

Land Acquisition and Resettlement Framework

March 2018

Myanmar: Climate-Friendly Agribusiness Value
Chains Sector Project

Prepared by Ministry of Agriculture, Livestock and Irrigation for the Asian Development Bank

CURRENCY EQUIVALENTS

(As of 26 March 2018)

Currency unit	–	Myanmar Kyat (MK)
MK1.00	=	\$0.000753
\$1.00	=	MK1,328.00

ABBREVIATIONS

ADB	-	Asian Development Bank
CDZ	-	Central Dry Zone
COI	-	corridor of impact
DDR	-	Due Diligence Report
DMS	-	detailed measurement survey
DoA	-	Department of Agriculture
EG	-	ethnic group
EM	-	ethnic minority
EMO	-	external monitoring organization
FWUC	-	farmer water user community
GAP	-	gender action plan
GHG	-	greenhouse gases
GoM	-	Government of Myanmar
GRM	-	grievance redress mechanism
IOL	-	inventory of losses
LARC	-	land acquisition, resettlement and compensation
M&E	-	monitoring and evaluation
MOALI	-	Ministry of Agriculture, Livestock and Irrigation
MOC	-	Ministry of Commerce
MOPF	-	Ministry of Planning and Finance
IWUMD	-	Irrigation and Water Utilization Management Department
LAA	-	Land Acquisition Act
LARF	-	Land acquisition and resettlement framework
LARP	-	Land acquisition and resettlement plan
MMK	-	Myanmar Kyat (currency)
PIC	-	project implementation consultants
PMU	-	project management unit
PPP	-	Public private partnership
RCS	-	replacement cost study
ROW	-	right of way
SES	-	socioeconomic survey
SPS	-	Safeguard Policy Statement
SS	-	Social Specialist
WG	-	Working group

NOTE

In this report “\$” refers to United States dollars.

GLOSSARY

- Affected Household – It includes all displaced persons residing under one roof and operating as a single economic unit, who are adversely affected by a project or any of its components.
- Compensation – Payment made in cash or in kind to affected households at replacement cost for assets, resources or income lost or adversely affected by the project.
- Corridor of Impact – The area which is affected by civil works during the implementation of the project and may comprise: (i) area within which affected households will be legally entitled to compensation and other measures (in general coming under the heading of resettlement) for any loss of land, structures or land use and occupation and of livelihoods and (ii) agreed and demarcated operational area within which construction activities will take place.
- Cut-off Date for Eligibility – This refers to the date after which people will not be eligible for compensation or assistance. Those persons occupying or using the project prior to this date are eligible to be categorized as affected households and to receive compensation and/or assistance. Persons not covered in the census are not eligible for compensation and other entitlements unless they can show proof that (i) they have been inadvertently missed out during the census and the Inventory of Losses (IOL); or (ii) they have lawfully acquired the affected assets subsequent to the completion of the census and the IOL and before the conduct of the detailed measurement survey (DMS).
- Detailed Measurement Survey – With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the IOL, severity of impacts, and list of affected households conducted during the project’s feasibility studies. The final cost of resettlement for the subproject will be determined following completion of the DMS.
- Displaced Person (DP) – In the context of involuntary settlement, displaced persons are those who are physically displaced (through relocation, loss of residential land or loss of shelter) and/or economically displaced (through 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 access to legally designated parks and protected areas.

Further, this refers to any person or persons, who satisfy the condition of “Cut-off Date for Eligibility”. Throughout this RF, “affected person” (AP) means the same as DPs.

- Eligibility – Eligible includes all the affected households (without any discrimination such as household headed by women, disabled elderly, landless and people living below the national poverty line) confirmed to be residing in, doing business, or cultivating land or having rights over resources within the sub project affected area or land to be acquired or used for sub project activities prior and up until the announced cut-off date. Eligibility is confirmed during the conduct of IOL and census of affected households and is detailed in the entitlement matrix.
- Entitlement – This refers to a range of measures (i.e. compensation and/or other assistances as set forth and agreed in the Entitlement Matrix), which are provided to affected households, depending on the type and severity of their losses, to restore their economic and social base.
- Income Restoration – This is the re-establishment of sources of income and livelihood of the affected households. This term is used synonymously with “Rehabilitation.”
- Inventory of Losses – This is the process whereby 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.) and sources of income and livelihood inside the project corridor of impact (COI) are recorded. Assets are identified, measured, their owners recorded, the exact location pinpointed, and replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of affected households will be determined.
- Involuntary Resettlement – This involves the displacement of people from their land, homes, assets, sources of income and employment on account of the Project. Involuntary resettlement in the context of the present project is extremely unlikely. The project will seek to mitigate any and all adverse impacts on affected household property and/or livelihoods, including providing compensation, relocation (where relevant), and rehabilitation as needed.
- Land Acquisition – Refers to the process whereby an individual, household, firm or private institution is compelled to relinquish all or part of the land s/he/it owns or agrees to grant land to government for public purpose in return for compensation at replacement cost.

Rehabilitation	–	This refers to additional support provided to affected households losing productive assets, incomes, employment or sources of living to supplement payment of compensation for acquired assets, in order to improve or at least restore the living standards of the affected household. This term is synonymous with “Income Restoration”. Rehabilitation measures are provided in the entitlement matrix as an integral part of the entitlements.
Relocation	–	This is the physical displacement of an affected household from her/his pre-project place of residence and/or business.
Replacement Cost	–	Means the amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs, depreciation, or for any material salvaged, at market value, or its nearest equivalent. The replacement rates of affected assets will be determined by the conduct of the replacement cost study. The replacement rate will be updated every 24 months after the completion of the Detail Measurement Survey.
Replacement Cost Study	–	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement Plan	–	This is a time-bound action plan with objective of ensuring that living standards of affected households are re-established. It sets out compensation and resettlement strategies, objectives, entitlements, actions, budget, responsibilities, and M&E.
Resettlement Effects	–	All negative situations directly caused by the project including loss of land, property, income generation opportunity, and cultural assets.
Right-Of-Way (ROW)	–	A government owned strip of land following a centerline (such as for roads, canals, etc.) providing an area of access.
Severely Affected Households	–	This refers to affected households who will be (i) physically displaced from housing, or (ii) lose 10% or more of their total productive assets (income generating).
Significant Resettlement Effect	–	For this project, Significant Resettlement Effect for each subproject means 200 persons or more experiencing ‘major’.
Effect	–	Impacts which are defined as: (i) Being physically displaced from housing, or (ii) Losing 10% or more of their total productive assets (income generating).

Vulnerable
Groups

- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement. These include: (i) female headed households with dependents, (ii) disabled household heads with no means of support, (iii) households falling under the generally accepted indicators for poverty, (iv) children and elderly households who are landless and with no visible means of support, (v) landless households and (vi) indigenous peoples or ethnic minorities. The risk of being further marginalized or being suffered disproportionately will occur if those people have their primary structures affected or be severely affected by the project.

This resettlement framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

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I. INTRODUCTION

1. The proposed Climate-friendly Agribusiness Value Chains Sector Project will be financed through a sector loan. The sector project is classified as Category B for involuntary resettlement. Subproject screening and selection criteria identify and reject any subprojects that require significant involuntary land acquisition and resettlement impacts.¹ Impacts on land if any, are anticipated under Output 1 of the project. Irrigation rehabilitation and access road improvement subprojects will be identified during implementation of the project which will probably require small strips of land to accommodate access road and distribution canal improvement. The main approach to land acquisition will be through negotiated settlement based upon the market value of the asset. In some cases, and in order to secure the subproject, it is possible that some households may voluntarily donate small strips of land in order to secure a clear benefit, subject to specific conditions. However, given that some subprojects will only be prepared after Asian Development Bank (ADB) Board approval, involuntary resettlement impacts cannot be ruled out at this stage.

2. A land acquisition and resettlement plan (LARP) is required under ADB's safeguard Policy Statement (SPS 2009) for Category B projects. The project will accept both Category B and C subprojects. A LARP will be prepared for any subprojects that involve involuntary acquisition and resettlement. Where unavoidable land needed will be acquired through negotiated settlement where replacement cost and market values are used for assets and land, or voluntary donation in limited and restricted circumstances. Where voluntary donations are made, the project must prepare a rigorous due diligence report (DDR) with full documentation to verify voluntary donation bona fides.

3. This land Acquisition and resettlement framework (LARF) sets out procedures to be used to further screen and select subprojects during implementation and in preparation of subproject LARPs. Any LARP prepared will describe the subproject activity and scope of works, land required, document the community consultation process, provide details of land and assets affected on a household basis, provide details of compensation required by each affected household, and also provide details of a grievance redress procedure that has been explained to affected households. The LARP will also provide a monitoring and case audit process.

4. The DDR will demonstrate: (i) the subproject site is selected in full consultation with landowners and any non-titled affected people; (ii) voluntary donations do not severely affect the living standards of affected people; (iii) the amount of to be acquired from each affected household does not exceed 5% of the impacted whether it is productive or non-productive land; (iv) any household that does voluntarily donate land will lose no further land other than the 5% donation ceiling; (v) voluntary donations are linked directly to benefits for the affected household; (vi) any voluntary donation will be confirmed through written record and verified by an independent third party such as the external monitoring organization; (vii) there is an adequate grievance process; (viii) no affected household will be displaced from housing or be severely affected; and (vix) no affected household is vulnerable. The DDR will also demonstrate that affected households have been fully informed of both the ADB and Government of Myanmar (government) land acquisition and compensation policies, and the project grievance redress mechanism.

¹ 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).

5. If subprojects are otherwise identified but assessed as Category A for involuntary resettlement or land acquisition, they will not be financed by the project.

II. PROJECT BACKGROUND

6. ADB approved a project preparation technical assistance (PPTA) for Climate-friendly Agribusiness Value Chains Sector Project, with funding support from Japan's Asia Clean Energy Fund and the Canadian Climate Change Fund for the Private Sector in Asia. The project is a regional initiative covering Cambodia, Lao PDR and Myanmar and will invest in pro-poor, inclusive and climate resilient agricultural value chains in each country. The proposed project will enhance rural household incomes and agricultural competitiveness by providing improved critical production and post-harvest infrastructure, reducing energy costs by promoting climate smart agriculture, renewable energy and offering targeted agribusiness policy and capacity support services.

7. Development priorities of the Republic of the Union of Myanmar include investing in irrigated agriculture focusing on the Central Dry Zone (CDZ). The project will support the implementation of the Second Five-Year Short-Term Plan² which includes 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 (PPP) and increase local and international investments in agriculture.

8. The project will support the National Export Strategy and the National Comprehensive Development Plan by improving agricultural production infrastructure and the efficiency and technologies used in post-harvest practices and processing for rice, pulses and beans, and sesame. It will also support various agribusiness policies aimed at improving the quality of agricultural inputs, in developing codes of practices and standards applied to various agribusiness activities, and in creating an enabling environment for agribusinesses to conduct business more efficiently and profitably. The project is consistent with the ADB Midterm Strategy of poverty reduction and economic growth particularly in rural areas, addressing climate change through climate resilience infrastructure development, climate smart agriculture, and in conformity with the ADB Country Partnership Strategy (2014-18) with outcomes to increase crop production and formal employment opportunities which are all inclusive. There will be direct synergies with other ADB investment projects and programs, including (i) Irrigated Agriculture Inclusive Development Project, (ii) CASP 2, and (iii) GAFSP, and with JICA and World Bank projects in the CDZ.

9. The project is a sector project. Three typical subprojects were identified and subject to feasibility study during project preparation. More projects will be identified and their feasibility studied during project implementation. This LARF will be used as a guide in addressing involuntary resettlement impacts for all subprojects under the project.

10. This LARF is prepared for the project in order to assist in subproject screening, safeguard categorization and selection during project implementation, and to guide the preparation of LARPs and DDRs where necessary, and to ensure that project investments comply with government and ADB safeguard objectives, principles and requirements.

² MOALI 2015

B. Impact, Outcomes and Outputs

1. Impact and Outcome

12. The impact of the project will be increased productivity, quality and safety, value addition and rural household incomes through the development of climate friendly agribusiness value chains. The outcome will be climate friendly value chains for inclusive and environmentally sustainable economic growth.

2. Outputs

13. **Output 1: Critical agribusiness value chain infrastructure improved and made climate resilient.** It involves infrastructure improvements to increase farm productivity and crop diversification, enhance quality of agricultural products, and increase incomes for value chain stakeholders. Key activities include:

- (i) Upgrading infrastructure (irrigation, drainage, buildings, farm and post-harvest machinery and equipment, seed testing equipment, agrometeorological stations, etc.) in 10 Department of Agriculture (DOA) seed farms³ for production of improved and/or climate resilient seed, for sale to private producers of certified seeds and eventually benefitting 167,000 farmers;
- (ii) Renovating at least 130 km of tertiary canals, rehabilitating 15 community ponds and reservoirs, constructing at least 8000 shallow tube wells with some of them linked to drip and sprinkler technologies, and small-scale pumping to bring an additional 13,000 ha under irrigation benefitting at least 35,000 households;
- (iii) Rehabilitating at least 300 km of farm feeder roads to climate resilient condition to provide improved farm connectivity to markets and enable enhanced farm mechanization; and
- (iv) Upgrading the safety and quality testing equipment and instrumentation in MOALI Plant Protection Division's Pesticide Testing Laboratory and Food Safety Testing Laboratory, and the Ministry of Commerce (MOC) Commodity Testing and Quality Management (CTQM) Laboratory to meet ISO 17025 standards, and providing food safety testing kits to DOA plus the private sector.

14. The project will support DOA seed farms in promoting (i) strong links with the private sector, (ii) marketing, and (iii) business development services.

15. The lead seed growers and seed producer associations near DOA seed farms will be encouraged to be integrated under a public-private partnership for seed multiplication being launched by the Livelihoods and Food Security Trust Fund (LIFT) to ensure a guaranteed market for lead seed growers.

16. The project will support the formation of water user groups (WUGs) in the project area and train WUGs to operate and maintain minor canals, community reservoirs and other water management infrastructure.

³ Seed farms of the Department of Agricultural Research (DAR), including the Oilseed Crops Research Center in Magway, may be supported, subject to availability of funds.

17. **Output 2: Climate smart agriculture and agribusiness promoted.** This output will strengthen technical and institutional capacity to integrate climate change concerns into agriculture, and help farmers and agribusinesses to enhance productivity while addressing climate change impacts. Key activities include

- (i) Deploying climate resilient varieties of rice, beans, pulses and oilseeds;
- (ii) Strengthening capacity of seed growers and farmer groups, agro-dealers, and regional government staff on appropriate climate smart agriculture (CSA) technologies, certified seed production, farm mechanization and good agricultural practices (GAP), and agribusinesses on business plan development, good manufacturing practices (GMP) and Hazard Analysis Critical Control Points (HACCP) standards, value addition and food quality and safety improvement; and
- (iii) Facilitating access to agricultural inputs (climate resilient seeds and varieties, agrochemicals), farm mechanization services and off-farm rural livelihood opportunities, principally through establishing an agricultural digital finance scheme to benefit at least 35,000 smallholders.

