

Eligibility for resettlement packages

A key planning step is to understand and develop rules for who will be entitled to the resettlement packages that are developed. The absence of clear eligibility criteria for resettlement packages can result in significant grievances about missed impacts and cause delays and additional costs to the project.

Challenges

- Overcomplicated eligibility criteria.
- Inconsistent application or poor enforcement of eligibility criteria and cut-off dates for assessing the population eligible for resettlement packages.
- Delays in implementation resulting in influxes of people beyond the cut-off date.
- Failure to adequately plan for speculative in-migration.
- Difficulties reaching agreement on entitlements for tenants.
- Difficulty establishing eligibility criteria for multiple households in one structure.
- Establishing alternative eligibility criteria where structure owners identified in surveys died.
- Dealing directly with landowners only can simplify the process but can also create problems.

Lessons and recommendations

- Clear eligibility criteria should be established in consultation with affected communities—set out the eligibility for the various forms of assistance and compensation transparently.
- Set out the host government legal requirements and international standards for compensation payments and resettlement packages. In the absence of national guidelines that meet international standards, set out the methodology that the company will use to compensate for losses.
- Information on eligibility criteria (including cut-off dates) should be clearly disseminated.
- National legislation pertaining to cut-off and eligibility can simplify the process.
- The recognition of traditional rights to communal land is important in determining eligibility.
- In line with international standards, entitlements for affected parties lacking legal title should include:
 - Cash and in-kind compensation which should be combined with appropriate measures limiting cash compensation.
 - Capacity-building assistance which should be provided to help equip displaced people for employment. However do not use guarantees of employment as part of the resettlement compensation package.

