Session:

Resettlement
What are the boundaries and responsibilities?

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For more information:  www.hydropower.org/congress
Resettlement: Boundaries and Responsibilities


Olivier Salignat – EDF International Division
Involuntary Resettlement: what are we talking about?

**IFC (PS5 – 2012):**

**Involuntary resettlement** refers both to
- **physical displacement** (relocation or loss of shelter) and to
- **economic displacement** (loss of assets or access to assets that leads to loss of income sources or other means of livelihood),

i) as a result of project-related land acquisition

ii) and/or restrictions on land use.

Resettlement is considered **involuntary** when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement.

**World Bank (2015 – Resettlement Fact Sheet):**

**Involuntary Resettlement** refers to two distinct but related **processes**.

- **i) Displacement** is a process by which development projects cause people to lose:
  - land or other
  - assets, or
  - access to resources.

  This may result in:
  - residential dislocation (**relocation**),
  - loss of income, or
  - other adverse impacts.

- **ii) Resettlement** generally refers to the process by which those adversely affected are assisted in their efforts to improve, or at least to restore, their incomes and living standards.
Socio-Economic impacts: few examples

1 – Nam Theun 2
- Laos
- operating

2 – SINOP
- Brazil
- under construction

3 – Tapajos
- Brazil
- feasibility
NT2 project at a glance

National Parc
NBGA
4000 km²
Social: Resettlement (1/2)
Social : Resettlement (2/2)

- 15 villages relocated on the Nakai Plateau (inundation area)
- 1,250 households (6,200 persons) relocated on the border of the future reservoir,
- Relocated a few hundreds of meters or few km max
- Relocation on a village-per-village basis : only one merging and one split of village
- Relocation fully completed early 2008 (before beginning of impoundment)
- Dramatic improvement in way of life : water, sanitation, electricity, 4 seasons roads, schools and dispensaries
Livelihoods: from extensive systems...
... to sedentarisation and intensification
Other programs: Compensation for loss of land, for operation impacts

- 5,000 households impacted by Roads, transmission Lines, quarries, channel, etc…
- 200 losing more than 10% of their income or assets

**Project Lands Program**

- Mitigate and compensate impacts of operation on the areas downstream of the dam and the powerhouse
- 16 M USD over 10 years, integrated socio-economic development program

**Downstream Program**
Participative approach: a 10 years iterative process

- All topics (housing, villages, livelihoods)
- Dedicated team and techniques
- Continuous on the whole period
Outcomes of Participative approach (examples)

- Choice of the resettlement area
  - Area part of resettler’s transitional land
  - On the shore of the new reservoir
- Village configuration
  - « dream maps » : orientation along roads, electricity and water, community buildings outside village center
- House design
  - Traditional design
  - Public and private spheres
- Livelihood programs
  - activities
  - Agricultural techniques
  - equipments
### Contractual Commitments and Obligations:

#### Concession Agreement

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible Party</th>
<th>Budget Item and Description</th>
<th>Time Schedule Start Date - Completion Date</th>
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#### Summary and Limitations of Company’s Funding Obligations for Part 1 of Schedule 4

<table>
<thead>
<tr>
<th>Activity</th>
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<th>Budget Item and Description</th>
<th>Time Schedule Start Date - Completion Date</th>
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</table>

<table>
<thead>
<tr>
<th>Clause reference/ Budget Item</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2 A1</td>
<td>Baseline surveys</td>
</tr>
<tr>
<td>7.2 B1</td>
<td>Independent Monitoring</td>
</tr>
<tr>
<td>7.2</td>
<td>Survey village land areas and suitability (irrigation and soil conditions)</td>
</tr>
<tr>
<td>7.4</td>
<td>Plan village locations</td>
</tr>
<tr>
<td>7.5</td>
<td>Consult villages on village location and other matters</td>
</tr>
<tr>
<td>7.6</td>
<td>Prepare and move pilot village</td>
</tr>
<tr>
<td>7.7</td>
<td>Prepare detailed site plans and plot plans</td>
</tr>
<tr>
<td>7.8</td>
<td>Consult with villages on the plans</td>
</tr>
<tr>
<td>7.10 C2</td>
<td>Establish three farm and house plots and relocate three households</td>
</tr>
<tr>
<td>14</td>
<td>UXO survey and clearing for Resettlement Area (as well as awareness training and deforestation capability)</td>
</tr>
<tr>
<td>10.4 F2</td>
<td>Training on other income generation activities and technical support</td>
</tr>
<tr>
<td>8</td>
<td>Inform households of their location</td>
</tr>
<tr>
<td>8.2</td>
<td>Obtain land certificate from Provincial Government and provide land titles to</td>
</tr>
<tr>
<td>8.7</td>
<td>Develop a mechanism to distribute farm and house plots among households</td>
</tr>
<tr>
<td>9.8</td>
<td>Prepare cultural heritage plans</td>
</tr>
<tr>
<td>9.9</td>
<td>Physical relocation</td>
</tr>
<tr>
<td></td>
<td>Consult with villagers on livelihood packages</td>
</tr>
</tbody>
</table>

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*all villagers have agreed on the site;*