18. The project will train farmer groups, laboratory staff, and agribusinesses in operations and maintenance (O&M) of infrastructure built under output 1.

19. The project will identify smallholder beneficiaries through “common interest groups” utilizing community-driven development (CDD) processes.

20. **Output 3: Enabling environment for climate friendly agribusiness enhanced.** Under this output, the project will invest in the creation of an enabling policy and regulatory environment for agribusinesses, the identification of opportunities for private sector engagement in climate change mitigation and adaptation, and provision of improved market information services. This output will facilitate harmonization of standards, public-private partnerships, and green financing. Key activities include

- (i) Establishing an agribusiness policy cell within MOALI’s Department of Planning (DOP) for agribusiness policy and standards formulation (including farm-gate standards and codes of practice,⁴ research, analysis, and advocacy, in collaboration with MOC;
- (ii) Raising awareness and capacity of financial institutions to support climate friendly agribusinesses and enhance access to financial services; and
- (iii) Enhancing market and credit information networks, and the delivery of land administration services and in project areas, in collaboration with FAO, through building capacity of DALMS, regional and township administrations for land management planning, and creating demand for such services at village level.

⁴ Example to prevent pest infestation and reduce mycotoxins in drying and storage facilities, and adopt market-driven, end-product export standards for processors

Table 1: Project Framework

Impact and Outcome		Output impact on land acquisition, resettlement and ethnic minorities
<p>The Impact of the project will be increased productivity, quality and safety, value addition and rural household incomes through the development of climate friendly agribusiness value chains.</p> <p>The Outcome will be climate friendly value chains for inclusive and environmentally sustainable economic growth.</p>		
Outputs		
Output 1 – Critical agribusiness value chain infrastructure improved and made climate resilient		
Sub Outputs	Outcomes	
Sub-output 1.1. Infrastructure for Production and Certification of Rice Seed	<p>By 2024, the following outcomes will be achieved:</p> <p>Ten DOA Seed Farms in the CDZ have their infrastructure improved, including the renovation of irrigation and drainage canals, the repairing of the farm feeder roads, the construction of modern buildings for seed storage, seed laboratory, machinery, training, and warehousing, new farm and post-harvest machinery and equipment, seed testing equipment, meteorological stations, transformer, laptop computers and accessories (2015/16 baseline: 31 tons of registered and certified seed of Paw San rice (Chepa Seed Farm), 378 tons HYV rice, 36 tons of green gram, 25 tons of chickpea, and 20 tons of sesame.)</p> <p>Fifty cleaning, drying, and storage facilities owned and operated by lead Seed Growers associated with 50 Farmer Groups, Seed Growers Associations, Agricultural Cooperatives, and/or organizations registered with the Small-Scale Industries Department of the MOALI (2017 baseline: 0)</p>	<p>No impacts. Internal improvements made to GoM seed farms, improvements carried out within seed farm boundaries and no further land acquired. No disturbance of ROW.</p> <p>No impact on EMs.</p>
Sub-output 1.2. Infrastructure for Seed Production and Processing of Pulses and Beans	<p>One processing plant with a capacity for processing 14 tons/shift of pulses, beans, and sesame in Pakokku commissioned (2017 baseline: 0)</p>	<p>No impact on land acquisition. Any land required for construction and installation of processing plant will be either existing or purchased under the open market – “willing buyer-willing seller”.</p> <p>No impact on EMs</p>
Sub-output 1.3. Infrastructure for Food Safety and Quality	<p>The testing infrastructure (equipment and instrumentation) of three Government laboratories, the PPD Pesticide Analytical Laboratory, the PPD Food Safety Testing Lab (FSTLAB), and the Commodity Testing & Quality Management Laboratory (CTQM), upgraded to (PPD) having a more wide ranging capability of testing the contents of pesticides being registered, (FSTLAB) having the capability of trace analysis of pesticide residue in agricultural products, and (CTQM) having the capability of testing processed products for mycotoxins, MRLs, heavy metals, bacteria, and other contaminants, respectively (2016 baseline: PPD pesticide residue testing of 23 pesticides only, total of about 400 tests run each year; FSTLA runs only a few edible oil tests for mostly MITS of MOC; CTQM has the capability of testing for only 7 pesticides; total of about 700 test run per year, collects 30,000 MK per sample)</p> <p>10,000 rapid tests for mycotoxins conducted at field testing sites, including storage facilities and collection points supported by the Project; 3000 MRLs tested of processed products of the Pakokku processing plant (2017 baseline: 0)</p>	<p>No impact on land acquisition.</p> <p>No impact on EMs</p>

<p>Sub-output 1.4. Infrastructure for Climate Smart Irrigation and Water Management, and Farm Roads</p>	<p>9,669 acres are supplied irrigation water by 56.3 kilometers of rehabilitated minor canals; 2700 acres are supplied irrigation by 135 diesel-powered tubewells and 12 solar-powered tubewells; 15 community-owned small reservoirs rehabilitated and used for irrigating 2250 acres of land of the lead seed growers and their associated Farmers' Groups (2017 baseline: 0)</p>	<p>Thin strips of land may be required for irrigation canal improvement, small 4M² plots also may be needed for solar pump tubewells, thin strips may also be needed for access road improvement. Land may be donated or owners compensated at market rates. No structures, dwellings or ROW affected.</p> <p>No impacts on EMs. No EMs in proposed project areas</p>
<p>Output 2 – Climate smart agriculture and agribusiness promoted.</p>		<p>Output impact on land acquisition, resettlement and ethnic minorities</p>
<p>Sub outputs</p>	<p>Outcomes</p>	
<p>Sub-output 2.1. Climate – Smart Agribusiness Policies and Standards.</p>	<p>An agribusiness policy cell, with a Director and two research officers, within the DOP of MOALI conducting systematic policy research, analysis, and advocacy. Policies advanced include: fertilizer and pesticide policy implementation and enforcement, emergency seed reserve, Shwebo Paw San rice registered as a GI rice, the ASEAN code of practice for commodity drying and storage adopted by Myanmar Government, ag trade weights and measures follow int'l standards, a framework for public-private partnerships in agribusiness; and the TC of the NSC aligning national standards to market driven int'l standards (2017 baseline: 0)</p> <p>Two non-shattering, climate resilient varieties of sesame introduced, trials run, the varieties are released, and the multiplication into the various class of seeds is initiated (2017 baseline: 0)</p> <p>With the advent of systematic agribusiness policy reforms within the MOALI and the development of product standards, workshops for communicating and enforcement of regulations and standards are conducted regularly and an annual forum held for strategic planning of agribusiness policies on priority topics. Over 300 rice millers, 100 pulses/beans/sesame processors/exporters participated in these workshops and the fora. Over 80% of those participating follow the regulations and employ the standards in their processing businesses (2017 baseline: 0)</p> <p>ICT platform for climate smart agribusiness established in 20 DOA and other offices where Project related implementation activities are being supported (2017 baseline: not available).</p> <p>Training and technical assistance in standards development provided to the Technical Committees (TCs) of the NSC. TCs</p>	<p>No impacts on land acquisition.</p> <p>No impacts on EMs</p>

<p>Sub-output 2.2. Capacity Building for Climate Smart Agriculture and Agribusiness</p>	<p>300 Seed Growers provided TOT training in certified seed production methods, CSA, and codes of practice for drying and storage. The percentage of seeds that passes the certification test when samples are tested at the seed Testing Laboratory reaches 90% by the end of 2024. The post-harvest seed storage losses drop below 5% (2016 baseline: private Seed Growers have about 50% of their rice seed samples certified when tested by Upper Myanmar Seed Testing Center in Mandalay post-harvest storage losses of Seed Growers above 20%)</p> <p>13,500 farmers trained by Seed Growers, DOA/Extension, and PIC Consultants in adoption of CSA/GAP, codes of practice, and traceability mechanisms. Additionally, 200 collectors, 30 primary processors, 10 value added processors, and 5 exporters of rice, pulses, beans, and/or sesame trained in traceability mechanisms and good hygienic practices (GHP). Over 4500 farmers, 15 primary processors, and 5 value added processors strictly following the traceability mechanisms and GHP integrated into the value chains. Five value added processors marketed high quality commodities that have met high international export standards (2017 baseline: 0)</p> <p>4,830 farmers, who are members of Water User Groups, trained in Irrigation and Water Use Efficiency (WUE) technologies (2917 baseline:0)</p> <p>Training to Pakokku processing plant technical staff in (i) the use & troubleshooting of its processing machinery & equipment, (ii) the development of a brand, and (iii) product promotion and marketing techniques for pulses and sesame. Technical staff at Pakokku proficient in use of the machinery & equipment, develop and apply a brand at other marketing techniques for marketing their products (2017 baseline:0)</p> <p>Six value added processors of pulses, beans, and sesame products and MOC staff attend international trade shows on processed pulses, beans, and sesame (2017 baseline: n.a.)</p> <p>Two technical staff members of the FASLAB participate in regional training in testing for food safety and laboratory techniques. (2017 baseline: 0)</p>	<p>No impacts on land acquisition.</p> <p>No impacts on EMs</p>
<p>Sub-output 2.3. Green Financing Crop Insurance</p>	<p>300 Lead seed growers and 2250 farmers trained in weather indexed crop insurance; 300 lead seed growers participate in the Project's pilot crop insurance program with subsidized insurance payments to the 300 Seed Growers and 700 farmers (2017 baseline: 0)</p> <p>Three Workshops conducted for seed growers to gain an understanding of the Advanced Market Guaranty program. Over 1000 seed growers participate in the AMG program for certified seed production and marketing.</p> <p>About tons of certified seed of rice, pulses, and sesame produced and sold annually under the AMG program. Eighty percent of the seed growers will have sold 100% of their seed in the marketplace by the end of the 5th year on Project implementation.</p> <p>Twenty-five steel bins installed and used for the emergency seed reserve; the bins installed at the 15 DOA Seed Farms in the CDZ.</p>	<p>No impacts on land acquisition.</p> <p>No impacts on Ems</p>
<p>Output 3: Enabling environment for climate friendly agribusiness enhanced</p>		

C. Socio Economic Characteristics

21. About 70% of Myanmar's 51.5 million people reside in rural areas and are dependent on agriculture for part of their livelihood.⁵ Nationally, about one in four people are considered poor⁶ and the poverty rate in 2013 in rural areas was 1.8 times higher than in urban areas.⁷ The CDZ has a high incidence of poverty, particularly in rural areas where 85% of the population is classified as poor. Most poor households are engaged in agricultural activities and/or have household members employed as casual laborers. Out-migration of unskilled males to countries such as PRC, Republic of Korea, Malaysia and Thailand, support rural families through remittances. Lack of adequate income-generating opportunities and employment are the main drivers of out-migration in rural areas. Rural households which are dependent on rain-fed cropping, experience unreliable and irregular rainfall patterns leading to frequent crop failure. Farming households have become locked into a debt cycle where money is borrowed to pay off old debts and new debts are taken on in order to obtain working capital for agricultural production.

22. Estimates of landless laborers, who are more vulnerable to poverty, vary between 30% and 50%.⁸ The cultivable land available per person is 0.3 hectares.⁹ 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. In 2010, 99.5% of household crop holdings were managed by single households and just over 22% of household crop holdings were irrigated.¹⁰

23. 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.

24. Although household incomes within the CDZ are low, 12% earned less than Kyat 25,000 per month, 42% less than Kyat 50,000 and 84% less than Kyat 100,000 per month, the proportion of households with incomes below Kyat 50,000 per month was lower than in either the coastal, delta or upland areas of the country.

1. Socio Economic Indicators

Table 2: Socio Demographic Indicators

<u>Indicator and unit</u>	<u>Mandalay Region</u>	<u>Magway Region</u>	<u>Sagaing Region</u>
Population (# of people)	6,165,723 (52.5% female)	3,917,055 (53.69% female)	5,325,347 (52.74% female)
Population density (# of people per km ²)	199.6	87.4	56.8
Mean household size (# of people per household)	4.4	4.1	4.6

⁵ 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.

⁶ Myanmar: Unlocking the Potential, Country Diagnostic Study, ADB 2014.

⁷ A Regional Perspective on Poverty in Myanmar, UNDP 2013.

⁸ USAID Country Profile: Property Rights and Resource Governance Burma, undated.

⁹ Outline of the Irrigation Department, October 2013.

¹⁰ 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.

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)
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)
Under 5 years of age mortality rate (# of deaths per 1000 live births)	66	108	70
Households with electricity as main source of lighting (%)	39.4	22.7	24.2
Households with improved source of drinking water (%)	85.6	76.6	81.1
Households with improved sanitation (%)	79.8	68.4	71.6

25. 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.¹¹ 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. Rice, cotton, ground nut, white and black sesame, soy, chick and pigeon pea, green and black gram, chili, onion, tobacco and tomato are common crops in the CDZ.

26. Ethnic Groups

27. The overwhelming majority of the population in the project area is Bamar (99.8%). During prefeasibility and feasibility site visits (September 2016 to January 2017) undertaken by the social safeguard team, where some three irrigation sites were visited along with seed farms and beans and pulse processing, all individuals and households identified themselves as Bamar. In each of the three subprojects taken to feasibility study, there were no indigenous or ethnic minority households in the project area.

28. As shown in the tables below the ethnic minority population in Pakokku is approximately 0.188%, meaning there would be less than two ethnic minority households for every 1,000 Barma households. In Magway the ratio is 0.21% ethnic minority households, equating to 2.1 ethnic minority households for every 1,000 Barma households in the area. Mandalay is slightly higher due to the upland and highland areas to the north east, but basically exhibits the same local ethnic minority frequency in lowland areas. The project is being implemented in the lowland, flat areas of the CDZ.

29. Mandalay City has a very large contingent of ethnic Chinese (perhaps even over 40%), who have arrived in the past 20 years to pursue economic opportunities. There is also a sizeable Indian community in Mandalay city. These two main ethnic minority groups are not engaged in farming but rather in trade and commerce and they are unlikely to be involved in any subprojects. In any case, the Chinese and Indian groups are not considered to be within the context of the ADB SPS (2009) in regards to social safeguards, but may be more accurately considered as economic opportunists and investors.

30. These ethnic minority households that are residing in the project townships are no longer living by traditional means. Traditionally the ethnic minority groups in Myanmar live in

¹¹ USAID Land Tenure Burma Profile, undated.

upland and highland areas, however, the ethnic minority found in the CDZ have moved into lowland urban, peri urban and rural areas over several generations and have assimilated into Barma society and are all pursuing identical livelihoods as their Barman neighbors. They speak the official Myanmar language and send their children to local schools. For all intents and purposes, they are not distinguishable from the Barman.

31. According to township authorities, the few ethnic minority households in each township are based in urban and peri urban areas and are unlikely to be found farming on any irrigation schemes. Given the nature of the subprojects likely to be implemented under project, it is unlikely that any ethnic minority household will be encountered under works proposed for seed farms or commodity processing factories, however, it could be that a member of an investment circle is from an ethnic minority background. As mentioned, such ethnic minority are totally assimilated into the mainstream Barman communities in which they live and pursue identical livelihoods. If any ethnic minority households are present in any subproject selected for implementation, the ethnic minority household will be provided full consultation and participation rights as other Barman households in the subproject. All households will be considered equally.

