

Resettlement and Ethnic Group Framework

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Myanmar: Irrigated Agriculture Inclusive Development Project

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ABBREVIATIONS

ADB	–	Asian Development Bank
CDZ	–	Central Dry Zone
DMS	–	detailed measurement survey
DOA	–	Department of Agriculture, MOALI
EA	–	executing agency
EG	–	ethnic group
FC	–	frontline centres
FPIC	–	free, prior and informed consent
GAP	–	gender action plan
GEF	–	Global Environment Facility
GRM	–	Grievance Redress Mechanism
IA	–	implementing agency
IEP	–	independent external party
IP	–	indigenous people
IPP	–	indigenous peoples plan
IWUMD	–	Irrigation and Water Utilization Management Department, MOALI
LAA	–	Land Acquisition Act
LIEC	–	Loan Implementation Environment Consultant
LISC	–	Loan Implementation Social Consultant
LUC	--	land use certificate
MOALI	–	Ministry of Agriculture, Livestock, and Irrigation
NGO	–	non-government organization
PCU	–	public complaints unit
PMU	–	project management unit
PPTA	–	project preparatory technical assistance
PSC	–	project steering committee
RCS	–	replacement cost study
REDD+	–	reducing emissions from deforestation and forest degradation
REGF	–	resettlement and ethnic group framework
REGP	–	resettlement and ethnic group plan
ROW	--	right of way
SES	–	socio-economic survey
SPS	–	Safeguard Policy Statement 2009 of ADB
SR	–	safeguard requirement
WUG	–	water user group

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GLOSSARY OF TERMS AND DEFINITIONS

- Affected person (AP) – Any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a Project or any of its components
- Broad community support – A collection of expressions by affected ethnic minority communities, through individuals and their recognized representatives, in support of the project. There may be broad community support even if some individuals or groups object to the project.
- Compensation – Payment given in cash or in kind to affected persons (APs) at replacement cost for assets and income sources acquired or adversely affected by the Project
- Cut-off date – Date of completing DMS for which land and/or assets affected by the project are measured. The APs will be informed of the cut-off date, and any people who settle in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
- Detailed measurement survey (DMS) – With the use of approved detailed engineering drawings, this activity involves the finalization and/or validation of the results of the asset losses, severity of impacts, and list of APs. The final cost of resettlement can be determined following completion of the DMS.
- Economic displacement – Loss of land, assets, access to assets, income sources, or means of livelihood as a result of (i) involuntary acquisition of land, or (ii) involuntary restriction on land use or on access to legally designated parks and protected areas.
- Entitlements – A range of measures, such as compensation in cash or in kind, income restoration support, transfer assistance, relocation support, etc., which are provided to the APs depending on the type and severity of their losses to restore their economic and social base.
- Meaningful consultation – A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the

sharing of development benefits and opportunities, and implementation issues.

- Land acquisition – The process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
- Physical displacement – Relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restriction on land use or an access to legally designated parks and protected areas.
- Relocation – The physical displacement of an affected person from her/his pre-project place of residence and/or business.
- Replacement cost – The amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs or depreciation and salvageable materials, at prevailing current market value at the time of compensation payment.
- Resettlement plan (RP) – This is a time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation.
- Vulnerable groups – These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized due to the project and specifically include: (i) female-headed households with dependents, (ii) household heads with disabilities, (iii) households falling under the generally accepted indicator for poverty, (iv) children and elderly households who are landless and with no other means of support, (v) landless households, (vi) indigenous peoples or ethnic minorities.

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I. BACKGROUND

1. The Republic of the Union of Myanmar (the Government) has requested the Asian Development Bank (ADB) support for project preparatory assistance (PPTA) to prepare an investment project for irrigated agriculture focusing on the Central Dry Zone (CDZ). The Irrigated Agriculture Inclusive Development Project (the Project), formerly referred to as the Irrigated Command Area Development Project (ADB 47152), will improve agricultural performance through improved rural infrastructure, in particular small and medium-scale irrigation systems and, as well as rural roads in support of agricultural development outcomes.

2. The Project is aligned with the second five-year plan (2016-2017 to 2020-2021) for crop sector of the Ministry of Agriculture, Livestock and Irrigation (MOALI) focused on supplying agro-based industries and doubling farmer incomes. The plan has the following objectives: (i) extend production and use of good quality seeds; (ii) disseminate modern technology; (iii) upgrade vocational education; (iv) enhance research and development activities for sustainable agriculture; (v) encourage mechanized farming, climate smart agriculture, and extend water availability to increase productivity; (vi) change laws and regulations in line with current conditions; and (vii) encourage Public Private Partnerships and increase local and international investments in agriculture.

3. The Project is also guided by two existing strategies. The National Action Plan for Agriculture has eight priority areas: (i) agriculture production sector; (ii) livestock and fisheries sector; (iii) rural productivity and cottage industries; (iv) micro savings and credit enterprises; (v) rural cooperatives; (vi) rural socio-economy; (vii) rural renewable energy; and (viii) environmental conservation. The Rural Development Strategic Framework (March 2014) proposes integrated rural development strategies for poverty reduction to: (i) address inclusive and sustainable rural development; (ii) strengthen community based organizations, building capacity of local communities and nurturing good governance; and (iii) mitigate natural and social disasters and create resilient communities.

4. The Project sector initiative has the following anticipated outputs:

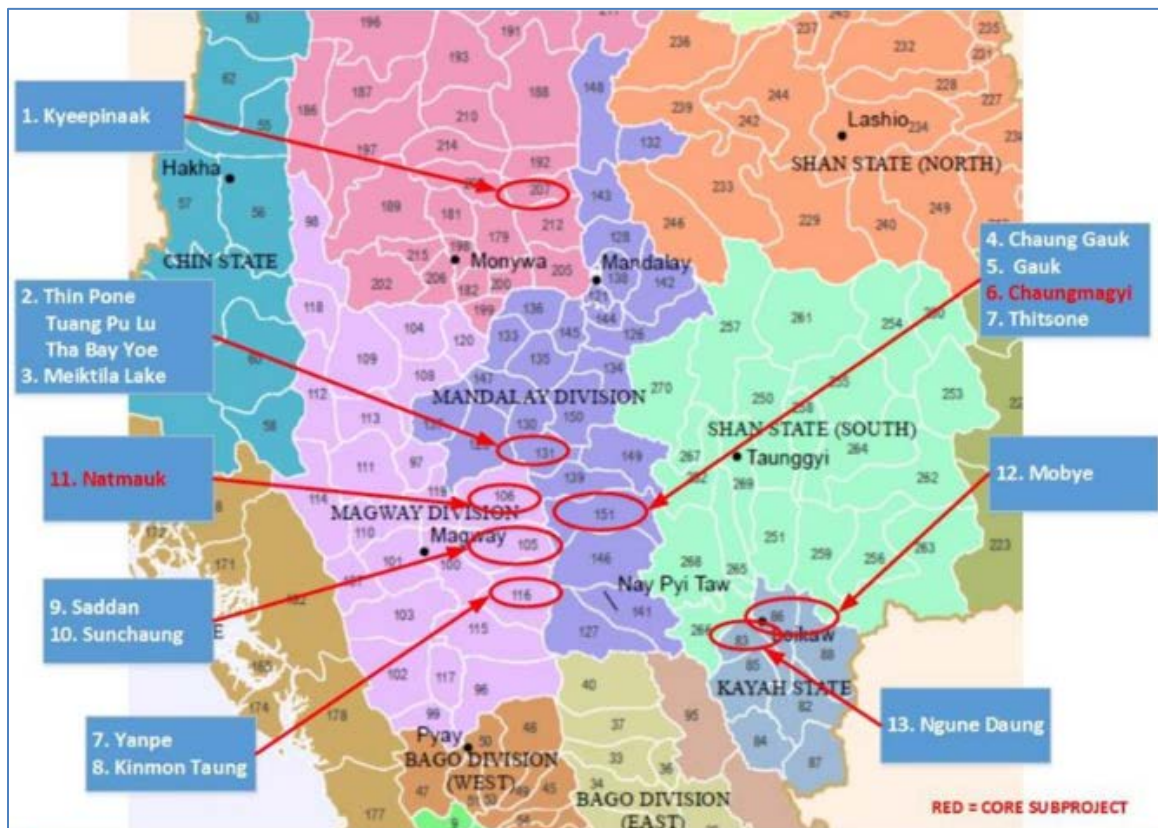
- (i) Agricultural value chains in oilseeds, pulses, and horticultural crops promoted and enhanced including (i) improved seed supply, extension of good agricultural practices, and assistance to improved post-harvest operations; and (ii) support to a range of broad-based cross-cutting value chain and private sector development interventions, including the establishment of frontline centers (FC) at the district and township/irrigation systems levels;
- (ii) Reliability of agricultural water supplies improved by supporting rehabilitation, modernization, and improved management of about ten irrigation systems to improve the reliability of water supplies on about 90,000 acres (36,400 ha) within Magway and Yamethin Districts in the Central Dry Zone including Agricultural development to increase productivity, through diversified cropping and value chain development; and
- (iii) Capacity for integrated water resources management strengthened by supporting national and regional initiatives to address climate change and sustainable irrigation management through promotion of integrated water resources management and water budgeting, irrigation system operations and maintenance at the system and on-farm level, land and asset management. In addition, a piggybacked capacity development technical assistance for Rural Productivity and

Ecosystems Services in Central Dry Zone Forest Reserves is proposed for Global Environment Fund grant financing to enhance soil, water and forest conservation practices in forest reserves within the CDZ.

5. Primary beneficiaries will be the farming and landless communities including individual farmers, farmer groups, cooperatives and water user groups (WUGs) in the irrigation systems in the CDZ, plus the important private sector agribusinesses which are key part of the value chains, especially those involved in input supply, post-harvest operations and marketing. It is important to note that the poor households, landless and women will be particularly targeted. Secondary beneficiaries are the Government of Myanmar staff involved in extension, Irrigation and Water Utilization Management Department (IWUMD), Department of Agriculture (DOA) and Agricultural Mechanization Department and Department of Agricultural Research (DAR), especially staff working in the irrigation systems. Tertiary beneficiaries will be other players in the various value chains through improved market information systems and greater awareness of the issues as regards to the development of irrigated agriculture.

6. The Project will encompass of range of activities in various locations. In late 2014, the Government of Myanmar proposed that the area be extended outside the CDZ to include Kayah State and ADB agreed during its Inception Mission. This changes the Project area from a distinct area to a collection of three regions and one state. For PPTA purposes, 13 candidate existing irrigation systems were studied. See Figure 1 which depicts the locations of the candidate systems. Many of these irrigation schemes in the CDZ were built before the 1980s and have operated for 30 years. These schemes need to be rehabilitated, redesigned and upgraded to meet changing demands and uses.

Figure 1: Irrigated Agriculture Inclusive Development Project Candidate Irrigation System Locations



7. The irrigation systems were ranked by economic viability in the prefeasibility report. The choice of two systems to be considered 'core subprojects' and taken to feasibility level was made in the context of choosing ones which were "safely viable", chosen from those with higher internal rates of return (an economic indicator): Natmauk, Moby, Ngwe Daung, Chaungmagyi, and Thitsone. The core subprojects were selected not only to be viable on their own but also to be effective demonstrations of the proposed interventions which can be replicated in the pipeline subprojects. As the most viable subprojects which can provide models for other Projects in the CDZ, the PPTA team proposed feasibility studies of Natmauk in Magway and Chaungmagyi in Mandalay with the intent of demonstrating a development model for water constrained systems. See Figure 2 for the location of the core subprojects in the CDZ.

Figure 2: Core Subprojects in the Central Dry Zone



8. This resettlement and ethnic group framework (REGF) guides land acquisition, management of resettlement impacts, and management of impacts on ethnic groups. The REGF is aimed at ensuring compliance with ADB's 2009 Safeguards Policy Statement (SPS). The SPS comprises operational safeguard policies that seek to avoid, minimize, or mitigate adverse environmental and social impacts, including protecting the rights of those likely to be affected or marginalized by the development process. This REGF addresses ADB's safeguard requirements related to involuntary resettlement and indigenous people and relevant Government of Myanmar regulation on land management/land acquisition and ethnic groups development.

9. For sector projects like this Project, frameworks provide guidance on safeguard screening, assessment, institutional arrangements, and processes to be followed for subprojects or subsequent tranches that are prepared after ADB Board approval. Safeguard frameworks also specify the criteria for eligibility that ensure that quality subprojects are identified and delivered. Subprojects will be identified during implementation. Involuntary resettlement and ethnic group impacts cannot be ruled out until screening and sub-project detailed designs are completed, this REGF, contains guidance for the preparation of resettlement plans and ethnic group plans (or a combined resettlement and ethnic group plan¹) as well as for due diligence reports for subprojects that do not trigger safeguards.

10. Preliminary (feasibility-level) designs for typical canals and structures for Chaungmagyi have been developed and all civil works are expected to be within the canal right of way (ROW). However, given the size of the irrigation system, the particular canals that will be covered by civil works are not yet known and will be selected through a participatory process with the beneficiary/affected communities during implementation. Thus, the exact locations are unknown for where land may be required for the core subproject interventions and will only be known during sub-project implementation at the time of detailed design. During detailed design, land acquisition requirements will be integrated into decisions about working sites. Noticeable environmental and social constraints such as trees of value, bus stops, and others can be avoided in the selection of work sites. Therefore Due Diligence Report is prepared for the sample of sector loan project, other sample cannot be prepared as the design and choice of canals to be rehabilitated will be done during the project implementation using participatory approach. All land acquisition and resettlement impacts and ethnic groups impacts will be addressed in line with the Project policy as described in the REGF and in compliance with the ADB SPS (2009).

11. The expected impacts, risks and opportunities related to land acquisition, involuntary resettlement, and ethnic groups are presented in Table 1.

Table 1: Social Safeguard Impacts and Risks by the Project Outputs

Output	Impacts, risks and opportunities	
	Involuntary Resettlement	Indigenous Peoples
Output 1: Irrigation infrastructure rehabilitation and development and improved irrigation management and service delivery, including system management and benchmarking, improved	<ul style="list-style-type: none"> • Temporary and possibly permanent loss of land (agricultural, residential, public) for construction works • Loss of trees, crops or standing crops, or damage to standing crops, especially in the right of way • Possible total or partial loss of structures (huts, stalls, driveway, waiting sheds etc), • Possible temporary restriction of access to common property resources (i.e., river itself) 	There exists potential for the outputs to directly or indirectly affect the dignity, human rights, livelihood systems, or culture of indigenous peoples or affect territories or natural or cultural resources that

¹ According to the ADB SPS (2009), in cases where impacts on Indigenous Peoples (IPs) involve physical relocation that will result in adverse impacts on their identity, culture, and customary livelihoods, a combined IPs plan and resettlement plan could be formulated to address both involuntary resettlement and IPs issues. Such a combined plan will also meet all relevant requirements specified under Safeguard Requirements 3.

Output	Impacts, risks and opportunities	
	Involuntary Resettlement	Indigenous Peoples
institutional arrangements, better flow monitoring and conjunctive management of surface and groundwater	<ul style="list-style-type: none"> • Possible temporary loss of business income from farming livelihoods • Most construction works will take place in small portions of the canal right of way and the land users will be given advance notice to harvest any crops • Laydown and batching areas will mainly be organized with farmers amenable to working with the Project 	indigenous peoples own, use, occupy, or claim as an ancestral domain or asset.
Output 2: Agricultural development to increase productivity, through diversified cropping and value chain development.	No land acquisition is currently foreseen as part of these activities.	

A. REGF Definitions

12. Resettlement refers to both physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of acquisition of land or restrictions on land use or on access to legally designated parks and protected areas. These losses and restrictions are covered whether they are full or partial, permanent or temporary.

13. Resettlement is considered involuntary when individuals or communities do not have the right to refuse land acquisition which results in displacement. This applies in cases when: (i) lands are acquired through expropriation based on eminent domain; and (ii) lands are acquired through expropriation because negotiated settlement processes have failed. For this Project, the Government's MOALI, through its IWUMD is the executing agency (EA) and has the legal right to expropriate land.² subprojects may create involuntary resettlement impacts.

14. ADB's SPS 2009 definition of 'indigenous peoples' (IPs) refers to a distinct, vulnerable, social and cultural group meeting the following specific criteria:

- (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (ii) collective attachment to geographically distinct habitats or ancestral territories in the Project area and to the natural resources in these habitats and territories;
- (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (iv) a distinct language, often different from the official language of the country or region.

15. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under the SPS.

² The 2012 Farmland Law reaffirms the government's power to take tenured lands for any reason deemed to be in the state's interest as well as for a variety of violations (USAID Country Profile: Property Rights and Resource Governance Burma, undated). Even if farmers have registered their land and hold a land use certificate, land 'confiscation' as it is often referred to in Myanmar, is a legal possibility.

16. ADB's SPS uses the term IP however in Myanmar 'ethnic groups' (EG) is more commonly used. In this REGF, generally IP is used when ADB requirements are cited and EG is used for reference to the Project or implementation guidance.

II. PROJECT CONTEXT AND DESCRIPTION

A. Project Context

17. Myanmar is one of the most ethnically diverse countries in the world. The country is geographically and administratively divided into seven regions. The majority population is Bamar. The seven states are ethnic minority areas named after the largest population group in them: the Chin, Kachin, Kayin, Kayah, Mon, Rakhine and Shan. These states are not ethnically homogenous and there are many smaller groups and sub-groups. It is estimated there are about 135 ethnic groups that speak 116 languages.³ The World Directory of Minorities and Indigenous People has identified the following ethnic groups as communities at risk: Kachin, Karenni, Karen, Mons, Rakhine, Shan, Chin (Zomis), and Wa.⁴ Some members of the Chin ethnic group reside in the eastern border area of the CDZ but the majority of the CDZ population is not from a minority ethnic group.⁵

18. About 70% of Myanmar's 51.5 million people live in rural areas. In 2012, around 44% of people in Myanmar were involved in the agriculture sector.⁶ ADB's 2014 country diagnostic study "Myanmar: Unlocking the Potential" identifies that in comparison to neighboring countries, agricultural productivity trails far behind due to various factors including low investment, outdated technology, unpredictable government policies, poor water control and management, poor input supply, inefficient and unbalanced land distribution, high transportation costs, weak rural financial institutions, and exports of low-value unprocessed products alongside a lack of diversification in export markets.

19. The Government's Framework for Economic and Social Reforms⁷ sees agricultural growth as critical for inclusive development. It aims to "ensure that food security is achieved throughout the country, and will develop strategies that will channel benefits of reforms and growth strategies towards helping improve the welfare and income of farmers, farm laborers and their dependent families." Households relying on casual labor as well as female-headed households and those with young children are relatively vulnerable to food insecurity.

20. Land is owned by the state which grants private land use and tenure rights based on the type of land involved. In the last few years, the Government has made a push to provide land use right certificates (LUCs) to households with farmland. Under the 2012 adopted Farmland Law, farmland management bodies are to issue LUCs to farmers. The land records departments (renamed to Department of Agricultural Land Management and Statistics in mid-2015) are responsible for registering land rights and collecting related fees.

21. Site visits related to the production of this REGF undertaken 27 May 2015 and 4 June 2015 to the Changmaugyi irrigation system and 28-29 May 2015 to Natmauk irrigation

³ Myanmar: Unlocking the Potential, Country Diagnostic Study, Asian Development Bank 2014.

⁴ The United Nations' High Commission for Refugee's World Directory of Minorities and Indigenous People at <http://peoplesunderthreat.org/countries/myanmar/> Accessed May 24 May 2015.

⁵ Stimson 2014 cited in A Nutrition and Food Security Assessment of the Dry Zone of Myanmar in June and July 2013. Save the Children, World Food Programme and the Ministry of Livestock, Fisheries and Rural Development, 2014,

⁶ Myanmar: Unlocking the Potential, Country Diagnostic Study, Asian Development Bank 2014.

⁷ Framework for Economic and Social Reforms : Policy Priorities for 2012-2015 towards the Long-Term Goals of the National Comprehensive Development Plan" Ministry of National Planning and Economic Development, 2012.

system identified in discussions with agriculture ministry staff and consulted farmers that land owners in two core subproject area had LUCs issued by the end of March 2014.⁸ Although the state is the owner of all land in the country, the LUC gives private-use rights to sell, exchange, inherit, donate, lease and make transactions with their farmland.⁹ During the site visits it was observed that individual plots generally have readily identifiable boundaries from the use of banded raised grass, bushes, branches, trees, bamboo fencing, or spinosa plants.

22. During the May 2015 site visits for this REGF, it was observed in some places that sometimes crops encroach on the outer edges of the RoW but not in a manner that affects the integrity of the core subproject canal system. See Figure 3.

Figure 3: Use of RoW for Crops in Kinmontang Pipeline Project Distributary Canal



23. High levels of landlessness are common. Estimates of landlessness among the rural population range from 30% to 50% for the whole country.¹⁰ One of the three areas with the highest proportion of landlessness is Mandalay in the CDZ, where five townships have a landlessness rate of at least 99%.¹¹ Countrywide, there are still restrictions on crop choice, though these are being reduced. The 2012 Farmland Law stipulates that farmers cannot grow other crops on land which is registered as paddy land unless they apply to government for permission.¹²

24. Ownership of land is traditionally by men, inherited from parents. LUCs are issued in men's names for households; women who are household heads as widows do have certificates.

25. The CDZ is usually defined to include the majority of three regions (Magway, Mandalay, and Sagaing) occupying the center of Myanmar and accounting for about 17% of national

⁸ During the site visit, farmers also referred to the LUC as 'Form 7'.

⁹ USAID Country Profile: Property Rights and Resource Governance Burma, undated.

¹⁰ USAID Country Profile: Property Rights and Resource Governance Burma, undated.

¹¹ USAID Country Profile: Property Rights and Resource Governance Burma, undated.