*if in another village territory, arrangements and agreements have been reached for:

- [Note: Additional details or context not fully visible due to image quality.]*

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25 APR 2005
All entitlements spelled out in the Concession Agreement
→ Translated in Lao

... but
- Quite complex entitlements: genuine difficulty to understand them all
- complex local situations (land owner vs land user, heritages, temporary uses)
- baseline not accurate (under-declaration)
- attempt to “get more”

→ Grievance Mechanism

From the village level to provincial level
Social : Grievance procedure

Examination

PAP still not satisfied

Appeal to Project Grievance Committee and Court at the District Level

Examination

PAP satisfied - settled

Nam Theun 2 Power Company

Appeal to the Village Grievance Committee of Elders

PAP still not satisfied

Provincial Court advice

PAP not satisfied with Compensation or with the Process

Resettlement Management Unit

PAP satisfied - settled
The Monitoring

1 - NTPC
- Monitors its own programs
- Monitors Environment
- Monitors the Construction Contractor
- Generates data

2 - Independent Monitors Agencies
- Review and certify the data collected by NTPC
  - Adequate
  - Reliable
  - Sufficient

3 - External Monitors
- Monitors E&S issues
- Monitor compliance with
  - Contracts
  - Safeguards
- Rely on independent Monitors certification
Other examples: Brazil

Projects are auctionned:

1 - Development Phase
- Inventory
- Basic Studies
- → all project documentation is made public
- Preliminary Environmental License is granted

**AUCTION** (reverse auction – descending price)

2 - Implementation
- Finalization of design and E&S programs
- Granting of Construction permit and Environmental License
- Construction
- Implementation of E&S programs

3 - Operation
- Granting of Operation License

Winner:
- Builds
- Owns
- Operate
- Transfers
Brazil : Tapajos

- 7300 MW, on the Tapajos River (Amazon’s tributary)
- In development phase
- E&S documents under review by administration

Very limited resettlement, BUT

- Few indigenous households
  - Studies and discussion under exclusive control of FUNAI
- Pimental : 400 hh
  - Socio-eco studies since 2009
  - No possible involvement of the future SPV
  - … which would be highly necessary as…
Brazil: SINOP

- 400 MW, on the Teles Pires River (Amazon’s tributary)
- In construction phase
- E&S documents approved by administration

Very limited relocation, BUT
- Large reservoir (330 km²)
- About 50 houses to be relocated
- 1050 land owners to be compensated
- Land acquisition on the Critical path
Resettlement: Key figures

<table>
<thead>
<tr>
<th>Number of households</th>
<th>Houses</th>
<th>Productive land / assets</th>
<th>Common Resources</th>
<th>Income</th>
<th>Unproductive Land / assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>NT2: Reservoir</td>
<td>1310</td>
<td>1310</td>
<td>1310</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>NT2: Project Lands</td>
<td>50</td>
<td>5000</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>NT2: Downstream</td>
<td>0</td>
<td>4000</td>
<td>20 000?</td>
<td>0?</td>
<td>0?</td>
</tr>
<tr>
<td>SINOP</td>
<td>50</td>
<td>1050</td>
<td>10?</td>
<td>10?</td>
<td>?</td>
</tr>
<tr>
<td>Tapajos</td>
<td>400</td>
<td>400?</td>
<td>400</td>
<td>?</td>
<td>?</td>
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</table>

Semantics makes a difference! (Resettlement, relocation, economic displacement, etc...)  
Real continuum between physical relocation of house and mere loss of income
### Boundaries and Responsibilities

**Who is eligible:**
- Official land/asset user (title)
- Land/asset user without title (example: Lao)?
- Land user – illegal (road – wayleave)?
- Descendents?

**Where:**
- Directly affected area
- What about adjacent but non-directly affected hh? (« border effect »)
- Host communities?

**When**
- Cut-off date (→ baseline)
- Duration of the programs (exit strategy)

**Who’s in charge?**
- Studies / surveys
- Design of compensations
- Implementation
- Monitoring

**For programs limited by scope**
- When is enough enough?

**For programs limited by cost**
- What if additional budget would be needed?

**Government + Project**
Few suggestions

- **Start** socio-eco process *early* (surveys, consultations, studies)
- **Build** capacity if required (including regulatory framework)
- **Involve** the affected **communities** **AND** the authorities / administration(s) in the design of Resettlement Plan(s)

- Be clear on:
  - **Outcomes** (and resources) : livelihood improvement
  - Allocation of **responsibilities**: involvement of administration
  - **Limits** : in time, scope, resources
  - **Eligibility** criteria (time, space, title or not, etc.)
  - → **contractual** document

- Prepare for **implementation** (team, logistics, planning, etc…)
- Implement a **Grievance Procedure**
- Design and implement a comprehensive BUT practical **monitoring** system able to track actual livelihood improvement
- Allow for **change**
- **Report**
On NT2 resettlers say we’ve done not too bad...

Some monitors may disagree...

“Nam Theun 2 confirmed my longstanding suspicion that the task of building a large dam is just too complex and too damaging to priceless natural resources,”

Ted Scudder – NYT Sunday Review – 2014/08/24

→ Continuous improvement is the way forward