32. The project has been categorized as C in regards to the indigenous peoples social safeguard due to two main reasons:

- (i) the very few ethnic minority households in the CDZ, and in fact total absence of ethnic minority households in project areas studied; and
- (ii) the total assimilation of these ethnic minority households into the mainstream Barma society – where the ethnic minority use the Myanmar official language and pursue the same livelihoods as their Barman neighbors. The context of ethnic minority in the CDZ under the project is considered outside the spirit of ADB SPS (2009) which is more directed at protecting IP/EM communities and those still preserving their ethnic identity.

33. Although the project is assessed as Category C, an ethnic group development framework (EGDF) has been prepared to guide subproject implementation to ensure inclusiveness, consultation and participation should this be needed in any as yet unidentified subproject that is selected during project implementation.

34. Population and Ethnic Group by Township

Table 3: Pakokku Population

Urban/Rural	18 years above			Under 18 years			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Population in urban	31,187	39,653	70,840	15,808	16,917	32,725	46,995	56,570	103,565
Pop in rural	66,629	78,078	144,707	33,182	35,357	68,539	99,811	113,435	213,246
Total	97,816	117,731	215,547	48,990	52,274	101,264	146,806	170,005	316,811

Source: Township General Administration Department, March 2016, Pakokku.

Table 4: Pakokku Ethnic Groups

Sr	Ethnic nationals	No. of EM Population	Total population of Township	Percentage EM
1	Ka-chin	35	316,811	0.011 %
2	Ka-yah	3	316,811	0.001 %
3	Ka-yin	81	316,811	0.026 %
4	Chin	222	316,811	0.070 %
5	Mon	15	316,811	0.005 %
6	Ba-mar(Myanmar)	316,247	316,811	99.822 %
7	Ra-khine	133	316,811	0.042%
8	Shan	53	316,811	0.017 %

Source: Township General Administration Department, March 2016, Pakokku.

Table 5: Magway Population

Urban/Rural	18 years above			Under 18 years			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Population in urban	25,160	31,114	56,274	13,309	13,542	26,851	38,469	44,656	83,125
Pop in rural	64,895	73,505	138,400	30,960	30,875	61,835	95,855	104,380	200,235
Total	90,055	104,619	194,674	44,269	44,417	88,686	134,324	149,036	283,360

Source: Township General Administration Department, March 2015, Magway

Table 6: Magway Ethnic Groups

Sr	Ethnic nationals	No. of EM Population	Total population of Township	Percentage EM
1	Ka-chin	77	283,360	0.027 %
2	Ka-yah	113	283,360	0.039 %
3	Ka-yin	100	283,360	0.035 %
4	Chin	138	283,360	0.048 %
5	Mon	39	283,360	0.013 %
6	Ba-mar(Myanmar)	282,782	283,360	99.79%
7	Ra-khine	54	283,360	0.019%
8	Shan	37	283,360	0.013 %

Source: Township General Administration Department, March 2015, Magway

Table 7: Mandalay Population

	Total population			
	Both sexes	Male	Female	Sex ratio
MANDALAY	6,165,723	2,928,367	3,237,356	90.5
- MANDALAY Urban	2,143,436	1,033,433	1,110,003	93.1
- MANDALAY Rural	4,022,287	1,894,934	2,127,353	89.1

Source: 2014 National Census

35. Households headed by Women

36. As shown below, the percentage of households headed by women ranges from 24% to 32% of the total number of households in each area. This is significantly high and suggests that a sizeable number of households in any village will be headed by a woman and that particular care must be taken during feasibility study to ensure sufficient consultation takes place with such households. The households headed by women can be assumed to have less labor for

income generation, to be the more vulnerable, and less able to absorb economic shock, and less equipped to lose any land for development purposes.

Table 8: Households Headed by Women

	Conventional households			
	Number	Male- headed	Female-headed	Female-headed households (%)
MANDALAY Region	1,323,191	981,281	341,910	25.8
MANDALAY Town	324,477	222,026	102,451	31.6
SAGAING Region	1,096,857	824,766	272,091	24.8
SHWEBO District	311,477	235,816	75,661	24.3
Shwebo Town	50,247	37,445	12,802	25.5
MAGWAY Region	919,777	692,168	227,609	24.7
MAGWAY District	291,432	216,045	75,387	25.9
Magway Town	68,677	52,895	15,782	23
PAKOKKU District	229,705	162,458	67,247	29.3
Pakokku Town	66,340	45,441	20,899	31.5

D. Scope and Nature of Land Acquisition and Resettlement Impacts

37. Potential impacts on land, if any, are expected as a result of implementation activities mainly under Output 1. This output will include implementation of community identified, demand driven subprojects such as rehabilitating and modernizing critical infrastructure like irrigation systems and access roads, as well as crop handling and processing facilities. Only minor impacts on land are expected whereby irrigation and roads could require thin strips of land to accommodate improvements, but all will follow existing alignments as much as possible.

38. Irrigation canal improvements may even increase productive land areas as proposed concrete canals are narrower than existing earthen tertiary canals and hold their form, farmers are therefore able to crop right up to the canal wall. Seed farms will see about 11 km of improved canal distribution network renovated. Some 50 irrigation schemes will receive water storage and distribution improvements and some 1,240 irrigation ditches linked to renovated canals. About 50 km of field access road improvement is envisaged.

39. Although no physical displacement (relocation) impacts are expected for sub-projects, it is possible that irrigation scheme rehabilitation could entail both temporary and permanent loss of small areas of land, crops and trees. Temporary loss or disruption to the use of land or other assets may be caused by construction works and the storage and movement of construction equipment and materials. Permanent loss would be due to the construction of new canals. Although the majority of irrigation work will be the upgrading of existing canal systems, the possibility of construction of new canals is not excluded.

40. Canal improvements will improve water management, reduce pumping costs and distribute water to underserved areas providing better crop yields. Concrete canals will not require re-digging and shaping each year and will not be destroyed by seasonal flooding.

Tubewell installation and solar pumping will also reduce pumping costs, improve water availability and secure a third crop. Around 12 households can benefit from one tubewell.

41. Any road construction or improvements will be made to existing alignments and no new land would be permanently acquired. The building of any storage and or processing facilities will be implemented in communities having agricultural production cooperatives and on land already acquired, or being acquired, by the cooperative under private commercial transactions. The safeguard team visited and confirmed the availability of suitable land plots on the open property market in Pakokku.

42. A preliminary design has been prepared for irrigation improvements at Kyi Ywa and Kunn Village in Pakokku Township as part of the subproject feasibility study undertaken during project preparation. No other engineering designs are available for core or other identified subprojects, and specific impacts will have to be re-assessed once the detailed designs and actual sites are finalized.

43. Infrastructure needed for other investments under Output 1 and 2, such as the training, development, machinery, technology and laboratory centers will be made on unoccupied land already belonging to the State and within existing agency or learning center compounds. There will be no land acquisition or resettlement involved.

44. The bulk of Output 2 is directed at upgrading policy and standards and capacity building. These activities will support the commercialization of the Myanmar agricultural sector and contribute to establishing Myanmar as a producer of commodities to international standards. Training for farmers on climate smart agriculture and best practice will contribute to improving the overall competitiveness of the sector internationally at the macro level whilst helping farmers save money and improve yields at the micro level.

E. Subproject selection and safeguard classification

45. In order to avoid or minimize the potential land acquisition impacts from project activities, only subprojects classified as Category B or C will be considered for implementation.¹² The ADB Safeguard Policy Statement (SPS 2009) applies to involuntary resettlement and as per the ADB's Resettlement Involuntary Resettlement Safeguards - A Planning and Implementation Good Practice Sourcebook – Draft Working Document (Nov 2012), voluntary resettlement refers to any resettlement not attributable to eminent domain or other forms of land acquisition backed by powers of the state. The important principles in voluntary resettlement are informed consent and power of choice. Informed consent means that the person involved is fully knowledgeable about the project and its implications and consequences and freely agrees to participate. Power of choice means that the person involved has the option to agree or disagree with the land acquisition, without adverse consequences being imposed formally or informally by the state. Power of choice is only possible if project location is not fixed.

46. Households have the right to refuse any land acquisition or donation, and where a household does not wish to lose land, an alternative alignment or location will be used where possible. The project policy will be to exclude any subprojects that result in any major impacts or any significant involuntary land acquisition or physical and economic displacement. If subprojects are otherwise identified but assessed as Category A for safeguard area 2, they will not be financed by the project.

¹² Refer to Section V: Resettlement Planning and Implementation for definitions of safeguard categories.

47. Where possible and available, land acquisition will be compensated on an “equal land for land” basis. In this option, the land area, condition, location to services, proximity to water, soils and other factors need to be considered. The project owner must give the affected household a choice of receiving replacement land or cash compensation. The land being offered in exchange must reach the expectation of the affected household. If not and no satisfactory replacement land is available, the affected household must take cash. It is possible that no land is available, or land available is not of same quality.

48. Where necessary, the project will acquire land for the subprojects using negotiated settlement based upon market values, or voluntary donation. Negotiated settlement is based on meaningful consultation with affected persons, including those without legal title to assets, and offers adequate and fair price for land and/or other assets. Negotiations with displaced persons must take into account the bargaining power of the parties involved in such transactions and in order to mitigate the risk of exploitation, an independent external monitoring agency (EMA) would be hired to perform case audits and document the negotiation and settlement processes. The borrower/client will agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.

49. This project will restrict donated land to 5% of the impacted plot size, whether the land is productive or non-productive, and donated land must not hold structures or income producing tree crops, as the rationale is to limit any donation to thin strips to accommodate canal and access road improvements (refer to Chapter on Voluntary Land Contributions for details). In addition to the usual involuntary resettlement/land acquisition screening checklists, an additional checklist has been developed for voluntary donation. It is recommended to apply this additional checklist to any subproject involving voluntary donation in order to substantiate its bona fides, and a copy of the completed checklist will be attached to the DDR. Both checklists are provided at Annex 1 to this LARF document.

50. Involuntary land acquisition was not identified as an issue during feasibility study of the three representative subprojects. Land acquisition is more likely to occur under irrigation rehabilitation and access road improvement subprojects that could be identified and taken up during project implementation.

51. Regarding irrigation improvement, field enquiries under project preparation indicated that affected land owners may agree to voluntarily donate small narrow strips of land in order to secure the subproject which will increase the value of the land due to better irrigation facilities. Land that abuts the improved irrigation canals or lies adjacent to tubewell sites will receive a more reliable water supply resulting in a higher crop yields, a possible third crop each year and significantly reduced pumping costs. Land values will also increase due to capital improvements. The actual land to be acquired and benefits to be received from each affected household must be assessed under feasibility study for each potential subproject considered.

III. RATIONALE FOR A RESETTLEMENT FRAMEWORK

52. This LARF sets out the criteria for screening subprojects on their resettlement impacts and provides guidance in preparing LARPs for eligible subprojects with insignificant resettlement impacts. It defines the objectives, principles, eligibility criteria and entitlements for affected households based on (i) ADB’s SPS (2009) and (ii) the Government of Myanmar

legislation. It describes entitlements and compensation and assistance, participation and consultation procedures and grievance redress mechanisms that will be employed to compensate and support affected households. It also outlines the procedure to assist affected households through the process of resettlement in order to enable them to attain an equivalent or better living standard than they had before the project.

53. The government's relevant regulation and legal framework and the ADB's involuntary resettlement policy, social safeguards and related operational manuals define the project's context for the planning and implementation of land acquisition, resettlement and compensation for affected assets and lost income, including measures for ensuring that affected households are able to restore their standards of living to at least pre-project levels.

54. Myanmar is a country in transition and a relatively new recipient of development assistance. The regulatory and policy environment covering development, resettlement and land acquisition can be considered inadequate in relation to social safeguards. Where there are gaps or inconsistencies between the government laws, regulations and procedures relating to land acquisition and involuntary resettlement and ADB's SPS (2009), the policy policy offering the affected person the higher standard will prevail.

IV. APPLICABLE NATIONAL AND LOCAL LAWS, REGULATIONS, AND POLICIES

A. Government of Myanmar

1. Constitution

55. 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.

56. The Vacant, Fallow and Virgin Lands Management Law

57. The Vacant, Fallow and Virgin Lands Management Law (VFVLM 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 (CCVFLM), 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. Farmland Law 2012

59. Under the Farmland Law 2012 the State remains the ultimate owner of all land. Both the Farmland law and the VFVLM result in farmers lacking land tenure security and being required to follow government's crop prescriptions and production quotas. The main concerns include protection for farmers from losing land to locally approved investment projects, and the efficient

use of land and water resources. The government recognizes the need for Myanmar to have comprehensive sustainable land use and management policies in order to develop and improve living conditions and incomes in rural communities.

60. Land Acquisition Law

61. The Land Acquisition Act (LAA) of 1894 establishes the basis for the state to acquire land for public use and is yet to be superseded by more recent legislation. 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 entitlements, along with disputes resolution, penalties and exemptions. The LAA also provides for disclosure of information on surveys to affected persons. The main relevant features of the LAA are shown in the following table.

Table 9: Key Points Land Acquisition Act

Sections	Key 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.
	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.

- (ii) Improve, or at least restore, the livelihoods of all affected persons through (a) 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; (b) prompt replacement of assets with access to assets of equal or higher value; (c) prompt compensation at full replacement cost for assets that cannot be restored; and (d) additional revenues and services through benefit sharing schemes where possible.
- (iii) Provide physically and economically affected persons with needed assistance, including the following: (a) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required.
- (iv) Improve the standards of living of the affected 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.
- (v) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement.
- (vi) Ensure that affected 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.
- (vii) Prepare a resettlement plan elaborating on affected persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (viii) Prepare a resettlement plan elaborating on affected persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an acceptable place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) 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 cost and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of affected 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.

67. Other relevant ADB policies that are relevant in the preparation of LARPs will include: (i) ADB Policy on Indigenous Peoples as set out in the Safeguard Policy Statement (2009); (ii) ADB Policy on Gender and Development (2006); and, (iii) ADB's Public Communications Policy (2011). Under these policies specific regard must be given to the needs of indigenous peoples who may be impacted by the project, gender impacts from the project and details provided as to how these needs and special issues will be addressed and mitigated, as well as stakeholder communication, consultation and project information dissemination.

1. ADB and Government of Myanmar Policy Gaps

68. Local government 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.

Table 10: ADB – Government of Myanmar Safeguard Policy Gaps

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 - it could include involuntary resettlement impacts not deemed significant. This LARF 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 land acquisition and design options during consultation meetings. They will contribute to decision making and will be consulted during monitoring and evaluation activities.

<p>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</p>	<p>None</p>	<p>This LARF identifies vulnerable groups for involuntary resettlement and ethnic groups. In the subprojects, meaningful and participatory consultations with land owners and users including vulnerable groups will be undertaken throughout the Project cycle.</p> <p>Any information disseminated to vulnerable group will be in formats and language that they can understand to help elicit their active participation.</p>
<p>2.4 Establish a grievance redress mechanism (GRM) to receive and facilitate resolution of the affected persons' concerns</p>	<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 Body¹³ 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</p>	<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.</p>

¹³ According to project site visit consultations, village committees have 15 days to make a decision.

