

# Annex III. Due Diligence Checklist - Specific plot of land

III. 1/4

**Purpose:** This checklist is designed to detect land-related concerns and challenges on plot level and to come to a decision whether to proceed with the intervention in this specific site. If a site consists of more than one plot, the form has to be filled in for each one. A copy of any document mentioned in the form has to be attached to the form for the manager's review.

**Key Informant section:** Consult with a representative of the de facto local authority and at least 2 other long-term residents, including community representatives and immediate neighbors, to verify ownership claims to the specific plot of land.

**Private owner(s)/de facto authorities section:** In addition to the KI questions, a specific set of questions (indicated below) has to be asked directly to the owner(s) in case the plot concerned is privately owned, and to the de facto local authorities in charge if it is public land.

Red Flags are listed in the **Exclusion Criteria column** ranked in severity from **1 (lowest)** to **3 (highest)**. Any **3** means that the intervention cannot move forward in this community. More than two '**2**'; if not resolved, also indicates that the intervention in this community has to be reconsidered/relocated.

Name of Site: \_\_\_\_\_ Date: \_\_\_\_\_ Name of staff member: \_\_\_\_\_

(Governorate/District/Sub-district/Village or Community)

Key Informants:	Information obtained			Findings (written summary)	Exclusion Criteria
1. Ownership	IN.1	IN.2	IN.3		
1.1. Is the land privately or publicly owned?	<input type="checkbox"/> Public <input type="checkbox"/> Private	<input type="checkbox"/> Public <input type="checkbox"/> Private	<input type="checkbox"/> Public <input type="checkbox"/> Private	..... .....	
1.2. Is the land formally registered?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	..... ..... .....	Disagreement whether land is public or private (2)
1.3. Who is the supposed owner?	Full name of owner: ..... .....	Full name of owner: ..... .....	Full name of owner: ..... .....	..... ..... .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
1.4. Are there any competing ownership claims to the land?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	..... ..... .....	Owner is absent and has not designated authorized representative (3 – NO GO)
1.5. If the owner is absent, is any other actor authorized to take decisions regarding the land?	<input type="checkbox"/> Auth. Yes: <input type="checkbox"/> Auth. No: <input type="checkbox"/> If Yes, who?	<input type="checkbox"/> Auth. Yes: <input type="checkbox"/> Auth. No: <input type="checkbox"/> If Yes, who?	<input type="checkbox"/> Auth. Yes: <input type="checkbox"/> Auth. No: <input type="checkbox"/> If Yes, who?	..... ..... .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
What proof exists of this?	<input type="checkbox"/> Power of attorney <input type="checkbox"/> In writing <input type="checkbox"/> Through video call <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Power of attorney <input type="checkbox"/> In writing <input type="checkbox"/> Through video call <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Power of attorney <input type="checkbox"/> In writing <input type="checkbox"/> Through video call <input type="checkbox"/> Other (specify):	..... ..... ..... .....	

Information Needed	Information obtained			Findings <small>(written summary)</small>	Exclusion Criteria
<b>1. Ownership</b>	<b>IN.1</b>	<b>IN.2</b>	<b>IN.3</b>		
1.6. Are the boundaries of the land clear?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	..... ..... .....	Land borders are disputed (2) <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>2. Disputes</b>	<b>IN.1</b>	<b>IN.2</b>	<b>IN.3</b>		
2.1. Has there currently a dispute over this land affecting land use?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	..... ..... .....	Current dispute over the land affecting use (3 – NO GO) <input type="checkbox"/> Yes <input type="checkbox"/> No
2.2. Are dispute resolution mechanisms available to beneficiaries to resolve any disputes that may arise?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	..... ..... .....	Dispute resolution mechanism not available for BNFs (2) <input type="checkbox"/> Yes <input type="checkbox"/> No
2.3. If yes, what are they?	<input type="checkbox"/> Local council <input type="checkbox"/> Sharia court <input type="checkbox"/> Community leaders <input type="checkbox"/> Camp Management <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Local council <input type="checkbox"/> Sharia court <input type="checkbox"/> Community leaders <input type="checkbox"/> Camp Management <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Local council <input type="checkbox"/> Sharia court <input type="checkbox"/> Community leaders <input type="checkbox"/> Camp Management <input type="checkbox"/> Other (specify):	..... ..... ..... ..... .....	
<b>3. Safety and Security</b>	<b>IN.1</b>	<b>IN.2</b>	<b>IN.3</b>		
3.1. Is the community prone to floods or other natural hazards?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	..... ..... .....	
3.2. Is the community exposed to or close to military action, including contamination with ERWs?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (specify):	..... ..... .....	Site is exposed to or close to military action (3 – NO GO) <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>4. Host / IDP relations</b>	<b>IN.1</b>	<b>IN.2</b>	<b>IN.3</b>		
4.1. How does the community feel about the current or proposed use of the land?	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral	..... ..... .....	