¹² Business and Human Rights in AESAN: A Baseline Report for Myanmar, 2013.

territory. The population density is higher than the country average at 4.9 persons per household.¹³

26. Like other parts of the country, access and availability of water resources influence the prevalence of rural poverty in the CDZ. A 2010 study in the CDZ identified 33% percent of farm households were 'poor' and it increased to 55% for rural landless households.¹⁴ Although there are potentially ample water resources in the Ayeyarwady and Chindwin rivers, this cannot be accessed by gravity and the smaller tributary rivers are seasonal with very low dry season flows. During the site visits for this REGF in May 2015, farmers in the core subproject areas said that, from their perspective, irrigation water is very important because yield correlates with water availability. Many farm plots in the CDZ grow only a single rain-fed crop: the maturity of crops is uncertain because it depends on the weather, and for the rest of the year the land is idle.

B. Project Description

27. The 13 candidate irrigation systems that make up the subproject pipeline are presented in Table 2.

Table 2: Project Component - Projects Evaluated with Core Subprojects

Region / State	System	Storage volume (acre-ft.)	Net command area (acre)
Kayah	Moby	580,000	17,917
Kayah	Ngwe Daung		6,291
Magway	Natmauk	88,400	25,380
Magway	Sun Chaung	24,576	7,125
Magway	Saddan	18,000	10,500
Magway	Yanpe	35,140	10,845
Magway	Kinpuntaung	10,520	5,190
Mandalay	Thin Pone	13,059	8,728
Mandalay	Meiktila	17,209	26,297
Mandalay	Chaung Gauk	3,250	6,614
Mandalay	Chaungmagyi	33,200	7,255
Mandalay	Thitsone	39,965	12,345
Sagaing	Kyeebinakk	38,700	5,458

28. The 13 irrigation systems were built at various dates between 1960 and 2005, apart from Meiktila Lake which has evolved from a historic tank which has gradually been expanded over the years. They all take water from small streams which have been dammed to provide some storage to smooth out short term fluctuations in flow and to enable some summer cropping. The dams are generally reported to be in good condition, but have not been inspected or reviewed as part of this Project. Most canals are unlined, but some brick lining has been provided in vulnerable sections. Maintenance is undertaken by the IWUMD down to the outlets from distributary or minor canals and owing to limitations of budget and other resources has not been undertaken comprehensively. Some parts of the systems are in good condition, and others are more severely degraded.

¹³ Myanmar Dry Zone Development Program Scoping Report – Revised Draft, unpubl FAO LIFT programme document, 2014.

¹⁴ The Development Study on Sustainable Agricultural and Rural Development for Poverty Reduction Programme in the Central Dry Zone of Myanmar. Final Report. JICA, August 2010.

29. The schemes are generally small with reasonably well-structured canal layouts: main canals, distributary canals and minor canals (managed by the IWUMD) supply water via outlets to field channels and individual farms. There are, however, a large number of direct outlets from the main canals which tend to receive a disproportionate amount of water resulting in relative shortages further down the system. Most distributary canals are quite small, but those towards the tail of the larger systems may cover substantial areas resulting in relative difficulties in managing water supplies to those areas. Generally such tail-end areas only receive water in the monsoon: the limited water availability would make summer cultivation impractical even if infrastructure were improved. The Project area suffers from damages due to inadequate cross drainage and poor embankment construction, which will be addressed in rehabilitation plans.

30. Roads in the Project area are generally in poor condition, with even main canal inspection roads often being of low quality. Some tarmac roads cross the subproject areas, linking townships, but most other roads are earthen and more suited to bullock carts and tractors. Access during the monsoon is thus particularly problematic.

31. The Project concept envisages crop diversification in both seasons. It is likely that rice will remain the dominant crop, but there are alternatives which could give greater returns to water and to labor (which are or will be key limiting resources). However, diversification is constrained by multiple factors, including the nature and condition of infrastructure and the way it is managed. The Project will make better use of the same amount of water and help share the water resource more equitably. The upgrading constructions works are planned to be undertaken during times of year when there is currently no irrigation so that no disruption to current practices is anticipated. No involuntary resettlement impacts related to water resources are anticipated.

32. Rehabilitation refers to restoring the system to its original state. This is not always sufficient as there may be a need for completion, improvement or modernization to make effective. Many systems are dysfunctional not so much because of poor maintenance but due to incomplete construction or out of date or inappropriate designs which don't meet current requirements. These problems then become manifest in poor standards of maintenance, particularly at the tail of the system where they cannot be operated effectively and are damaged by dissatisfied farmers. Simple rehabilitation is not sufficient in such situations, but modernization and improvement of canals and structures is needed. This will be undertaken within the limits of the existing canals and structures.

C. Project Linkages

33. The Project is linked with the Global Environment Facility (GEF) Project "Mitigation Focused Rural Productivity and Ecosystems Services Enhanced in Central Dry Zone Forest Reserves." The GEF Project is being implemented by the Ministry of Environmental Conservation and Forestry in the Mae-nyo-taung Forest Reserve. The pilot Project, the outputs of which will be available by July 2016, can serve as a model for understanding the relationship between dryland forests and agricultural productivity and livelihoods across the CDZ. It is hoped that the pilot work of the GEF demonstration Project can help in the detailed design of the Project relative to upstream forest improvement and reduced sedimentation in canal systems. The GEF Project pilot area is not upstream of the core subprojects but is near a pipeline Project.

34. The Project will also have synergies with another planned ADB "Climate-Friendly Agribusiness Value Chain Sector Project" in Myanmar. The investment Project will aim to increase rural productivity and household incomes, and promote more efficient resource

utilization and climate resilience for competitive and inclusive agribusiness in Project areas. Project areas and crop varieties are yet to be determined, however rice, pulses and high value horticultural products will be considered. One Project area is expected to be established in the CDZ.

D. Core Subproject Description

35. As the most viable subprojects which can provide models for other Projects in the CDZ, the PPTA team proposed feasibility studies of Natmauk in Magway and Chaungmagyi in Mandalay with the intent of demonstrating a development model for water constrained systems.

36. The two core subprojects involve the following general types of features:

- (i) water level control in canals at low flows, for which new gated regulators will be needed;
- (ii) provision of gates to head regulators and outlets, to enable closure at times of low demand or during rotations;
- (iii) flow measurement so performance can be monitored and used as a basis for management, combined with the ability to control flows at these points;
- (iv) sediment control at weirs;
- (v) repair of flood damage to main canal and provision of adequate cross-drainage;
- (vi) upgrading canal inspection roads;
- (vii) canal re-sectioning and stabilizing (to reduce problems of bank instability); and
- (viii) scour protection at structures to ensure that they are stable.

37. Interventions required for the core subprojects have been estimated and are presented in Table 3. The estimates will be confirmed in detailed design. Appendix A shows some of the proposed issues and measures with photographs and designs. These structures are generally located within the canal ROW, as illustrated in Appendix A. In most locations a small laydown area in the ROW will be required. Laydown areas that are amenable to the farmers using adjacent lands will be selected.

Table 3: Estimated Number of Project Interventions by Core Subproject Area

	Type of Interventions	Unit	Chaungmagyi Installations (estimated)	Natmauk Installations (estimated)
1	Sediment basins at head of main canals	Nr	2	2
2	Construction of main canal drop structures (ungated)	Nr	20	14
3	Rehabilitation of main canal drop structures (ungated)	Nr	-	3
4	Construction gated cross-regulators in main canal	Nr	12	17
5	Rehabilitation of gated cross-regulators in main canal	Nr	-	10
6	Construction of head regulators	Nr	12	20
7	Rehabilitation of head regulators	Nr	8	3
8	Provision of gates to direct outlets (from main canals)	Nr	3	54
9	Construction of main canal cross-drainage culverts	Nr	-	11
10	Strengthening of river afflux bunds	Nr	-	5

	Type of Interventions	Unit	Chaungmagyi Installations (estimated)	Natmauk Installations (estimated)
11	Removal of sediment from main canals and dispose	100cft	8,871	48,000
12	Filling to main canal embankment (from borrow)	100cft	5,241	23,000
13	Strengthening and protecting main canal embankment	Km	-	0.25
14	Lining of critical reaches of main canal	Km	-	4
15	Construction of bridges over main canal	Nr	7	20
16	Rehabilitation of bridges over main canal	Nr	10	8
17	Upgrading main canal inspection roads	Km	19	50
18	Upgrading dam access road	Km	11	11
19	Construction of DY and minor canal drop structures (ungated)	Nr	8	60
20	Construction of DY and minor canal gated cross-regulators	Nr	42	140
21	Rehab of DY and minor canal gated cross-regulators	Nr	4	-
22	Construction of gated outlets to watercourses	Nr	75	292
23	Construction of DY and minor canal cross-drainage culverts	Nr	-	37
24	Removal of sediment from DY and minor canals and dispose	100cft	2,255	20,674
25	Filling to DY canals and canal embankments (from borrow)	100cft	18,435	138,131
26	Jungle clearance from DY and minor canals	100sft	6,448	-
27	Lining of critical reaches of DY and minor canals	Km	3	
28	Flow measurement weirs at the head of DY and minor canals	Nr	15	26
29	Construction of bridges over DY and minor canals	Nr	13	73
30	Rehabilitation of bridges over DY and minor canals	Nr	4	49
31	Extension of watercourses and field ditches	Km	41	288

38. As part of the feasibility activities, the Project engineers have identified that both systems will need a main contractor's camp of about two acres maximum located at a point in the system with good road links, and another two sub-camps (one acre each), one on each main canal. For borrow area, Natmauk will require about 370 acres and Chaungmagyi about 50 acres, from which top soil would be stripped and then replaced after the completion of construction.

E. Resettlement and Ethic Group Impacts Data for the Core Subprojects

39. Minor land acquisition in subprojects throughout construction is anticipated. At a minimum, temporary land use will be required for storing construction materials and equipment in different places and at different times during the construction period. Most of the land use will be within rights of way. Minor creation of tracks is foreseen alongside the canals within the rights of way. In some places farms may be using portions of the rights of way for farming and such crops will be affected. In some cases, small areas of land outside of the rights of way may be temporarily needed.

40. The Project will acquire land for the subprojects using the entitlement matrix described in this REGF. The affected communities are given choices for entitlement and eligibility, land donation or negotiated land acquisition. Currently the exact locations are unknown for where land will be required for the core subproject interventions. Details such as the amount of land required, the duration of the land use, and what proportion such land use would be of total land holdings, cannot be currently ascertained because there is insufficient information regarding locations of interventions and specific size of the infrastructure to be upgraded. . During detailed design, land acquisition requirements will be integrated into decisions about working sites. Noticeable

environmental and social constraints such as trees of value, bus stops, and others can be avoided in the selection of work sites. Efforts can be made to deal with land owners who indicate a predisposition to negotiate and collaborate with the Project. Based on current information from consultations and data review, there are no ethnic groups in the core subproject areas. Once the sub-project area are chosen, the ethnic group impact screening will be conducted using the provided checklist.

41. The Project’s area of influence has been defined based on the definition provided in ADB’s Safeguard Policy Statement (2009) including:

- (i) Primary Project sites and related facilities: These include the irrigation infrastructure rehabilitation systems at the core subprojects.
- (ii) Associated facilities that are not funded as part of the Project but whose viability and existence depend exclusively on the Project.
- (iii) Areas and communities potentially affected by cumulative impacts from further planned development of the Project: The communities around the core subproject areas are principally very isolated with only small supporting villages nearby.
- (iv) Areas and communities potentially affected by impacts from unplanned but predictable developments caused by the Project that may occur later or at a different location: It is not anticipated that the Project related improvements will cause any unplanned developments. They are site-specific subprojects that are not likely to cause additional developments in the villages.

42. Each subproject will have its own area of influence and impact zone. The subprojects’ areas of influence refer to activity sites, such as the primary, distributary or minor canal, or an outlet and related access roads, borrow pits, and disposal areas that are used. The subprojects’ impact zones are wider, and denote not only the immediate the activity sites but also the larger physical area in which subproject effects (positive and negative) are felt in the irrigation command area.

43. There is a possibility of project land acquisition related to irrigation infrastructure rehabilitation and agricultural development (including rural roads and possibly some development of watercourses). Project agro-processing support will be provision of small scale equipment without land acquisition. Front line centres, which will be supported through the Project, are not a physical entity but rather a group of people. Support to them will not require land take.

44. Land acquisition will be done through choices for farmers: using entitlement matrix, land donation and negotiated land acquisition. For most of the irrigation system rehabilitation activities, land acquisition will be temporary and to a great extent concentrated in the ROWs. Table 4 presents the established ROWs for irrigation canals. During the May 2015 site visits to the two core subproject area, it was observed that generally there are not structures in the ROWs which are frequently used for tracks or access roads. Sometimes crops encroach into the ROWs but not in a manner that seems to affect the integrity of canal system. Use of ROWs will be considered in subproject resettlement screening.

Table 4: Right of Way Land Requirements for Irrigation Canals

Canal size	Right of way
Main canal	100 feet both sides from centre

Distributary canal	75 feet both sides from centre
Minor canal	50 feet both sides from centre

Source: ROW Notification from Irrigation Department Head Office 1/2011 dated 16 September 2011

45. Land for rehabilitation activities would be needed temporarily to stockpile construction materials and equipment at intermittent locations. There is scope for such sites to be selected taking into account any environmental constraints (trees, land instability) and social constraints (structures, land owner interest, using a whole plot instead of several plots to minimize number of agreements required).

46. For ethnic groups, it is not anticipated that any group will be negatively affected by the Project. Rather, the project will be providing benefits to residents in the form of water access to community members in the irrigation system area and agricultural development, be they of average, better or lower income, be they an identified ethnic group or not, and be they vulnerable or not.¹⁵ Nonetheless, while the participation and involvement of all beneficiaries will be promoted, if ethnic groups meet the ADB IP criteria, a Resettlement and Ethnic Group Plan (REGP) will be developed.

III. SOCIO-ECONOMIC CHARACTERISTICS

47. About 70% of Myanmar's 51.5 million people reside in rural areas¹⁶ and are dependent on agriculture for part of their livelihood. Nationally, about one in four people are considered poor¹⁷ and the poverty rate in 2013 in rural areas was 1.8 times higher than in urban areas.¹⁸ Estimates of landless laborers, who are generally identified as vulnerable to poverty, vary between 30% and 50%.¹⁹ The cultivable land available per person is 0.3 hectares.²⁰ For all of Myanmar, it is estimated that there is 1.6 meter of water available per acre and 6.3 meter for one acre of cultivable land.²¹ In 2010, 99.5% of household crop holdings were managed by single households and just over 22% of household crop holdings were irrigated.²²

48. The CDZ is one of the most food insecure, water-stressed, climate sensitive and natural resource poor regions in Myanmar. It has the second highest population density in Myanmar but remains one of the least developed. Access and availability of water resources are key determinants of rural poverty with livelihoods largely dependent on the southwest monsoon. Table 5 shows that the groups in the Project area that a United Nations Development Programme poverty study²³ identified in 2007 as most vulnerable to poverty tend to have natural resource dependent livelihoods.

¹⁵ Vulnerable households are those with less coping ability and fewer assets or access to resources to help them cope with socio-economic and natural shocks. Low income households, and households headed by women and women from landless families have been identified as vulnerable for the Project. Families with household members with long term health problems or with a large number of dependents are also frequently considered vulnerable.

¹⁶ 2014 Myanmar Population and Housing Census, A Changing Population: Union Figures at a Glance, Ministry of Immigration and Population with technical support from UNFPA, May 2015.

¹⁷ Myanmar: Unlocking the Potential, Country Diagnostic Study, ADB 2014.

¹⁸ A Regional Perspective on Poverty in Myanmar, UNDP 2013.

¹⁹ USAID Country Profile: Property Rights and Resource Governance Burma, undated.

²⁰ Outline of the Irrigation Department, October 2013.

²¹ Outline of the Irrigation Department, October 2013.

²² Report on Myanmar Census of Agriculture, 2010. Republic of the Union of Myanmar, Ministry of Agriculture and Irrigation, Settlement and Lands Record Department, 2013. In collaboration with FAO.

²³ A Regional Perspective on Poverty in Myanmar, UNDP 2013.

Table 5: Poverty Vulnerability in the Project Area

State or Region	State or Region poverty status	Groups vulnerable to poverty
Sagaing	Not poor region	Landless and marginalized farmers, riverside residents
Mandalay	Poor region	River side residents, landless, marginal farmers
Magway	Poor region	Landless/marginalized farmers, truckers, boatmen, workers (timber processing and oil fields), migrants, students and sex workers
Kayah	Poor state	Internally displaced people, women, children

49. Table 6 provides additional socio-economic and poverty indicators from the 2014 census for the Project area.

Table 6: Project Area Socio-economic and Poverty Indicators, 2014

Indicator and unit	Mandalay Region	Magway Region	Sagaing Region	Kayah State
Population (# of people)	6,165,723 (52.5% female)	3,917,055 (53.69% female)	5,325,347 (52.74% female)	286,627 (50% female)
Population density (# of people per km ²)	199.6	87.4	56.8	24.4
Mean household size (# of people per household)	4.4	4.1	4.6	4.8
Literacy rate (persons aged 15 years and over)	All: 93.8 (Male: 97.3; Female: 90.9)	All 92.2 (Male: 96.5; Female: 88.9)	All: 93.7 (Male: 96.6; Female: 91.4)	All: 82.1 (Male: 87.0; Female: 77.6)
Employment to population ratio for age 15 to 64 years (%)	All: 65.7 (Male: 82.8; Female: 50.7)	All 69.0 (Male:84.1; Female:56.4)	All: 69.7% (Male: 84.5; Female: 56.8)	All 72.3 (Male:85.7; Female 58.9)
Under 5 years of age mortality rate (# of deaths per 1000 live births)	66	108	70	72
Households with electricity as main source of lighting (%)	39.4	22.7	24.2	48.6
Households with improved source of drinking water (%)	85.6	76.6	81.1	58.3
Households with improved sanitation (%)	79.8	68.4	71.6	88.5

Source: 2014 Myanmar Population and Housing Census, Region/State reports.

50. It is estimated, in the CDZ, that seven to ten acres of average land (or 15–20 acres of poor quality land) are required to sustain minimum standards of living for a family in this area,

assuming no complementary income sources.²⁴ In 2010, the average areas per holdings (household and special holdings) were 4.97 acres in Mandalay Region, 5.57 acres in Magway region, 8.51 acres in Sagaing Region and 3.7 acres in Kayah State.²⁵ Rice, cotton, ground nut, sesame, pigeon pea, green gram, chili, onion and tomato are common crops in the CDZ.

51. Some primary land data was collected on the two core subprojects from 5-17 June 2015 from a Project socio-economic survey, undertaken for project design not resettlement. The survey interviewed 250 household heads in both systems, organized to be reflective of wealth. Twenty villages (11 in Chaungmagyi and nine in Natmauk) were selected.

52. The biggest ethnic group in Myanmar is the Bamar. The Government recognizes 135 distinct ethnic groups which together constitute about 35% of the total population. The largest minority groups are the Shan (nine percent) and the Karen (seven percent), while the remaining groups – which include the Mon, Rakhine, Chin, Kachin, Karenni, Kayan, Chinese, Indian, Danu, Akha, Kokang, Lahu, Naga, Palaung, Pao, Rohyinga, Tavoyan, and Wa groups – each constitute 5% or less of the population.²⁶ The Shan, Mon, Kayin, Kayah, Chin, Kachin and Rakhine have states named for them: this naming reflects their attachment to a specific landscape and geographical space. Figure 4 shows the spatial distribution of the main ethnic groups.

53. Figure 4 overleaf shows that the majority of the population in the Project area is Bamar. During prefeasibility site visits (February to April 2015) undertaken by the environmental and technical teams, for seven of nine irrigation systems where a checklist with a question about ethnicity was administered, all households identified themselves as Bamar. Two systems (both in Kayah State) had farmers who self-identified their ethnic group as something other than Bamar: in the Mobwe and Ngwe Daung systems, farmers identified as being Kayar, Inn Thar, Pa O, Bamar, Shan and Gurkha. Of these, Kayar and Inn Thar ethnicities were the most often cited. For the two candidate subprojects in Kayah State, there is potential that IP safeguard requirements would be triggered by the presence of ethnic groups in the subproject area as beneficiaries and an ethnic group plan needed.

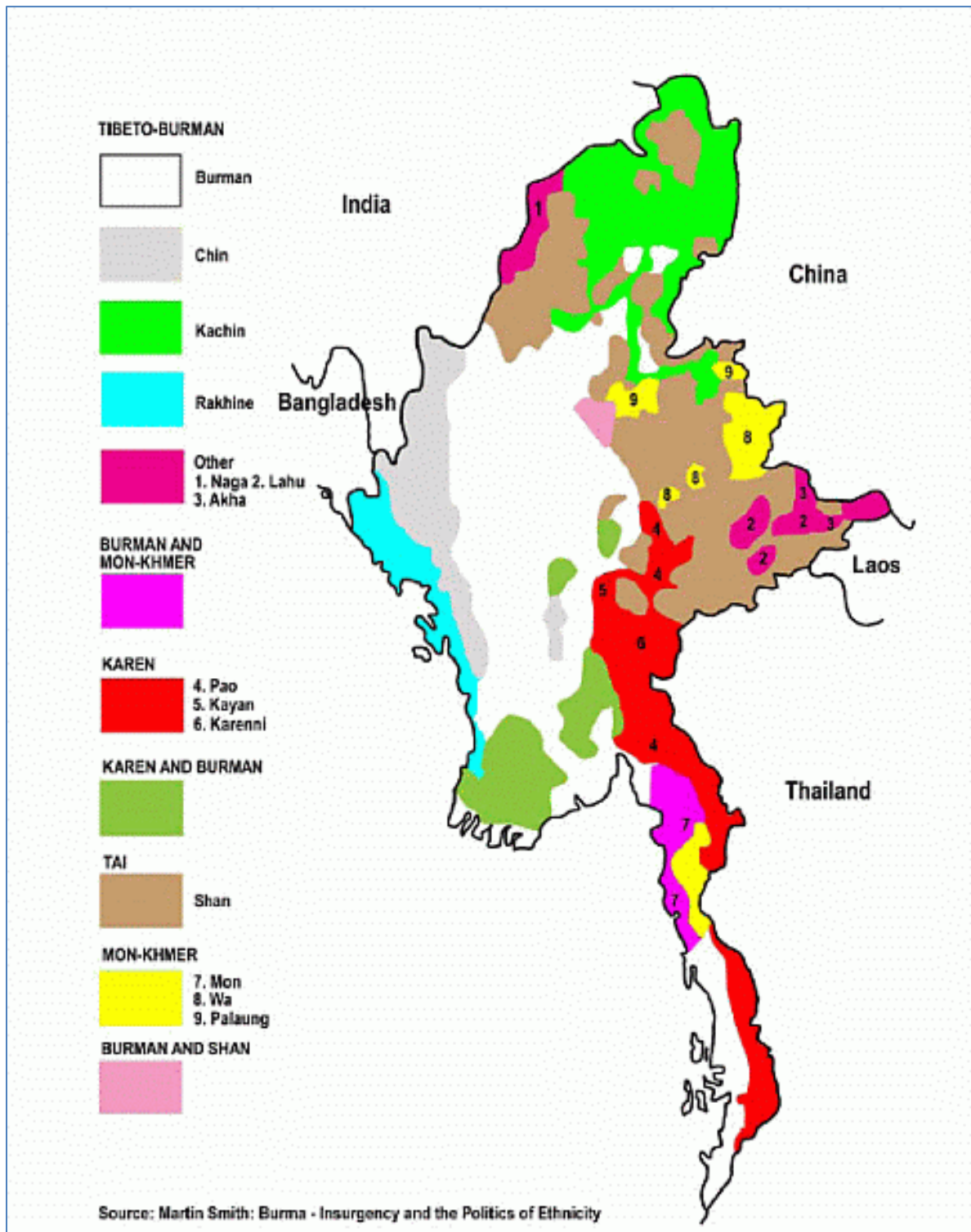
54. From the Project social survey undertaken in June 2015 with 500 households (250 in both) for the Chaungmagyi and Natmauk systems, almost all were Bamar. In Chaungmagyi, one household (0.4% of households) identified as Kachin and one household identified as Chin. In Natmauk, one of the households identified as Rakhine.