	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.	
2.5 Support the social and cultural institutions of displaced persons and their host population.	None	The Project will consult and if necessary provide capacity building and resource 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	Only Cat B or C SPs will be selected or implementation.
3.1 Improve, or at least restore, the livelihoods of all displaced persons through: 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, 3.3 Prompt replacement of assets with access to assets of equal or higher value, 3.4 Prompt compensation at full replacement cost for assets that cannot be restored, 3.5 Additional revenues and services through benefit sharing schemes where possible	None LAA Part III, Acquisition, Section 31(3) allows that the Collector may, subject to approval, 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. 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. 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 15% on the market-value is given for the compulsory nature of the acquisition.	Land acquisition and or asset losses will be compensated with Full replacement cost (current market rates of materials and labor, transportation, plus any transaction costs such as administrative charges, taxes, registration and titling costs). - 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). Compensation or in-kind assistance is paid prior to construction commencing.
4. Provide displaced persons with needed assistance related to any relocation, transitional support and development assistance, and civic infrastructure and community services, as required.		For subprojects with IR impacts, a Resettlement Plan (RP) will be produced with needed assistance determined through meaningful consultation with the affected persons.
5. Improve the standards of living of the	None	The displaced poor and vulnerable groups,

<p>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</p>		<p>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, training and or cash allowances.</p> <p>Preference will be given to them during the hiring of unskilled labor during project construction.</p>
<p>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.</p>	None	<p>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.</p> <p>Land donated voluntarily subject to Due Diligence Report.</p> <p>An EMO will document negotiated settlement processes and voluntary donations to confirm willing partner relationships.</p>
<p>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.</p>	None	<p>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.</p>
<p>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</p>	None	<p>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. LARPs to be prepared for sub-projects with involuntary resettlement impacts will address ADB SPS requirements.</p>
<p>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 language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</p>	LAA Part VII, Section 42 requires that land agreements will be published in the Gazette.	<p>The LARPs will be disclosed to the affected persons and other stakeholders in local language and in a timely manner. They will be uploaded on the ADB 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>LARPs will detail adequate budgetary support and staff, grievance resolution mechanism, institutional mechanism and monitoring.</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	None	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.
11.1 Pay compensation and provide other resettlement entitlements before physical or economic displacement.	None	Compensation and other resettlement entitlements need to be in place prior to construction or displacement
11.2 Implement the resettlement plan under close supervision throughout Project implementation	None	RPs will detail internal monitoring requirements and responsibilities as part of the resettlement management process.
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.	None.	The Project Management Unit will be responsible for all monitoring, including monitoring related to land acquisition, IR management and LARP implementation and arranging any 3 rd party monitoring. LARPs will include monitoring indicators. Periodic monitoring reports would be posted on the ADB website.

69. The ADB SPS provides more clarity in regards to significance and extent of impact through its categorization process and is clearer in regards to entitlements for people without formal ownership or rights to use and occupy land than that of the government.

V. PROJECT LAND ACQUISITION, RESETTLEMENT AND COMPENSATION POLICY

A. Objectives

70. The project has prepared this LARF to lay out the purpose, principles, and procedures to be used in screening, planning, preparing LARPs or DDRs as required, and implementing resettlement for any subproject or component of the Project with resettlement or land acquisition impacts.

71. The project's entitlements, assistance and benefits presented below are determined by the laws and regulations of the government and ADB's SPS (2009), and take into account the extent of losses incurred by affected households resulting from acquisition of assets. The objectives of this LARF are to ensure that the following objectives are met:

- (i) Adverse social and physical impacts of sub-projects are avoided, minimized, and or mitigated;
- (ii) All affected households are provided with appropriate compensation and assistance for lost assets which will contribute to an improvement of, or at least maintain, their pre-project quality of life;
- (iii) Nobody will be disadvantaged because of the project;
- (iv) Improve, or at least restore the livelihoods of severely affected persons and vulnerable affected households; and
- (v) Assistance to vulnerable groups.

B. Project Policies and Principles

72. In order to achieve the above LARF objectives, the project will adhere to the following resettlement policies and principles:

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be minimized where possible by exploring all alternative options and identifying the option with the least impact on the population;
- (ii) No land acquisition or site clearing will be done inside the corridor of impact (COI) in anticipation or ahead of it being considered for implementation under the Project. Similarly, no land acquisition or site clearing will be done inside the COI until and after the updated resettlement plan has been agreed upon by government and ADB, and until and after all compensation and/or assistance in cash due to the affected households as provided for in this resettlement policy have been delivered;
- (iii) Compensation will be based on the principle of replacement cost and market value, whichever is appropriate and most favorable to the affected household for the asset concerned;
- (iv) All the affected households without any discrimination confirmed to be residing in, doing business, or cultivating land or having rights over resources within the sub-project affected area or land to be acquired or used for sub-project during the conduct of inventory of losses (IOL) and census of affected households (prior to the cut-off date,¹⁴ are entitled to compensation for affected assets, incomes and businesses at replacement cost as specified in the entitlement matrix, and, depending on the severity of impact on their livelihood and income capacity, will be provided with rehabilitation measures to improve or restore their pre-project living standards, income-earning capacity and production levels; □
- (v) There will be no deductions in compensation payments for land, structures or other affected assets for salvage value, depreciation, taxes, stamp duties, fees or other transaction costs;
- (vi) If ownership over any affected asset is under dispute, the compensation for the same will be held in a court designated bank until its lawful owner is decided by competent legal authorities; □
- (vii) Affected persons who are asset owners but allow others to use those assets are compensated for losses of those assets. Users of the assets would be compensated for loss of standing crops, loss of income from the asset for the course of the lease or rental agreement;
- (viii) Affected households that lose only part of their physical assets but will not be left with a portion that will be inadequate to sustain their current standard of living as determined by affected households together with project engineers during detailed design. If not adequate to sustain current standard of living, the entire asset will be considered as totally affected and will be acquired by the project. □
- (ix) Affected shop owners, if any, will be assisted in gradually dismantling and setting up their shops in a new location to be agreed with the PMU. If no other alternative exists, the affected person may temporarily move the shop to a residual area of the right of way (ROW) and in a way, that will allow them to gradually phase out their operation in their present location place and gradually begin their operation in their temporary new place within the ROW until a permanent location is confirmed during detailed design. Under this arrangement, disruption in the operation of shop owners will be minimized, thereby averting severe impact on the affected households' livelihood. Land within the ROW is

¹⁴ For this project, the date of announcement of the subproject and the IOL will serve as the cut-off date.

akin to public land and no individual household will have tenure over any land within the ROW. However, affected households presently cultivating plots inside the ROW will be allowed to continue cultivating the residual area of their cultivated plots in the ROW but outside the impact area/COI. If detailed measurement survey (DMS) indicates that the loss of these farmers is equivalent to 10% or more of their total livelihood or income from various sources, the PRSC will assist in finding an affordable replacement land with similar productive attributes for the farmers to lease, or based on preference of the affected household. Availability to be confirmed during detailed design and DMS; □

- (x) Temporarily affected land and communal infrastructure will be restored to pre-project conditions;
- (xi) Meaningful consultation will be carried out with affected households, indigenous households, affected communities and concerned groups to ensure participation throughout the resettlement process, from planning, implementation and operation of the project. Plans for the acquisition of land and other assets will be carried out in consultation with affected households who will receive prior information of the compensation, relocation and other assistance available to them. The comments and suggestions of affected households and communities will be taken into account;
- (xii) Any acquisition of, or restriction on access to, resources owned or managed by the affected households as a common property, e.g., communal forest, communal farm, will be mitigated by arrangements that will ensure access of those affected households to equivalent resources on a continuing basis;
- (xiii) There shall be an effective mechanism for hearing and resolving project-related grievances during the planning, updating and implementation of the resettlement plan;
- (xiv) The approved LARF and LARP will be disclosed to affected households and indigenous households in a form and language(s) understandable to them prior to submission to ADB;
- (xv) Resettlement identification, planning and management will ensure that gender concerns are incorporated;
- (xvi) Provide all affected households requiring relocation with required support including assistance and allowances, secure tenure to the relocated land, and improve living conditions at resettlement sites;
- (xvii) Special measures will be incorporated in the LARF/LARP to protect socially and economically vulnerable groups. Appropriate assistance will be provided to help affected households belonging to any of these vulnerable groups improve their socio-economic status;
- (xviii) Existing cultural and religious practices will be respected and, to the maximum extent possible, preserved;
- (xix) Culturally appropriate and gender-sensitive social impact assessment and monitoring will be carried out at various stages of the project;
- (xx) Adequate resources will be identified and provided during the preparation and updating of the subproject LARPs, including sufficient budgetary support in a timely manner to cover resettlement costs within the agreed implementation period; and adequate human resources for supervision, liaison and monitoring of land acquisition, resettlement and rehabilitation activities;
- (xxi) Civil works will not take place for any segment of the subproject, until (a) compensation has been fully paid to affected households; (b) agreed rehabilitation measures are in place, and (c) the acquired land is free from all encumbrances. Civil works contractors will not be issued notice of site possession for any section or segment until these conditions are fulfilled. The schedule of the start of civil works in any section or segment of the project will be

coordinated and planned with the executing agency, implementing agency and local PDA (PIU).

C. Principles for Affected Property Valuation

73. All compensation will be based on the principle of replacement cost. Replacement cost is the amount calculated before displacement, which is needed to replace an affected asset without deduction for depreciation, taxes and/or costs of transaction as follows:

- (i) Productive land (agricultural and aquaculture) based on actual current market prices that reflect recent land sales in the area, or, in the absence of such recent sales, based on recent sales in comparable locations with comparable attributes, fees and taxes or in the absence of such sales, based on productive value;
- (ii) Residential land based on current market prices, which reflect recent land sales at the time of conducting the replacement of cost study (RCS), or, in the absence of such recent land sales, based on prices of recent sales in comparable locations with comparable attributes and fees and taxes for land;
- (iii) Houses and other related structures based on actual current market prices of materials and labor without depreciation or deduction for salvaged building materials; and
- (iv) Annual crops equivalent to current market value of crops as per agreed RCS.

74. The overall objective of the project resettlement policy is to ensure that all people affected by the subprojects are able to maintain and, preferably, improve their pre-project living standards and income-earning capacity by providing compensation for the loss of physical and non-physical assets and, as required, other assistance and rehabilitation measures to re-establish affected livelihood. For the proposed project and in support of the aforementioned objectives, the LARP major principles include but are not limited to:

1. Land Requirements and Acquisition

75. Acquisition of land and other assets, and resettlement of people will be avoided or minimized as much as possible by identifying possible alternative design and engineering options for subprojects. There should be no land acquisition or site clearing along the corridor of impact in anticipation of a subproject. No demolition of assets and/or entry to properties will be done until the affected household is fully compensated and relocated.

76. Eligibility

77. All the affected households identified in the project-impacted areas on the cut-off date (as validated and confirmed during the DMS), will be entitled to compensation and/or assistance for their affected assets as described in the section below. Those who encroach into the project area and build any new structure after the cut-off date will not be entitled to compensation or any other assistance.

78. Negotiated Settlements

79. The ADB-SPS on involuntary resettlement does not apply to negotiated settlements unless expropriation would result in the failure of negotiations. This LARF recognizes the consultation processes, policies, and laws of the government that are applicable to such transactions and ADB SPS (2009) requirements such as asset value calculation basis, third party validation, proper record keeping, and overall transparency.

80. A negotiated settlement will offer adequate and fair price for land and/or other assets. The borrower/client will engage an independent EMA to monitor the negotiation and settlement processes in order to ensure that any negotiations are open and fair.

81. Voluntary Land Contributions

82. Voluntary donation is usually restricted to non-productive land, with donation of productive land only acceptable in special cases where minor losses are vastly outweighed by direct benefits to the affected household. Voluntary land acquisition for the project can be applied following the recommended good practice principles in the tables below. The voluntary land contributions donation forms, signed and witnessed, will be appended to the subproject's LARP. It is recommended that the following guidance notes be applied when considering voluntary donations:

Table 11: Criteria and Guidance Notes on Voluntary Donation of Non Productive Land

Criteria	Guidance Notes
The affected households are aware of compensation entitlements for involuntary land acquisition and Grievance Redress Mechanism (GRM)	<ul style="list-style-type: none"> Communities are advised of the ADB and GoM policies for resettlement and land acquisition in regards to compensation, negotiated settlement and donation. Communities made aware of the GRM and how it is triggered
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% of the plot being impacted, whether productive or non-productive land. The land donated does not result in uncompensated permanent non-land assets. Donation of residential land will only be accepted if the total residential land owned by the household is not less than 300 m2. HH that donate any land will not lose any further land or assets above what they have voluntarily donated.
Impacts do not result in displacement of households or cause loss of household's incomes and livelihood	<ul style="list-style-type: none"> 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. 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 are informed that they have the right to receive compensation for their land and the equivalent amount of compensation for the land they wish to donate. 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 and actions taken to	<ul style="list-style-type: none"> Agreement is properly documented with signatures of affected person, [name of the borrower/client] and witnesses. Consultation meetings, grievances and actions taken to address

Criteria	Guidance Notes
address such grievances is maintained	such grievances are properly recorded.

Additional Criteria and Guidance Notes on Voluntary Donation of Productive Land

	Criteria
1.	The subproject site is selected in full consultation with landowners and any nontitled affected people
2.	Voluntary donations do not significantly affect the living standards of affected people and the amount of agricultural or other productive land to be acquired from each affected household does not exceed 5% of the impacted plot;
3.	Voluntary donations are linked directly to significant benefits for the affected household;
4.	All voluntary donations will be confirmed through written record and verified by an independent third party such as the external monitoring organization;
5.	There is an adequate grievance process
6.	The voluntary donations will not cause any involuntary resettlement of formal or informal land users, squatters or encroachers of the land
7.	Any HH donating land will not lose any further land or assets beyond what has been donated.
8.	No affected household is vulnerable.

83. In respect of voluntary donation, due diligence will commence with full public disclosure undertaken to ensure that land owners are fully aware of project policies regarding LARP, resettlement planning procedures as well as the project grievance procedure. Due diligence will require meetings with affected households to ensure that they understand their rights; that they agree to voluntarily donate land and are eligible to donate as per the project guidelines, and their decisions have been made free from any coercion. Voluntary donation forms will be signed by these households and witnessed by village, project and district officials. All land acquisition actions under the Project, and particularly under donation, and any land for land exchanges will be subject to verification by an independent external monitor. Verification will cover an adequate representative random sample of the affected households who voluntarily donated the land.¹⁵ Depending upon the number and scale of each subproject, this verification may be done internally or through an EMA as agreed between the executing agency and ADB. Sample terms of reference for the EMA is in Annex 6.

