ESS5 Clinic

Land Acquisition and Land Use Restriction

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ENVIRONMENTAL
AND SOCIAL
FRAMEWORK

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Session's Objectives

- ✓ Check on what is new
- ✓ Look at enhanced provisions
- ✓ Examine linkages with other ESSs
- ✓ Pick up some common questions and concerns

ESS 5 Objectives

- **Mitigation hierarchy is still in place:** Avoid economic and physical displacement, minimize through project design

- Avoid (aka "*do not resort to*") **forced eviction:** Follow the host country's applicable laws and ESS5 requirements

- **Mitigate: (i)** Provide compensation at replacement cost; **(ii)** *assist* PAPs in improving or at least restoring livelihoods

- **Improve livelihood opportunities and, if physically displaced, improve living conditions of disadvantaged or vulnerable:** adequate housing with essential services, utilities, and security of tenure.

- **LA/LUR** activities are to be planned and implemented with appropriate stakeholder engagement, information disclosure, meaningful consultations, and grievance management.

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What is New?

Concepts and Nomenclature

- ✓ LA/LUR
- ✓ PAPs
- ✓ Physical displacement extends to businesses
- ✓ Forced Eviction
- ✓ LAP/LAF/DDR
- ✓ Land; **Livelihood;**Replacement Cost (livelihood resources + adequacy)
- ✓ Negotiated Settlement;
- ✓ Reporting mechanisms

What is New?

- **Understanding Architecture: (i)** objectives translate into requirements; **(ii) easy flow: **General Requirements; ** Involuntary; **Voluntary**

- **Understanding Scope: (i) involuntary and voluntary transactions; (ii) associated facilities; (iii) applies to land-titling, rezoning, regularization of land rights and land use; (i) does not apply to management to refugees and IDPs.**

- **Risk classification: Significant economic and physical displacement; disproportionate impacts on D&V; need for intensive livelihood restoration; capacity to assess and implement mitigation; risk related to voluntary LA/LUR**

- **Procedural requirements: (i) LAP vs LAF; (ii) monitoring: confirmation of LAP implementation; completion reporting; and evaluation reporting; (iii) procurement of civil works and contract management links**

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Notable Enhancements

Impact Assessment

Land Use Restriction

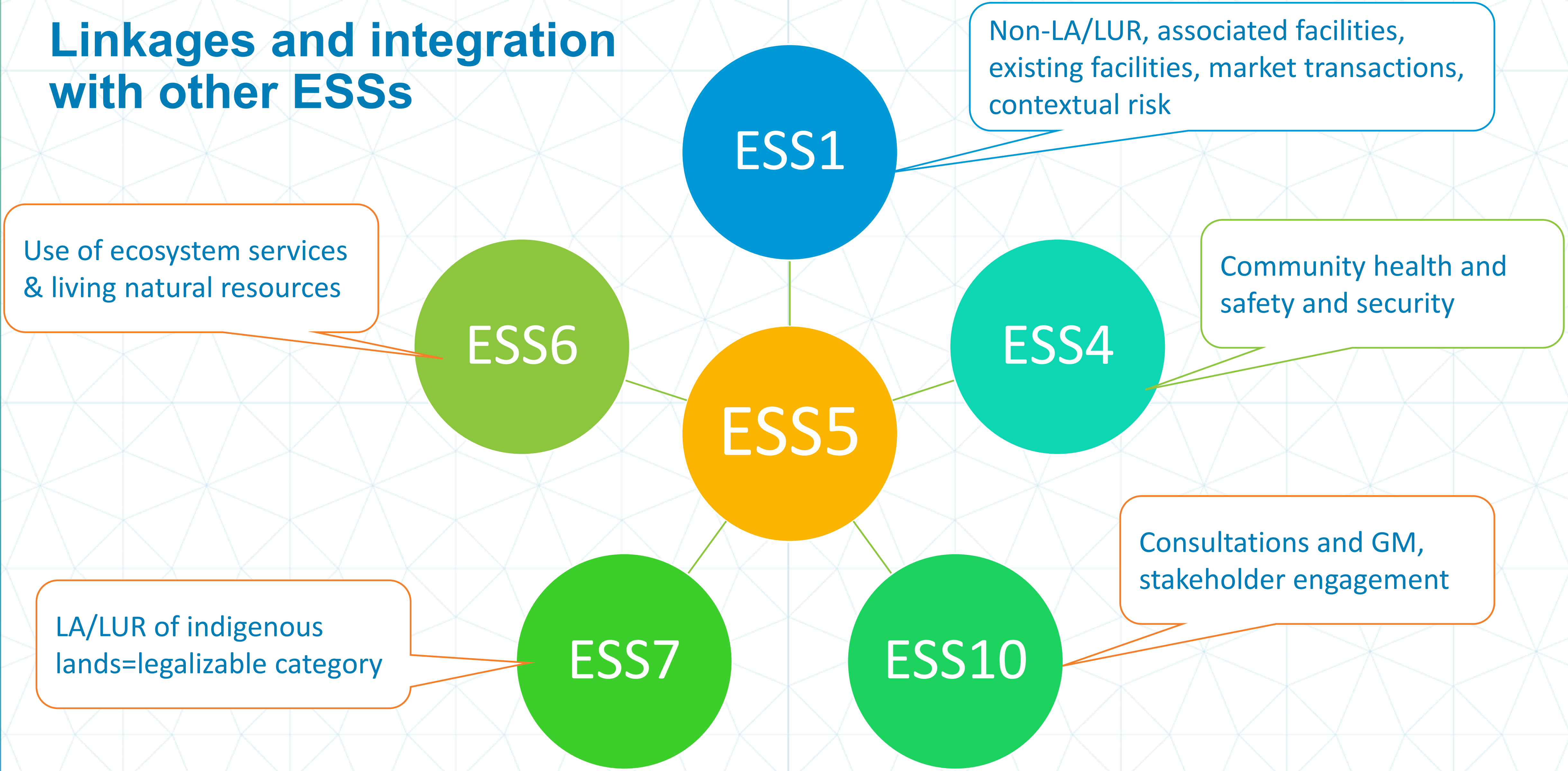
Voluntary LA/LUR classification and criteria

