5B.4.2** To integrate gender progressive approaches in the development of remediation measures as appropriate to the context, the plan also includes:
- Measures to address gender inequality in terms of access to and control of resources or assets;
 - Measures to ensure gender responsive livelihood restoration approaches; and
 - Adequate female representation on community-based remediation or grievance evaluation committees, if relevant.



2.5B.5 Displacement Remediation Agreements

2.5B.5.1 If a historical land acquisition process resulted in the displacement of Indigenous Peoples (identified as per 1.2.1.1. and 1.3.2.3) from their lands, or economically displaced them from pursuing their traditional livelihoods, 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 ongoing impacts in a manner that is acceptable to Indigenous Peoples, in accordance with Chapter 2.2⁴⁰.

2.5B.5.2 In accordance with Chapter 1.2, prior to negotiating specific remediation activities with historically-affected people, the ENTITY provides them, or facilitates their access to, resources necessary to participate in an informed manner. This includes:

- Copies of the DRP (based on results of consultations outlined in Section 2.5B.6);
- Details on what to expect at various stages of the remediation process⁴¹;
- Details on the input- and outcome-related indicators (including gender-disaggregated indicators where appropriate) used to evaluate the effectiveness of measures over time; and
- Access to independent legal experts or other advisors to ensure that affected people understand the content of any proposed agreement and associated information.



2.5B.6 Meaningful Engagement with Stakeholders

2.5B.6.1 In accordance with Chapter 1.2, the ENTITY proactively shares relevant information and conducts consultations with historically-affected people, to the extent possible, to inform:

- The mapping and assessment of historical displacement and resettlement impacts, required in 2.5B.2;
- The development, implementation, monitoring and evaluation, and review of the Displacement Remediation Plan (DRP), as per 2.5B.4, 2.5B.7, and 2.5B.8; and
- Consultations and collaborative decision-making take place in a manner that is inclusive of different genders, ages, ethnicities, and any potentially underserved and/or marginalized people.

2.5B.6.2 In accordance with Chapter 1.2, the ENTITY has a system in place to ensure that historically-affected people, if relevant and requested by them:

- If necessary, are provided with resources for capacity building and training to enable meaningful stakeholder engagement⁴²;
- Are actively and explicitly offered access to independent legal or other expert advice of their own choosing, from the earliest stages of the review and mapping processes, and throughout monitoring and evaluation of the DRP; and
- Are offered opportunities to receive funding to enable them to select and consult with such independent advisors, including from government agencies and/or non-governmental organizations.



2.5B.6.3 Historically-affected rights-holders and stakeholders, including Rights Defenders and civil society organizations, have access to a grievance mechanism to raise, and seek resolution or remedy for, complaints and grievances specifically related to the DRP, as follows:

- a. A grievance mechanism through which affected rights-holders and stakeholders, including Rights Defenders and civil society organizations, can raise, and seek resolution or remedy for, complaints and grievances specifically related to the DRP, are in place;
- b. This grievance mechanism is rights-compatible⁴³;
- c. Affected rights-holders and stakeholders have been informed about the existence and functioning of this grievance mechanism, as well as of other relevant mechanisms⁴⁴;
- d. If the operational-level grievance mechanism developed as per Chapter 1.6 (Complaints and Grievance Mechanism and Access to Remedy) is used as the mechanism to receive complaints and grievance specifically related to the DRP, the Entity fully meets all requirements in Chapter 1.6; and
- e. If a separate mechanism is created to handle only complaints and grievances related to the DRP, it is established and managed in a manner that fully meets all requirements in Chapter 1.6.



2.5B.7 Monitoring and Evaluation



2.5B.7.1 To monitor and evaluate the effectiveness and appropriateness of the DRP, at least annually, the ENTITY:

- a. Tracks and documents its performance, over successive time periods, against the indicators defined in 2.5B.4.1.c;
- b. Tracks and documents how the measures developed and implemented as per 2.5B.4 are effectively remediating unremediated negative impacts of historical displacement, and to the extent possible improving, or at least restoring, livelihoods and standards of living of historically-displaced people; and
- c. Disaggregates the data according to gender-specific indicators, if and where applicable.



2.5B.7.2 The monitoring and evaluation process:

- a. Encourages and facilitates joint tracking or joint fact-finding with historically-displaced people, in a manner that is inclusive of different genders, ages, ethnicities, and any potentially underserved and/or marginalized people, as per Chapter 1.2⁴⁵;
- b. Includes continuous feedback from internal and external sources, including from joint tracking and joint fact-finding with historically-displaced people; and
- c. Includes safeguards to protect the security and privacy of collected personal data or characteristics of people.⁴⁶



2.5B.8 Continuous Improvement and Completion



2.5B.8.1 At least annually, or more frequently if requested by historically-displaced people, and until the provisions of the DRP and the objectives of this Sub-Chapter have all been met, the ENTITY collaborates with historically-displaced people (if desired by them) to review:

- The monitoring and evaluation results, informed by internal and external feedback, as per Section 2.5B.7;
- Any historical displacement-related grievances and the functioning of the relevant grievance mechanism/s required in 2.5B.6.3 (see also Section 1.6.4); and
- The ENTITY's effectiveness in remediating unremediated negative impacts of historical displacement, and to the extent possible improving, or at least restoring, livelihoods and standards of living of historically-displaced people, informed by the monitoring and evaluation required in 2.5B.7.1 and 2.5B.7.2.