²⁴ USAID Land Tenure Burma Profile, undated.

²⁵ Report on Myanmar Census of Agriculture 2010, Republic of the Union of Myanmar, Ministry of Agriculture and Irrigation, Settlement and Lands Record Department, 2013. In collaboration with FAO.

²⁶ USAID Land Tenure Burma Profile, undated.

Figure 4: Major Ethnic Groups of Burma²⁷



²⁷ Smith, M. Burma: Insurgency and the Politics of Ethnicity, Zed Books, 1991.

IV. POLICY, LEGAL AND ADMINISTRATIVE FRAMEWORK AND STANDARDS

A. Applicable National Laws of Myanmar

55. The existing laws and regulations in force in Myanmar are considered insufficient to identify and mitigate the Project's potential negative environmental and social impacts according to the ADB's SPS. Below are summaries of the main relevant land and ethnic group related legal documents.

56. The Constitution identifies that state is owner of all lands as well as all natural resources above and below the ground, above and beneath the water and in the Union's atmosphere. Citizens and organizations are allocated land use rights, but do not own land. The Ward or Village Tract Administration Law (2012) provides the formation of wards or villages, assigning administrator for security, prevalence of law and order, community peace and tranquility and carrying out the benefit of the public.

57. The Vacant, Fallow and Virgin Lands Management Law (2012) governs the allocation and use of virgin land (i.e., land that has never before been cultivated) and vacant or fallow land (which the law characterizes as for any reason "abandoned" by a tenant). The law establishes the Central Committee for the Management of Vacant, Fallow and Virgin Lands (CCVFLV), which is responsible for granting and rescinding use rights for such lands. This also outlines the purposes for which the committee may grant use-rights; conditions that land users must observe to maintain their use rights; and restrictions relating to duration and size of holdings. The Central Committee is also empowered (Chapter VII, Section 19) to repossess the land from the legitimate owner, after payment of compensation calculated based on the current value to cover the actual investment cost, for infrastructure and other special projects in the interest of the State.

58. Under the Farmland Law 2012 and Vacant, Fallow, and Virgin Land Management Law, the State remains the ultimate owner of all land. The two laws have received criticisms from concerned farmers and land rights activists in Myanmar as well as from international economists. Under these new laws, farmers still lack land tenure security and are subject to the government's crop prescriptions and production quotas. The main concern is that these land laws will not protect farmers from wide scale land grabs. However, GoM recognizes the need for Myanmar to have comprehensive sustainable land use and management policies in order to develop and improve living conditions in rural communities.

59. The Land Acquisition Act (LAA) of 1894 establishes the basis for the state to acquire land for public use. The LAA specifies a systematic approach for acquisition and compensation of land and other properties for development Projects. It stipulates actions related to notifications, surveys, acquisition, and compensation and apportionment awards, along with disputes resolution, penalties and exemptions. The LAA also provides for disclosure of information on surveys to affected persons. A brief explanation and salient features of different sections of LAA is presented in Table 7.

Table 7: Salient Features of the Land Acquisition Act 1894

Key Sections	Salient provisions of the LAA (1894)
Section 4(1)	Requires publication of preliminary notification and conducting survey
Section 5A (1) and 5A (2)	Allows for payment for all damages to the assets surveyed. Identifies filing of objections to the acquisition of any land in writing and opportunity to be heard.

Key Sections	Salient provisions of the LAA (1894)
	Provides for objections in writing to be heard by the Collector either in person or by pleader and further enquiry as necessary.
Section 6(1)	Requires the Government to make a more formal declaration of intent to acquire land following hearing of objections received under Section 5.
Section 7	Allows the Senior Officer to be authorized by the President of the Union to direct the Collector to take order for the acquisition of the land.
Section 8	Grants the Collector to organize the land to be acquired to be physically marked out, measured and plans.
Section 9(2)	Requires the Collector to give notice to all affected persons (APs) that the Government intends to take possession of the land and if they have any claims for compensation then these claims are to be made at an appointed time.
Section 10(1)	Allows the Collector to record statements of APs in the area of land to be acquired or any part thereof as co-proprietor, sub-proprietor, mortgagee, and tenant or otherwise.
Section 11	Requires the Collector to make enquiries into the measurements, value and claim and then issue the final award. The award includes the land's marked area and the valuation of compensation. Although the LAA requires payment of compensation, Myanmar lacks any specific methodology for determining compensation for affected land and other assets.
Section 16	After award under Section 11, authorizes the Collector to take possession of land free from all encumbrances.
Section 17	Allows acquisition of land under emergency situations
Section 18(1)	In case of dissatisfaction with the award, permits APs to request the Collector to refer the case onward to the court for a decision. This does not affect the Government taking possession of the land.
Section 23(1)	Requires the award of compensation for owners for acquired land to be determined at its market value taking into consideration: i) market value of the land at the date of publication of the notice; ii) damages caused to any standing crops or trees; iii) adverse impacts due to severance of the affected land from other land; iv) adverse impacts on other assets, moveable or immovable; v) causing displacement of residence or place of business due to acquisition; and vi) loss of profits due to the time lag between the notice served under section 6 and time of taking possession of the land.
Section 23(2)	Provides an additional 15% on the assessed market value in view of the compulsory nature of the acquisition for public purposes.
Section 24	Identifies that any improvements made after issuance of notification under section 4 are not to be taken into consideration.
Section 28	Relates to the determination of compensation values and interest premium for land acquisition
Section 31(3)	Provides that the Collector can, instead of awarding cash compensation in respect of any land, make any arrangement with a person having an interest in such land, including the grant of other lands in exchange.
Section 35	Authorizes the Collector for temporary occupation and use of any waste or arable land for public purpose, not exceeding three years from the commencement of such occupation, on terms as agreed upon in writing between the Collector and the AP. It also provides for payment of compensation for any damages caused due to the occupation and restoration of land to its original condition.

60. There are environmental related laws that can affect land use and its conservation. In 2012, the Environmental Law (2012) became effective. It promotes ecosystem and biological resources services while regulating extreme climatic events to ensure sustainable development

not only for present but also for future generations. Regulations and standards related to the Law are close to being completed.

61. The Forest Law (1992) implements the forestry and environmental conservation policy of the government and is designed to ensure compliance with international agreements relating to forestry and conservation of environments as well as contribute to fuel requirements in Myanmar. The Pesticide Law (1990), Plant Pest Quarantine Law (1993), Fertilizer Law (2002), and Animal Health and Development Law (1993) all address appropriate use of agriculture land. There are also a number of international conventions related to the environment that Myanmar has ratified. See the Project's Environmental Assessment and Review Framework for more details.

62. With regards to treatment of ethnic groups, Clause 22 of the 2008 Constitution of Myanmar, commits the Government to assisting in developing and improving the education, health, language, literature, arts, and culture of Myanmar's "national races." The constitution provides equal rights to the various ethnic groups included in the national races and a number of laws and regulations aim to preserve their cultures and traditions. This includes the establishment of the University for the Development of the National Races of the Union which was promulgated in 1991 to, among other things, preserve and understand the culture, customs and traditions of the national races of the Union, and strengthen the Union spirit in the national races of the Union while residing in a friendly atmosphere and pursuing education at the University.

63. The Development of Border Areas and National Races Law (1993) aims to develop economic, social works and road and communications of the national races at the border areas in accordance with the aims of non-disintegration of the Union. There is also a 1998 Protection and Preservation of Cultural Heritage Regions Law which addresses tangible cultural heritage.

64. A draft National Land Use Policy (October 2014) that has many proposed provisions relevant to ethnic minorities was subject to extended stakeholder consultations in June 2015. The revised draft has been sent to the Land Use Scrutiny and Allocation Central Committee for approval.

65. In 2015 the Protection of the Rights of National Races Law was enacted. gives further effect to Article 22 of the 2008 Constitution which identifies that the Union will assist:

- (i) to develop language, literature, fine arts and culture of the national races;
- (ii) to promote solidarity, mutual amity and respect and mutual assistance among the national races;
- (iii) to promote socio-economic development including education, health, economy, transport and communication, so forth, of less-developed national races.

66. The purpose of the Law: is to aim for the socio-economic development of less-developed national races including education, health, economics and transportation. While Article 3 of the law provides for '*access to equal citizenship rights for all ethnic groups*', and '*for ethnic groups to have full access to rights enshrined in the Constitution*', it does not explicitly protect ethnic minorities against discrimination.²⁸

²⁸ Myanmar ICT Sector-Wide Impact Assessment, p 222, Groups At Risk, 4.8, MCRB/IHRB/DIHR, <http://www.myanmar-responsiblebusiness.org/swia/ict.html>.

67. The Law states further that no one can behave with intent to incite hatred, animosity and disunity among national races and that ethnic rights and entitlements cannot be restricted without a sound reason. Chapter 4 establishes a Minister for National Races to be appointed by the President with the approval of the Union Legislature. The Ministry's mandate is defined in Chapter 5 of the Law as supporting *out activities related to* education, health, economics and transportation of less developed national races for their socio-economic development as well as activities to develop, maintain, protect and improve language, literature, arts, culture and traditions of minority and endangered national races.²⁹

68. Article 5 uses the phrase for indigenous peoples '*hta-nay tain-yin-tha*' which is not included in the Article 1 legal definitions. It was inserted late in the Parliamentary process. It states that *hta-nay tain-yin-tha* should receive complete and precise information about extractive industry projects and other business activities in their areas before project implementation so that negotiations between the groups and the Government/companies can take place.

69. Table 8 identifies international conventions related to indigenous people and human rights and Myanmar's ratification status.

Table 8: Ratification Status of IP Related Conventions

International conventions Myanmar has ratified	International conventions Myanmar has not ratified
<ul style="list-style-type: none"> • International Convention on the Prevention and Punishment of the Crime of Genocide 1948 • Convention on the Elimination of All Forms of Discrimination against Women 1979 • Convention on the Rights of the Child 1989 	<ul style="list-style-type: none"> • International Convention on the Elimination of All Forms of Racial Discrimination 1965 • International Covenant on Civil and Political Rights 1966 • International Covenant on Economic, Social and Cultural Rights 1966 • ILO 111 Discrimination (Employment And Occupation) Convention 1958 • ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries 1989 • International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 • ICC Rome Statute of the International Criminal Court 1998

Source: State of the World's Minorities and Indigenous Peoples 2014: Events of 2013. Minority Rights Group International, July 2014.

70. Myanmar law does not mention the UN Declaration on the Rights of Indigenous People or free prior and informed consent (FPIC). However, mention of FPIC has been made in the context of a few other government documents copied from or drafted by other sources such as those relating to reducing emissions from deforestation and forest degradation (REDD+) activities³⁰ and extractives. There is no evidence of implementation of FPIC in REDD+ in Myanmar. The US-Myanmar Joint Statement on Good Governance and Transparency in the Energy Sector states that it is the objective of both Governments to manage the energy sector transparently. The statement emphasizes that transparency also helps companies to operate with the FPIC of

²⁹ Ibid.

³⁰ The UN-REDD+ Programme, which goes beyond Deforestation and Forest Degradation, and includes the role of conservation, sustainable management of forests and enhancement of forest carbon stocks, is the United Nations collaborative initiative on Reducing Emissions from Deforestation and forest Degradation (REDD+) in developing countries. The UN-REDD Programme supports nationally-led REDD+ processes and promotes the informed and meaningful involvement of all stakeholders, including indigenous peoples and other forest-dependent communities, in national and international REDD+ implementation (UN-REDD Programme, 'Guidelines on Free Prior and Informed Consent' January 2013).

affected communities.³¹ Myanmar's draft Environmental Impact Assessment Procedures (June 2015 draft) sets out definitions of environmental impacts (which importantly include social impacts) and indigenous peoples (translated in Burmese by another term '*tain-yin-tha myo-nweh-su*').

71. In terms of addressing general vulnerability among the population, the Social Security Law (2012) has the following objectives:

- (i) to support the development of the State's economy through the development of production by causing to enjoy more security in social life and health care by the workers who are major productive force of the State by the collective guaranty of the employer, worker and the State;
- (ii) to enjoy more security in social life and medical care by the public by effecting their insurance voluntarily;
- (iii) to raise public confidence upon the social security scheme by providing benefits which are commensurate with the realities;
- (iv) to have the right to draw back some of the contributions paid by the employers and the workers as savings, in accord with the stipulations; and
- (v) to obtain the right to continued medical treatment, family assistance benefit, invalidity benefit, ,survivors' benefit, unemployment benefit, the right to residency and ownership of housing after retirement in addition to health care and pecuniary benefit for sickness, maternity, death, employment injury of the workers.

B. ADB's 2009 Safeguard Policy Statement

72. ADB's SPS addresses the key issues of this REGF: involuntary resettlement, indigenous peoples, and environment. The SPS 2009 is underpinned by the ADB Operations Manual, Bank Policy (OM F1, 2010).

73. ADB's Safeguard Requirement on Involuntary Resettlement (SR2) covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of involuntary acquisition of land or involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

74. The aim of SR2 is to avoid or minimize the impacts on people, households, businesses and others affected by the acquisition of land and other assets, including livelihood and income sources. This will be accomplished by considering project and design alternatives, focusing work in the RoW, and, where additional land is needed, meaningfully consulting with land owners who are predisposed to entering into negotiated settlements. Where negotiated land acquisition or voluntary donations are not feasible options, land acquisition and resettlement will be carried out in line with the processes and entitlements described in this REGF.

75. ADB's Safeguard Requirement on Indigenous Peoples (SR3) uses IPs in a specific way to define a distinct, vulnerable, social, and cultural group possessing the following characteristics in varying degrees:

³¹ US State Department media note, [Joint Statement on Good Governance and Transparency in the Energy Sector](#), 20 May 2013,

- (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (ii) collective attachment to geographically distinct habitats or ancestral territories in the Project area and to the natural resources in these habitats and territories;
- (iii) customary, cultural, economic, social or political institutions, that are separate from those of the dominant society and culture; and
- (iv) a distinct language, often different from the official language of the country or region.

76. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under SPS. The degree of impacts on IPs is determined by assessing the level of vulnerability of the group with the magnitude of impacts on: (i) customary rights of use and access to land and natural resources; (ii) socioeconomic status; (iii) cultural and communal integrity; (iv) health, education, livelihood, and social security status; and (v) the recognition of indigenous knowledge. This is done through meaningful consultation, socio-economic surveys, and analysis of available secondary data.

77. The main objective of SR3 is to design and implement projects in a way that fosters full respect for IPs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IP themselves so that they:

- (i) receive culturally appropriate social and economic benefits;
- (ii) do not suffer adverse impacts as a result of Projects; and
- (iii) can participate actively in Projects that affect them.

78. In addition, ADB's SPS adopts a holistic approach in development as it mandates the incorporation of its other cross-cutting policy themes including:

- (i) Gender and Development (1998). ADB adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process for development activities. For Projects that have the potential to cause substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the Project. See the Poverty and Social Assessment prepared for the Project for more information.
- (ii) Public Communications Policy (2011). The active participation of affected people and other stakeholders during the development and review of safeguard policies on ADB-assisted programs and Projects is necessary.
- (iii) Accountability Mechanism Policy (2012). As part of ADB's continued efforts to enhance its capacity in responding to or resolving problems associated with the implementation of its policies in all programs or Projects, it has developed an accountability mechanism. The mechanism consists of a consultation phase and a compliance review phase during which the problems or issues raised by the affected people or stakeholders are investigated and resolved.

C. Comparison of Myanmar Legal Framework and ADB's SPS Policy

79. A comparison between the Myanmar's laws related to land and ADB's SR2 is presented in Table 9. The objective of this exercise is to identify if and where the two sets of policy provisions and procedures are in conformity with each other and more importantly, where there are differences and gaps, and how these gaps are to be addressed. The gap-filling measures will only be required if unanticipated involuntary resettlement impacts are identified during implementation, which is expected extraordinary circumstances.

Table 9: Legal and Policy Gap Analysis and Gap-Filling Measures for Involuntary Resettlement (IR)

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
1.1 Screen the Project early to identify involuntary resettlement impacts and risks.	The Environmental Conservation Law requires a social impact assessment.	This Project was screened prior to the feasibility work as a Category B resettlement Project meaning it could include involuntary resettlement impacts not deemed significant. During feasibility this screening categorization was confirmed. This REGF guides how Project land acquisition should be managed. Each subproject will be screened for land acquisition impacts.
1.2 Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	Land Acquisition Act (LAA, 1894) in Section 4(1) requires publication of preliminary notification and conducting survey. However, the scope of surveys is limited to the impacts on land and other assets. No provision for census and socio-economic survey	For each subproject with IR impacts, surveys will be undertaken to provide the detailed measurement of lost assets and determine the socio-economic conditions of all affected households including vulnerable households. Gender and ethnicity disaggregated data will be collected.
2.1 Carry out meaningful consultations with affected persons, host communities, and concerned NGOs.	None	For all the land acquisition, meaningful consultations with the land owner and users will be undertaken.
2.2 Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs.	LAA Section 9(2) provides for dissemination of information on affected assets.	Affected households will be informed of proposed entitlements and resettlement options during consultation meetings. They will contribute to decision making and will be consulted during monitoring and evaluation activities.
2.3 Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land, and ensure their participation in consultations	None	This REGF identifies vulnerable groups for involuntary resettlement and ethnic groups (see section 11). In the subprojects, meaningful and participatory consultations with land owners and users including vulnerable groups will be undertaken throughout the Project cycle.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
		Any information disseminated to vulnerable group will be in formats and language that they can understand to help elicit their active participation.
2.4 Establish a grievance redress mechanism (GRM) to receive and facilitate resolution of the affected persons' concerns	<p>LAA Part II, Objection 5A: Any person interested in any land which has been notified under section 4 as being needed or likely to be needed for a public purpose or for a company may object to the land acquisition within 30 days of notification, object to the acquisition of any land in the locality, as the case may be.</p> <p>Objections need to be made to the Collector in writing. The Collector gives the objector an opportunity of being heard either in person then after making inquiries will submit the case for the decision of the President of the Union, together with the record of the proceedings and a report containing recommendations on the objections. The decision of the President of the Union on the objections is final.</p> <p>Farmland Law 2012. Chapter VIII identifies land disputes will be decided by the Ward or Village Tract Farmland Management Body³² Appeals to the respective Township Farmland Management Body are to be made within 30 days from the date of decision made by Village Body. Appeals to the respective District Farmland Management Body are to be made within 30 days from the date of decision made by the Township Farmland Management Body. Appeals to the respective Region or State Farmland Management Body are to be made within 60 days from the date of decision made by the District Farmland Management Body. The Region or State Farmland Management Body may approve, revise or cancel the decision made by the District Farmland Management Body. The decision made by the Region or State Farmland Management Body is final.</p>	A GRM will be set up and communities in the Project area will be informed about the procedures for filing their grievances and complaints. The GRM will be aligned to existing national legal processes and ADB requirements.
2.5 Support the social and cultural institutions of displaced	None	The Project will consult and if necessary provide capacity building and resource

³² According to Project site visit consultations, village committees have 15 days to make a decision.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
persons and their host population.		support for the existing social and cultural institutions of displaced persons and host population.
2.6 Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase	None	Not applicable
<p>3.1 Improve, or at least restore, the livelihoods of all displaced persons through:</p> <p>3.2 Land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods,</p> <p>3.3 Prompt replacement of assets with access to assets of equal or higher value,</p> <p>3.4 Prompt compensation at full replacement cost for assets that cannot be restored, and</p> <p>3.5 Additional revenues and services through benefit sharing schemes where possible</p>	<p>None</p> <p>LAA Part III, Acquisition, Section 31(3) allows that the Collector may, with the sanction of the President of the Union, instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.</p> <p>The Collector makes an award that is filed in the Collector's office and considered final and conclusive evidence. The Collector is required to give immediate notice of the award.</p> <p>In determining the amount of compensation, the Collector takes into consideration the market value of the land, any damages sustained, and reasonable expenses incidental to the change. In addition a sum of fifteen per cent on the market-value is given for the compulsory nature of the acquisition.</p>	<p>IR impacts will be managed with :</p> <ul style="list-style-type: none"> - Full replacement cost (current market rates of materials and labor, plus any transaction costs such as administrative charges, taxes, registration and titling costs)³³ will be the basis of cash compensation for all affected assets. - Provision of the national legal requirement (LAA Section 23) to add 15% on the assessed market value for compulsory nature of the acquisition. - In-kind assistance options will be identified for compensation where possible. - Livelihood restoration activities will be available for eligible affected households (see entitlement matrix in section VIE and the livelihood restorations measures in section VIF).
4. Provide displaced persons with needed assistance related to any relocation, transitional support and development assistance, and civic		For subprojects with IR impacts, a Resettlement Plan (RP) will be produced with needed assistance determined through meaningful consultation with the affected persons.