84. Voluntary land acquisition for the project can be applied following the principles below, previously used under ADB irrigation rehabilitation projects:

- (i) The subproject site is selected in full consultation with landowners and any non-titled affected people;
- (ii) The community and particularly the affected households are made fully aware of the ADB and the government land acquisition and compensation policy;
- (iii) Donated land will not exceed 5% of plot size;
- (iv) Any household that donates land will not lose further land or assets beyond what they have agreed to donate;
- (v) Land donations are linked directly to significant benefits for the households;

¹⁵ 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/sample_size.html, <http://www.calculator.net/sample-size-calculator.html>

- (vi) Any voluntary donation will be confirmed through written record and verified by an EMA;
- (vii) The grievance process is applied;
- (viii) No donated household will be displaced from housing;
- (ix) Households who donate will benefit significantly and directly from the subproject;
- (x) No land is donated by poorer or vulnerable households; and
- (xi) The voluntary land contributions donation forms, signed and witnessed, will be appended to the subproject's LARP.

85. In cases where livelihood sources are affected but are determined to be minor and the households do not want to receive compensation, the above principles will be applied. The degree of impact is determined through conduct of the affected household socio-economic survey and inventory of losses. If impacts are severe (as determined through consultations with other affected households), the compensation and options for assistance must be discussed with the households and presented in the LARP. The affected households shall be automatically included in the compensation package and the income restoration program of the subproject.

86. In respect of voluntary donation, due diligence will commence with full public disclosure undertaken to ensure that land owners are fully aware of project policies regarding acquisition and compensation, LARP and resettlement planning procedures as well as the project grievance procedure. Due diligence will require meetings with affected households to ensure that they understand their rights; that they agree to voluntarily donate land, and their decisions have been made free from any coercion. Voluntary donation forms will be signed by these households and witnessed by village, district and project officials from the as representatives of MOALI. All land acquisition actions under the project, and particularly under donation, and any land for land exchanges will be subject to case audit by the EMA.

VI. RESETTLEMENT PLANNING AND IMPLEMENTATION

A. Infrastructure Planning, Design and Screening

87. It is envisaged that only irrigation rehabilitation and access road improvement subprojects will involve any land acquisition. As mentioned only category B and C subprojects will be accepted for implementation. Initial subproject screening must be undertaken as early as possible during the identification and scoping process, and then further refined as the subproject is better defined and engineering designs become available, using the screening checklists provided at Annex 1, and the subproject categorized as either:

- (i) **Category A.** A proposed subproject is likely to have significant involuntary resettlement impacts, 200 or more persons will be physically displaced from home, 200 or more persons lose 10% or more of their productive or income generating assets, or 200 or more persons experience a combination of both.
- (ii) **Category B.** A proposed subproject includes involuntary resettlement impacts that are not deemed significant.
- (iii) **Category C.** A proposed subproject has no involuntary resettlement impact.

88. Category A subprojects will be rejected, and only Category B or C subprojects will be accepted under the project. The screening checklists should be attached to the LARP where involuntary resettlement is concerned, and to the due diligence Report if concerning voluntary

donations of land. The information required under the Due Diligence report is detailed further in the following sections below.

B. Feasibility Study

89. Where the feasibility study identifies land acquisition and resettlement issues in accordance with a category B assessment, a LARP is prepared based on initial surveys and the policy requirements in the approved LARF. A LARP shall be prepared for each affected subproject and shall follow the table of content as outlined in ADB's SPS (2009):

- (i) Executive Summary
- (ii) Project Description
- (iii) Scope of Land Acquisition and Resettlement
- (iv) Socioeconomic Information and Profile
- (v) Information Disclosure, Consultation, and Participation
- (vi) Complaints and Grievance Redress Mechanisms
- (vii) Legal and Policy Framework
- (viii) Entitlements, Assistance and Benefits
- (ix) Relocation of Housing and Settlements
- (x) Income Restoration and Rehabilitation
- (xi) Resettlement Budget and Financing Plan
- (xii) Institutional Arrangements
- (xiii) Implementation Schedule
- (xiv) Monitoring and Reporting

90. More details of the information required under each section of the LARP is contained at Annex 5 of this document.

91. After the Inter-ministerial Resettlement Committee (IRC) approves the LARP submitted by the implementing agency, it will be submitted to ADB for approval. The LARP shall be prepared based on the DMS, replacement cost study in accordance with the approved LARF, and submitted to ADB for concurrence. The final LARP will be implemented after approval and construction can be started after compensation has been paid and rehabilitation measures are in place.

1. Infrastructure Planning and Design

92. The engineers will prepare initial layouts for proposed rehabilitation of existing and/or construction of new infrastructure. These will be the basis for the technical and physical planning of rehabilitation and construction works under the proposed subproject. During the preparation of such design options, feedback during site visits can be collected from residents of the subproject's villages. These pre-feasibility designs have to be reviewed for potential land acquisition and resettlement impacts of the proposed subproject scope. The subproject physical design at feasibility level can then be refined to avoid or minimize, as far as possible, the resettlement impacts and effects of the proposed subproject's rehabilitated or new infrastructure.

2. Initial Consultation with Potentially Affected Households

93. Initial consultations with the community during identification and scoping serve a number of purposes which include providing communities in the subproject area about the project and

subproject, regarding its overall objectives and goals, and also informs them of how their participation will be sought during the design stage in order to incorporate their interests and design preferences. Where the subproject will proceed to feasibility it is necessary to inform them of the process that will be followed in preparation of the subproject. At feasibility study, preliminary engineering designs have been prepared which indicate the scope of land acquisition and those households likely to be affected.

94. Once the preliminary engineering designs are available, potential impacts on land, acquisition needed and compensation and resettlement for the subproject implementation will be brought up for discussion in a meeting with the community. It is then necessary to conduct additional specific meetings with relevant households whose land would be affected by the proposed rehabilitation or construction. Safeguard specialists assist project engineers to disseminate and discuss preliminary engineering designs with the community and particularly with affected households. The meetings will seek to clarify: (i) the justification of the proposed subproject rehabilitation or construction works considering the anticipated resettlement impacts; (ii) mitigation measures to restore the affected households' livelihoods and standard of living; and (iii) assistance from the community or the district administration to plan, agree and implement the mitigation and support measures for affected households. The consultations should also cover the villages' views on measures to mitigate the anticipated impacts including compensation, design alternatives to reduce impacts should be discussed at this time. The affected households should also be advised of the data collection process that will take place in preparation of the LARP, such as the socio-economic survey and particularly the Detailed Measurement Survey. More details on consultation is provided in Section VII – Consultation, Participation and Disclosure.

Table 12: Surveys for Resettlement Plan Preparation

Type of Survey	1. Details to be Surveyed
1. Socio-Economic Survey	<p>At a minimum, the SES will collect information from a sample of Household questionnaire, usually covering a 20%– 25%¹⁶ sample of APs, disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data on APs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> (i) Household head: name, sex, age, livelihood or occupation, income, education and ethnicity; (ii) Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender; (iii) Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and (iv) Access to basic services and facilities.
2. Detailed Measurement Survey (DMS)	<p>The census and detailed measurement survey (DMS) of lost assets will collect data on the affected assets from 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the data will include:</p> <ul style="list-style-type: none"> (i) Total and affected areas of land, by type of land assets; (ii) Total and affected areas of structures, by type of structure (main or secondary); (iii) Legal status of affected land and structure assets, and duration of tenure and ownership; (iv) Quantity and types of affected crops and trees; (v) Quantity of other losses, e.g. business or other income, jobs or other productive assets,

¹⁶ ADB Involuntary Resettlement Safeguards A Planning and Implementation Good Practice Sourcebook – Draft Working Document (para 46) – Dec 2012.

	<p>estimated daily net income from informal shops;</p> <p>(vi) Quantity/area of affected common property, community or public assets, by type;</p> <p>(vii) Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, whether household is headed by women, elderly, disabled, poor or indigenous peoples;</p> <p>(viii) Identify whether affected land or source of income is primary source of income; and</p> <p>(ix) AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.</p>
3. Replacement Cost Survey	<p>The replacement cost survey (RCS) will be done in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

3. Inventory of Losses

95. Potential impacts of subprojects are initially estimated through an inventory of losses (IOL) survey based on the preliminary design, and a census of all households potentially directly or indirectly affected by permanent acquisition of fixed assets. These surveys are based upon the preliminary design and are conducted in parallel with the LARP's socio-economic survey. The IOL collects both quantitative and qualitative data and information on compensation and resettlement, based on visual assessment and information collected from the community and potential affected households.

96. The IOL covers all fixed assets (i.e. land used for residence, commerce, agriculture including ponds; dwelling units; stalls and shops; miscellaneous structures such as fences, tombs, and wells; trees with commercial value; crops; etc.), which are located in the subproject construction area (e.g. the corridor of impact (COI) for irrigation subprojects). These will be identified, tagged, measured and their owners, and users if a different party, identified. As mentioned earlier, it is possible that asset owner and asset user are different people and both are affected, and both entitled to some compensation. The severity of impact on the affected assets and the severity of impact to the livelihood and productive capacity of persons affected by such losses will also be determined. Information on the affected households, such as sources of livelihood, income level, and ownership of productive assets will also be gathered as part of the IOL.

97. The announcement of the subproject and the IOL will also signify the cut-off-date for eligibility for any land acquisition compensation. Affected households will be informed of the cut-off-date in prior consultations and information will be included in materials disclosed. The IOL is to be conducted by staff of the provincial and district departments of agriculture (PAFO and DAFO) and local authorities with support of village representatives and in collaboration with the feasibility study consultants. The consultants will need to provide prior training to the line agency staff.

98. The IOL undertaken at feasibility study stage of subproject preparation will be updated based on the detailed measurement survey (DMS) once the detailed engineering designs have been finalized and approved.

4. Socioeconomic Survey of Potential Affected Households

99. Socioeconomic information of affected households will be obtained through a socioeconomic survey (SES) and an example of an affected household SES is attached at Annex 3 to this document. The SES will serve as a referenced baseline of affected household's living conditions and will form part of the monitoring and evaluation data that will assess the extent to which the measures in the LARPs are effective in mitigating land acquisition and resettlement impacts. The SES has to be conducted by the project implementation consultants (PIC) in cooperation with staff of PDAFF and PDWRAM and local authorities with support of village representatives and is supervised by the social safeguard specialists.

100. The SES shall be conducted in parallel with the IOL survey so that the IOL and survey of potentially affected households will constitute the social assessment and the SES will include gender and ethnic disaggregated data. The SES provides the baseline data and information on the affected households and benefitting villages of subprojects. ADB's Involuntary Resettlement Good Planning Sourcebook (2012) suggests the following data to be collected:

(i) Data on affected households

- (a) demographic (household composition by age, gender, relationship, ethnicity,
- (b) education levels);
- (c) social (corporate groups such as family, lineage, clan, community, and non-corporate such as caste, class, ethnic, religious groups);
- (d) income and assets (individual, corporate, or collective incomes as well as ownership of land, livestock, fishing boats, shops, wood lots, among households) as well as expenditures;
- (e) occupation (farmers, teachers, shopkeepers, artisans, laborers, transporters, students, spiritual leaders, etc.);
- (f) access to public services (health care, water supply and sanitation, education, transport, etc.);
- (g) gender roles and issues; and
- (h) attitudes and preferences on resettlement.

(ii) Data on Land and Area

- (a) map of the area and villages affected by land acquisition;
- (b) total land area acquired from affected households for the proposed project;
- (c) map of affected area showing affected household impacted land plots if possible;
- (d) land type and land use;
- (e) ownership, tenure and land-use patterns;
- (f) land acquisition procedures and compensation;
- (g) existing civic facilities and infrastructures; and
- (h) cultural systems and sites.

101. The LARP related SES covers all potential affected households and establishes baselines to be used in LARP implementation monitoring. This is separate from the overall project socio economic survey that establishes project wide baselines from all beneficiaries.

5. Reporting Due Diligence at Feasibility Study stage

102. Due diligence will be demonstrated through the provision of details of all community consultations in the feasibility report, and under the public consultation section of the LARP when prepared, regarding:

- (i) Community consultation meetings at which the subproject concept, impacts and design are presented and discussed with the community;
- (ii) Details of number of households represented by men and women attending the meeting must be shown;
- (iii) Details of comments and feedback from these participatory meetings are to be reported;
- (iv) Meeting with community to identify affected household;
- (v) Number of men and women who agree and those who disagree must be recorded, and where possible, the reasons for disagreement should be shown;
- (vi) Participatory Inventory of losses undertaken;
- (vii) Details of all meetings to present and discuss the preliminary design must similarly be recorded along with numbers of men and women participating, agreeing and or disagreeing with the preliminary design; and
- (viii) In all meetings list of participants disaggregated by sex and indicating agreement or disagreement with project concept and preliminary design. If there are any objections that cannot be reconciled through design revisions, the subproject is dropped.

C. Detailed Design

1. Updating the Resettlement Plan

103. Engineering designs are finalized and accepted. The items to be summarized and the essential elements and objectives, policies and strategies as prepared in the feasibility study remain the same, but at this stage the LARP is updated based on the detailed engineering design and DMS. The DMS is only possible when the detailed designs have been finalized and the extent of land to be acquired accurately defined. The outline of this updated LARP remains the same. The finalized detailed design must be presented to, and discussed with, the community and particularly with affected households.

104. **Tender Design.** The subproject's LARP will be prepared and finalized based on the approved LARF, DMS and the replacement cost survey (RCS) after the completion of the detailed design for each subproject. A final review of design adjustments will take place to incorporate possible modifications in the engineering and design and also last adjustments in land requirements and acquisition. This will permit the final LARP update to be limited only to those households finally affected by the subproject through land acquisition.

105. **Consultation with affected households.** Before the commencement of the DMS, consultations with affected households shall take place. The RCS shall also be conducted during the DMS. The DMS team under the PDA will conduct negotiations with each affected household to reach agreement on compensation, relocation, and livelihood improvement program that are in accordance with this LARF and make contract with each affected household.

106. **Detailed Measurement Survey (DMS).** The DMS is carried out upon completion of the detailed engineering design, as it indicates actual canal or route or infrastructure alignment,

location and positioning. It is only at this stage that affected households can accurately measure the land that will be acquired and therefore compensated. Following training and with assistance from PMU PICs, PDA and IWUMD staff will carry out the DMS. The DMS is a virtual census and requires a physical measuring of land areas being acquired or donated, as well as a physical count and inventory of any income producing assets that will be lost and need to be compensated, from each affected household.

107. The DMS will collect additional data to verify the details on affected people and relevant information, which are presented in the final LARPs. The DMS will survey 100% of affected households and collect data required to verify the details of affected households for finalizing the LARP, including details on:

- (i) Land ownership;
- (ii) Total landholdings and tenure;
- (iii) Land, structures and other assets entirely or partially affected by land acquisition for the subproject;
- (iv) Types and conditions of affected structural buildings;
- (v) Number and types of trees and crops;
- (vi) Income losses and proportion of total productive income lost; and
- (vii) Category of affected people i.e. nature of assistance to which affected persons are entitled.

108. The LARP will include the cost estimates of compensation and other activities resulting from livelihood restoration or relocation. The final LARP will be submitted to executing agency and ADB for review and approval. Land acquisition, construction, compensation and relocation of affected households cannot begin before the approval of the final LARP by the executing agency and ADB. Annex 4 contains an example of the forms used to record affected household data under the DMS.

