

**REPUBLIC OF THE UNION OF MYANMAR
YANGON REGION GOVERNMENT**

**TECHNICAL ASSISTANCE
FOR
PREPARATION OF RESETTLEMENT WORK
PLAN IN MYANMAR**

**FINAL REPORT
VOLUME I MAIN REPORT**

JUNE 2016

JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)

NIPPON KOEI CO., LTD.

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Structure of Report

Volume I: Main Report (This Report)

Volume II: Appendixes

Executive Summary in Japanese

Unit

| | |
|-----------|--|
| Acre (ac) | 1 ac = approx. 4,046 square meter (m ²) or approx. 0.4046 hectare (ha) |
| Feet (ft) | 1 feet = approx. 0.3048 meter (m) |

Exchange Rate (as of June 2016)

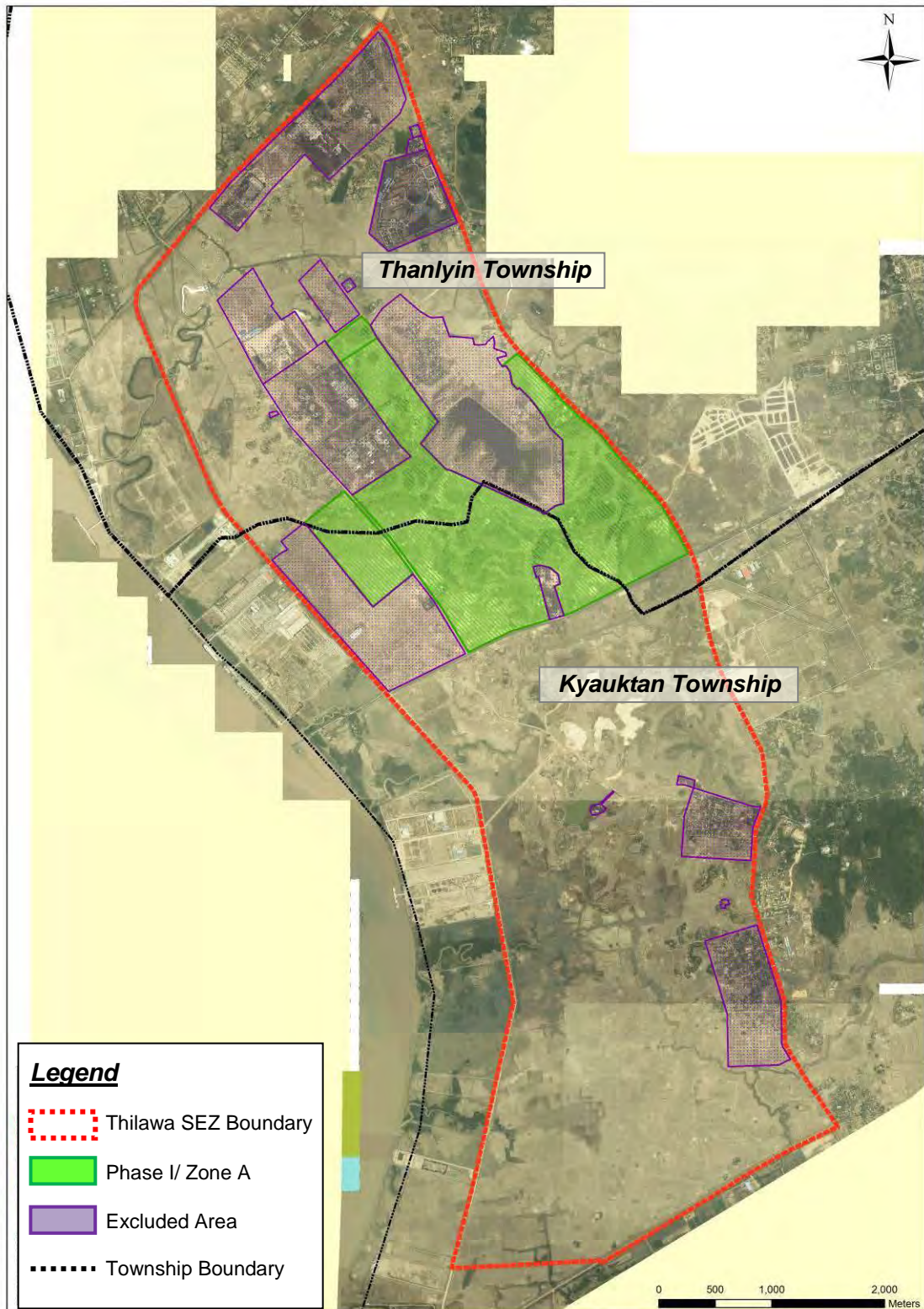
1 USD = 110.3 JPY

1 MMK = 0.09 JPY

1 USD = 1,165 MMK

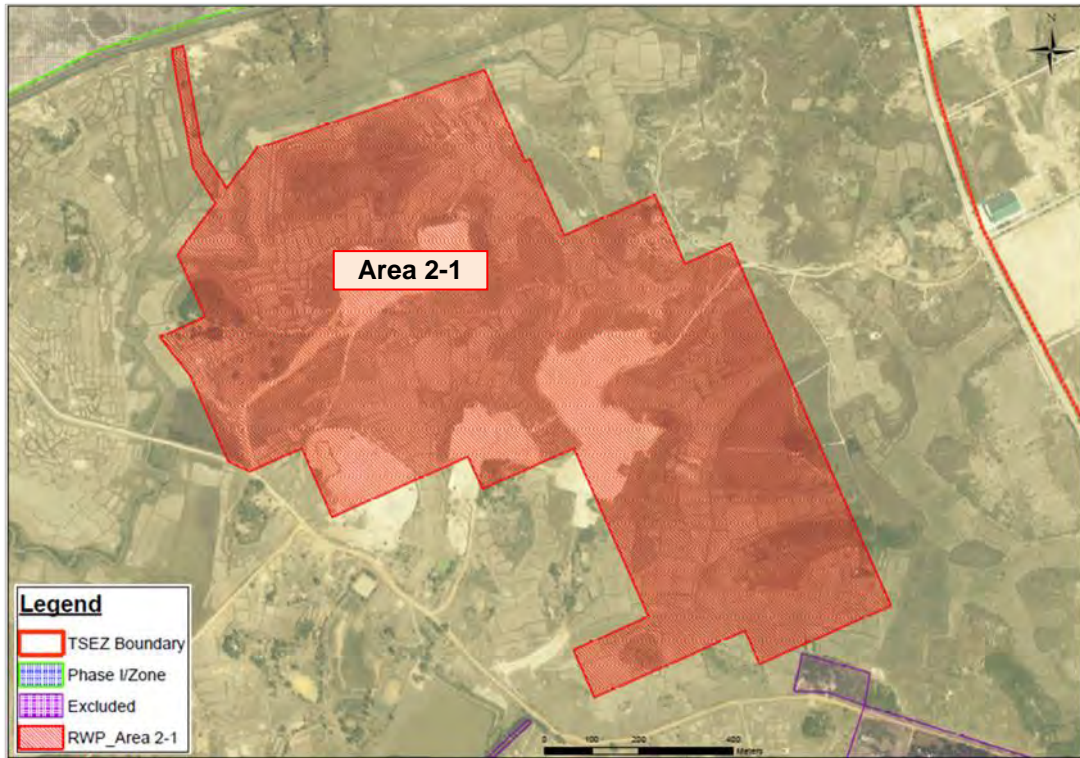


Location of Thilawa Special Economic Zone (SEZ)