³³ Full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued; (iv) transitional and restoration costs; and (v) other applicable payments, if any. Depreciation of structures and assets and value of salvageable materials will not be taken into account.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
infrastructure and community services, as required.		
5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing	None	The displaced poor and vulnerable groups, including vulnerable women, will be given assistance to improve their standards of living via RP implementation based on the socio-economic survey and discussion of preferred options. Assistance could be in kind packages or cash allowances. Preference will be given to them during the hiring of unskilled labor during Project construction.
6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	None	This Project may use both negotiated settlement and donation of land. People who donate land or enter into negotiated settlements with the Project will still maintain the same income and livelihood status. All land acquisition activities will be documented. An independent external party will document negotiated settlement processes and voluntary donations to confirm willing partner relationships.
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	None	All affected households without titles to land or any recognizable legal rights to land will be identified and will be eligible for resettlement assistance and compensation for affected non-land assets.
8. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule	None	All subprojects will be screened for potential land acquisition and resettlement impacts. This REGF provides guidance for the preparation of safeguard due diligence reports for all subprojects that do not trigger the IR safeguard. RPs to be prepared for sub-projects with involuntary resettlement impacts will address ADB SPS requirements.
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before Project appraisal, in an accessible place and a form and	LAA Part VII, Section 42 requires that land agreements will be published in the Gazette.	The RPs will be disclosed to the affected persons and other stakeholders in local language and in a timely manner (see Section VIII for details). They will be uploaded on a relevant ministry website

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
<p>language(s) understandable to affected persons and other stakeholders.</p> <p>Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</p>		<p>and ADB's website.</p>
<p>10.1 Conceive and execute involuntary resettlement as part of a development Project or program. Include the full costs of resettlement in the presentation of Project's costs and benefits.</p>	None	<p>RPs will detail adequate budgetary support and staff, grievance resolution mechanism, institutional mechanism and monitoring.</p>
<p>10.2 For a Project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the Project as a stand-alone operation</p>	None	<p>If subproject screening identifies a need, IR impacts will be treated as a stand-alone operation. To date, Project scoping has not shown this to be likely.</p>
<p>11.1 Pay compensation and provide other resettlement entitlements before physical or economic displacement.</p>	None	<p>Compensation and other resettlement entitlements need to be in place prior to displacement</p>
<p>11.2 Implement the resettlement plan under close supervision throughout Project implementation</p>	None	<p>RPs will detail internal monitoring requirements and responsibilities as part of the resettlement management process.</p>
<p>12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.</p>	None.	<p>The Project Management Unit will be responsible for all monitoring, including monitoring related to land acquisition, IR management and RP implementation. RPs will include monitoring indicators. Periodic monitoring reports would be posted on the ADB website.</p>

80. The gap analysis and comparison between Myanmar land laws and the ADB's SR2 Policy Requirements shows that the provision of existing acts and laws have, in general, no equivalence with the provisions of the ADB's SPS (SR2) requirements. Although the LAA 1894 contains several provisions that come close to SPS requirements, in practice they fall short of the objectives due to the lack of standard methodologies and implementation guidelines. Local laws do not cover the most critical aspects of the SPS requirements on income and livelihood

restoration and do not recognize entitlement to Project affected persons without title to land for assistance and compensation for their lost non-land assets and income and livelihood.

81. Myanmar does not have any specific regulations to guide the planning and delivery of Projects which impact on ethnic groups. ADB's SPS is based on the premise that ethnic peoples (both women and men) should have a voice in planning and be involved in decisions that have an impact on their community's development, rights, and traditional resource use and management systems. Recognition of, and respect for, land and natural resources are fundamental to many ethnic belief systems.

82. As gap filling measures to meet SR3, inputs from affected EGs will be essential for the determination of project impacts, and meaningful consultation with affected EGs will underpin Project interactions with communities. The REGF addresses the informed participation of EGs in the subprojects so that they will be in a position to receive culturally compatible social and economic benefits and not be adversely affected by subproject implementation. EGs will be identified in Project preparation so they can provide input to local planning activities and inform decision-making. They will actively participate and lead in detailed design and priority setting of rehabilitation activities and agricultural support needs. Measures for EGs to provide feedback on Project implementation, including benefits and risks to themselves, will be identified. Table 10 summarizes ADB requirements and gap filling measures related affected ethnic groups

Table 10: Gap Analysis and Gap-Filling Measures for Indigenous People (IP)

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
<p>1. Screen early on to determine (i) whether Indigenous Peoples (IPs) are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.</p>	<p>None</p>	<p>This Project was screened prior to the feasibility work as a Category B for IPs, meaning it could include ethnic group impacts not deemed significant. During feasibility this screening categorization was confirmed. This REGF guides how Project impacts on ethnic groups should be managed.</p> <p>Each subproject will be screened for to determine the presence of ethnic groups and sub-project impacts that trigger ADB's IP safeguard.</p>
<p>2. Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on IPs. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.</p>	<p>Myanmar's draft Environmental Impact Assessment Procedures (June 2015 draft) sets out definitions of environmental impacts which include social impacts. These procedures have not yet been approved by the legal system.</p>	

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
<p>3. Meaningful consultation with affected IPs and concerned IP organizations to solicit participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.</p>	<p>Article 5 of the 2015 the Protection of the Rights of National Races Law states that people should receive complete and precise information about extractive industry projects and other business activities in their areas before project implementation so that negotiations between the groups and the Government/companies can take place.</p>	<p>Meaningful consultation is a process underpinning this REGF. Methods and documentation requirements to ensure continuing meaningful participation with affected IPs during implementation are presented in section VIII. The project grievance redress mechanism is culturally appropriate and gender inclusive</p>
<p>4. Ascertain consent³⁴ of affected indigenous communities in projects involving (i) commercial development of the cultural resources and knowledge of IPs; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IPs.</p>	<p>None</p>	<p>For sub-projects that involve commercial development of cultural resources and knowledge of IPs, or physical displacement from traditional or customary lands, or commercial development of natural resources within customary lands, broad community support of IP communities will be sought and documented.</p>
<p>5. Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected IPs communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.</p>	<p>None</p>	<p>Restricted access and physical displacement from protected areas and natural resources will be avoided to the maximum extent possible. Where unavoidable, affected IP communities will actively participate in the design, implementation and monitoring and evaluation of management arrangements. Benefits from the sub-project will be equitably shared.</p>
<p>6. Prepare an Indigenous Peoples Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on</p>	<p>The purpose of the 2015 Protection of the Rights of National Races Law is to aim for the socio-economic</p>	<p>For sub-projects that trigger the IP safeguard, an EGs plan will be developed as described in this</p>

³⁴ For the purposes of policy application, the consent of affected Indigenous Peoples (IPs) communities refers to a collective expression by the affected IP communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
indigenous knowledge and participation by the affected IPs communities. The IPP includes a framework for continued consultation with the affected IPs communities during project implementation; specifies measures to ensure that IPs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.	development of less-developed national races including education, health, economics and transportation.	REGF.
7. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected IP communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.	None	Both draft and final EG Plans will be disclosed in the communities and on the Ministry and ADB websites. Mechanisms for disclosure are described further in section VIII of this REGF.
Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied; or (ii) involuntary acquisition of such lands.	None	An action plan will be prepared for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied; or (ii) involuntary acquisition of such lands.
Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports	None	Implementation of EG plans will be covered by regular internal and external monitoring activities, as described further in Chapter XII. Monitoring reports will be disclosed.

83. In addition to the preceding gap analysis, local acts and laws also fall short on cross-cutting policy themes that are equivalent to those of ADB, such as: (i) Public

Communications Policy (2011) on disclosure and exchange of information; and (ii) Gender and Development (1998).

D. Objectives and Principles for Land Acquisition and Ethnic Groups

84. For the Project, the policy and principles adopted in this REGF are consistent with the SPS requirements (SR2) and will supersede the provisions of the relevant decrees currently in force in Myanmar.

85. The objectives of this REGF for land acquisition impacts are to:

- (i) provide guidance for subproject selection, screening, and assessment in relation to resettlement impacts;
- (ii) provide guidance in the preparation of due diligence reports during subproject preparation;
- (iii) provide guidance for preparing and implementing a REGP in accordance with SPS requirements, in the event that unanticipated involuntary resettlement impacts are found during Project implementation ; and,
- (iv) facilitate compliance with the requirements specified in the REGF

86. For sub-projects that involve involuntary resettlement, a REGP will be prepared that is guided by this REGF (refer to Appendix D-2). Affected people will then be compensated and assisted so that their economic and social future would be as favorable as it would have been in the absence of the Project. They will be fully informed and consulted, agreeing on resettlement and compensation options. The existing social and cultural institutions of APs and any host communities will be supported and used to the greatest extent possible in Project implementation and in economic and social integration with host communities.

87. Lack of legal rights to lost assets will not hinder affected people from entitlement to compensation or rehabilitation measures. Particular attention will be paid to households headed by women and other vulnerable groups and appropriate assistance will be provided to help them get the rehabilitation or compensation package as agreed upon by the majority.

88. This REGF presents guidance to ensure that EGs are informed, meaningfully consulted and mobilized during the subproject identification, prioritization, planning and implementation in accordance with the ADB SPS 2009.

V. ANTICIPATED IMPACTS AND TREATMENT OF LAND ACQUISITION AND RESETTLEMENT IN SUBPROJECTS

89. For the Project, land and any other non-land asset acquisition will be undertaken using the guidelines presented in this REGF. Any negotiated settlement or voluntary donations will have to receive third party oversight. All land acquisition will be managed through a subproject RP, based on field surveys and prepared in line with SPS requirements.

90. This section describes the various stages of land acquisition: preparations, acquiring land through negotiated settlement and voluntary donations, and compensation and resettlement planning.

A. Preparing and Determining Land Acquisition Needs

91. Screening is used to determine whether or not there will be any resettlement impacts (involuntary or voluntary) and ascertain the scope of their effects based on a short reconnaissance field visit (observation and walk through with Project engineer) and discussions with local officials, community members and other relevant stakeholders. Screening and categorization will be undertaken using the resettlement checklist is provided in Appendix C. Sample checklists for the two core subprojects are also included in Appendix C.

92. If the completion of the checklists indicates Category C no involuntary resettlement impacts are identified, this will be documented in the checklist and a safeguard due diligence report will be completed. If the checklist identifies the subproject as a Category B or C for involuntary resettlement, a Resettlement Plan will be prepared and compensation must be paid and rehabilitation measures in place prior to displacement. The resettlement checklist, safeguard due diligence report and RP will be completed by the Project Management Unit (PMU) with the assistance of the Loan Implementation Social Consultant (LISC).

93. Samples of safeguard due diligence reports for the one core subprojects is prepared.

B. Acquiring and Valuing Land with Negotiated Settlement and Voluntary Donation

94. SPS requires that full replacement cost is used for involuntary resettlement impacts. Replacement cost means that the affected person can replace the affected asset in the same condition. Replacement cost normally reflects market value (when a property market exists) without deduction of transaction costs, transfer or retitling fees, or depreciation and salvageable materials. The Project will use full replacement cost as a basis for identifying fair and transparent negotiated settlements. The PMU' land negotiators will identify rates for land, crops and trees that can be used for land agreements. Land is normally appraised taking into consider productive value, location (closer to roads is generally higher value), recent land transactions, official notices related to property values by land departments.

95. For trees and crops, the land negotiators from the PMU, with the support of the LISC and Gender and Social Specialist, will consult village land committees, market traders, government and academic specie specialists regarding full replacement cost. MOALI has data on the prices of crops at the industrial production level which could be indicative of value. All land agreements should aim to allow harvesting of existing crops on the land and include notice to not plant new crops or trees. To the extent possible, trees on plots should be kept in situ and not removed. Where trees will be lost, replacement value will need to consider value of productivity and number of fruit bearing years for fruit trees, and the age and value of the timber/fuel for wood trees.

C. Negotiated Settlements

96. Negotiated settlements avoid compulsory expropriation and eliminate the need to use governmental authority to remove people forcibly. Even if the IWUMD has the ability to gain access to the land without consent, it is better for both parties to be satisfied with the outcomes of discussions to negotiate a land agreement. Negotiated settlements will be achieved by providing fair and appropriate compensation and other incentives or benefits to affected persons or communities, and by mitigating the risks of asymmetry of information and bargaining power. PMU staff will discuss with land owners and users to determine what conditions would be required to make them open to negotiated settlements. The land needs for the Project are not anticipated to be large and the design team will use meaningful consultation to identify affected persons who are

amicable to establishing a negotiated settlement. An independent external party will be hired to document the negotiation and settlement processes.

D. Voluntary Donation

97. The Project will allow community members who benefit from a subproject to donate land and other private assets to the subproject without compensation if they agree to do so, especially as land use may be quite temporary and activities are being designed to lead to longer term irrigation and agricultural production benefits. For land acquisition impacts that could have negligible impact on livelihoods with long term Project benefits, voluntary donation can be explored as a priority approach.

98. Table 11 identifies the criteria and guidelines which will govern voluntary donation of private assets.

Table 11: Voluntary Donation Criteria and Guidance

Criteria	Guidance Notes
The impacts are marginal (based on percentage of loss and minimum size of remaining assets)	<ul style="list-style-type: none"> - The land donated does not exceed 5%³⁵ of the total land owned by the affected household. - The land donated does not result in uncompensated permanent non-land assets. - Land donation will only be accepted if the total land owned by the household is not less than 300 square meter.
Impacts do not result in displacement of households or cause loss of household's incomes and livelihood	<ul style="list-style-type: none"> - The land is not used for productive purposes. - Only secondary structures are affected; there is no physical relocation of household due to the project and land donation. - The affected household does not fall under the category of poor or vulnerable.
The households making voluntary donations are direct beneficiaries of the project	<ul style="list-style-type: none"> - Both positive and negative impacts of the project on the affected household are considered. - The affected household can identify the project's direct benefits to them.
Land donated is free from any dispute on ownership or any other encumbrances	<ul style="list-style-type: none"> - The affected household has recognized legal tenure.³⁶ - The land is not being occupied and/or used by any other party. - The land is not in dispute for its ownership.
Consultations with the affected households is conducted in a free and transparent manner	<ul style="list-style-type: none"> - The affected household should be informed that they have the right to negotiate a settlement with payment for their land. - The affected household receives clear and adequate information on the project, and participates in the project planning. - Provisions on voluntary donation are integrated into the decision making process at community level.
Land transactions are supported by transfer of titles	<ul style="list-style-type: none"> - Official land ownership document is updated.
Proper documentation of consultation meetings, grievances	<ul style="list-style-type: none"> - Agreement is properly documented with signatures of affected person, MOALI and witnesses.

³⁵ For verification with the resettlement field surveys.

³⁶ For the Project, the household will have a land use certificate for the plot.

Criteria	Guidance Notes
and actions taken to address such grievances is maintained	- Consultation meetings, grievances and actions taken to address such grievances are properly recorded.

99. The Project's LISC will assist land acquisition activities and work with the PMU, local ministry staff and village representatives to inform land owners and users that they have the right to refuse to donate land.

100. Minutes of meetings related to land acquisition will be produced by the PMU's land negotiators confirming that all conditions for voluntary donations are met. A template for recording consultation meetings is provided in Appendix E. Voluntary consent forms and agreement for voluntary land donation forms will be signed by the donator, by a PMU representative and by a representative of the village land management committee. For internal monitoring purposes the PMU will attend and document these meetings. Appendix F provides sample voluntary consent and agreement for voluntary land donation forms.

101. Efforts will be made to have the forms signed by both the husband and the wife of the household that is donating land.

102. The village land management committee will review and approve the signed voluntary donation form. Original copies of the signed forms will reside with the land donor, the PMU, and the village land management committee. Copies of these forms will be provided to ADB. Civil works on the land plots involving voluntary donation will start only once the voluntary donation forms have been signed and approved.

103. Where land negotiations and donations are agreed, an audit will be carried out by an Independent External Party (IEP) prior to subproject civil works starting in the relevant areas. The IEP will be a non-governmental organization or consultancy with a minimum of two auditors, one female and one male. It could be a national entity or combine international and national expertise. The PMU procurement team will contract the IEP using the terms of reference in Appendix G.

E. Involuntary Resettlement Planning, Eligibility Criteria and Entitlement Matrix

104. When negotiated settlements fail or voluntary donation criteria is not appropriate or not preferred, a resettlement plan will be prepared using the standard format presented in Appendix D. Resettlement plan will be prepared and compensation must be paid and rehabilitation measures in place prior to displacement.

105. To produce the resettlement plan, a household census survey and detailed measurement survey (DMS) will be carried out. These surveys will be undertaken with 100% of the affected persons (households, institutions, communities, etc.) along with a socio-economic survey (SES). The SES collects data on demography, livelihood and income sources, educational attainment and literacy, health determinants and sanitation, and access to infrastructure and services. Information will be disaggregated by gender and ethnic group. Typical demographic is household members by age and relationship to the household head, ethnicity, religion, educational attainment.

106. Data from the SES information will provide baseline information on AH's standards of living that will be used during resettlement plan monitoring and evaluation to assess the extent to which measures in the resettlement plan are effective in mitigating land acquisition and

resettlement impacts. The SES is undertaken congruently with the DMS. The DMS and SES form is provided in Appendix H.

107. A DMS involves staking out of the affected land on the ground based on the engineering design of a project, the measurement of all affected land assets and determination of non-land affected assets. Together with the census, it is used to produce the final list of affected persons and record of affected land and non-land assets. The DMS includes (i) technical drawing of structures; (ii) exact measurements of affected land and other fixed assets; (iii) detailed descriptions and specifications of building materials; (iv) photographs of each structure; and (v) recording of location with coordinates.

108. The DMS will be used to produce final list of affected households and inventory of impacts based on detailed engineering design. All fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds, dwelling units, stalls and shops, secondary structures, such as fences, tombs, wells, trees with commercial value, etc.) that will be affected by sub-project activities will be identified, tagged, measured, their owners identified, with a record exact location with coordinates. The DMS will be used to calculate replacement values of affected assets and determine severity of impact on affected assets and severity of impact to the livelihood and productive capacity of persons affected by such losses.

109. For sub-projects with involuntary resettlement impacts, the PMU will recruit land valuers/negotiators who will determine compensation rates that reflect prevailing market prices for all types of affected assets. The number of land valuers/negotiators will depend on the amount of affected assets. The rates will be collated into a replacement cost study (RCS).

110. The PMU will be responsible for undertaking the DMS, SES and RCS and identifying need to hire the LISC to produce the resettlement plan and to supervise the survey. The DMS, SES and RCS will be undertaken by the land valuers/negotiators with SES support from the Gender and Social Specialist, under the advisory support of the LISC. A village land committee representative will be asked to be present for the DMS and SES.

111. Land acquisition, compensation and relocation of affected people (currently considered improbable) cannot commence until agreement is reached between the EA and ADB on the resettlement plan.

112. Livelihood restoration activities will need to be elaborated with the meaningful and active participation of affected households if there is permanent livelihood opportunity loss, namely access to productive assets. Livelihood restoration will involve the provision of training and marketing and will be addressed via the agricultural support component of the Project and the already identified income generating activities included in the Project's gender action plan.

113. Each resettlement plan will need to refer to who is eligible to be considered for compensation or Project assistance due to land acquisition. For each subproject, eligibility will be based on a cut-off date, which will typically be the completion date of the household census and detailed measures of land and other assets affected by the Project.

114. All affected people who are identified in the Project areas prior to the cut-off-date will be entitled to compensation for their affected assets and to rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. Those who encroach into the Project area after the cut-off date will

not be entitled to compensation or any other assistance. The affected people and village leaders will be informed of the cut-off date at the time of the census and surveys. The notification will aim to ensure affected people do not make improvements to their property and to advise any people who illegally settle in the Project area after the cut-off date that they will not be entitled to compensation or assistance under the Project.

115. For the Project, affected people eligible for compensation and Project assistance include:

- (i) Persons with a LUC for land to be acquired (fully or partially, temporarily or permanently);
- (ii) Persons who do not currently possess legal rights but have a claim that is recognizable under customary or national law; and
- (iii) Persons who do not have any title or recognizable claim to the land lost.

116. Affected people included under (i) and (ii) will be compensated for the affected land and assets upon land. Affected people included under (iii) will not be entitled to any compensation for the affected land, but will be entitled to compensation for their non-land assets and other assistance. If any businesses are affected, they will also be entitled to compensation.

117. Although it is not anticipated, sufficient advance notice will be given to any entity using land who is not eligible³⁷ requesting them to vacate premises and dismantle affected structures prior to subproject implementation. As necessary, for instance if the affected persons are identified as being vulnerable, shifting assistance can be provided.

118. When unforeseen involuntary resettlement impacts are encountered during implementation, eligible affected people will have the standard entitlements identified in Table 12.

Table 12: Project Entitlement Matrix

Type of Impact	Application	Eligible Person	Project Entitlement and/or Assistance
Permanent Impacts			
1. Loss of land: residential, agricultural and garden land	Lands partially or fully affected	Affected people or affected households with LUC/Form 7 (formal legal rights) or recognizable as having full title	<ul style="list-style-type: none"> • Compensation will be paid in cash at replacement cost (prevailing market rate at the time of compensation) or in kind ("land for land") if affected households' preference and if available in the area. Replacement land will at least be of equivalent productivity at location acceptable to affected people. • An additional 15% on the assessed market value will be paid as required by national law for compulsory nature of the acquisition³⁸. • In case of partial loss of land, if the remaining land is no longer viable for continued use³⁹,

³⁷ For instance, if someone moves into the area after the cut-off date.

³⁸ Section 23(2) of Land Act.

³⁹ Normally if only ten percent of a holding is affected, the remainder can still be economically viable. However, if 20% or more of a plot is affected, the loss may make the rest of the plot not viable. This could also be affected by the original size of the plot of land; thus, a decision on continuing viability of the remaining land will be made on a case by case basis.