2.5B.8.2 If the monitoring and evaluation process required in 2.5B.7, and/or the review process required in 2.5B.8.1, and/or credible independent sources of information demonstrate that the ENTITY fails to effectively remediate unremediated negative impacts of historical displacement, and to the extent possible to improve, or at least restore, livelihoods and standards of living of historically-displaced people, the ENTITY:

- Develops and implements time-bound corrective measures to update, as required, its impact assessment in accordance with Section 2.5B.2, and baseline data in accordance with Section 2.5B.3;
- Develops and implements time-bound corrective measures to update, as required, its DRP in accordance with Sections 2.5B.4 and 2.5B.5; and
- Develops and implements time-bound corrective measures to update, as required, its monitoring and evaluation processes in accordance with Section 2.5B.7.



2.5B.8.3 When the monitoring and evaluation process, and the review process, determine that the DRP has been successfully and fully implemented:

- A completion audit is commissioned, and undertaken by competent professionals, to determine if the objectives of the DRP have been met;
- The completion audit includes a review of the remediation measures implemented by the ENTITY and a comparison of implementation outcomes against the requirements and success criteria of this DRP;
- It clearly demonstrates that the objectives of the DRP have been successfully met (and therefore the monitoring process can be ceased); and
- If the completion audit determines that the objectives of the DRP have not been met, a corrective action plan is developed and implemented by competent professionals, in accordance with all relevant requirements of this Sub-Chapter (resulting in a second completion audit being commissioned and undertaken when all the objectives of DRP have been met).



2.5B.9 Information-Sharing and Public Reporting

2.5B.9.1 In accordance with Chapter 1.2, the ENTITY proactively shares with historically-affected people and their advisors, and makes and maintains publicly accessible:

- a. The DRP, in full text, including annexes and amendments.
- b. An annual report on progress made on the implementation of the DRP; and
- c. The DRP completion audit/s.

CROSS REFERENCES TO OTHER CHAPTERS

This table will be added when the new content for all chapters is finalized and approved.

CHAPTER ENDNOTES

This chapter draws primarily on the International Finance Corporation's (IFC) Performance Standard 5 (PS5) – Land Acquisition and Involuntary Resettlement, which applies to involuntary physical and/or economic displacement resulting when an ENTITY acquires land rights or land use rights in a country of operation legal context where the ENTITY would ultimately have recourse to expropriation or other compulsory procedures. However, recognizing that the IFC PS were most recently updated in 2012, this chapter goes beyond the requirements of PS5 to reflect a more up-to-date conception of international best practice in resettlement, as captured by other standards on which this chapter draws, referenced throughout.

¹ International Finance Corporation (IFC). 2012. Guidance Notes 5. Land Acquisition and Involuntary Resettlement. p. 6.

² IRMA Standard for Responsible Mining 1.0, Guidance Document (v.1.2). See note for requirement 2.4.6.6. Available at: <https://responsiblemining.net/resources/#full-documentation-and-guidance>

³ International Finance Corporation (IFC). 2012. Guidance Notes 5. Land Acquisition and Involuntary Resettlement. GN74. Available at: <https://www.ifc.org/en/insights-reports/2012/ifc-performance-standards>

⁴ International Finance Corporation (IFC). 2012. Performance Standard 5: Land Acquisition and Involuntary Resettlement. Footnote 2. Available here: <https://www.ifc.org/en/insights-reports/2012/ifc-performance-standards>

⁵ According to the International Finance Corporation, "This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail." (IFC. Performance Standard 5: Land Acquisition and Involuntary Resettlement. Para. 1.). While the IFC refers to 'involuntary resettlement' the IRMA Standard refers instead to involuntary displacement (as a result of land acquisition) in recognition that resettlement - particularly historically - is a process by which displaced households are physically moved to another location which may or may not have occurred following displacement.

⁶ World Bank. 2001. Operational Manual. OP 4.12 – Involuntary Resettlement. <https://ppfdocuments.azureedge.net/1572.pdf>

⁷ Sridarran et al. 2018. "Acceptance to be the Host of a Resettlement Programme: A literature review," Procedia Engineering. 212:962-969. <https://www.sciencedirect.com/science/article/pii/S1877705818301474>

⁸ IFC Performance Standard 5. Para. 3

⁹ European Bank for Reconstruction and Development. 2014. Performance Requirement 5. Land Acquisition, Involuntary Resettlement and Economic Displacement. p. 30. www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html

¹⁰ See Kothari, M. 2007. "Basic Principles and Guidelines on Development-based Evictions and Displacement". A/HRC/4/18. www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

¹¹ It is important to note that displacement can be the result of permanent land acquisition or temporary land access leases (i.e., easements) for a limited period of time (i.e., during construction).