109. **Replacement Cost Study.** Replacement cost refers to the amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs, depreciation, or for any material salvaged, at market value, or its nearest equivalent. As with prior irrigation projects¹⁷ under MOALI the PMU will recruit a land valuation specialist to conduct an RCS in the subproject areas during the DMS in order to determine replacement cost unit rates for (i) agricultural, residential and commercial land; (ii) different types of affected structures; and (iii) crops and trees. The number of valuers to be hired will depend upon the number of LARPs involved and the scope of losses. The RCS in the subproject areas is valid for 2 years and will be updated 2 years after the completion of DMS if the compensation and/or assistance are not provided to the affected household. The RCS results will be the basis for estimating resettlement and compensation costs.

110. **Compensation Amounts Calculated.** A sample of the forms prepared based upon the DMS and RCS that are used to calculate all compensation and LARP implementation costs are provided at Annex 5 to this document. The amount of compensation agreed to with each affected household is detailed on these forms. The forms are also used in monitoring and auditing LARP implementation.

¹⁷ ADB 47152: Irrigated Agriculture Inclusive Development Project

2. Further Consultations After Detailed Design

111. Details of all meetings held with the community to discuss the detailed design will be reported in the LARP. The details must include as a minimum:

- (i) Record of the households attending with names of husband and wife and record of agreement or disagreement with the detailed design;
- (ii) Record details of issues, changes required to engineering designs, other suggestions;
- (iii) Conduct participatory cost replacement study;
- (iv) Details of any complaints received through the grievance redress procedures;
- (v) If no objections or complaints, the detailed design is used to conduct a DMS– this identifies the specific household and how much land is required from the affected household; and
- (vi) Each affected household is asked to sign an acknowledgement of the total LARP compensation to be received, and or a Voluntary Land Donation or Land Exchange Agreement which is witnessed by the village chief, district officer and project (MOALI) representative. These signed forms are attached to the final detailed design and submitted to executing agency and ADB for approval to proceed to subproject implementation.

D. LARP Implementation Process

112. The implementation of the approved LARP will involve the tasks outlined below. The subproject construction work cannot be started until the compensation and other assistance are provided to the affected household.

113. **Compensation Payment.** After signing contract with Affected People, the executing agency will request compensation budget from the Ministry of Planning and Finance (MOPF). The PMU will then, with assistance from the Township Department of Finance (DOF) and the PDA will make compensation payments to affected households. The EMO hired to confirm bona fides voluntary donation cases will also be required to observe this activity.

114. **Relocation.** Under the project relocation of potential affected households are not anticipated. As per subproject selection criteria to be used throughout project implementation, any subproject requiring physical displacement of an affected household will not be accepted.

115. **Livelihood Restoration.** Although not envisaged under the project due to limited and insignificant impacts and subproject selection criteria, where necessary, livelihood restoration for all severely affected households will be implemented by a consulting firm/NGO to be recruited by the executing as part of LARP implementation. Livelihood restoration activities and or support are identified through a participatory process with each affected household. This consultation can take place during the conducting of the SES and DMS. It is important that both husband and wife are part of this participatory consultation, and following individual affected household consultations, a meeting of all affected households should be called to discuss the findings and needs for the livelihood restoration support. The project national safeguards specialist will oversee and monitor the implementation. Some livelihood restoration activities may carry over until subproject implementation.

VII. CONSULTATION, PARTICIPATION AND DISCLOSURE

116. Public consultation, participation and disclosure activities form a continuous process during the feasibility study, implementation and operation phases. A Public Information Booklet¹⁸ will be prepared and disclosed to the affected household during public consultation before DMS. The consultation activities will ensure that:

- i) Consultation takes place early and happens continuously throughout the duration of the project in order to ensure that affected persons are fully informed;
- ii) Information is relevant and disclosed in a timely manner. Such information should cover the (a) nature of the project, (b) the scope of and reason for land acquisition, (c) the resettlement objectives and entitlement matrix (detailed provisions to be negotiated), (d) the choices available regarding the future, (e) the right of the displaced to participate in resettlement planning and implementation, and (f) the grievance mechanisms to be put in place;
- iii) There should be no intimidation or coercion of affected persons;
- iv) Consultation should be gender-inclusive and tailored to the needs of the disadvantaged and vulnerable; and
- v) All relevant views should be considered in the decision-making process.

117. **Principles to Apply.** Public consultation is an approach for managing dialogue between the project proponent and the public and is undertaken to improve decision-making and understanding through active involvement of affected individuals and groups. Community consultation largely focuses on the different activities involved in resettlement planning. It includes, but is not limited to:

- (i) Project information;
- (ii) Affected household entitlements;
- (iii) Grievance process; and
- (iv) Project implementation schedule.

118. Consultation promotes the involvement of affected households in project planning and implementation. Community consultation should include the following main features:

- (i) Access to information: adequately and timely access to subproject information for all;
- (ii) Accountability: relevant committees and working groups should be procedurally and regularly answerable to villagers being affected;
- (iii) Conflict management: conflicting interests between different groups of stakeholders require a mediating and facilitating component within the consultation strategy; and

¹⁸ The Public Information Brochure must be written in Burmese and contains the following brief information: (i) Project background, specifically about civil works to be done; (ii) results of the IOL; (iii) entitlements due to the AHHs; (iv) bases for computing compensation for affected assets; (v) schedule of delivery of entitlements and displacement; (vi) grievance redress mechanism; and (vii) contact persons at PMU, IA - PCU.

- (iv) Transparency: all subproject activities to be publicly visible including the decision-makings.

119. People affected through land acquisition and/or construction work by the subproject have to be involved in resettlement and compensation planning through consultation at village and household levels during the preparation of the LARPs. Consultation regarding potential mitigation measures for resettlement requirements the during study and implementation phases increases the chances for a collaborative understanding between involved governmental staff and villagers.

120. Public consultation will focus on: (i) project benefits and impacts; (ii) scope of land acquisition, and land purchase (DMS); (iii) compensation policy; (iv) entitlement matrix, relocation and compensation schedule; (vi) livelihood restoration if applicable; and (v) grievance process. The following table provides details of the consultation activities needed.

Table 13: Consultation Activities

Project Process	Participatory Activities/Participants	Responsible Institution
Preparation - Pre- Feasibility	Briefing of the township, district and village officials; and stakeholders about the Project, the resettlement/compensation policy, and the activities of the consultants	PMU – PDA, IWUMD, PIC
	Conduct of inventory of losses (IOL), preliminary inventory of affected persons, social impact assessment, and replacement cost study (RCS)	PDA, IWUMD team, village officials, professional appraiser
	Discussion with MOALI, MOPF, PMU, PIUs, about the proposed Project resettlement policy	PMU, PIC
	Initial disclosure meeting with affected households to discuss the results of the IOL and gather suggestions on how to minimize and mitigate impacts, and discuss about relocation options.	PDA/IWUMD team, project engineer, PIC, assisted by village officials,
	Drafting of the resettlement plan and project information brochure and submission to EA and ADB for review and approval	PMU and PIC
	Distribution of information leaflets to affected households, posting of summary resettlement plan at district and sub-district local government offices	PDA/IWUMD team, assisted by village officials,
Updating and Implementation		
Drafting/Finalization of technical design	Detail Measurement Survey (DMS), updating unit costs (as necessary)	PDA/IWUMD team, assisted by village officials, guided by consultants.
	Second disclosure meeting/consultation with affected households to discuss results of DMS and discuss the resettlement policy, entitlements and relocation options	PDA/IWUMD team, assisted by village officials, guided by consultants.
	Updating/revision of the resettlement plan and project information leaflet	PMU assisted by consultants
	Submission of updated resettlement plan and	PMU

	project information leaflet to MoALI and MOPF for approval and endorsement to ADB and web site disclosure.	
	Following ADB approval distribution of the updated information leaflets to the affected households and posting of summary updated resettlement plan at district and commune offices public notice boards.	PDA/IWUMD team, assisted by village officials
	Implementation of Updated resettlement plan	PDA/IWUMD team, assisted by village officials and guided by consultants
	Monitoring of resettlement plan implementation	PMU (internal) and MOALI through EMO if warranted

A. Entitlements

121. Entitlements are related to the subproject resettlement principles, policies on compensation and other criteria. Compensation to be paid for affected assets will be based on the principle of replacement cost, which is the amount needed to replace an affected asset without depreciation and deduction for taxes and/or costs of transaction before displacement. The entitlement matrix is presented in the table below.

122. The entitlements are applied against the inventory of losses as updated through the DMS. Unit rates are applied to land and other asset losses and an overall compensation figure per affected household is calculated. Annex 5 details the summary forms used to calculate the total compensation. These calculations are discussed with each affected household and the affected persons sign a summary of their compensation amount (Annex 7).

Table 14: 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 acquisition. In case of partial loss of land, if the remaining land is no longer viable for continued use, compensation for entire land holding at replacement cost. • 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)

			<ul style="list-style-type: none"> 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) Severely affected tenant/lease holders/sharecroppers will be assisted in identifying alternative land to use for their productive activities
		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)
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. 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. 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. For partially affected main structures, in addition to compensation for affected part of the structures, entitled to allowance to repair remaining portion of structure. 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 residual area of the main structure, i.e., structurally not stable, the project will acquire the entire structure at full replacement cost.

			<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 built with permit or not	<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 undismantled structure. Assistance will be provided to cover the replacement costs of site preparation, dismantling, moving and rebuilding the structure. 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. 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 or without title	<ul style="list-style-type: none"> Cash allowance equivalent to 1 month income¹⁹. 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.
7. Loss of employment	Employees of Businesses, affected agricultural workers	Employees 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 1 month allowance based on minimum subsistence allowance²⁰
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. Income/livelihood restoration assistance will be provided in line with the provisions in this LARF.

¹⁹ As reflected in tax receipts. For those without tax receipts, the income of similar proxy businesses will be used for shop owners.

²⁰ MMK1,183 per day or monthly MMK 35,490 based on poverty rate of \$1.25 per day per person.

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	<ul style="list-style-type: none"> • 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. • Affected asset to be fully restored within 1 month of return to owner. • PMU will inform the public at least 45 days before the start of civil works/excavation activities. • 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 arrangements to minimize traffic obstructions and facilitate smooth flow of traffic.
		Users without formal rights to the land	<ul style="list-style-type: none"> • 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.

B. Income Restoration

123. Although the subproject selection criteria aim to avoid subproject that will result in any severely affected households, it is possible that some households could be severely affected by losing 10% or more of their productive land or other assets, or impacts affect vulnerable households. If so, an income improvement program will be designed and provided. The income improvement program will be designed in a participatory manner during LARP preparation and will include, among others, any of the following measures: (i) alternative livelihood; (ii) improved agricultural production; (iii) appropriate skills training, and (iv) preferred consideration for rehabilitation and construction work related job opportunities.

124. 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.

125. 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. Affected people will be from households whose livelihoods are mainly agriculture oriented and land based. Hence the option for agriculture production support will be relevant.

126. 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.

C. Gender

127. A Gender Action Plan (GAP) will be prepared for the subproject by the PIC gender specialist. Consistent with the GAP, resettlement planning and implementation will ensure that women, as members of affected households, are adequately considered when they are physically or economically displaced by subprojects. They will be given equal opportunity for participation in consultations in order to ensure gender-sensitive and culturally responsive measures. The CFAVCP will adopt suitable strategies to ensure the active involvement of affected women consistent with the GAP. Project resettlement training will include gender issues relevant to resettlement and also the need for gender disaggregated monitoring of resettlement activities.

VIII. ETHNIC GROUPS

128. Where there are members of ethnic groups present and depending upon the type of subproject, a separate ethnic group plan (EGP) may be needed. An EGP framework has been prepared to guide plan preparation. The LARP will address ethnic group issues and ensure that ethnic group households are fully consulted and included in all aspects of the subproject planning and community level decision making, and are able to benefit on an equal basis as mainstream Barma households. As an overriding principle and as per the ADB SPS, the project must explore to the maximum extent possible alternative project designs to avoid physical relocation or other adverse impacts on ethnic groups that will result in adverse impacts on their identity, culture, and customary livelihoods, and by the same context, no ethnic group household should be expected to provide any land beyond what is being provided by their Barman neighbors and for the same amount of direct benefit.

A. Strategy to assist vulnerable affected households

129. Any vulnerable households and especially vulnerable affected households and those with women heads will be entitled to participate in any project sponsored livelihood development and restoration activities. These households will be surveyed during the LARP socio-economic survey to determine demand and needs and incorporated into the updated LARP.

B. Unforeseen Impacts

130. If during the DMS, additional adverse social impacts are identified and/or additional affected households are found, these persons and households are entitled to receive project entitlements as the others on condition that it can be ascertained that they have actually been in the project ROW even before the cut-off date for eligibility. New affected households that will emerge due to changes in Project design or alignment prior to or even during construction works are also entitled to the same entitlements as those of the other affected households.

C. Temporary Impacts

131. To ensure that temporary impacts during construction will be avoided, if not minimized, the contract for civil works will include the following provisions: (i) contractor to pay rent for any land required for construction work space outside the ROW; (ii) to the extent possible, only idle land will be used as construction work space to avoid disruption to households and business establishments; and (iii) temporary use of land will be restored or improved to its pre-project condition. As part of internal monitoring, the PMU will review any written agreement with the affected households, payment records, and disbursement of payment to ensure proper

monitoring and compliance with the project resettlement policy. Internal monitoring will be included in the quarterly progress reports submitted to MOALI and ADB.

IX. GRIEVANCE REDRESS MECHANISM

132. 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, and reduce risks. 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. It helps ensure that vulnerable households are treated equitably.

133. 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 must be included in project information materials.

134. The GRM will handle any grievance arising from the project, including land acquisition activities, ethnic group issues and labor practices. The design of the GRM will be included in the project administration manual (PAM). Grievances must be sorted, categorized, and logged and reported disaggregated by sex and ethnicity. After investigation and agreement on the action plan, remedial activities will be monitored and evaluated. Staff and community members involved in project implementation will be trained in the GRM in order that they in turn are able to provide quality advice to any affected household seeking help. All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the executing agency.

A. Proposed Grievance Redress Mechanism

135. 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.

136. In their capacity as implementing agencies, 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 social and gender specialists), and the contractor's land negotiators will have roles to play in explaining and helping community members use the GRM.

137. 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 and leaflets in local languages early in the subproject 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.

138. The PMU will maintain a complaints database which indicates the household making the grievance, the nature of the issue, the date the report was received and also dealt with and the result. Dispute receipt and resolution will be reported regularly in project quarterly reports.

B. GRM Steps and Timeframe

139. Procedures and timeframes for the grievance redress process are as follows:

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;

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. 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;

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 social specialist and other PICs 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;

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 for Ethnic Affairs (if ethnic group household involved), Ministry of Health (health issues), Ministry of Environmental Conservation and Forestry (environmental issues), and Ministry of Labor (labor issues); and

Stage 5: District Administration Officer Resolution. If the multi-stakeholder meeting cannot resolve the problem, and the affected person remains unsatisfied, the PMU will set up a meeting with the District Administration Officer

to identify a solution.