Monitoring and reporting

Livelihood Restoration

Provisions for D&V

Linkages and integration with other ESSs



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5 ESS5 General Requirements: Monitoring & Disclosure

All
ESS5 documents are
disclosed irrespective of
the project risk level

Monitoring*

- **1. Progress Monitoring**
  - **Semiannual**
  - **Confirmation Review Report**
- **2. Completion Reporting**
- **3. Evaluation Reporting****

* External monitor is required for all projects with significant LA/LUR impacts
** Applies only to projects with significant LA/LUR impacts

5 Treatment of NON-LA/LUR Impacts – Important Difference from SPS

ESS1, para 38: Where the E&S assessment identifies potential losses of income or livelihood from **project-related environmental impacts** that are not a direct result of project activities under LA/LUR, the B/C, in consultations with ADB will provide appropriate livelihood restoration measures … and may consider applying principles set out in ESS5.

- Does not cover distributive social impacts
- Does not cover access restriction => ESS5
- **Limited to environmental impacts**
- Can be a combination of env impacts and access restriction
- Land use change => ESS5

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5 Treatment of Willing Buyer Willing Seller Transactions (Market Transactions)

Does ESF apply to market transactions?

YES, ESS1 applies to all land transactions, including WBWS

Do voluntary criteria set out in ESS5 apply to WBWS

YES, criteria apply plus para 64

Is LAP required?

NO, assessment can be done as a DDR or a chapter in ESIA

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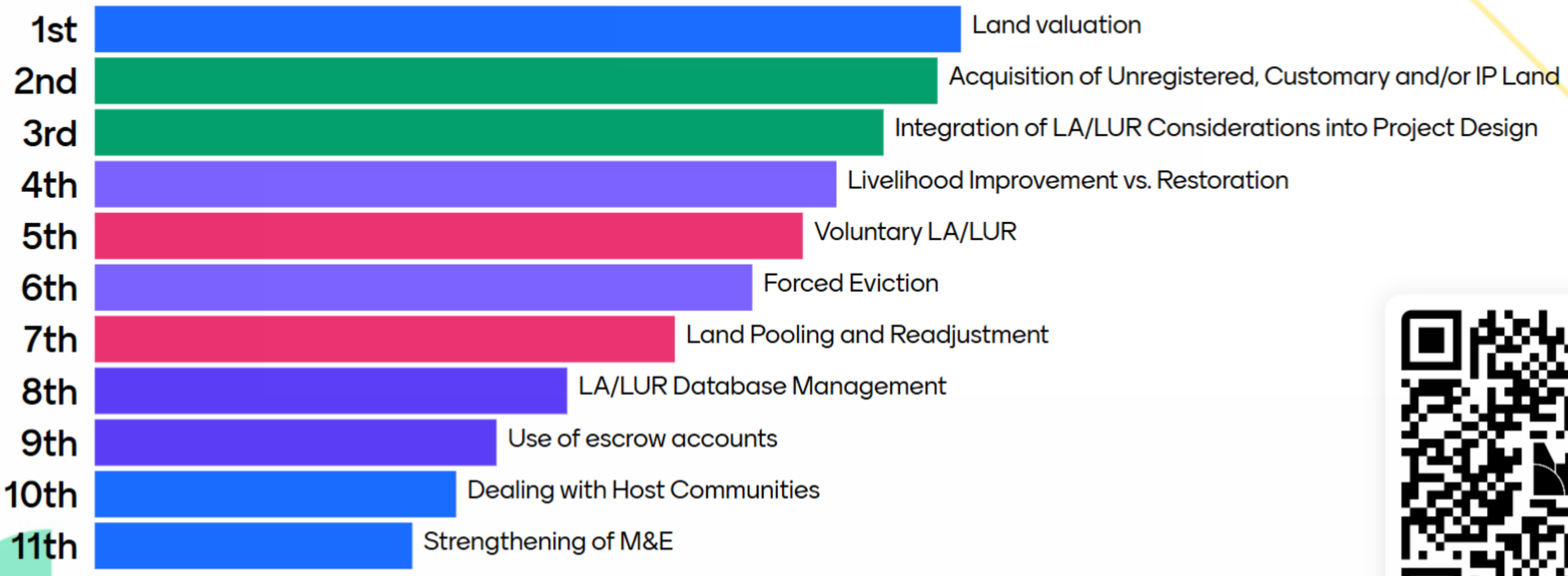
Mentimeter

Which of the following topics should be prioritized for future deep dive sessions?



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Mentimeter

Do you have any additional topics you'd like to suggest?

negotiated land acquisiti
relying on borrower requi
temporary impacts
regional contextual risk
laf template
indirect impact
report templates
monitoring tool
case studies
informal business loss
integration of e and s
intersectionality
informal settlers
indirect impacts
entitlement
isms update-classificatio
cross boundary issues
sample templates
outline of the reports
impact on businesses
esmr
differentiated approach
monitoring mechanism
due diligence reports

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Open Q&A

Questions and discussions from the participants

Pre-identified Question (from ESF Masterclass, ESF Orientation)

Para 34(i) of ESS5 requires to engage external monitors for "significant LA/LUR" What do we mean by significant? When do we say that a project should require an external monitor for LA/LUR?