Information Needed	Information obtained			Findings (written summary)	Exclusion Criteria
Additional Remarks	IN.1	IN.2	IN.3		
A.R. Are you sufficiently certain that there is enough legal certainty over the ownership of the land, and that with authorization of the owner the intervention should proceed?	<input type="checkbox"/> Yes <input type="checkbox"/> No Justify your response: ..... .....	<input type="checkbox"/> Yes <input type="checkbox"/> No Justify your response: ..... .....	<input type="checkbox"/> Yes <input type="checkbox"/> No Justify your response: ..... .....	..... ..... ..... .....	2 or more KIs are not sufficiently certain (3 – NO GO) <input type="checkbox"/> Yes <input type="checkbox"/> No
Date and Source of information	IN.1	IN.2	IN.3		
Information key informant:	..... ..... .....	..... ..... .....	..... ..... .....		
Private owner(s) / De Facto Authority (delete as appropriate)	Information obtained			Findings (written summary)	Exclusion Criteria
1. Documentation:					
1.1. Is this land formally registered in the owner's name?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other (specify): ..... .....			
1.2. What documents are available to prove ownership and/or user rights? (Please attach a copy of all available documentation)	<input type="checkbox"/> Tabou <input type="checkbox"/> Court decision <input type="checkbox"/> Sale contract	<input type="checkbox"/> Real Registry record statement <input type="checkbox"/> Other (specify): .....			Mortgage or debt on the land (3 – NO GO) <input type="checkbox"/> Yes <input type="checkbox"/> No
1.3. <b>Private Land:</b> Is there any mortgage, debt, equitable lien or loan on the land at the moment?	<input type="checkbox"/> None <input type="checkbox"/> Mortgage <input type="checkbox"/> Debt	<input type="checkbox"/> Equitable Lien <input type="checkbox"/> Loan <input type="checkbox"/> Other (specify): .....			
2. Disputes and Dispute Resolution					
2.1. Is there currently a dispute concerning this piece of land, affecting its land use?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other (specify): ..... ..... .....			Current disputes over land affecting its use (3 – NO GO) <input type="checkbox"/> Yes <input type="checkbox"/> No

Private owner(s) / De Facto Authority <small>(delete as appropriate)</small>	Information obtained	Findings <small>(written summary)</small>	Exclusion Criteria
<b>2. Disputes and Dispute Resolution</b>			
2.2. If a dispute occurs, what mechanisms are in place to deal with them?	..... .....	..... .....	
<b>3. Beneficiary Security of Tenure</b>			
3.1. How long will the owner (private land) or local council (public land) allow IDPs to stay on the land without charge?	..... Months	..... ..... .....	Min. duration of 12 months is not provided <b>(3 – NO GO)</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
3.2. Does the owner (private land) or local council (public land) agree to sign a Land Use Agreement including committing to a minimum 12 month duration of stay for IDPs? <sup>17</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other (specify): ..... ..... .....	Owner does not agree to sign Land Use Agreement <b>(3 – NO GO)</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date and Source of information</b>			
Information Owner/De facto authorities representative: .....		.....	
Based on this Due Diligence assessment, the following course of action is recommended:			
<input type="checkbox"/> The planned intervention can be implemented as planned and I am confident based on the above analysis and attached documents that: <ul style="list-style-type: none"> <li>• Relevant community leaders and authorities in the area for the proposed intervention have been consulted and confirmed nature of the land and ownership,</li> <li>• Rightful owner/party who can authorize use of the land has provided authorization for land use and land use agreement has been signed,</li> <li>• There is no mortgage or debt on the land,</li> <li>• There are currently no disputes affecting the use of land,</li> <li>• The land is not exposed to current military action/sufficiently away from frontlines,</li> <li>• Local dispute resolution mechanisms are understood and accessible to beneficiaries,</li> <li>• Beneficiaries' right to stay on the land for at least 12 months has been guaranteed by the owner and included in the land agreement.</li> </ul>			
<input type="checkbox"/> There are outstanding issues related to property and / or land and before we begin the intervention, the following issues must be addressed:			
<input type="checkbox"/> There are outstanding issues related to property and / or land and the intervention should not proceed because of the following identified exclusion criteria:			

<sup>17</sup> IDPs are in some case already paying rent and therefore it is important to ensure the coherence of any Land Use Agreement with other existing agreements with a landlord and/or de facto.

Signed (CCCM staff): \_\_\_\_\_ Checked by PM: \_\_\_\_\_  
Date/Place: \_\_\_\_\_ Date/Place: \_\_\_\_\_