140. In respect of the GRM, the responsibilities of the PMU are as follows:
- (i) The PMU will instruct contractors and construction supervisors to refer any complaints that they have received directly to the PMU. Similarly, the PMU will coordinate with local government departments to capture complaints made directly to them;
 - (ii) The PMU, as the focal point of the PMU, will log complaints and date of receipt onto a complaints database and inform the implementing agency and the contractor;
 - (iii) The PMU 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 PMU will inform the affected person 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 PMU will review the contractor's response to the identified corrective measures, and the updated situation; and
 - (vii) The PMU will undertake additional monitoring, as necessary, to verify as well as review that any valid reason for complaint does not reoccur.

C. Other Dispute Redress Mechanisms

141. Affected persons, if not satisfied with the GRM results, always have legal recourse to judicial processes as a last resort. If efforts to resolve disputes using the GRM remain unresolved or unsatisfactory, affected households 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 Myanmar Resident Mission.

142. 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.

143. 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. LARP AUDIT

144. In order to confirm bona fides in all land acquisition cases, voluntary and involuntary, the PMU must undertake a 10% case audit of all affected households who are supposed to receive

compensation payments, as well as a 100% audit of any affected households making voluntary land donations. Depending upon the number and scale of LARPs prepared under the CFAVCP, the audit may either be done internally, through a joint effort between the PMU and MOALI, or, if warranted, the audit is to be included in the terms of reference for an EMO hired by the PMU to monitor LARP implementation. An independent EMO monitor must be engaged if there are any cases of voluntary land donations.²¹

XI. PROJECT INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

145. Various ministries of the government at both the central and regional level are involved in the proposed project implementation. It is, therefore, important that the management, operations and monitoring of the project run smoothly and delays in implementation are kept to a minimum. The implementation, procurement, and disbursement arrangements involve a PMU at the central level and close coordination within the three targeted regions at the regional, district, and township levels. It is important that the management, operations and monitoring of the project run smoothly and delays in implementation are kept to a minimum.

146. The Ministry of Planning and Finance (MOPF) is the official representative of the government as the borrower and recipient of funds. It is the responsibility of this Ministry to (i) fulfil government fiduciary and financial management oversight; (ii) to provide sufficient counterpart contribution for project activities in a timely manner; and (iii) ensure delays are not encountered in project procurement. Funds flow will be the responsibility of MOPF and will work closely with the executing agency.

147. The MOALI will be the executing agency and will be responsible for overall project management, coordination and reporting. The MOALI will establish a PMU. The PMU will have the responsibility for the day to day management, coordination and supervision of the project, as well as consultant recruitment, financing and fund flow and the oversight of safeguard issues and measures and implementation of the LARP.

148. The national level coordination will also be assisted by a project steering committee which will be co-chaired by a representative of the MOALI and one representative from the MOPF and Ministry of Commerce (MOC). In order that decisions are made quickly it is recommended that the various steering committee members will be at least the rank of director general. The steering committee may invite persons and agencies to discuss specific agenda items, when required. For effective decision making no more than 20 persons shall attend at any one meeting. The policy and standards support sub-output will need a working group that will consist of representatives from the MOALI, MOC and MOE, with the MOALI playing a lead role.

149. Specific MOALI implementation departments will include the DOP, DOA, DIWUM, DRD, Department of Cooperatives, and the Department of Land Management. Within the DOA, project implementation will be coordinated with the Seed Division, Rice Division, Plant Protection, and Extension. All these departments will serve as resource providers to the regional activities depending upon the actual subprojects being implemented. All project-supported field demonstrations, FFS, and other training programs will be coordinated through DOA Extension. Implementation agencies will also depend upon the subproject sector concerned which could therefore include Commerce, Industry, Agriculture and Irrigation agencies.

²¹ For details including sample size, refer to Annex 8 (TOR of independent external monitor).

A. LARP Institutional and Implementation Arrangements

150. 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 and implementation of the LARP. The PMU will be headed by a project manager and will comprise full-time core staff.

151. For LARP preparation and implementation, the PMU will procure the services of international and national social specialists who will be responsible for LARP preparation and guiding and monitoring LARP implementation, as well as a land valuer.

152. The social specialist must have demonstrated experience with social safeguards (resettlement and compensation) and ADB's SPS (2009). The specialists will take a lead role in the design of, and assist in, the preparation and conducting of social impact assessments, socio-economic surveys, replacement cost surveys and detailed measurement surveys, LARPs and LARP updates, and safeguard due diligence reports.

153. The social specialist will undertake subproject screening and safeguard categorization during feasibility study, and in the case of category B and C subprojects accepted for implementation, produce LARPs or DDRs for the subprojects. The social specialist will coordinate with the PMU's monitoring and evaluation specialist on activities, processes and indicators for LARP implementation and also for grievance management.

154. Based in the PMU, the social specialist will work with the land valuer, and relevant district, township and community officials to implement training and capacity building related to the land acquisition approach and other requirements of the LARF and LARP. The social specialist will provide ADB resettlement safeguard training to the land valuer and implementing agency staff (PDA, IWUMD) to ensure they understand the basis of market value and the replacement cost survey (RCS) and requirements for negotiated settlement and voluntary donation.

155. PDA and IWUMD staff at township and district level will be trained and assisted by the social specialist and the land valuer to undertake the DMS, RCS and the socio-economic survey needed in preparing the LARP. The land valuer position 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 valuer will help document consultations and negotiations and provide any related information for the resettlement database.

156. Where there are sufficient cases of voluntary donation and negotiated settlement, the executing agency will hire an EMO 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; and
- (ii) Ensure that voluntary donations and negotiated settlements do not severely affect the living standards of affected persons and will benefit them directly.

157. The EMO 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 Annex 8.

158. After signing contract with affected persons, the executing agency will request compensation budget from the MOPF. The PMU will then, with assistance from the Township Department of Finance (DOF) and the PDA will make compensation payments to affected households. The EMO to be recruited by the executing agency will observe this activity.

XII. BUDGET AND FINANCING

159. The PMU through the social specialist and land valuer will be responsible for formulating the resettlement and or land acquisition budget based upon information obtained from affected household and field surveys (DMS, RCS) conducted by the project consultants and implementing agency field staff. The costs of resettlement for the project will be calculated based on the RCS applied to the confirmed DMS, and the entitlements set out in the entitlement matrix of this LARF. A contingency of 2% of the total project infrastructure investment costs for access road and irrigation improvement will be included in total project cost estimates for land acquisition compensation to be used as required during implementation of any subproject LARP. This will provide a total amount of \$150,000 for compensation under the project.²²

160. All costs for resettlement, including compensation and allowances, staff training and operational and LARP administrative costs, monitoring and reporting and income restoration will be financed by the government as counterpart's funds. MOPF will provide the budget directly to the township DOF who will then coordinate with the PMU and PDA district staff to disburse payments of compensation and allowances to affected households. The forms used to summarize the LARP costs are contained in Annex 5.

XIII. MONITORING AND REPORTING ARRANGEMENTS

161. The implementing agency staff and the project technical specialists will monitor implementation of the LARP to ensure compliance with the agreed activities and timeline and to ensure compensation and restoration activities proceed as planned and that the monitoring is reported on a quarterly basis. Ongoing monitoring will involve consultations with affected households shall be a continuous process during the DMS, signing contract, and payment. These will also be evaluated through monitoring and evaluation (M&E) activities.

162. Due to the limited need for land acquisition impacts and small number of EMs in the project areas and the limited impacts anticipated, the project will mainly rely on internal monitoring to ensure the LARP is being implemented as expected. The executing/implementing agencies with assistance from the national and international social safeguards specialist shall conduct the supervision and in-house monitoring of implementation of the LARP. The national and international safeguard specialists will ensure that the monitoring and reporting is being carried out in accordance with the LARP. The project technical assistance will conduct safeguard training for line agency staff participating in implementation and this training must include monitoring, data collection and reporting.

163. The extent of need for an EMA will be reviewed during implementation and will depend upon the number of LARPs and the economy of scale as to whether an independent EMA, most likely an NGO, or an independent consultant (group or individual depending upon volume) could

²² Total access road and irrigation investment is around \$7.5 million, at 2% = \$150,000.

be hired for the task. The project social safeguard team will prepare appropriate TOR for the EMA which will include checking any cost replacement surveys, conducting a 10% case audit for compensation payments and also a 100% case audit of any voluntary donations.

164. Specific LARP targets have not been set for the project design monitoring framework (DMF) as there is no way of estimating the number of LARPs that may need to be prepared under the subprojects.

A. Indicators

165. As a minimum, the project must report on the number and type of subprojects that have LARPs prepared and also report on LARP implementation. Indicators such as the number of affected households, disaggregated by ethnicity and gender of household head, number of consultation meetings held, number of grievances registered, grievances resolved, number of compensation payments planned and actually made, are amongst key indicators. The project social safeguard specialists will define the indicators in the subproject LARP. Other relevant benchmark data obtained from the subproject SIA would also be included such as income derived from the activity being supported by the project. Other indicators would include:

- (i) Compensation and entitlements computed at rates and procedures as provided in the resettlement plans agreed between the government and ADB;
- (ii) Timely and complete disbursement of compensation to affected households in accordance with the agreed LARPs and as per agreement with project authorities;
- (iii) Timely and complete delivery of relocation, income restoration and rehabilitation allowances and measures;
- (iv) Public information, public consultation and grievance redress procedures are followed as described in the approved LARP;
- (v) Attention given to the priorities of affected households regarding the options offered;
- (vi) Public facilities and infrastructure affected by the project are restored promptly; and,
- (vii) The transition between resettlement and civil works is smooth (i.e. completion of resettlement activities required before notice to proceed for civil works is issued)

B. Schedule of Monitoring and Reporting.

166. The LARP will establish a schedule for the implementation of the LARP taking into account the project's implementation schedule and the consultation plan. The LARP will also indicate the monitoring and reporting schedule required from line agency staff particularly at provincial level. The safeguards specialists assisting implementation shall ensure that executing agency staff at provincial level are aware of the LARP and their monitoring and reporting responsibilities. Where LARPs are being implemented, a 6-monthly report must be prepared by the project technical assistance for review by the PMU, executing agency and copied to the ADB.

ANNEX 1: LARP SCREENING CHECKLISTS

The following checklists are to be used in the identification and selection of subprojects for implementation. The objective of the checklists is to ensure that only Category B and C subprojects are selected according to project selection criteria.

1. Involuntary Resettlement Impact Categorization Checklist

Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Will the activity require permanent or temporary land acquisition?				
Is the site and land needed for acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
Will land be acquired involuntarily?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
Has the facility been constructed recently on new land in anticipation of obtaining further assistance for the facility from this ADB project?				
When the facility was built, was the land acquired legally under Myanmar Government Law? (unknown = No)				
Are there any outstanding complaints about the land used or acquired for the existing facilities?				
Will the activity require permanent or temporary relocation or displacement of any people (titled or non-titled)?				
Are there any non-titled people (squatters) who live at the site or within the COI / Right of Way / public land?				
Will there be any loss of housing or accommodation or other residential structures?				
Will there be any loss of residential land?				
Will there be any loss of vegetable gardens or agricultural plots?				
Will there be any losses of crops, fruit trees or private structures?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Will any small or informal businesses have to be moved or closed temporarily or permanently?				

Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Will there be temporary or permanent loss of employment as a result of the closure of any businesses resulting from the renovation?				
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				

2. Voluntary Contribution checklist

Criteria	Guidance Notes	Yes	No	Remarks
Have the AHHs are aware of compensation entitlements for involuntary land acquisition and Grievance Redress Mechanism (GRM)	<ul style="list-style-type: none"> Communities are advised of the ADB and GoM policies for resettlement and land acquisition in regards to compensation, negotiated settlement and donation. Communities made aware of the GRM and how it is triggered 	•	•	•
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% of the impacted plot owned by the affected household. The land donated does not result in uncompensated permanent non-land assets Residential land donation will only be accepted if the total residential land owned by the household is not less than 300 m², and donation is restricted to 5%. The AH loses no further land above what is being donated. 	•	•	•
Impacts do not result in displacement of households or cause loss of household's incomes and livelihood	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Both positive and negative impacts of the 	•	•	•

Criteria	Guidance Notes	Yes	No	Remarks
donations are direct beneficiaries of the project	<p>project on the affected household are considered.</p> <ul style="list-style-type: none"> 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. 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 receive compensation for their land and the equivalent amount of compensation for the land they wish to donate. 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 and actions taken to address such grievances is maintained	<ul style="list-style-type: none"> Agreement is properly documented with signatures of affected person, [name of the borrower/client] and witnesses. Consultation meetings, grievances and actions taken to address such grievances are properly recorded. 	•	•	•

Additional Criteria and Guidance Notes on Voluntary Donation of Productive Land

	Criteria	Yes	No	Remark
9.	Was the subproject site is selected in full consultation with landowners and any nontitled affected people			
10.	Will Voluntary donations significantly affect the living standards of affected people and the amount of agricultural or other productive land to be acquired from each AH does not exceed 5% of the impacted plot of the household;			
11.	The AH does not lose any further land beyond that which is being donated.			
12.	Are Voluntary donations linked directly to significant benefits for the AH;			
13.	Will all voluntary donations be confirmed through written record and verified by an independent third party such as the external monitoring organization;			
14.	Is there is an adequate grievance process			
15.	Will the voluntary donation cause any involuntary resettlement of formal or informal land users, squatters or encroachers of the land			
16.	Is any AHH vulnerable.			