¹² Entities with multiple phases of land acquisition, i.e., 'proposed' land acquisition for an expansion but also historical land acquisition associated with the primary operations must conduct due diligence and proceed per Chapter 2.5B for historical land acquisition, while the new (post-2012) land acquisition will be subject to the Sections of Chapter 2.5A.

¹³ A land acquisition process is considered to have 'occurred' prior to 2012 if both the planning and implementation (i.e. physical displacement of people and formal acquisition of the land) occur before that date. Similarly, land acquisition processes are

considered to have occurred between 2012 and 2024 if both the planning and the implementation occurred after 2012 and before 2024. This current version (V2.0) of the IRMA standard will apply to all entities with resettlements that have not, as of the release of the standard, been planned or implemented.

¹⁴ This is recommended by EBRD 'Resettlement Guidance and Good Practice' (2017), p. 21. <https://www.ebrd.com/news/2017/ebird-launches-new-resettlement-guidance-and-good-practice-publication.html>

¹⁵ IRMA considers that informal land occupiers or users displaced from lands or otherwise impacted as a result of 'voluntary' (i.e., "willing buyer-seller") land transactions on behalf of the landowner fall into the category of 'involuntary displacement', even if there is no inherent underlying recourse to expropriation to make the transaction by definition 'involuntary'.

¹⁶ I.e., due to impacts on natural resources utilized by communities, exposure to noise, vibration, etc

¹⁷ Which stakeholders must be included and what may constitute '~~underserved and/or marginalized people~~' 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.

¹⁸ Which stakeholders must be included and what may constitute '~~underserved and/or marginalized people~~' 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.

¹⁹ Note that IRMA Chapter 2.4-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.

²⁰ I.e., entitlements and rates of compensation for all categories of affected people, including host communities.

²¹ 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.

²² 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.

²³ I.e., productive structures, crops/trees/grasses, and other improvements to lands.

²⁴ I.e., when an offer will be made to them, how long they will have to respond, how to access the grievance mechanism if they wish to appeal property or asset valuations, legal procedures to be followed if negotiations fail.

²⁵ Including: adequate housing, respect for social networks and stakeholder preferences, access to basic amenities, adequate to support livelihoods including continued access to natural resources, etc.

²⁶ Acknowledging that procedural issues cannot be address retroactively; however, if the ENTITY were to discover that affected persons were not paid fair market price, that could be rectified (to the extent that the stakeholders are identifiable).

²⁷ 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

²⁸ In guidance, IRMA will specify what constitutes 'fair compensation' and 'eligible assets' - in most legislative contexts, this would constitute market value for lands and structures rather than full replacement cost. Entities may have limited capacity to influence these forms of compensation as expropriation is an administrative process managed by the government when negotiations relating to compensation offers, terms, and conditions made by the ENTITY have failed.

²⁹ For more on meaningful stakeholder engagement see Chapter 1.2, and for more on strengthening capacity to engage see Section 1.2.3 of that Chapter.

³⁰ 'Rights-compatible' means ensuring that outcomes and remedies accord with internationally-recognized human rights.

³¹ There may be other mechanisms that are not operated by the ENTITY through which stakeholders or rights-holders can seek recourse (e.g., administrative, judicial and non-judicial remedies), and these options should be mentioned to stakeholders who file grievances with the company.

³² This is especially relevant for contexts where your business and (potentially) affected rights-holders are in dispute about a particular (potential) adverse impact, and rights-holders are unlikely to accept the business' own tracking of the effectiveness of its response to it.

³³ Especially of rights-holders at heightened risk of vulnerability and marginalization, including children, or any other sensitive data. IRMA STANDARD v2.0 DRAFT 2 (EXCERPT)

³⁴ By the current owner/s, and/or any previous owner/s.

³⁵ If the due diligence undertaken in 2.5.1.1 reveals that no involuntary physical and/or economic displacement occurred, no further efforts are required.

³⁶ Including, if relevant, how any un-remediated impacts on human rights.

³⁷ 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.

³⁸ I.e., entitlements and rates of compensation for all categories of affected people, including host communities.

³⁹ 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.

⁴⁰ Refer to Chapter 2.2, requirement 2.2.4.1, regarding developing a mutually agreed process to remediate for past impacts.

⁴¹ I.e., timelines for various components including payment of compensation or implementation of remediation programming, how to access the grievance mechanism, etc.

⁴² For more on meaningful stakeholder engagement see Chapter 1.2, and for more on strengthening capacity to engage see Section 1.2.3 of that Chapter.

⁴³ 'Rights-compatible' means ensuring that outcomes and remedies accord with internationally-recognized human rights.

⁴⁴ There may be other mechanisms that are not operated by the ENTITY through which stakeholders or rights-holders can seek recourse (e.g., administrative, judicial and non-judicial remedies), and these options should be mentioned to stakeholders who file grievances with the company.

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⁴⁶ Especially of rights-holders at heightened risk of vulnerability and marginalization, including children, or any other sensitive data.

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