Type of Impact	Application	Eligible Person	Project Entitlement and/or Assistance
			<p>compensation for entire land holding at replacement cost.</p> <ul style="list-style-type: none"> • Exemption from paying tax on compensation and administrative cost for the affected land. • The project will assist affected people in getting the residual land registered. • Severely affected households will be entitled to a transition allowance (allowance for severely affected households (Refer to Row 9 of this entitlement matrix) • Severely affected or vulnerable household will be entitled to receive livelihood restoration support (see Section F below).
		Tenant/lease holder/ sharecropper	<ul style="list-style-type: none"> • Cash compensation equivalent to market value of gross harvest of the affected land for one year or for the remaining period of tenancy/lease agreement, whichever is greater. • Severely affected or vulnerable households will be entitled to receive livelihood restoration support (see Section F below). • Severely affected people will be entitled to a transition allowance (allowance for severely affected households (Refer to Row 9 of this entitlement matrix) • Severely affected tenant/lease holders/sharecroppers will be assisted in identifying alternative land to use for their productive activities

Type of Impact	Application	Eligible Person	Project Entitlement and/or Assistance
		Informal settlers or land users/ROW users	<ul style="list-style-type: none"> • Cash compensation for affected non-land assets • Severely affected or vulnerable households will be entitled to receive livelihood restoration support (see Section F below). • Severely affected people will be entitled to a transition allowance (allowance for severely affected households (Refer to Row 9 of this entitlement matrix)
2. Impacts on main structures	Affected Main Structures (houses, independent stores) - partially or fully affected	Owner of the affected structure, whether with land title or not, and whether the structure was built with permit or not	<ul style="list-style-type: none"> • Cash compensation for structure at replacement cost based on actual market price of materials and cost of labor for dismantling, transfer, and rebuild.⁴⁰ No deduction for depreciation or the remaining values of salvageable materials. Or where structure can be moved, cash and/or in-kind assistance to move and repair affected structure. <p>Households whose land is fully affected and have insufficient remaining land on which to rebuild and have no alternative land will be provided with appropriate assistance either in the form of suitable land on which to rebuild or cash assistance to enable them to purchase replacement land.</p> <p>For partially affected main structures, in addition to compensation for affected part of the structures, entitled to allowance to repair remaining portion of structure.</p> <ul style="list-style-type: none"> • In addition 15% on the assessed market value will be paid as required by national law for compulsory nature of the acquisition • Affected people assisted in getting necessary approvals for re-installation of any affected utilities like electricity, telephone, and/or water connections or compensation paid in cash based on prevailing cost of disconnection and re-installation. • If the impact on main the structure is more than 50%, the entire structure will be acquired at full replacement cost. If the impact on the main structure is less than 50% but will compromise the stability of the

⁴⁰ Replacement cost to be determined by an Independent Valuator.

Type of Impact	Application	Eligible Person	Project Entitlement and/or Assistance
			<p>residual area of the main structure, i.e., structurally not stable,⁴¹ the Project will acquire the entire structure at full replacement cost.</p> <ul style="list-style-type: none"> Physically displaced affected people will be entitled to a transition allowance (allowance for severely affected households (Refer to Row 9 of this entitlement matrix) and assistance in finding temporary residence during the construction of house at new location. Physically displaced affected households will be provided with moving allowance (refer to Row 6 of this entitlement matrix).
		Affected renters, lease holders and informal dwellers	<ul style="list-style-type: none"> Physically displaced households will be entitled to transport/shifting assistance. Physically displaced APs will be entitled to a transition allowance (allowance for severely affected households (Refer to Row 9 of this entitlement matrix). Physically displaced affected people will be assisted in identifying an alternative location to rent or lease under affordable terms. Households who have remaining land that they occupy within the ROW and opt to move/rebuild their house on to such land with permission of relevant authorities will be provided written guarantee of security of tenure. Otherwise, such households will be entitled to relocation assistance as per those having no remaining land. Level and types of relocation assistance to be provided to landless relocating households to be determined by State and District authorities in consultation with MOALI and affected households during updating of Resettlement Plan.
3. Impacts on secondary structures:	Kiosks, sheds, fences, etc. - partially or fully affected	Owner of the affected structure, whether with land title or not, and whether the structure was	<ul style="list-style-type: none"> Compensation in cash or materials at full replacement cost at current market value, with no deduction in compensation for depreciation or salvageable materials. If removal is required, for movable structures, assessment or ability to move the

⁴¹ For cases where there is uncertainty regarding the integrity of structures, the PMU will hire an independent qualified engineer or architect undertake an evaluation.

Type of Impact	Application	Eligible Person	Project Entitlement and/or Assistance
		built with permit or not	undismantled structure. Assistance will be provided to cover the replacement costs of site preparation, dismantling, moving and rebuilding the structure. <ul style="list-style-type: none"> Moving cost will be in line with other recently approved ADB-supported projects in Myanmar, in range of MMK10,000–MMK40,000.
4. Annual crops	Affected annual crops	Owner of crops	<ul style="list-style-type: none"> Affected people will be given 4 months' notice to pick crops prior to clearance. For crops that cannot be harvested, affected people will be awarded the full market value of production lost. Cash assistance equivalent to 6 years value of paddy in areas which affected people can no longer cultivate.⁴² Other possible forms of assistance, if needed, in consultation with government authorities and households during updating of the resettlement plan to support restoration of livelihoods.
5. Perennial crops and trees	Affected trees: (i) Rubber, timber, and fruit trees (ii) Private shade trees	Owners of affected trees and crops	<ul style="list-style-type: none"> Cash compensation at market price for loss of crops/fruits calculated as number of years needed to bear fruit. Replacement of saplings up to a factor of 15 new to one old tree included in the compensation. Wood value considered for applicable trees.
6. Loss of business incomes	Shop or other business partially or fully affected	Owner with ⁴³ or without title	Cash allowance equivalent to 1 month income ⁴⁴ . The allowance may be extended monthly for the transitional period up to 6 months in cases where the business needs to relocate to another location.

⁴² JICA under Ministry of Construction has provided 6 years of payment for rice paddies. This was replicated in other recently approved ADB-supported projects and will be in this Project.

⁴³ This could be an ownership contract or a business registration. Doing Business Myanmar (World Bank 2015) identifies 11 procedures for starting a business that have related paperwork: letter from ward chief, criminal history from police, name check at the name check at the Company Registration Office at the Directorate of Investment and Company Administration, temporary business incorporation certificate, signature witnessing, temporary certificate of incorporation, permanent certificate of incorporation, stamp duty payment for the permanent incorporation certificate, company seal or rubber stamp, and registration for commercial tax.

⁴⁴ As reflected in tax receipts. For those without tax receipts, the income of similar proxy businesses will be used for shop owners.

Type of Impact	Application	Eligible Person	Project Entitlement and/or Assistance
7. Loss of employment	Employees of Businesses, affected agricultural workers	Employees ⁴⁵ experiencing temporary or permanent loss of employment due to disruption to affected business employing them, affected agricultural workers of land to be acquired for the project	<ul style="list-style-type: none"> • Cash allowance equivalent to 1 month income in project areas. • If an affected household is severely affected, entitled to receive livelihood restoration support (See Section F) and transition allowance (See Row 9)
8. Moving allowance	House or shop structure fully affected	Owner	For fully affected main structures: Moving allowance which is equivalent to labor and transportation will be provided based on the type of affected structure. Moving allowance for each affected household has been estimated to cover labor, transportation, and business disruption (if applicable), as between MMK100,000 to MMK200,000 per affected household.
9. Severe impact allowance		Affected people who will lose 10% or more of their total income-generating assets; affected people with totally affected house structure	1 month allowance based on minimum subsistence allowance ⁴⁶

⁴⁵ Employees having had worked in the affected business for a minimum continuing period of 6 months up to the time of business disruption. Employees with employment demonstrated by employment contract or certification from village leader.

⁴⁶ MMK1,183 per day or monthly MMK 35,490 based on poverty rate of \$1.25 per day per person.

Type of Impact	Application	Eligible Person	Project Entitlement and/or Assistance
10. Vulnerable people allowance		Poor households, elderly headed households with no additional support, women headed households with dependents, ethnic minorities to the vulnerable households	<ul style="list-style-type: none"> • Aside from compensation for affected assets, 3 months allowance based on minimum subsistence level. • Livelihood restoration support (see Section F below)
11. Community facilities and public Infrastructures	Loss of electricity poles, water pipelines, social service infrastructure	Respective local government & communities	<ul style="list-style-type: none"> • The Project will rehabilitate and construct affected utilities and public facilities in consultation with local government, affected service providers and communities.
12. Unforeseen impacts or losses		The affected people affected households, public or private institutions.	<ul style="list-style-type: none"> • Compensation will be paid for any damages to properties, based on prevailing replacement costs and in accordance with the provisions in this matrix and framework. • Affected households will be entitled to receive livelihood restoration support (see Section F below). Income/livelihood restoration assistance will be provided in line with the provisions in this REGF.
Temporary impacts			
1. Temporary impacts during of construction	Temporary acquisition or easement during construction or for camp/storage, etc.	Affected people or affected household with formal legal rights or recognizable rights under the law	<p>Monthly cash compensation to cover income opportunity lost and restoration of land (leveling, drainage, fertilizer etc.) of land and/or structures to pre-project levels</p> <p>Affected asset to be fully restored within 1 month of return to owner.</p> <p>PMU will inform the public at least 45 days before the start of civil works/excavation activities</p> <ul style="list-style-type: none"> • The contractor will ensure that the excavation of trenches and other civil work activities are carried in a systematic manner and least inconvenience to general public and roadside property owners. Contractors will make

Type of Impact	Application	Eligible Person	Project Entitlement and/or Assistance
			arrangements to minimize traffic obstructions and facilitate smooth flow of traffic.
		Users without formal rights to the land	Cash compensation for non-land assets (standing crops, trees, structures) at replacement cost.
2. Temporary loss or limitation of access	Closure of traffic in some sections of the irrigation system	Motorists	<ul style="list-style-type: none"> Project contractor to provide necessary signage and inform the public and motorists on safety precautions and necessary diversions/rerouting arrangements
	Limitation of access to and from the roadside businesses/shops.	Pedestrians, customers and affected shop owners.	<ul style="list-style-type: none"> Contractor to provide temporary access to roadside businesses and residences to minimize inconvenience and for continued access.

119. The assessment and management of involuntary resettlement impacts will require more site visits to collect information to complete the resettlement plan. The resettlement plan will follow the content outlined in Appendix D. The resettlement plan will be prepared and go through the PMU internal quality control checks and then sent to the EA for endorsement, and then to ADB for concurrence.

120. The resettlement plan will identify monitoring and evaluation responsibilities. Monitoring of resettlement plan implementation will be documented by the PMU, supervised by the LISC and undertaken by the Gender and Social Specialist and Monitoring and Evaluation Specialist. The resettlement plan implementation or completion report by the LISC will be submitted to the ADB in order to obtain approval (a no objection letter) for construction mobilization.

F. Livelihood Restoration

121. Livelihood restoration measures will be finalized in consultation with eligible affected households to meet their priorities and needs. The households will be provided options to choose from including:

- (i) Project-related employment: Priority will be given to at least one working age member of the affected households in jobs generated by the Project during the construction phase. Depending upon the skills required, contractors will be required to give first option of such jobs to the affected people rather than bringing labor from outside the project areas. It is anticipated that these jobs will be of such short duration that they are unlikely to be adequate at fully restoring livelihoods and additional support as identified below will be necessary.
- (ii) Agricultural Production Support: Priority will be given to the entitled households to participate in the agricultural production support activities that are part of the Project. The Project will provide services for rural farming and landless households through a network of FCs as a knowledge resource. Support includes on-farm demonstrations and training. The Project will endeavor to develop workable supply arrangements among farmers, cooperatives, WUGs, and input suppliers. The

DOA will be supported to ensure quality of inputs, especially fertilizers and pesticides. Training will be arranged for public and private stakeholders. The Project will support a market information system accessible to all the stakeholders in the value chains, including farmers, input suppliers, processors, and traders.

122. Affected people are anticipated to be from households whose livelihoods are mainly agriculture oriented and land based. Hence the above option for agriculture production support will be relevant. For affected households whose livelihoods are not agriculture-based, other support for instance in business generation (such as vocational planning, small business planning, financial planning, and the accessing and use of credit) and vocational training (through government or private sector programs) can be considered on a case by case basis.

VI. ANTICIPATED IMPACTS AND TREATMENT OF ETHNIC GROUPS IN SUBPROJECTS

123. Myanmar has a large number of ethnic groups and ADB SR3 has a specific definition for when ethnic groups are considered IPs. Although it is possible that no ethnic groups will meet the distinct and vulnerable criteria of ADB's SR3, each subproject will use the screening checklist in Appendix I to categorize impacts on ethnic groups and identify whether an EG plan is required. Sample completed checklists for the two core subprojects are included in Appendix I. If an EG plan is required, it must be produced using the standard plan format provided in Appendix J.

124. Each subproject will be subjected to the ADB IP screening checklist to see if they will potentially directly or indirectly affect positively or negatively affected EGs. The screening checklist has questions related to identification of indigenous people, potential impacts, special requirements and key concerns followed by a summary of anticipated Project impacts on IPs. See Appendix I for a copy of the screening checklist and the completed checklists for the two core subprojects. To complete screening, primary and secondary data collected through stakeholder consultations, socio-economic surveys, and desk top review is used to determine and confirm the presence of EGs in the subproject area. When screening identifies the presence of EGs, they will be meaningfully consulted to develop the EG plan which will aim to mitigate negative impacts and enhance benefits. When screening does not identify EGs, a safeguard due diligence report will be produced. The format for the due diligence report is in Appendix D. The due diligence reports should include relevant minutes of meetings.

125. Based on the checklist, each subproject will be identified as Category A, B or C using the following definitions:

- (i) Category A. A proposed project is likely to have significant impacts on indigenous peoples. An ethnic group plan, including assessment of social impacts, is required. Category A sub-projects will not be eligible under the Project.
- (ii) Category B. A proposed project is likely to have limited impacts on indigenous peoples. An ethnic group plan, including assessment of social impacts, is required.
- (iii) Category C. A proposed project is not expected to have impacts on indigenous peoples. No further action is required.

126. Screening of the subprojects identified that they are both Category C because they are not expected to have impacts on ethnic groups. See Appendix I2 for results. This will be verified during detailed design.

127. If a subproject, after completion of the checklist, is categorized as B, then an EG Plan (or a combined resettlement and ethnic group plan (REGP)⁴⁷) will be produced that has the required contents of an IPP. See Appendix D-2 for the content ADB requires to be included in the EG plans. The IPP must be developed through a process that ensures meaningful consultation with the affected EG at each stage of subproject preparation and implementation. Internal monitoring of the EG Plan implementation will be carried out a semi-annual basis by the PMU, supported by the LISC.

128. The methods to be used in the preparation of EG Plans include an SES and participatory data gathering. Socio-economic information of beneficiary communities, including ethnic minority groups, will be collected during preparation of sub-project feasibility study. The SES will provide baseline information on ethnic minority living conditions and any challenges to their effective participation in the Project, which will be used in the development of specific actions in the EG Plan to address these concerns, maximize benefits, and ensure that benefits are culturally-appropriate and gender-inclusive. The baseline SES information will also be used during monitoring and evaluation to assess the extent to which measures in the EG Plan are effective in maximizing benefits and mitigating negative impacts on ethnic minorities. A local language surveyor will be hired by the PMU to undertake the SES and consultation activities with the support of the Gender and Social Specialist and advice of the LISC. All data-gathering activities in close coordination with village/tribal leaders from the concerned ethnic minority communities.

129. SES data will be disaggregated by sex and ethnicity. It typically will cover the profile of household members by age and gender and their relationship to the household head along with religion, educational attainment, and data on household size, economic situation (primary source of income, average monthly income of household head and combined monthly income of household, expense/expenditure patterns), services amenities: health and sanitation (source of water for drinking and domestic use, toilet and bathing facilities), garbage disposal/waste management practices, source of power for lighting and fuel for cooking, household appliances and transportation.

130. In addition to the SES, participatory data-gathering methods will also be used for the social impact analysis (i.e., key informant interviews, public consultations, and focus group discussions). This will allow the team to obtain qualitative information to verify and elaborate on the quantitative information obtained through the SES. The participatory methods will be particularly useful in obtaining information on both opportunities and threats that must be addressed to ensure the continuing meaningful participation of vulnerable groups, including ethnic minorities, in project activities.

131. Data gathered during the social impact assessment must be sufficient so that sub-project proponents and technical staff understand the following and are able to use these as inputs for detailed design:

- (i) The legal and institutional framework applicable to ethnic groups in the sub-project context.

⁴⁷ According to the ADB SPS (2009), in cases where impacts on IPs involve physical relocation that will result in adverse impacts on their identity, culture, and customary livelihoods, a combined IPs plan and resettlement plan could be formulated to address both involuntary resettlement and IP issues. Such a combined plan will also meet all relevant requirements specified under Safeguard Requirements 3.

- (ii) Demographic, social, cultural, and political characteristics of the affected ethnic minority communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- (iii) The potential adverse and positive effects of the Project, and the relative vulnerability of, and risks to, the affected ethnic minority communities given their particular circumstances, as well as their access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- (iv) EGs' perceptions about the project and its impact on their social, economic, and cultural status.

VII. INFORMATION DISCLOSURE, CONSULTATION, AND PARTICIPATION

132. The ADB SPS requirements as well as the ADB Public Communication Policy serve as a guide for disclosure, consultation and participation. Documents requiring disclosure include any draft or final ethnic group plan or involuntary resettlement plan which is endorsed by the MOALI and their related monitoring reports. These documents will be generated and produced in a timely manner, and posted on both the ministry and ADB websites. As appropriate, they will also be posted at other locally accessible places (such as village halls, schools, religious meeting areas, and health centers) in a form and language understandable to the affected EGs and other stakeholders.

A. Beneficiary Participation

133. A key issue for Project success is beneficiary participation and involvement. This includes the involvement of beneficiary households, be they of average socio-economic standard or identified as vulnerable or from an ethnic group. In many villages, there is already some level of organization: for instance every ten households can have a leader who reports to the village head. In some place, water user groups may exist. Project staff will involve farmer households, household group leaders, water user group members, and village heads in discussions related to design elements and agricultural development needs.

134. Awareness building to help project beneficiaries access the intended outcomes will be done in a culturally and gender appropriate manner (for instance, taking into account dialect choice, level of language used, accessibility of the meeting location, time of day that is convenient), documented and included in the subproject documentation, and disclosed locally. Training to ensure the Project's activities and support are properly understood and effectively implemented will be provided by social mobilisers in the irrigation team, rural extension staff of the agriculture support team and the gender specialist (all part of the PMU). Outreach activities related to the Project benefits and consultations on the subprojects and REGF will be recorded. See Appendix E for a consultation template.

135. For wider Project information related to impacts and benefits, and uptake of new technologies, the Project will use disclosure modalities in accordance with prevailing customs and traditions and written in English, Bamar, and any EG language authorized by village representatives. Printed materials include fact sheets, flyers, newsletters, brochures, issues papers, reports, surveys and comic books. These materials may be in the local language enhanced with drawings, to inform a wide range of IPs about the Project's design, construction and operational processes and activities. Local radio might also be considered.

B. Meaningful Consultation

136. A wide range of programs and activities to ensure beneficiary participation are included in the irrigation and agriculture components of the project. For the resettlement and EG planning, affected persons will be involved through sharing of information and consultation on preferences. SES will be undertaken, key informant interviews held, public consultations organized and focus groups planned. These activities have been described previously in sections VI and VII. All consultation activities will need to be documented with sex and ethnicity disaggregated data. See Appendix E for a consultation report format.

137. REGP preparation requires meaningful consultation with affected people. When screening activities are undertaken for future subprojects, this REGF or its executive summary will be made available to stakeholders. For the REGPs, there needs to be public consultation and information about the Project, the REGF principles and the activities being undertaken to develop the plans. For instance, for the RP, affected people need to be informed about the field surveys. For the EG, key stakeholders and affected communities need to be informed of the purpose and organization of the stakeholder interviews and focus groups. When the plans are complete, affected persons and communities need to be informed that they are available for review and comment. Non-technical summaries in the language of the affected community will be posted at locally accessible places (such as village halls, schools, religious meeting areas, and health centers). The full version of the plans will be posted on both the ministry and ADB websites and at the IWUMD district offices. The non-technical summaries will identify where full versions are available.

138. For REGP implementation, public announcements will be made to inform affected people on: (i) the schedule for compensation payment; (ii) relocation arrangements for those required to relocate; and (iii) the schedule for start-up of civil works. Affected people will also be given an advance notice of at least three months to harvest their crops prior to start-up of the civil works. The schedule for the civil works will be coordinated with contractors to ensure affected people are provided sufficient time to complete harvesting activities and no damage to the crops is caused. All payment of compensation and allowances will be made in a public place on scheduled date and time. Affected people will be informed in advance to bring with them proper identification documents and the signed entitlement forms given to them.

139. Where it is deemed appropriate to have village representatives to present community options, for instance for the REGPs, even in the presence of the wider community, the representatives will be chosen through public acclaim in a documented village meeting. Village representatives can help facilitate the informed participation on matters affecting the communities, such as proposed mitigation measures, sharing of Project benefits and opportunities, and implementation arrangements. The consultations will take into consideration the cultural distinctiveness and differential needs and preferences of the various ethnic peoples (for instance dialect, facilitation approach, ways participants contribute to meetings) to be potentially affected by the Project as well as gender perspectives of the affected people.

140. As already identified, impacts on ethnic groups are not anticipated in the large majority of the subprojects. There is little likelihood of subprojects meeting the criteria which would require demonstrating broad community support. However if the criteria are met, the REGP will show how broad community support has been achieved. Documentation of the consultation process that ascertains such broad support from affected ethnic group communities will be provided. Appendix E includes a template for recording the Project consultation activities.

C. REGF, REGP Disclosure

141. To ensure full disclosure with REGPs, all communication concerning the Project will take place in a culturally sensitive manner and in local dialects. Public announcements will be made to inform affected people about Project meetings and milestones. Public meetings will be arranged in villages, and can using participatory approaches such as community mapping and seasonal calendars to gather data and ranking and rating to help make choices among options. Information will be posted in central public locations. Non-technical summaries, where appropriate as mostly visual and illustrative, will be used to support accessibility of the information for ethnic minority people or affected people with poor literacy skills.

