

「別紙2 住民移転計画」に関するコメント

- ・誤解を招くかもしれない言葉についてコメントした。左欄の日本語部分のグレーのマーカ部(3箇所)。
- ・世銀 OP の考え方を理解してもらう上で、含めておいた方がいいかもしれない重要なキーワード、項目に関する追加的な文言に関するコメントを記した。(OP の該当部を黄色のマーカで示した)。重要視した理由を[]内に青字で記した。

<p>2 . - 別表 2 住民移転計画 以下は、世界銀行のセーフガードポリシーのOP4.12 Annex Aに規定される内容の要約である。</p> <p>住民移転計画の対象範囲及び詳細さのレベルは、そのプロジェクトが与える影響に応じて決まるべきである。住民移転計画には、以下のうち関連する項目が含まれる。</p> <ul style="list-style-type: none"> - プロジェクト概要 - 予見される影響 <ul style="list-style-type: none"> ・ 移転を発生させる要因 ・ 上記の要因が及ぼす影響の範囲 ・ 移転を回避または最小化するための代替案 ・ 移転規模を最小化するための方策 - 住民移転計画の主な目的 - 移転に係る社会経済調査の結果 <ul style="list-style-type: none"> ・ 移転対象地域における現住者 ・ 移転対象世帯の特性 : 生産システム、生計の現況、生活水準を含む [生計回復計画、生計のモニタリングに必要] ・ 土地や財産等の損失の規模 ・ 移転対象となる社会的弱者に関する情報 ・ 移転住民の生活または生計の水準を定期的に把握するための方法 	<p>OP 4.12 -- Annex A</p> <p>1. This annex describes the elements of a resettlement plan, an abbreviated resettlement plan, a resettlement policy framework, and a resettlement process framework, as discussed in OP 4.12, paras. 17-31.</p> <p style="text-align: center;">Resettlement Plan</p> <p>2. The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.</p> <p>3. <i>Description of the project.</i> General description of the project and identification of the project area.</p> <p>4. <i>Potential impacts.</i> Identification of</p> <ul style="list-style-type: none"> (a) the project component or activities that give rise to resettlement; (b) the zone of impact of such component or activities; (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation. <p>5. <i>Objectives.</i> The main objectives of the resettlement program.</p> <p>6. <i>Socioeconomic studies.</i> The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including</p> <ul style="list-style-type: none"> (a) the results of a census survey covering <ul style="list-style-type: none"> (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance; (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population; (iii) the magnitude of the expected loss—total or partial—of assets, and the extent of displacement, physical or economic; (iv) information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and (v) provisions to update information on the displaced people’s livelihoods and standards of
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- 土地の所有及び譲渡に係る制度: 地域で認められている自然資源の共有・共同利用を含む [項目名だけでは想起しづらいが、世銀OP上重要な項目]
 - 影響を受けるコミュニティ 間内の相互関係-社会ネットワークや互助システムおよびそれらが事業により受ける影響
 - 影響を受けるインフラ及び公共施設
 - 移転対象コミュニティの社会的、文化的特性
- 移転に係る法的枠組み
- 強制土地収用の適用範囲及び補償措置
 - 適用される法的、行政的手続
 - 関連法制 (慣習法を含む) [項目名だけでは想起しづらいが、世銀OP上重要な項目]
 - 土地収用に関する法制度と世界銀行の住民移転政策とのギャップおよびそれを埋めるための措置
 - 住民移転を実施するための法的な手続き: 土地への法的な権利の認知を含む
- 移転に係る制度的枠組み
- 移転担当機関及び関係しうるNGOの特定
 - 上記機関及びNGOの実施能力の評価と強化等
- 移転対象者の定義及び補償・支援の受給資格

living at regular intervals so that the latest information is available at the time of their displacement.

(b) Other studies describing the following

- (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
- (iii) public infrastructure and social services that will be affected; and
- (iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

7. *Legal framework.* The findings of an analysis of the legal framework, covering

- (a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;
- (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- (d) laws and regulations relating to the agencies responsible for implementing resettlement activities;
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land—including claims that derive from customary law and traditional usage (see OP 4.12, para.15 (b)).

8. *Institutional Framework.* The findings of an analysis of the institutional framework covering

- (a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) an assessment of the institutional capacity of such agencies and NGOs; and
- (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

9. *Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation

<ul style="list-style-type: none"> - 損失価額の算定方法及び損失の補償方法：<u>再取得価格の算定手法、法制度に基づく補償の類型および水準、必要な場合は再取得価格による補償を実現するための補完的な措置</u> - 補償及び支援の具体的内容 - 移転先の選定、整備及び具体的移転手続 - 移転先に用意される住宅、インフラ、公共施設 - 移転先に係る環境影響評価及び影響緩和対策 - 移転住民及び移転先コミュニティの移転プロセスへの参加 <ul style="list-style-type: none"> ・ 移転の計画及び実施段階における協議及び参加の概要 ・ 移転住民及び移転先コミュニティからの意見及びこれら意見の住民移転計画等のプロジェクト実施者の対応への反映の要旨 ・ 移転に係る代替案及び移転住民の選択結果 ・ 移転住民の意見を移転担当機関に伝えられる制度 	<p>and other resettlement assistance, including relevant cut-off dates.</p> <p>10. <i>Valuation of and compensation for losses.</i> The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.¹</p> <p>11. <i>Resettlement measures.</i> A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy (see OP 4.12, para. 6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.</p> <p>12. <i>Site selection, site preparation, and relocation.</i> Alternative relocation sites considered and explanation of those selected, covering</p> <ul style="list-style-type: none"> (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources; (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites; (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and (d) legal arrangements for regularizing tenure and transferring titles to resettlers. <p>13. <i>Housing, infrastructure, and social services.</i> Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services);² plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.</p> <p>14. <i>Environmental protection and management.</i> A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement³ and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).</p> <p>15. <i>Community participation.</i> Involvement of resettlers and host communities,⁴ including</p> <ul style="list-style-type: none"> (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities; (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan; (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries);⁵ and (d) institutionalized arrangements by which displaced people can communicate their concerns to
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および社会的弱者が十分に参加できるための措置

- 移転先の既存住民への影響緩和対策
- ・ 移転先コミュニティ及び現地行政との協議
- ・ 移転先コミュニティが移転住民に提供する土地及び財産に対する補償
- ・ 移転先コミュニティと移転住民との紛争への対応
- ・ 移転住民へ提供される公共サービスを既存住民にも提供するための追加的措置

- 移転に係る苦情処理メカニズム

- 移転担当機関間での分担及び連携体制

- 移転の実施スケジュール

- 移転に係る費用見積及び予算計画

- 移転担当機関による移転に係るモニタリング及び事後評価の概要：移転担当機関による移転活動のモニタリング、独立モニターによる補足、移転住民のモニタリングプロセスへの参加等

project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

16. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including

- (a) consultations with host communities and local governments;
- (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;
- (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and
- (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

17. *Grievance procedures.* Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

18. *Organizational responsibilities.* The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

19. *Implementation schedule.* An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

20. *Costs and budget.* Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

21. *Monitoring and evaluation.* Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.