ANNEX 2: DUE DILIGENCE REPORT OUTLINE

EXECUTIVE SUMMARY

- I. PROJECT DESCRIPTION
 - A. Introduction
 - B. Subproject Description

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

- III. DUE DILIGENCE
 - A. Background and Methodology
 - B. Findings of Due Diligence

- IV. INFORMATION DISCLOSURE, PARTICIPATORY CONSULTATION, AND GRIEVANCE REDRESS
 - A. Information Disclosure Activities Accomplished
 - B. Future Information Disclosure and Consultation Activities (Involuntary Resettlement)
 - C. Future Information Disclosure and Consultation Activities (Indigenous Peoples)
 - D. Grievance Redress Mechanism

- V. LEGAL FRAMEWORK, COMPENSATION AND ENTITLEMENT POLICY: INVOLUNTARY RESETTLEMENT
 - A. Objectives
 - B. The Legal basis of Compensation and Entitlement Policy
 - C. Project Policy Commitments

- VI. LEGAL FRAMEWORK AND PROJECT POLICY: INDIGENOUS PEOPLES
 - A. Objectives
 - B. Relevant Laws in Myanmar
 - C. ADB Policies

- VII. RESETTLEMENT BUDGET

- VIII. INSTITUTIONAL ARRANGEMENTS
 - A. Overall Arrangement

- IX. MONITORING AND REPORTING
 - A. Internal Monitoring & Evaluation
 - B. Project Management and Implementation Support Consultants
 - C. External Monitoring Organization

ANNEX 3: COPY OF VOLUNTARY LAND DONATION FORM

Republic of Myanmar

[INSERT NAME] Region

[INSERT NAME] District

[INSERT NAME] Village

CERTIFICATE OF LAND TRANSFER

I, [INSERT NAME, AGE, NATIONALITY, OCCUPATION], with residence located in [INSERT NAME] village, [INSERT NAME] district, [INSERT NAME] province:

- Certify that I have been previously informed by local authority of my right to entitle compensation for any loss of property (house, land and trees) that might be caused by the Myanmar Friendly Agriculture value Chains Project (CFAVCP) in village [INSERT NAME], district ([INSERT NAME]).
- I confirm that I do not request any compensation of loss of [INSERT OTHER LOSSES SUCH AS TREES STRUCTURES] and would request the local authority to consider this as my contribution to the UIM

Productive or Non Productive Land	Total Plot Area (Sqm)	Total Plot Area Being Donated (Sqm)	Donated Area as a % of the Impacted Plot	Value of Donated Area (MKyat)	Comment
Total					

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

[INSERT NAME] district [INSERT DATE]

The owner of the land [INSERT NAME AND SIGN]

Witnesses:

4. [INSERT NAME]

5. [INSERT NAME]

6. [INSERT NAME]

Certified by the Chief of the Village [INSERT NAME AND SIGN]

District Official [INSERT NAME] district [INSERT NAME AND SIGN]

Project Officer and EA Representative (MoALI) [INSERT NAME AND SIGN]

ANNEX 4: AFFECTED HOUSEHOLD SOCIO ECONOMIC AND IMPACT SURVEY

1	Household Composition							
1.1	Head of Household (HH)							
	Sex	Female		Male				
	Age	<65		>65				
	Widowed	Yes		No				
	Disabled	Yes		No				
	Owner of Land	Yes		No				
	Occupation							
	Monthly Income							
1.2	Spouse							
	Name							
	Age							
1.3	Current Household Address							
	Name							
	Village							
	Commune							
	District							
	Region							
1.4	Location of Affected Area							
	Name							
	Village							
	Commune							
	District							
	Region							
1.5	Number of Household Members							
No	Name of Household Member	Age	Sex	Relationship to H/h head	School Grade Reached	illiteracy	Major Occupation	Other Occupation
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
Number of Households					Number of Family members in household			
1.6	Households income source							
	Activity	Kyat/Year			Activity	Kyat/Year		
	Rice				Fishing			
	Manual labour				Business/trade			
	Agricultural products				Salary/Wages			
	Non-timber forest products				Livestock			
	Handicraft				Other			
	Household Monthly Income in Kyat							
	Household Yearly Income in Kyat							

2 INFORMATION RELATED TO IRRIGATED AGRICULTURE					
2.1	Do you know about the sub-project and its objectives?	Yes	No	If yes, from who/which source?	
2.2	Do you expect benefits from the project?				
2.3	Where do you get your water?	Yes	No		
	Creek				
	Pond				
	Open Well				
	Pump Well				
	Other				
2.4	Where do you get your electricity?	Yes	No		
	Public grid				
	Private grid				
	Private generator				
	Battery				
	Other				
2.5	Rice Harvest Yields	Tons/year			
		Kyat/year			
2.6	Supply of Rice to household	Enough – For how many months			
		Not Enough – For how many months			
3 LAND USE					
3.1	How many families are using the affected land?	Yes	No	Comments	
	One family				
	Two families				
	Three families				
3.2					
	Living in this village	Year:			
		Year:			
	Which Type of land do your own inside/outside subproject area?	Yes	No	Inside (ha/m ²)	Outside (ha/m ²)
	Residential compound				
	Paddy field				
	Orchard area				
	Forest area				
	Commercial area				
	Other				
	Total				
	How many agricultural plots do you own?				
	Affected parcels	Number		In village: In district:	
	Not affected parcels	Number		In village: In district:	

3.5		Land Use		
No.	Affected area [m2]	Land Type	Total area [m2]	Note of affected land
1	Rice land			
2	Orchard land			
3	Vegetable garden			
4	Commercial			
Total Productive Land (1)				

5	Other unused land (2)							
6	Residential land (3)							
Total (1+2+3)								
4	AFFECTED FIXED STRUCTURES							
4.1	Type of Affected Structure	Yes	No	Number of Affected Structures				
	Residential							
	Residential/ Business							
	Kitchen/Bathroom							
	Car parking area/porch							
	Shop/Restaurant							
	Workshop							
	Guesthouse							
	Others							
No	Type of structure	Number [code]	Construction materials [code]	Total of structure dimension. [m2/m]	Total of affected structure	Unit	Unit cost [Kyat]	Total cost
1			Roof					
			Wall					
			Floor					
			Pillar					
Age of Structure								
Area of Affected Structure								
Structure Affected Dimension (%)								
Total Construction Labor Cost (Kyat)								
Total Cost of First Structure (Kyat)								
Total Cost (Kyat)								
Codes of Use		1= Ground floor ; 2= First floor ; 3= Second floor ; 4= Third floor ; 5= Others 1= Temporary ; 2= Thatch/leaf ; 3= Zinc ; 4= Round wood ;5= bamboo ; 6=Sawn wood ; 7=Tile ; 8= Floor tile ; 9= Concrete slab ; 10= Reinforced concrete ;11= Clay wall; 12=Plank; 13= Metal ;14= 10CMbricks ; 15= 20CMbricks ;16=Concrete bricks ; 17= Others						
4	AFFECTED FIXED STRUCTURES							
4.2	One Time Cash Assistance						Yes	No
	1= House smaller than 60m2 ;light raw materials to relocate within or close to location							
	2= House smaller than 60m2 ; light raw materials to relocate far from current location							
	3= House bigger than 60m2 ; heavy raw materials to relocate within or close to location							
	4= House bigger than 60m2 ; heavy raw materials to relocate far from current location							
4,2	Transportation Allowance							
	1= Relocate the small shop within or close to location							
	2= relocate the house within or close to location							
	3= Relocate the house within same village							
	4= Relocate the house to a different village or commune							
4.4	Other properties							
	Ser. No.	Type of property	Size	Quantity [no]	Unit cost [Kyat]	Total cost [Kyat]		
	1	Open well						
	2	Pump well						
	3	Wooden fence, concrete post, wire						

	4	Concrete fence (brick/rock)						
	5	Grave/stupa						
	6	Concrete slab						
	7	Other (Specify)						
Total								
5	AFFECTED TREES AND CROPS							
	Ser. No.	Code number of tree or crop	Unit	Quantity [no]	Height [m]	Age [years]	Unit cost [Kyat]	Total cost [Kyat]
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
Total								
Codes to Use (example only):		1=Mango ; 2=Coconut ; 3=Tamarind ; 4=Jackfruit ; 5=Custard apple ; 6=Lemon tree ; 7=Sugar cane ; 8=Palm tree ; 9=Longan ; 10=Grapefruit ; 11=Papaya ; 12=Banana ; 13=Guava ; 14=Pring ; 15=Cashew nut ; 16=Bamboo ; 17=Eucalyptus ; 18=Acacia ; 19=Other.....						

Table 6: Result of survey on historic replacement cost of agricultural land 2009 –2010

Comparison between compensation price and current prices of land on the free market BEFORE compensation payment									
Village Names	Seller (Transferors)	Location of transferred land	Date of transfer-ring	Total amount of the contracts (MMK/m ²)	In which, transferred land		In which, amount of money for transferred land		Compensation rate issued by PRC
					Residential (m ²)	Agricultura (m ²)	Agriculture (MMK)	Residential (MMK)	

Table 7: Unit replacement cost applied for land compensation for Project

No	Land Category	Land Price as per Commune land Registrar (MMK/m ²)	Replacement Cost (MMK/m ²)	Compensation Price (MMK/m ²)
	(1)	(3)	(4)	(5)
1	Village 1 (Name)			
	Agricultural Land			
	Residential Land			
2	Village 2 (Name)			
	Agricultural Land			
	Residential Land			
3	Village 3 (Name)			
	Agricultural Land			
	Residential Land			

Table 8: Unit replacement Cost, applied for house/structure

No	Category	Unit	MMK
I	House		
1	House type IVC	m ²	
2	Semi-solid house	m ²	
3	Temporary house category 1	m ²	
4	Temporary house category 2	m ²	
5	Temporary house category 3	m ²	
II	Structures		
1	Dug pond	m ³	
2	cement and brick running water container	m ³	
3	Cement yard	m ²	
4	Built-bathroom and lined	m ²	
5	Thatched-bathroom and lined	m ²	
6	Built-rest room with no cement brick wall	m ²	
7	Main electricity meter	set	
8	Built-breeding facilities	m ²	
9	Temporary breeding facilities	m ²	
10	Septic tank type 1	m ³	
11	Wire fence	m ²	
12	Dug well < 5m	Linear meter	
13	Dug well > 5m	Linear meter	
14	Concrete pipe with 1 meter diameter	m	
15	Built brick for well	m	

Table 9: AP Allowance Rates Policy of Project

No	Allowance/Support	XX Province		
		Level	Time/ Duration	Total amount/per HH
1	Cash Assistance for Relocation			
a)	Relocation of small store to new site	AH	Once	USD\$66
b)	Relocation of small store to adjacent site	AH	Once	USD\$33
c)	Relocation of structures to adjacent site	AH	Once	USD\$33 if under 60 M ² USD\$100 if over 60 M ²
d)	Relocation of structures to new site	AH	Once	USD\$200 plus LR
2	Livelihood/Production Stabilization			
a)	For all APs losing more than 10% agricultural land	AH	Once	USD\$200 plus LR
b)	Loss of business – unregistered shop	AH	Once	USD\$50
c)	Loss of business – registered shop	AH	Number days disruption	Net daily income
d)	Impact on vulnerable HHs	AH	Once	USD\$100 plus LR
3.	Transportation Allowances for Relocation			
a)	Shop/stall made of temporary materials	AH	Once	USD\$10
b)	Shops and houses moved to adjacent area	AH	Once	USD\$40
c)	Shops and houses moved to new area in same village	AH	Once	USD\$60
d)	Shops and house moved to another village	AH	Once	USD\$70
e)	Tenants , leaseholders	AH	3 months	Rental allowance

Table 10: AP Compensation Total amounts in cash (MMK), source of budget

Category	Quantity	Amount (MMK)	Source of Budget (%)	
			RGoC	ADB
I. Compensation payment and social support in cash to affected Households to include:			100%	
A. Agricultural land				
B. Residential land				
C. Temporary house and structures				
D. Trees				
E. Crops				
F. Graves				
J. Social support to include:				
1. Supports for life stabilization and production stabilization				
2. Supports for job change and job creation:				
3. Relocation supports				
4. Allowance for renting house				
K. Agricultural land located in/mixed with residential land.				
II. Management and resettlement implementation administration				
III. A contingency cost amounting to 10%				
IV. TOTAL for Project				
V. Cost for Livelihood Restoration and SD program (including IPP)				
VI. Cost for independent EMO for the whole Project				

ANNEX 6: OUTLINE OF A RESETTLEMENT PLAN

A. Executive Summary

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description

This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section:

- (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes 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.

F. Grievance Redress Mechanisms

This section describes mechanisms to receive and facilitate the resolution of affected persons'

concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

G. Legal Framework

This section:

- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed;
- (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
- (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

This section:

- (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and
- (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);

- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

K. Resettlement Budget and Financing Plan

This section:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation;
- (ii) describes the flow of funds (the annual resettlement budget should show the budget scheduled expenditure for key items);
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
- (iv) includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of non-government organizations, if involved, and organizations of affected persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting

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

ANNEX 7: STANDARD NEGOTIATED SETTLEMENT FORM**Negotiated Settlement Agreement**

The following agreement has been made on the Day ofmonth, of year, between Mr/Mrs/Ms.....(names and ages) herein referred to as the "Owner", living invillage , commune district,..... region, and the CFAVC project represented by the Ministry of Agriculture Livestock and Irrigation (MOALI).

The Owner hereby declares that the assets described below legally belong to the Owner, and that the Owner further agrees to sell²⁴ , or transfer, these assets for the agreed compensation, to the Project in order that the CFAVC subproject may be implemented.

Asset	Details	Unit	Agree Unit Price (MMK)	Agreed Qty	Agreed Total (MMK)
Structures					
Trees/Crops					
Land					
Other					
Total MMK					

It is agreed between the owner and the Project that the total compensation of MMK (in figures and words), will be paid before the removal of any of the assets listed above and if not, this agreement becomes null and void.

Signed as agreed as above (MoALI and District seals).

.....

The Owner(s)

.....

The Project Representative
(MoALI)

.....

District Officer (Witness)

²⁴ If being granted to the Project, insert "0" in the Agreed Total column.

ANNEX 8: TERMS OF REFERENCE – EXTERNAL MONITORING ORGANIZATION FOR VERIFICATION OF VOLUNTARY DONATION

* [Shaded items in the bracket] will be replaced with information from the specific project.

A. Objectives

1. The objective of this consulting service is to verify that the land acquisition of [name of the project] follows the principles and procedures of voluntary donation set for the project. The project is supported by the Asian Development Bank (ADB) and will [a brief description of the project's objectives]. The [name of the borrower/client] is assisted by [name of the entity assisting the implementation of land acquisition] for implementing the land acquisition. An independent external party such as a qualified non-governmental organization (NGO) or legal authority²⁵ will be engaged by the project²⁶ 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 records (voluntary donation/contribution forms), verify that the donation is in fact voluntary, did not result from coercion, and was accomplished through the consultation process.
- (ii) Ensure that 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/grant] agreement and memorandum of understanding (MoU) or correspondences between ADB and [name of the borrower/client]) related to the project's land acquisition;
- (ii) Review the project Land Acquisition and Resettlement Framework (LARF) and LARP and particularly the Entitlement Matrix.
- (iii) Visit the project site to verify whether the voluntary donation process follows the principles and procedures agreed in [loan/grant] agreement, MoUs and Resettlement Plan/Framework and Ethnic Group Plan/Framework (if any). Verification will cover an adequate representative random sample²⁷ of the affected households who voluntarily donated the land;

²⁵ [Please define or provide an example]

²⁶ For further discussion: the project team to as much as possible use project loan funds. In special cases, ADB staff consultant budget can be used.

²⁷ 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

- (iv) Visit sites and verify that any compensation or livelihood restoration or any other mitigation actions have been taken as per the LARP;
- (v) Conduct interviews and/or participatory community meetings with the affected peoples/affected households to obtain perception of the voluntary donation;
- (vi) Interview relevant stakeholders including [name of the borrower/client], construction supervision and project implementation consultants, and [name of the entity assisting the implementation of land acquisition], community leaders and local authorities regarding the principles and procedures followed in voluntary donation; and
- (vii) Verify whether the criteria set for voluntary donation were properly applied (See Criteria and Guidance Notes of Voluntary Donation).
- (viii) Verify whether the procedures of the voluntary donation were properly implemented
- (ix) Prepare a verification report.

Where there is also an EGP being monitored, the EMA must verify that EGP activities are being implemented and will prepare a matrix indicating EGP Action and Progress against each EGP element.

D. Outputs

4. The independent party will prepare the following reports and submit them to [name of the borrower/client] 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 [name of the borrower/client] and ADB, and is acceptable to both said parties.

E. Qualifications

5. 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.

6. 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.

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

F. Estimated Person-Months

8. [Number] [domestic/international] persons will be recruited for a total of [number] person-months (estimate).

G. Budget and Logistics

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