142. This REGF will be disclosed at village level in a public meeting by the PMU prior to sub-project implementation. Women representing affected households should be invited to attend the disclosure meetings. Copies of the REGF will be available at the village and township development council.

VIII. PARTICIPATION OF WOMEN AND VULNERABLE SECTORS

143. The Project household socio-economic survey undertaken in June 2015 included 26.4% female respondents from Chaungmagyi and 32.4% female respondents from Natmauk. The survey results confirmed that women tend to have dual or triple responsibility because of the gender division of labor. Women who are involved in economic activities are required to take care of both reproductive works as care givers to families and productive work as employers and employees. In terms of occupation, the survey showed that the occupational profile of women is similar to that of men, with most working in agriculture and in small business, small factories and many are involved in off-farm labor.

144. In a typical day, a female farmer works in the agricultural field for several hours as well as collects water, prepares and serves food for the family, gets the children ready to go to school, and washes clothes. Male responsibilities for farming include plowing, sowing, transplanting, and water management at field level, canal maintenance, and negotiating with the Irrigation Department over water. Female responsibilities for farming tend to include planting, weeding and harvesting. Both women and men have responsibilities for livestock activities such as feeding the cattle, pig breeding and goat breeding as well as for some agricultural activities, such as reaping and threshing.

145. Ownership of land is traditionally by men, inherited from parents. According to customary law women can inherit property from their parents but very few women have their land title as, after inheriting the property, they put their husband's name as the owner.⁴⁸ Similarly, when they jointly buy land they register it in the name of husband. Households headed by women and women from landless families are more vulnerable, and many struggle for livelihood options.

146. A Gender Action Plan (GAP) containing gender-related activities and targets has been prepared which is an integral part of the project design. It will ensure that women have full and equitable access to the project's resources, information, trainings and benefits. The GAP includes targets and design features for women's involvement related to irrigation system decision making, value chain analysis, construction labor job opportunities, participation in water user groups, project training activities, income generating activity support, and post harvesting support.

⁴⁸ USAID Country Profile: Property Rights and Resource Governance Burma, undated.

Gender awareness training will be provided to a full range of project implementing and beneficiary partners.

147. The GAP ensures the involvement of women in the Project. There will be engagement with local women's groups in key Project activities. In case of under-representation or where needed, separate meetings with marginalized households, including women, will be organized to discuss subproject proposals. Beyond the GAP, participation of women and the vulnerable/marginalized sectors will be upheld across the Project stages.

IX. GRIEVANCE REDRESS MECHANISM

A. Overview

148. A grievance redress mechanism (GRM), consistent with the requirements of the ADB Safeguard Policy Statement (2009) will be established to prevent and address community concerns, reduce risks, and assist the Project to maximize environmental and social benefits. The GRM is also an integral part of the monitoring and information system. It aims to ensure that feedback is received, that the voices from the poor and marginalized groups are heard, and that the issues raised are resolved effectively and expeditiously.

149. Besides issues related to land acquisition, grievances may include nuisances related to construction activities (traffic, dust, noise, waste) as well as how labor choices have been made, any unanticipated damages to private property, safety measures for the protection of the general public and construction workers, and any water quality deterioration. The GRM will be accessible to diverse members of the community and stakeholders. Multiple types of media, including face-to-face meetings, written forms, telephone conversations, or e-mail, will be available for raising issues, concerns and grievances. A description of the GRM will be included in project information materials.

150. The GRM will handle any grievance arising from the Project, including regarding land acquisition activities, ethnic group issues and labor practices. The design of the GRM will be included in the Project operations manual. It will specify the systems and requirements (including staffing) for the grievance redress, from acknowledgement, investigation and verification, to remedial action. Grievances will be sorted, categorized, and logged. After investigation and agreement on the action plan, remedial activities will be monitored and evaluated. Feedback on the investigation results, action plan, and results of remedial activities will be provided to the complainant. Staff and community members involved in Project implementation will be trained, and the public in the participating townships will be continuously sensitized about the mechanism and how to use it. All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the EA.

B. Proposed Grievance Redress Mechanism

151. The proposed GRM follows the existing approach taken for managing complaints about local issues by members of the public in Myanmar. Residents' complaints or concerns are generally taken to local government (village and township level) representatives for resolution; therefore this system is integrated into the GRM.

152. In their capacity as Implementing Agencies (IAs), the IWUMD and DOA will establish a Public Complaints Unit (PCU) within the PMU early during project implementation prior to the start

of planning and design of sub-projects and prior to negotiations for land acquisition. The PCU will deal with complaints from affected people and stakeholders throughout implementation of the Project. This can include nearby residents, construction workers, and will involve village and township level government. PMU staff (in particular the LIEC, the LISC, and the Gender and Social Specialist), and the contractor's land negotiators will have roles to play in explaining and helping community members use the GRM.

153. The PMU will be responsible for ensuring the setting up and coordination of the GRM at a local level and will staff the PCU. The loan implementation environmental and social consultants will coordinate its set up and the Gender and Social Specialist will be responsible for the day to day PCU activities: maintaining the grievance register, organizing investigations, acknowledging and communicating results to the affected person, and monitoring for the closing out of the issue. The PMU will be the key contact point for local government representatives who may require information about the Project or who have an issue they would like to discuss. The PMU will issue public notices in local languages early in the sub-project design process to inform people and organizations within the Project area of the GRM. The PCU's phone number, fax, address, email address will be disseminated.

154. The PMU will have facilities to maintain a complaints database and communicate with contractors, supervision engineers, ministry staff and representatives of affected local village and township governments.

C. GRM Steps and Timeframe

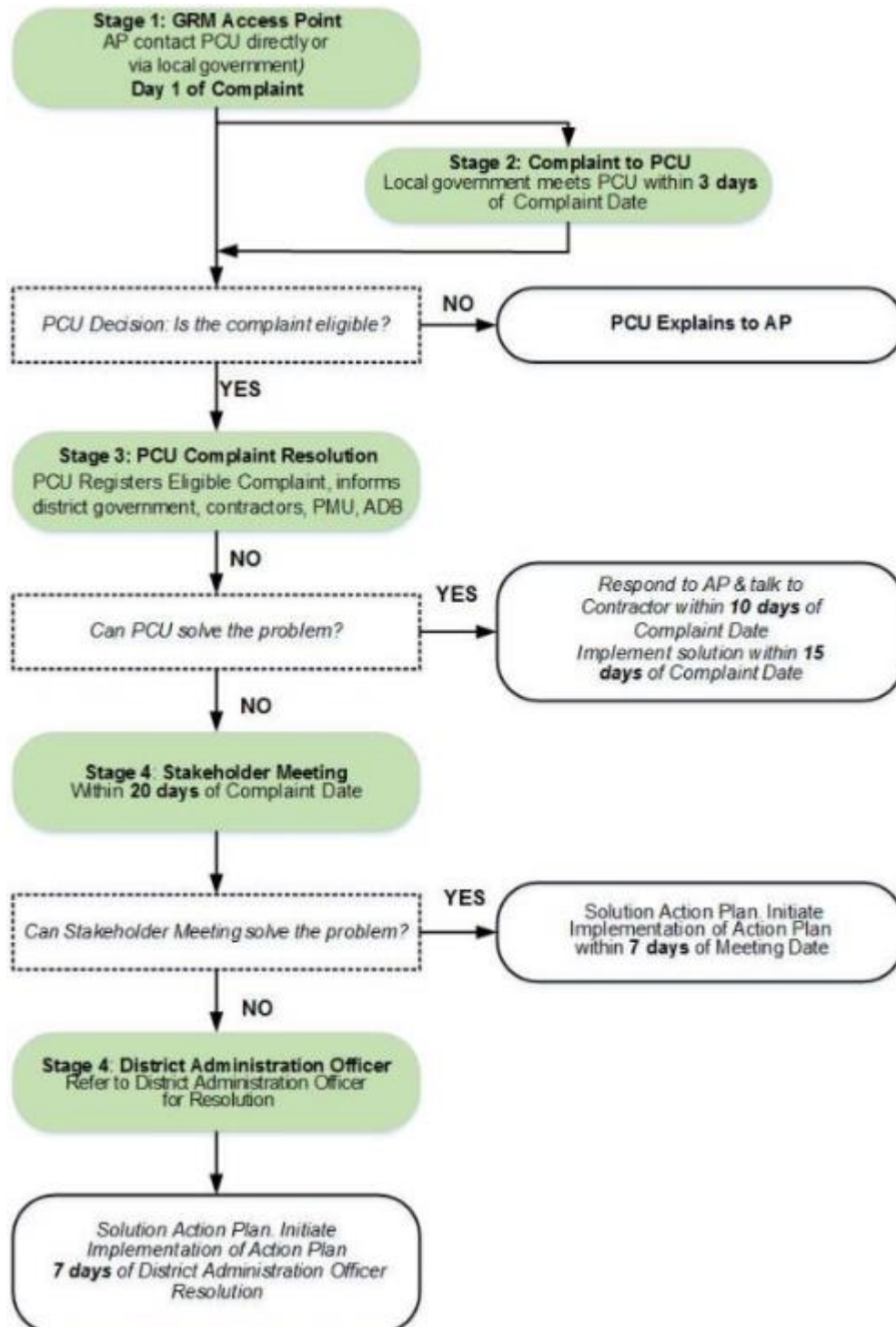
155. Procedures and timeframes for the grievance redress process are as follows and shown in Figure 5.

- (i) Stage 1: Access to GRM. If a concern arises, the affected person may resolve the issue of concern directly with the contractor, or make his/her complaint known to either the PCU directly, or through the local village or township government, whichever level of authority he/she is most comfortable with;
- (ii) Stage 2: Official Complaint to PCU. If a complaint is filed at local government level, the government representative will submit an oral or written complaint to the PCU. For an oral complaint the PCU must make a written record. A template form for comments and complaints is provided in Appendix K. For each complaint, the PCU must assess its eligibility. If the complaint is not eligible, for instance it is determined that the issue is outside the scope of the Project, PCU will provide a clear reply within five working days to the affected person;
- (iii) Stage 3: PCU Complaint Resolution. The PCU will register the complaints informing the respective local and district government, the PMU, contractors, and ADB. The PCU, with support of the LIEC or LISC depending on the issue will take steps to investigate and resolve the issue. This may involve instructing the contractor to take corrective actions. Within seven days of the redress solution being agreed upon, the contractor should implement the redress solution and convey the outcome to the PMU and ADB;
- (iv) Stage 4: Stakeholder Meeting. If no solution can be identified by the PCU or if the affected person is not satisfied with the suggested solution under Stage 3, within two weeks of the end of Stage 3, the PCU will organize a

multi-stakeholder meeting under the auspices of the head of local government, where all relevant stakeholders will be invited. The meeting should result in a solution acceptable to all, and identify responsibilities and an action plan. The contractor should implement the agreed redress solution and convey the outcome to the PMU and ADB within seven working days. The invitees to this meeting will depend on the nature of the complaint. For example if the complaints relate to health, land disputes, or labor issues, the appropriate specialist in this field will be invited to the stakeholder meeting. This may include officers from the Department of Agricultural Land Management and Statistics (land rights issues), Myanmar Chamber of Commerce (business/commercial issues), various non-government organizations (NGOs) (gender or equity issues), Ministry of Health (health issues), Ministry of Environmental Conservation and Forestry (environmental issues), and Ministry of Labor (labor issues); and

- (v) Stage 5: District Administration Officer Resolution. If the multi-stakeholder meeting cannot resolve the problem, and the affected person remains unsatisfied, the PCU will set up a meeting with the District Administration Officer to identify a solution.

Figure 5: Proposed Project Grievance Redress Mechanism



156. The PCU will record the complaint, investigation, and subsequent actions and results. The PMU will include this information in the quarterly environmental management progress reports. In the construction period and the initial operational period covered by loan covenants the EA will periodically report complaints and their resolution to ADB in the quarterly Project progress reports and annual environmental monitoring reports.

157. Tracking and documenting of grievance resolution within the PCU will include the following elements: (i) tracking forms and procedures for gathering information from Project personnel and complainant(s); (ii) dedicated staff to update the database routinely; (iii) periodic reviews of complaints so as to recognize grievance patterns, identify any systemic causes of grievances, promote transparency, publicize how complaints are being handled, and periodically evaluate the overall functioning of the mechanism; (iv) processes for informing stakeholders about the status of a case; and (v) procedures to retrieve data for reporting purposes, including the periodic reports to the EA and ADB.

158. Members and Responsibilities of the PCU. The responsibilities of the PCU are implemented by the PMU, who is the PCU focal point. In addition to the PMU, the members of the PCU will be those in a position to resolve complaints and besides PMU will include representatives of regional government and relevant local government representatives. The responsibilities of the PCU are as follows:

- (i) The PCU will instruct contractors and construction supervisors to refer any complaints that they have received directly to the PCU. Similarly, the PCU will coordinate with local government departments to capture complaints made directly to them;
- (ii) The PMU, as the focal point of the PCU, will log complaints and date of receipt onto a complaints database and inform the IA and the Contractor;
- (iii) The PCU will investigate the complaint to determine its validity and to assess whether the source of the problem is because of Project activities, and identify appropriate corrective measures and responsible persons;
- (iv) The PCU will inform the AP of investigation results and the action taken;
- (v) If a complaint is transferred from local government agencies, the PMU will submit an interim report to local government agencies on status of the complaint investigation and follow-up action within the time frame assigned by the above agencies;
- (vi) The PCU will review the contractor's response to the identified corrective measures, and the updated situation; and
- (vii) The PCU will undertake additional monitoring, as necessary, to verify as well as review that any valid reason for complaint does not reoccur.

159. For subprojects requiring EG Plans, any ethnic minority institutions and organizations in the affected area will also be involved in resolving any disputes that may arise. Ethnic minorities' different ways and mechanisms of grievance redress will be taken into consideration in settling disputes.

D. Other Dispute Redress Mechanisms

160. Affected persons, if not satisfied with the GRM results, always have legal recourse to judicial processes as a last resort.

161. If efforts to resolve disputes using the GRM remain unresolved or unsatisfactory, AHs also have the right to directly discuss their concerns or problems with the ADB Environment, Natural Resources and Agriculture Division, Southeast Asia Department at ADB Headquarters through the Philippines Country Office.

162. As well, ADB's Accountability Mechanism allows people affected by ADB-supported Projects to submit complaints to ADB. This is a separate resolution mechanism from the GRM described above. The Accountability Mechanism provides an independent forum that allows people to voice their problems and seek resolution, and report alleged violations of ADB's operational policies and procedures.

163. The Accountability Mechanism has two separate but related phases. First is problem solving, led by ADB's special Project facilitator, to assist Project-affected people in finding solutions to their problems. Second is compliance review led by a three-member panel that investigates alleged violations of ADB's operational policies and procedures, including safeguard policies, that have already resulted in, or are likely to result in, direct adverse and material harm to Project-affected people. It recommends how to ensure Project compliance with these policies and procedures.

X. IMPLEMENTATION ARRANGEMENTS

164. The MOALI will be the EA and the IWUMD and DOA will be the IAs. The IWUMD and DOA will be responsible for supervising and coordinating the preparation and implementation of any RP and EG Plan required for subprojects based on this REGF. The departments will coordinate with other regional departments such as cadastral services as appropriate. Any ethnic minority institutions and organizations in the affected area will also be involved in supporting the preparation and implementation of the EG Plan.

165. **Project Steering Committee (PSC).** The EA will establish a Project Steering Committee (PSC) chaired by the designated official from the EA and composed of senior government officials. The PSC will meet at least biannually.

166. **Project Management Unit (PMU).** The PMU will assume day-to-day management of the Project and will be responsible for coordinating and implementing Project activities, including procurement, recruitment, disbursement, contract administration, monitoring and reporting. The PMU will be headed by a Project Manager and will comprise full-time core staff. The services of a LIEC will be procured to provide environmental support, such as updating environmental management plans, providing training, coordinating monitoring, producing annual reports and identifying environment related implementation issues and necessary corrective actions.

167. For land acquisition, the PMU will procure the services of a LISC, a Gender and Social Specialist (the Specialist), land valuers/negotiators (one female and one male) and an IEP. It is anticipated that the LISC will be international and the Specialist will be national. The IEP will either be national or a combination of national and international. The IEP will only be required in the event that voluntary donations and negotiated agreements are viable options.

168. The LISC will be a qualified and experienced social scientist with seven years' demonstrated experience with social safeguards (resettlement and/or ethnic group) and ADB's SPS. The LISC will assist in the preparation of social impact assessments, safeguard due diligence reports, resettlement surveys, and any required EGPs and RPs for subprojects. Based in the PMU, this specialist will work with the land valuers/negotiators, and relevant district, township and community officials to implement training and capacity building related to the land acquisition approach and other requirements of the REGF. Terms of reference for the LISC and the Gender and Social Specialist are presented in Appendix G.

169. The Specialist will work closely with the LISC and accompany the LISC's field visits and work efforts. The LISC activities will be intermittent and of relatively short duration. The Specialist will help organize site activities, implement training activities agreed with the LISC related to the REGF, and carry on agreed follow-up work activities in the absence of the LISC. Supported by the Specialist, the LISC will undertake screening and produce due diligence reports for the subprojects. Both the LISC and Specialist will work with the land valuers/negotiators to ensure they understand the premises and requirements to use negotiated settlement and voluntary donation. The LISC will help the land valuers/negotiators establish fair valuations for use as the basis of land agreements. The LISC will coordinate with the PMU's Monitoring and Evaluation Specialist on activities, processes and indicators and with the LIEC regarding grievance management and wider environmental and social issues. The LISC will guide and train other PMU staff, in particular the Gender and Social Specialist, regarding the REGF requirements. For any resettlement plans identified as being needed, the LISC is responsible for production with agreed inputs, especially field surveys and consultation, undertaken by the land valuers/negotiators and Gender and Social Specialist.

170. The land valuers/negotiators will be under the responsibility of the PMU to undertake the DMS, RCS and the SES (the latter with support from the Gender and Social Specialist) for resettlement plans and to agree the approach with the affected people for land acquisition. The land valuers/negotiators may be contracted by the PMU or they may be Ministry staff. The land valuers/negotiators will be available to the subproject for the duration of the period required to initiate contact with affected people, measure the affected assets, complete the resettlement surveys, and finalize the land agreements. Work will be intermittent and mostly field based. The land valuers/negotiators will help document consultations and negotiations and provide any related information for the resettlement database.

171. Where voluntary donations and negotiated settlements are viable donations, the IEP will be hired to:

- (i) Verify that the donation is in fact voluntary, that the settlement represents an amicable and fair agreement, that neither land donations nor settlements resulted from coercion, and that they were accomplished through a consultation process.
- (ii) Ensure that voluntary donations and negotiated settlements do not severely affect the living standards of affected persons and will benefit them directly.

172. The IEP will have no prior or present association with the Project to ensure impartiality in the carrying out of services. Terms of reference are presented in Appendix G.

173. The IA staff at various levels will be consulted for contributions to the checklists and due diligence reports. During land negotiations, the local land department staff and village land

committees will be involved in attending consultations and witnessing the willing and voluntary participation of affected people.

174. For ethnic group plans, the PMU will hire a local language surveyor to who will help the Gender and Social Specialist provide the field data to be collated into an EG Plan by the LISC. Plan implementation will aim to use the NGOs identified to support income generating, irrigation management and other activities identified in the gender action plan. For instance, with the assistance of NGOs, the Project will provide services for rural farming and landless households through a network of FCs which will be a knowledge resource. The FCs will support the communities and farmers in the system including on-farm demonstrations and training, with special attention given to landless households and women. The project will endeavor to develop workable supply arrangements among cooperatives, water user groups, and input suppliers. The DOA will be supported to ensure quality of inputs, especially fertilizers and pesticides. Training will be arranged for public and private stakeholders. The Project will support a market information system accessible to all the stakeholders in the value chains, including farmers, input suppliers, processors, and traders.

XI. MONITORING AND REPORTING ARRANGEMENTS

175. The implementation of the REGF will be monitored regularly as part of the project performance monitoring system to ensure that the land acquisition approach and management of impacts on any ethnic groups are managed according to this framework. Monitoring will be used to ensure mitigating measures designed to address adverse social impacts are adequate and effective. The Project will have both internal and external monitoring.

176. For internal monitoring, the LISC will work with the Monitoring and Evaluation Specialist⁴⁹ to help the PMU and Gender and Social Specialist identify appropriate monitoring indicators and processes. Appendix K provides an internal monitoring resettlement form. The focus of internal monitoring will be as follows:

- (i) confirmation on the number of households who enter into negotiated agreements or donate land and non-land assets;
- (ii) information dissemination and public participation: the number of REGF related public consultation or individual consultation meetings held for land acquisition; the number of APs that participated with gender and ethnicity disaggregated data; comments, suggestions and concerns of the affected people and how these were addressed;
- (iii) how any vulnerable groups and women headed households were impacted and involved in land acquisition;
- (iv) documentation of the land acquisition process;
- (v) progress in the disbursement of budgets for negotiated settlements and other assistance in accordance with the agreements;
- (vi) issuance of notices to harvest the crops and vacate the land as per schedule;
- (vii) smooth transition period between the signing of land agreements and clearing of area for civil works; and

⁴⁹ The Monitoring and Evaluation Specialist will be responsible for the implementation of project performance monitoring system.

- (viii) number, type, and progress in settling grievances related to land acquisition, and resettlement.

177. Any EG plan developed will include monitoring activities. Monitoring will focus on the impacts of project activities on the ethnic group, information dissemination and public participation (as above: number of meetings; participation rates, comments, suggestions and concerns); involvement of vulnerable groups with the EG, documentation of activities, and progress in implementation.

178. Internal monitoring indicators will include the following:

- (i) Are EGP activities being implemented and targets achieved against the agreed time frame?
- (ii) Are there sufficient funds available for implementation of the EGP? Are consultations with EGs completed as scheduled including meetings, groups, and community activities?
- (iii) Were consultations inter-generationally exclusive, gender inclusive, free from external coercion, and conducted in a culturally appropriate manner?
- (iv) Have appropriate project information brochures/hand-outs been prepared and distributed to affected ethnic minority groups/households?
- (v) Have there been any changes in patterns of occupation, production, resource use and waste management compared to the pre-project situation?
- (vi) Have there been any changes in income and expenditure patterns compared to pre-project situation? What are these changes, if any?
- (vii) Has the situation of EGs improved, or at least been maintained, as a result of the project?

179. When PMU's internal monitoring identifies any potential compliance issues related to ADB's safeguard policies, the LISC will undertake a formal investigation and identify and monitor the corrective measure. The PMU will begin its activities by reporting on a quarterly basis to ADB. As relevant to the quarter, reporting on REGF activities and monitoring results will be included.

180. External monitoring for land acquisition will be undertaken by the IEP (see terms of reference in Appendix G3). The objective will be to verify that the Project land acquisition follows the principles and procedures of negotiated settlement and voluntary donation set for the Project. The IEP will produce an inception report that presents the design and methodology of the verification. Activities will include reviewing documents and interviewing affected persons. A draft and final report will be produced for each subproject the IEP monitors. The reports will be submitted to the PMU.

181. ADB supervision missions will periodically review safeguards implementation, including and ethnic group plan progress, in the case of subprojects with ethnic group impacts, if measures in the EG Plan were sufficient to ensure delivery of culturally appropriate benefits and mitigating adverse impacts on ethnic minorities.

182. The EA and IAs will establish a schedule for the implementation of this REGF and taking into account the Project's overall schedule. It is expected that one month prior to the start of

subproject implementation, internal and external monitoring key actors will have determined all REGF activities. Quarterly progress reports where any key issues (for instance number of land agreements and donations completed or any newly identified EG issues for the reporting period) related to REGF implementation can be included. The quarterly reports will be prepared by the PMU and submitted to the ADB, following the Project regular reporting systems and procedures.

XII. BUDGET AND FINANCING

183. MOALI and ADB have allocated funds for planning and implementation of REGF. Compensation will be paid from Government counterpart funds and ADB loan funding will be used for staffing and capacity building. Specifically, the following key activities will be provided with the necessary budget support at implementation: (i) provision for a social safeguard specialist to assist the EA in producing social safeguard reports and plans and undertake social assessment/s; (ii) internal and external monitoring of the REGF and related resettlement plans and EG Plans; and (iii) activities and support to build the capacity of the EA, IAs and PMU in social safeguards. REGF related grievances will require investigations and resolution. Staffing time will be covered by ADB loan funds, and compensation payments will be from government counterpart funds. As necessary counterpart funds will be used to establish an escrow account related to grievances.

184. Detailed budgets to address resettlement and ethnic group impacts will be identified in the subproject plans. Budget line items will include:

- (i) Cost for resettlement plan preparation activities (surveys, conduct of participation and meaningful consultation and disclosure activities);
- (ii) Cost of compensation, assistance, additional support for severely affected and vulnerable households;
- (iii) Relocation costs (purchase of replacement land and development of relocation site – if required, currently it is not anticipated);
- (iv) Income restoration costs;
- (v) Administration costs;
- (vi) Cost for training/capacity building for project staff (eg. EA, local authorities);
- (vii) Cost for monitoring and reporting; and
- (viii) Contingency (e.g. usually 10% contingency is applied in the resettlement plan).

185. Funds for monitoring and implementing the REGF will be included in the loan agreement. This will mainly be for staff: the Gender and Social Specialist whose activities will be ongoing, the intermittent visits for the LISC, and the IEP contract for each subproject. The cost of developing a resettlement plan and EG Plan for subprojects are similar and funds for two plans have been included in the loan agreement. The source of funds is the concessionary financing.

186. Land value was discussed with township staff for the two core subprojects. For the Chaungmagyi irrigation system in May 2015, 'le' land was estimated at 10 lakh⁵⁰/acre and 'ya' land at six lakh per acre.⁵¹ Staff said no more uncultivated land exists so its value is not known.

⁵⁰ 10 lakh equals one million kyats.

⁵¹ 'Le' land is generally wet, muddy and flat where paddy mainly grows. 'Ya' land is generally dry in areas on hilly landscape. Ya land is located in arid and semi-arid regions with insufficient rainfalls to grow paddy and are used for

The prices are averages because it depends where the land plot is: higher amounts when it is located near the head of the scheme and lower when near the tail. As well, proximity to a road increases the land price. For the Natmauk irrigation system in May 2015, the land was estimated at 12 lakh/acre and ya land at 6 lakh per acre. Staff said no compensation is paid for uncultivated or fallow land. Land values can change gradually but they expect little change between now and 2016. These values can be used in estimating budgets for the RPs along with details regarding the estimated amount of land required for construction activities.

187. Funds for any EG plan implementation activities will be identified during subproject's feasibility study.

APPENDIX #: CHECKLIST FOR INVOLUNTARY RESETTLEMENT

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

APPENDIX D: FORMATS FOR RESETTLEMENT DOCUMENTS

D1: OUTLINE OF RESETTLEMENT DUE DILIGENCE FORM

A due diligence report is required for all subprojects identified as Category C for resettlement impacts. The substantive aspects of the outline will guide the preparation of the report.

Executive Summary

This section provides a concise statement of the due diligence scope, key findings and required corrective actions or measures.

A. PROJECT DESCRIPTION

This section provides an introduction to the purpose of the report. It describes the Project's impact, outcome, and outputs. The subproject is identified with a presentation of the rationale for its selection and a description of its components.

B. SCOPE OF LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT, INDIGENOUS PEOPLES IMPACTS

The components of the Project and subproject are presented with a description how they will or will not result in impacts.

C DUE DILIGENCE

This section describes the background and methodology, including data source, and the presents the findings.

D. INFORMATION DISCLOSURE, PARTICIPATORY CONSULTATION, AND GRIEVANCE REDRESS

The section presents the information disclosure and consultation activities undertaken and identifies future activities required for meaningful consultation and ongoing beneficiary participation. The grievance mechanism is described

E. LEGAL FRAMEWORK

This section describes national and local laws and regulations that apply to the Project. ADB requirements are also identified. The principles guiding Project implementation are presented.

F. BUDGET

This section provides an itemized budget for ongoing activities related to land acquisition and ethnic groups, including for the staff, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation. Sources of funds will be identified.

G. INSTITUTIONAL ARRANGEMENTS

This section describes institutional arrangement responsibilities and mechanisms for carrying out the measures identified in the report. It includes institutional capacity building program and training if required.

H. MONITORING AND REPORTING

This section describes the mechanisms and benchmarks appropriate to the project for internal and external monitoring and evaluating the implementation of the REGF. It specifies arrangements for any participation of affected persons in the monitoring process. This section will also describe reporting procedures.

D2: OUTLINE OF A RESETTLEMENT PLAN/REGP

A resettlement plan is required for all Projects identified as Category A or B with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. A resettlement and ethnic groups plan will be required for sub-projects with impacts on ethnic groups that trigger ADB's Indigenous Peoples Safeguard. The substantive aspects of the outline below will guide the preparation of the resettlement plans/resettlement and ethnic groups plan although not necessarily in the order shown.

No	RP/EGDP Section	Required Information
1	Executive Summary (ES) To add for REGP -	*Note: ES should provide a concise overview of the information in the main document <ul style="list-style-type: none"> - Project scope, key survey findings (scope of land acquisition and resettlement, vulnerability and gender issues), entitlement principles and recommended actions, information disclosure activities and requirements and grievance redress procedure - Critical facts, significant findings and recommended actions related to ethnic group impacts
2	Description of the project To add for REGP -	<ul style="list-style-type: none"> - General description of the project; components resulting in land acquisition, resettlement or and both; identify the project area; describe alternatives considered to avoid or minimize resettlement with a rationale for the final decision. - Components and activities that may bring impacts on minority ethnic groups;
3	Scope of Land Acquisition and Resettlement	<ul style="list-style-type: none"> - Map(s) of project areas or zone of impact of project components or activities - Description of project's potential land acquisition and resettlement (LAR) impacts and rationale for why it is necessary for main investment. - Summary of LAR impacts in terms of assets acquired, number of displaced households and persons (complete or partial, permanent or temporary), and the severity of impact⁵² - Identification of common property resources to be acquired.
4	Socio Economic information and Profile	<ul style="list-style-type: none"> - Results of Social Impact Assessment, census survey, with information disaggregated by gender, vulnerability and other social grouping - Likely impacts of LAR on affected households taking into consideration their social, cultural, and economic characteristics - LAR impacts on poor, indigenous and/or ethnic minorities and

⁵² Note: a project's involuntary resettlement category is determined by the category of its most sensitive component in terms of involuntary resettlement impacts. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing; or (ii) losing 10% or more of their productive assets (income generating). Source: ADB OM Section F1/OP (2010).

No	RP/EGDP Section	Required Information
	<p>To add for REGP - – Social Impact Assessment</p>	<p>other vulnerable groups</p> <ul style="list-style-type: none"> - Gender and resettlement impacts, including socio economic situation, needs and priorities of women. - Legal and institutional framework applicable to minority ethnic groups in project context - Baseline information on demographic, social cultural and political characteristics of affected minority ethnic communities, the land and territories traditionally/customarily owned, used or occupied and natural resources they depend on - Identification of key project stakeholders - Discuss a culturally appropriate, gender sensitive process of meaningful consultation with minority ethnic groups at various stages of project cycle, based on the review and baseline information. - Assessment of project's positive and negative impacts, based on meaningful consultations and gender-sensitive analysis of baseline conditions of the affected minority ethnic communities⁵³ - Minority ethnic group perceptions about project and its impact on their social, economic and cultural status - Recommended measures⁵⁴ to avoid adverse impacts and/or minimize and compensate for unavoidable impacts and ensure the minority ethnic communities receive culturally appropriate benefits
5	<p>Information Disclosure, Consultation, and Participation</p>	<ul style="list-style-type: none"> - Identification of project stakeholders, especially primary stakeholders; - Description of consultation and participation mechanisms to be used during different stages of the project cycle; - Description of activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders; - Summary of results of consultations with affected persons (including host communities), and discussion of how concerns raised and recommendations made were addressed in the resettlement plan⁵⁵ - Confirmation of disclosure of draft resettlement plan to affected persons and arrangements to disclose any subsequent plans; and - Description of the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

⁵³ Consider the **relative vulnerability of, and risks to, the affected minority ethnic communities** given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.

⁵⁴ Based on meaningful consultations with affected minority ethnic communities. Consultations should be fully documented – attendance, minutes, and photos – and included as an appendix to the REGP.

⁵⁵ Include a matrix indicating group consulted and number of participants -> key issues raised by participants -> project response -> remarks / comments.

No	RP/EGDP Section	Required Information
	To add for REGP -	<ul style="list-style-type: none"> - Description of information disclosure, consultation and participation process with affected minority ethnic communities that was carried out during project preparation; - Summary of minority ethnic group's comments on the results of the social impact assessment, concerns raised during consultation and how these have been addressed in project design⁵⁶; - For project activities requiring broad community support⁵⁷, documents the process and outcome of consultations and any agreement resulting from such consultations for the project activities, and safeguard measures addressing the impacts of such activities; - Consultation and participation mechanisms to be used during implementation to ensure ethnic group participation - Confirmation of disclosure of draft and final REGP to the affected minority ethnic communities.
6	Grievance redress mechanisms	Describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons, are culturally appropriate and gender sensitive
7	Legal and Policy framework	<ul style="list-style-type: none"> - List and analyze the applicability of relevant national and local laws and regulations - Identify the gaps between the local laws and ADB's SPS and how the gaps will be addressed in the Project context - Outline the principles and methodologies used for determining the valuations and compensation rates at replacement cost for assets, incomes and livelihoods and set up eligibility criteria - Include process and schedule for meeting key procedural requirements
8	Entitlements, Assistance and Benefits	<ul style="list-style-type: none"> - Entitlement Matrix, which specifies entitlements, compensation, allowances and implementation issues given the type and severity of project land acquisition and resettlement impacts - Specify assistance and strategy to address needs of vulnerable groups, including women, and any other special groups - Outlines opportunities for affected persons to derive appropriate development benefits from the Project
9	Relocation of Housing and settlements	<ul style="list-style-type: none"> - Identify options for relocating housing and other structures, including replacement housing, replacement cash compensation and /or self selection, considering the needs of women and vulnerable groups - Describe alternative relocation sites considered, justification for selected sites, community consultations held in that regard,

⁵⁶ Include a matrix indicating group/tribe consulted and number of participants -> key issues raised by participants -> project response -> remarks / comments.

⁵⁷ According to ADB SPS (2009), consent of affected IP communities must be ascertained for the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.

No	RP/EGDP Section	Required Information
		<p>details of the sites (location, environmental conditions, development needs)</p> <ul style="list-style-type: none"> - Timetables for site preparation and transfer - Legal arrangements to regularize tenure and transfer titles to resettled persons - Measures to assist displaced persons with transfer and establishment at new sites - Plans to provide civic infrastructure - Explain the integration process into host communities
10	Income restoration and rehabilitation	<ul style="list-style-type: none"> - Identify livelihood risks based on livelihood sources - Outline the livelihood restoration programs - Any measures to provide social safety net through social insurance and/or project special funds - Special measures for vulnerable groups and gender considerations - Training programs
11	Beneficial Measures	<ul style="list-style-type: none"> - Specifies measures to ensure that minority ethnic groups receive social and economic benefits that are culturally appropriate, and gender responsive.
12	Mitigative Measures	<ul style="list-style-type: none"> - Specifies measures to avoid adverse impacts on minority ethnic groups; where avoidance is impossible, specifies measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected minority ethnic group
13	Budget and financing Plan <i>(Please ensure that the project cost tables include these to avoid any variations)</i>	<ul style="list-style-type: none"> - Itemized budget for all LAR activities including resettlement unit, staff training, M&E, and preparation of resettlement plans during implementation - Describe assumptions made in calculating compensation rates and other cost estimates - Describe flow of funds - Include source of funding for LAR activities
14	Institutional arrangements	<ul style="list-style-type: none"> - Itemized budget for all activities in REGP - Institutional arrangements, responsibilities and mechanisms for carrying out all measures of the RP/REGP (including Project Management Unit/Office (PMU/PMO) and Project Implementation Unit (PIU) arrangements, all involved government agencies, project implementation support consultants) - Provisions for institutional capacity building program for executing and implementing agencies, including technical assistance, if required <ul style="list-style-type: none"> o For REGP, include measures to strengthen the social, legal, and technical capabilities of (i) government institutions to address minority ethnic group issues in the project area; and (ii) ethnic group organizations in the project area to enable them to represent the affected minority ethnic groups more effectively - Role of NGOs, if involved, and organizations of affected persons, ethnic group organizations, women's groups;
15	Implementation Schedule	<p>Detailed, time bound, implementation schedule for all key RP/REGP activities</p>

No	RP/EGDP Section	Required Information
		<p>Note: Payment of compensation should be completed and other rehabilitation measures should be in place <u>prior to</u> physical or economic displacement. The RP implementation schedule needs to be synchronized with the project schedule for civil works.</p>
16	Monitoring, Reporting and evaluation	<ul style="list-style-type: none"> - Mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the RP/REGP. - Arrangements for participation of affected persons (including minority ethnic groups) in the monitoring process - Reporting procedures, including schedule for submission of monitoring reports and disclosure requirements - Suggested internal and external (if relevant) monitoring indicators
17	Attachments	<ul style="list-style-type: none"> - Documentation of information disclosure and consultation activities (public consultations, focus group discussions, key informant interviews) – including attendance sheets, detailed minutes and photos. - Draft Public Information Brochure - Copy of Surveys used during the PPTA (e.g. Socioeconomic Survey, Inventory of Loss Questionnaire) - Any required supporting documents (e.g. land titles) and/or certifications - Draft TORS for (i) Safeguards Specialists to be engaged as part of the Project Management and Implementation Support Consultants; and, (ii) External Monitoring Agency/Organization (if relevant) - Outline for internal and external (if relevant) monitoring reports - For RP - survey findings used as basis for calculating replacement costs

Followup Actions (what, by who, when)

- 1.
- 2.
- 3.
- 4.

Photographs

Insert photographs of meeting here

APPENDIX F: VOLUNTARY DONATION FORMS**F1: SAMPLE VOLUNTARY CONTRIBUTION CONSENT FORM**

Irrigated Agriculture Inclusive Development Project, Myanmar,

CERTIFICATE OF LAND/ASSET TRANSFER

I, the undersigned here

Name :

Age :

Nationality :

Occupation :

Occupation :

Residence Located
in :

Village :

Township :

District :

Region :

Certify that I have been previously informed by local authority of my right to negotiate a paid land agreement for any loss of property and related items on the land (house, land and trees) that might be affected by the construction or rehabilitation of infrastructure and related facilities of irrigation systems or support for agricultural production under the Irrigated Agriculture Inclusive Development Project in Village: _____ District: _____

I confirm that I voluntarily accept the land of square meters located in

Village: _____, District: _____

to be provided by the local authority for compensation. I also confirm that I do not request any compensation of other loss or payment and would request the local authority to consider this as my contribution to the Project.

Type of Loss	Quantity	Unit	Unit Rate	Total	Comment
Land		M ²			
Tree species 1		Number			
Tree species 2					
Total					

Therefore, I prepare and sign this certificate for the proof of my decision.

....., 20.....

The owner of the land

(_____)

Witnesses:

1. _____ :
2. _____ :
3. _____ :
4. _____ :

Certified by:

Village Administrator

Township Administrator

(_____) (_____)

APPENDIX G: TERMS OF REFERENCE FOR THE INDEPENDENT EXTERNAL PARTY FOR VOLUNTARY DONATION AND NEGOTIATED LAND ACQUISITION

A. Objectives

1. The objective of this consulting service is to verify that the land acquisition of the Irrigated Agriculture Inclusive Development Project (the Project) follows the principles and procedures of negotiated settlement and voluntary donation set for the project. The project is supported by the Asian Development Bank (ADB) and will improve agricultural performance through improved rural infrastructure, in particular small and medium-scale irrigation systems and, as well as rural roads in support of agricultural development outcomes. The Ministry of Agriculture and Irrigation (MOALI) is assisted by a land acquisition consultant for implementing the land acquisition. An independent external party such as a qualified NGO or consultant will be engaged by the project to undertake the verification.

B. Scope of Work - General

2. This scope of work will require the independent party to undertake the following general tasks among others:

- (i) Using verbal and written records⁵⁸, verify that the donation is in fact voluntary, that the settlement represents an amicable and fair agreement, that neither resulted from coercion, and that they were accomplished through the consultation process.
- (ii) Ensure that negotiated settlements and voluntary donations do not severely affect the living standards of affected persons and will benefit them directly.

C. Scope of Work - Specific

3. The independent party's work will include several specific tasks:

- (i) Review all project documents (including loan agreement and memorandum of understanding (MoU) or correspondences between ADB and the MOALI related to the project's land acquisition;
- (ii) Visit the project site to verify whether the voluntary donation and negotiated settlement processes follow the principles and procedures agreed in the loan agreement, MoUs and Resettlement and Ethnic Groups Framework. Verification will cover an adequate representative random sample⁵⁹ of the affected households who voluntarily donated the land;
- (iii) Conduct interviews and/or participatory community meetings with the affected peoples/affected households to obtain perception of the voluntary donation;
- (iv) Interview relevant stakeholders including MOALI, construction supervision and project implementation consultants, and the land acquisition specialist,

⁵⁸ Appendix F1 shows a sample voluntary consent form. Appendix F2 shows a sample agreement for voluntary land donation.

⁵⁹ The number of households covered by the verification may rise or fall, depending on the total number of affected households who donated. The often "acceptable" margin of error used by survey researchers falls between +/- 4% and 8% at the 95% confidence level. The 95% confidence level means that there is a 95% chance that the difference is real and not just a quirk of the sampling. If we repeated the study 100 times, 95 of the samples drawn would yield similar results. Websites that can be used to calculate the required sample size for a population (N), include <http://www.raosoft.com/samplesize.html>, <http://www.calculator.net/sample-size-calculator.html>

- community leaders and local authorities regarding the principles and procedures followed in voluntary donation;
- (v) Verify whether the criteria set for voluntary donation were properly applied (See Table 1);
 - (vi) Verify whether the procedures of the voluntary donation were properly implemented; and
 - (vii) Prepare a verification report.

D. Outputs

4. The independent party will prepare the following reports and submit them to MOALI and ADB:

- (i) Inception report that demonstrates the design and methodology of the verification;
- (ii) Draft report that documents the voluntary donation processes, findings, conclusion, and recommendations (This report includes the minutes of interviews/meetings held for verification); and
- (iii) Final report that incorporates inputs from MOALI and ADB, and is acceptable to both said parties.

5. A draft and final report will be produced for each subproject the IEP is required to monitor. The draft report will be issued within 15 days of the site visit. The final report will be issued within a week of receiving comments. The reports will be submitted to the PMU.

E. Qualifications

6. The independent party will have work experience in and familiarity with all aspects of resettlement operations. Persons with a social science background will be preferred. Local Bamar language skills for staff interacting with affected persons will be essential.

7. Interested NGOs or agencies should submit proposals for the work with a brief statement of the approach, methodology, and relevant information concerning experience on land acquisition. The profile of the NGO or agency along with full curriculum vitae (CV) of key personnel proposed to be engaged must be submitted along with the proposal.

8. The independent external party cannot be associated with the project in any past or present capacity.

F. Estimated Person-Months

9. Two persons (preferably one female, one male) will be recruited for a total of one person-month (estimate), for each subproject.

G. Budget and Logistics

10. The proposal—both technical and financial—should be submitted and the budget should include all costs and logistics necessary for the assignment.

APPENDIX H: RESETTLEMENT SURVEY FORM

ADB TA 47152 MYA-Irrigated Agriculture Inclusive Development Project

Code No.

Introduction: My name is _____. I am from _____ company _____ working on behalf of the Ministry of Agriculture and Irrigation. We are undertaking an inventory of properties that could be required for the Irrigation Agriculture Inclusive Development Project here in your area. The Project will improve agricultural performance through improved rural infrastructure, in particular small and medium-scale irrigation systems and, as well as rural roads in support of agricultural development outcomes. Involuntary resettlement related to land acquisition has been identified as an unforeseen impact in your area. The reason for the inventory is to determine the compensation and entitlement for persons affected by involuntary resettlement, either permanently or temporarily. Based on our recent understanding of Project activities, your property is likely to be affected. The impact on your property is not yet final. May I request for your time to answer the questions in this survey?

A. PROJECT COMPONENTS:

B. LOCATION: 1. Township: _____ 2. Ward: _____ 3. Village: _____

I. GENERAL INFORMATION

A. DEMOGRAPHY:

1. Name of Respondent: _____
2. Sex: [a]__ male [b]__ female 3. Age _____ Yrs.
4. Respondent status in the household: [a]____ household head [b] Relation to HH Head _____
5. If you are not the household head (HH), what is HH Head name? _____
6. Civil status of the HH: [a]__ married [b]__ widow/widower [c]__ single
7. Religion: [a] Buddhist _____ [b] Hindu _____ [c] Muslim _____ [d] Christian _____ [e] Other (specify) _____
8. Ethnicity of the HH: [a] Bamar _____ [b] Shan _____ [c] Ka Chin _____ [d] Rakhine _____ [e] Mon _____ [f] Others _____

9. Household members:

Names of HH Members	Age	Sex		Relation to HH Head	Main Occupation	Secondary Occupation	Education Level	Total Monthly HH Income (K yat)
		M	F					
Head				-				

10. How many household members work away from home? _____
11. Where do they work? [a] Same village _____ [b] Outside the village _____
12. How do they go to work? [a] walk _____ [b] bike _____ [c] cycle _____ [d] bus _____ [e] other (Specify) _____

13. Average household expenditures per month

[a] Food _____ [b] health _____
 Education _____

[d] Water & Electricity _____ [e] Cooking Fuel _____ [f] T

[g] rent/lease _____ [h] Miscellaneous: _____

B. LENGTH OF RESIDENCY

- How long has your family been living in this place? _____ years.
- Where did you live before moving to this place? _____
- Why did you decide to move to this place? _____

II. AFFECTED ASSETS

A. LAND (please take photo of the land)
 ___ Applicable ___ Not Applicable

- Location of the affected land: GIS coordinates: _____
- How many plots of land does the HH own? _____ Where are they? _____
- What is the total area of this affected plot? _____ Acre/Sft.
- Are you and your neighbours certain about the boundaries of your plot? [a]__yes, [b] __no [c]__ unsure. Any additional comment re land boundary? _____
- The boundaries of the plot demarcated by: [a] __wood fence [b] __wire fence [c] __raised grass [d] __ crop (state which kind _____) [e] bush or trees (state which kind _____)
- Area to be acquired from the affected land (if known) _____ Acre/Sft.
- Land use of the affected land: [a]__ agricultural [b]__ residential [c]__ Orchard [d]__ Pond [e]__ fallow
 (Description of use of land)

- Do you own this land? [a] Yes ___ [b] No _____
 - If No,
 - Do you rent it? [a] Yes ___ [b] No _____
 - If you do not own the land what is the name of the owner of the land? _____
 - Where does the owner live? _____
 - If yes,
 - Which of the following rights do you have:
 [a]__ right of ownership [d]__ right to exploitation
 [b]__ right to build [e]__ None
 [c]__ right to use [f] __Other (specify) _____
 - If the household possesses any of the rights, when will that right expires? _____
 - Do you have any document to prove the right/ownership? [a] Yes ___ [b] No _____
 - If yes, what is the document? _____
 - Please provide the document #1⁶⁰ name _____ and number (if readily available)

 - Please provide the document #2⁶¹ name _____ and number (if readily available)

⁶⁰ This should be the LUC or Form 7.

⁶¹ This could be an ownership contract or something else.

9. Do you own any land in other places? [a]__ Yes [b]__ None
10. If yes, what is the total area of that land in other location? _____ Acre/Sft. Where is the land located?
How far is the land? _____
Who manages the land in other place? [a] my family member _____ [b] rented out _____ [c] No one _____
11. If you were to buy land in the vicinity, how much will it cost? [a] Kyat _____/acre/sft. [b] Don't know _____
12. Do you know if anyone sold or purchased land in this area in the past six months? [a] Yes _____ [b] No _____
13. If you know, do you know the price they paid per acre/sft? [a] Kyat _____/acre/sft. [b] Don't know _____

B. AFFECTED STRUCTURE (Please take photo of the HH Head & family members together with the structure & attach to the questionnaire)

 Applicable **Not Applicable**

1. Number of storeys? [a] single ____ [b] double _____ [c] on stilts _____
2. Total area of the structure (total of all floors) _____ Sft.
3. Use of Structure? [a] Residence _____ [b] Shop _____ [c] Resid. cum Shop. _____ [d] Other _____
4. If mixed use, area of shop/commercial/business use? _____ Sft.
5. Type of construction: [a] brick building _____ [b] wood & brick _____ [c] Mud and bamboo _____
6. Material used for construction:
 - A. Walls: Concrete ____ brick ____ wood ____ thatch _____ mixed (Specify) _____
 - B. Flooring: Brick ____ tiles ____ wood ____ earthen _____ mixed (Specify) _____
 - C. Roof: Concrete ____ tiles ____ tin _____ thatch _____ mixed (Specify) _____
7. Do you own the structure/house? [a]__ own [b]__ live with permission from owner without rent [c]__ renter
8. If owner of the house, have you rented any part of the house? [a]__ Yes [b]__ No
9. If yes, how much rent do you collect/month? _____ Kyat
10. If with permission from the owner, what is the name of the owner? _____
11. Where does the owner live? _____
12. If tenant, how much rent do you pay each month? Kyat _____.
13. When was the house constructed: _____
14. How much did your house cost? [a] About Kyat _____ [b] Don't know _____
15. If you were to build this type of house today, approximately how much will it cost?
[a] Kyat _____ [b] Don't know _____

C. OTHER STRUCTURES (Secondary structures detached from main structure) Produce sketch of plot

 Applicable **Not Applicable**

Other Affected Structures		Area Sft.	Length (ft.)	width (ft)	Materials Used	Approx. Cost
a	Small business shop					
b	Fence					
c	Animal shelter					
d	Toilet					
e	Pavement/yard					
f	Other (specify)					

D. AFFECTED BUSINESS / SHOP

 Applicable **Not Applicable**

1. Nature of business: [a]small variety store ____ [b] eatery ____ [c] factory _____ [d]other (specify) _____
2. Type of structure: [a] permanent ____ [b] semi-permanent _____ [c] temporary ____ [d] moveable _____
3. How much is the average income per day? Kyat _____
4. How many persons are employed in the business? [a] full time? _____ [b] part time? _____ [c] seasonally? _____ [d]Intermittent? _____ Specify reason: _____ [e]none _____
5. Do they have any contract for employment? [a] yes ____ [b] no ____

6. How much salary do you pay to them: Kyat _____ per [a] day ___ or [b] month ___
7. Since how long they have been working for you? Month and year: _____
8. Where do they live? [a] same premises ___ [b] same village [c] elsewhere _____ [c] don't know _____
9. Do you have any permit for this shop? [a] Yes ___ [b] No ___ [c] If yes, what? _____

E. TREES AND CROPS

Applicable **Not Applicable**

1. Types of wood trees owned by AP.

	Name of wood tree	Number and age of affected trees		
		Number	Young ,5 yrs.	Mature >5 yrs.
a				
b				
c				
Total Wood Trees				

2. Types of fruit trees

	Name of Fruit Trees	Number and age of Affected Fruit Trees		
		Total	Young	Fruit-bearing
A				
B				
C				
D				
Total				

3. Crops

	Name of Crops	Areas Planted to Crops (in Acre)	
a			
b			
c			
D			
Total			

F. OTHER ASSETS

1. Domestic animals/poultry raised by household in affected lands.

	Name of Animals	Number of Heads
a		
b		
c		

2. Plot facilities and utilities:

- A. Water: [a] Piped water ___ [b] Deep/shallow well ___ [c] Hand Pump ___ [d] River ___ [e] Rain water ___ [f] Purchased _____
- B. Electricity: [a] metered connection ___ [b] Own Generator ___ [c] Kerosene lamp [d] Other _____
- C. Toilet: [a] flush/septic tank ___ [b] closed pit ___ [c] river ___ [d] Other _____
- D. Cooking: [a] Gas Cylinder ___ [b] Kerosene Stove ___ [c] Firewood ___ [d] Charcoal _____
- E. Other: 1. _____ 2. _____ 3. _____

3. Consumer Goods: [a] Bicycle ___ [b] Motorcycle ___ [c] Car/van ___ [d] TV ___ [e] Fridge ___ [f] Computer ___
- [g] Mobile telephone ___ [h] Other _____

G. COMPENSATION AND RELOCATION OPTIONS

1. For your loss of land, what are your preferences for compensation?

[a] Replacement land of same category and area/productivity _____

[b] Cash compensation at market rate
[c] Undecided

2. In case of entire loss of your land and house, what will be your preference for relocation?
[a] Relocate myself to other land I own ____ [b] Relocate myself to new location ____
[c] Relocate to Project sponsored site ____ [d] Not decided _____

3. Do you have any concerns about the project and its impact on your household?
[a] Loss of income _____ [b] Loss of employment _____ [c] Disruption of existing social ties ____
[d] Others (specify) _____

III. SOCIO ECONOMIC ASPECT

A. FOOD SECURITY

1. Do you think you have sufficient income to cover all your household expenses for food and other essentials?
[a] Yes _____ [b] No _____

2. Do you have access to sustainable supply of food? [a] Yes [b] No

3. How many times in a month the household finds it difficult to buy foods? [a] once [b] twice [c] three or more [d] none.

B. HEALTH AND PHYSICAL CONDITION

1. Number of household members who got sick in the last six months: [a] male ____ [b] female ____ [c] none ____

2. If there was any, which of the following diseases affected the household member/s?
[a] cough ____ [b] pneumonia ____ [c] diarrhoea ____ [d] dysentery ____ [e] malaria ____
[f] other (specify) _____

3. Number of household members who is affected by long-time illness: [a] male ____ [b] female ____ [c] none

4. Does any household member suffer from any of the following physical disabilities?
[a] blindness ____ [b] deafness ____ [c] amputated hand/leg ____ [d] other physical disability ____
[e] mental illness [f] none _____

C. SAVINGS AND FINANCIAL SUPPORT

1. Is your monthly household income sufficient to cover all your expenses? [a] Yes ____ [b] No ____

2. Do you have any savings per month? [a] Yes ____ [b] No ____

3. If no, do you need to borrow money in order to meet your monthly expenses? [a] yes ____ [b] No ____

4. If yes, how often do you borrow money in a month? [a] Once ____ [b] Twice ____ [c] Quite often ____

5. From whom do you normally borrow? [a] Neighbours ____ [b] Friends/relatives ____ [c] Money lenders ____

D. AWARENESS OF PROJECT

1. Did you have any knowledge/information about this project? [a] Yes ____ [b] No ____

2. If yes, how did you know about this project? [a] TV announcement ____ [b] Newspaper ____ [c] Radio ____
[d] Information from friends/relatives ____ [e] Village head ____ [f] Can't remember ____

3. Do you think the project will benefit / or cause negative impact on you?
[a] Benefit ____ [b] Negative effect ____

4. How do you think the project will benefit you or the community? _____

5. Did you know that your property may be affected by the project? [a] Yes ____ [b] No ____

6. If yes, what is your first reaction?
[a] Concerned ____

[b] Asked for confirmation from MCDC _____ [c] Contact village head _____ [d] No reaction _____

E. ACCESS TO SOCIAL SERVICES 1. If the household has school children, what is the distance of the school from the house? _____ miles. 2. Distance of the house from the nearest public market. _____ miles 3. Distance of the house from the nearest health clinic. _____ miles

THANK YOU VERY MUCH

Other observations or details

Interviewer:

(Name)

(Signature of Interviewee/HH Head)

Date: _____

Date: _____

APPENDIX I: INDIGENOUS PEOPLES IMPACT SCREENING CHECKLIST TEMPLATE

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, schedules tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?				
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?				
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)				
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)				
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?				
C. Identification of Special Requirements <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?				
14. Physical displacement from traditional or customary lands?				

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples ?				
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples ?				

D. Anticipated Project impacts on Indigenous Peoples

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect
1.		
2.		
3.		
4.		
5.		

Note: The project team may attach additional information on the project, as necessary.

APPENDIX K: FORM FOR GRIEVANCE REDRESS MECHANISM

Full Name	
Contact Information Please identify how you wish to be contacted (mail, telephone, e-mail)	By Post: Please provide mailing address By telephone: By e-mail:
Preferred language of communication? (Circle preferred language)	Bamar / Karen / Mon / Chin / Arkanese / Other (please state)
Description of incident or issue (What happened? Where did it happen? Who did it happen to? What is the result or impact of the problem?): 	
Date of incident/issue	
	One time incident/grievance (date _____) Happened more than once (how many times? _____) On-going (currently experiencing problem)
What would you like to see to resolve this problem?	
Internal Use Only Grievance received by: Date: Reference Number:	

APPENDIX L: INTERNAL MONITORING REPORT TEMPLATE

* **Note:** Any text included in square brackets “[]” means it is intended to be in the template as direction to the project management unit (PMU). Text in “{ }” means it is comments to SERD. This is intended as a sample template to be adapted for specific project or country requirements as needed.

H. General Progress in Resettlement Plan (RP) Implementation

Table 1. General Progress in Land Clearance and Handing Over of Land for Civil Works

Project Component/ Location [District/ Village, etc.]	AHs eligible for compensation ^a and/or assistance/allowances ^b						AHs required to relocate						Remaining encumbrances [Yes/No]	Land handed over for civil works				
	No. of AHs			No. of AHs fully paid			% Progress	Total No. of AHs			No. of AHs resettled ^c			% Progress	Date handed over ⁶²	Expected date to hand over	Civil works contract award date ⁶³	
	Total AHs	No. of IP AH	No. of Female-headed AH	Total AHs	No. of IP AH	No. of Female-headed AH		Total AHs	No. of IP AH	No. of Female-headed AH	Total AHs	No. of IP AH						No. of Female-headed AH
Component A																		
Village 1																		
Village 2																		
Component B																		
Village 3																		
Village 4																		
Total																		

AH = affected household IP = Indigenous Peoples

- All forms of compensation, including affected assets (land/ non-land, crops, etc.) or loss of income
- Includes all types of allowances and assistance except income restoration, which is presented separately in Section III below
- Includes households (HHs) provided interim measures agreed in RP such as rental assistance while waiting for completion of resettlement site

⁶² {Note – there may be cases of partial handover such as sections which had no resettlement impacts or those for which certain sections were cleared before others. Thus, the column headings may need to be adjusted depending on the nature of the project and loan conditions. Narrative of partial handover of land that had no resettlement impacts may be warranted.}

⁶³ {This will vary according to loan conditions – e.g. no award of works contracts prior to approved updated RP, notice to proceed (NTP) for civil works, partial site possession possible, etc.}

Table 2. Disbursement and Use of Funds

Location	LAR Budget Requirement	Source of Funding ⁶⁴	Allocation Status	Funds Disbursed this Reporting Period	Specific Resettlement activities funded this Reporting Period ⁶⁵	Timeliness of Fund Disbursement		Cumulative Funds Disbursement
						Delay in targets for fund disbursement? (Y/N)	Reasons for delay	

LAR = land acquisition and resettlement

{Funds disbursement means from EA, Government, etc. to the agency responsible for payment to affected persons (APs) or otherwise implementing the RP.}

11. Issues Affecting Timely Land Handover

[Describe issues affecting timely land clearance or handover of land for civil works such as grievances (including non-agreement to compensation), unresolved encumbrances, funding constraints, other.]

I. Resettlement

{The reiteration of actual impacts on houses is important because often there can be a lot of changes from what was estimated in the RP compared to actual impacts – either increase or decrease. Also the numbers of actual physically displaced persons can affect the safeguards categorization so there is a need to be on top of this.}

Table 3: Updated Resettlement Impacts

Location	AHs with Affected Houses	AHs with Fully Affected Houses			Partially Affected AHs	Change in Number of AHs with Fully Affected Houses Compared to Updated RP
		Total	House Built on Land Eligible for Compensation	Of which Vulnerable ⁶⁶		

⁶⁴ E.g. Central Government, Province, Loan Funds, etc.

⁶⁵ E.g. Number of resettlement sites developed, number and type of community facilities constructed, number of AHs fully compensated, livelihood restoration activities implemented.

⁶⁶ E.g. Number of female-headed with dependents; number of poor; number of IPs, etc.

{It is important to confirm actual numbers of those relocating and how because information in the updated RP with respect to resettlement impacts can be subject to change. This may affect the safeguards categorization of the project.}

Table 4: Confirmed Resettlement Preferences for Households with Fully Affected Houses

Location	# of AHs with Fully Affected Houses	# of AHs Required to Relocate	# of AHs Opting for Replacement Land	# of AHs Opting for Self Relocation (HHs)	# of AHs that Can Rebuild on Remaining Land

Table 5: Resettlement Solutions Implemented for Vulnerable Households

	Indigenous People (HHs)	Landless (HHs)	Poor (HHs)	Female Headed Households	Other [add as needed]
Rebuilt on remaining land					
Rebuilt on another plot of land already owned					
Rebuilt (e.g. moved back) out of COI but on public land					
Rebuilt on other person's land (e.g. relative)					
Purchased replacement land elsewhere themselves					
Provided with plot at resettlement site					
Provided with replacement residential plot (non-resettlement site)					
Solution Pending					

COI = corridor of impact

Table 6: Status of Resettlement Sites

Resettlement Site*/ Location	Actual completion date	Scheduled completion date	Current status (briefly describe status of completion of infrastructure, etc.)	No. of plots allocated for project	No. of AHs to be allocated plots	No. of plots handed over to AHs	# AHs issued title	# AHs rebuilt houses	# AHs living in relocation site as of reporting period

* Include also separate residential plots to be provided to AHs even if these are not included in resettlement sites.

12. Other Remarks on Resettlement

[Describe issues identified along with planned and completed remedial actions. Also provide additional information regarding delays in completing resettlement sites, if any, including actions to be taken.]

J. Income Restoration Program

{Income Restoration Program approaches may vary significantly from RP to RP, and the types of

questions asked and data requirements may vary considerably depending on the RP. As such, below is intended as a very general guide.}

13. Status of Income Restoration Program

[Provide updated details of income restoration activities to be provided, institutional/implementation arrangements, resource requirements and schedule.]

14. Consultation with Eligible APs

[What consultation activities were undertaken during the reporting period to assess needs and preferences of eligible APs? Describe how women and other vulnerable APs have been included in the consultation process.]

Table 7: Program Participation (Cumulative)

Location	No. of eligible APs	Participation in Livelihood Restoration Activities Disaggregated by Gender and ethnicity ⁶⁷ of AP [examples provided below, revise as appropriate for specific Income Restoration Program]					Total # of APs	Of which vulnerable ⁶⁸
		No. of APs in Agricultural Extension	No. of APs in Mechanic Course	No. of APs in Sewing Course	No. of APs in Small Business Training	[other]		
Village 1								
Village 2								
Village 3								

Table 8: Effectiveness of Income Restoration Program Activities

Location	No. of eligible APs	No. of APs employed in project-related jobs as of this monitoring period			# of APs employed in other jobs as of this monitoring period (post-resettlement)		Total # of employed APs ⁶⁹	Of which vulnerable ⁷⁰
		(Specify type of Project-related job)	(Specify type of Project-related job)	(Specify type of Project-related job)	(Specify type of job)	(Specify type of job)		
Village 1								
Village 2								
Village 3								

15. Other Remarks on Livelihood Restoration

[Please describe any issues encountered and approaches taken to resolve these.]

K. Disclosure, Consultation & Participation

⁶⁷ In projects where there are IP issues.

⁶⁸ E.g. No. of female-headed with dependents, no. of poor; no. of IP.

⁶⁹ From those who participated in income restoration program.

⁷⁰ E.g. No. of female-headed households with dependents; no. of poor; no. of IP etc.

{The idea here is for the PMU to demonstrate how the URP has been disclosed to APs. The column headings would represent what ever is indicated in the updated RP as the means of disclosure.}

Table 9: Means of Disclosure of URP by Location

Location [Village]	Translated approved URP disseminated to village office? (yes/no)	PIB disseminated to AHs (date/method*)	PIB posted in public place? (yes/no)	Public meeting to present approved URP (date)	Target date to complete disclosure (date)
Village 1					
Village 2					

* Dissemination method such as handed out in public meeting, distributed house-to-house, etc.

16. Consultations

Table 10: Consultation/Information Dissemination Meetings Conducted During Reporting Period

Date	Venue	Participants [Disaggregated by gender]	Consultation content	Meeting Minutes with PMU

L. Operation of Grievance Redress Mechanism (GRM)

Table 11: Summary of Grievance Cases by Level of GRM

{Subject to EA's confirmation that they would like to use such a table}

Location	No. of pending grievance from previous reporting period	No. of new grievance cases for reporting period	Total no. of cases received	No. of cases resolved	No. of cases progressed to next level
Level 1					
Level 2					
Level 3					

17. Narrative Summary of Grievances

[Provide a narrative summary of grievance cases by type of issue and location, for example...]
 [Where resolution of grievance resulted in any cases of land/assets compulsorily acquired, provide details along with information regarding relevant court or administrative decision and confirmation whether funds due from compensation and assistance have been placed in escrow account or provided to AP.]

M. Other Issues

18. Resolution of Issues

[Provide information on status and/or resolution of issues raised in previous internal monitoring report; ADB monitoring; external monitoring report, etc.]

19. New Issues

[Provide information on other newly identified issues impacting the implementation of RP. These may include resource constraints, changes in scope of impacts, etc.]

20. Institutional Matters and Capacity Training

[Report on the following as applicable]

- (i) Deployment of safeguards-related staff within PMUs. Key activities conducted by PMU safeguards staff during reporting period.
- (ii) Capacity development training provided: type and number of trainings, number of staff/officers trained (disaggregated by gender).
- (iii) Activities of community based organizations (CBOs)/mass organizations (as applicable)
- (iv) Adequacy of resources for PMU staff and consultants
- (v) Issues in undertaking roles/responsibilities of different agencies

21. Temporary Impacts during Civil Works

[Describe temporary impacts during implementation, including quantities of impacts, #AHs, location, types, etc. and status of restoring temporarily affected assets as appropriate and the responsible agency.]