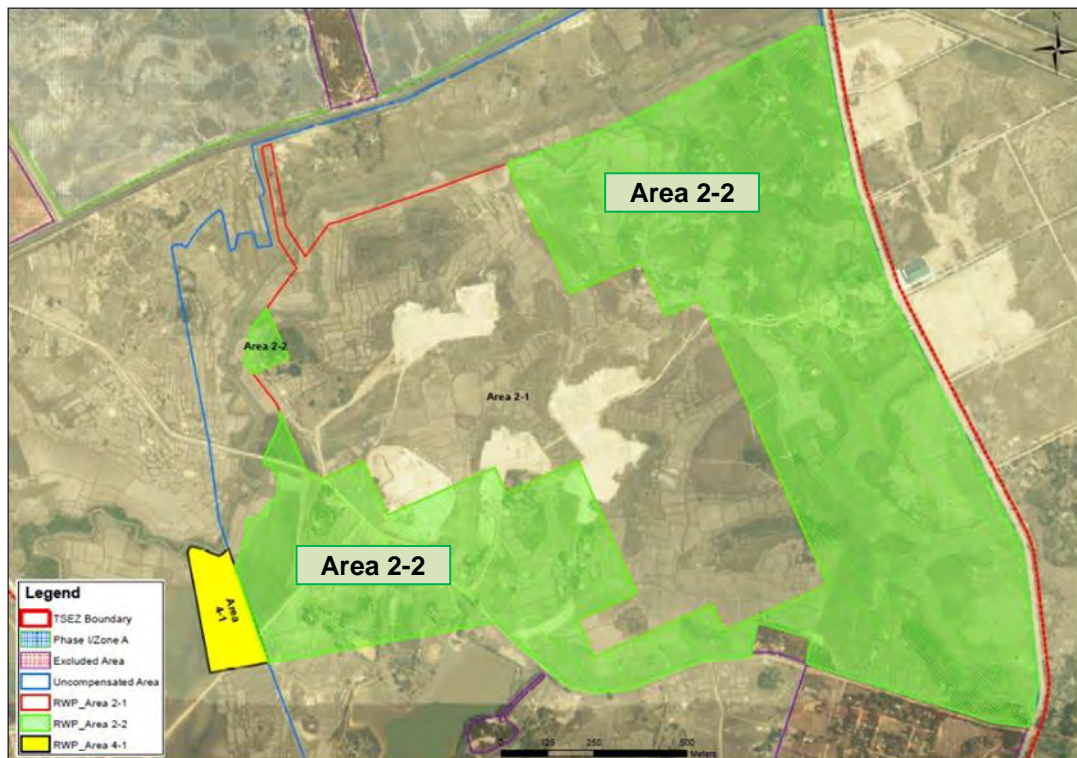


Phase 1/Zone A and 2000ha Development Area of Thilawa SEZ

Note: 2000 ha Development Area is the area except Phase 1/ Zone A and Excluded Area



The Initial Development Area (Area 2-1)



The Second Development Area (Area 2-2)

FINAL REPORT

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LIST OF ABBREVIATIONS

| | |
|---------|--|
| ADB | Asian Development Bank |
| AMTD | Aye Mya Thidar |
| ALS | Alunsut |
| BYG | Bayar Gone |
| BPL | Below Poverty Line |
| CBO | Community Based Organization |
| CCMVFVL | Central Committee for Management of Vacant, Fallow and Virgin Lands |
| CFAB | Central Farmland Administrative Body |
| COD | Cut-off Date |
| CP | Counterpart Personnel |
| CSO | Civil Society Organization |
| CSR | Corporate Social Responsibility |
| DFR | Draft Final Report |
| DHSHD | Department of Human Settlement and Housing Department |
| DMS | Detailed Measurement Survey |
| DPW | Department of Public Works |
| DRR | Department of Relief and Resettlement |
| DSW | Department of Social Welfare |
| DUHD | Department of Urban and Housing Development |
| ECD | Environmental Conservation Department of Ministry of Environmental Conservation and Forestry |
| ECL | Environmental Conservation Law |
| ECR | Environmental Conservation Rule |
| EIA | Environmental Impact Assessment |
| ESIA | Environmental and Social Impact Assessment |
| EMMP | Environmental Management and Monitoring Plan |
| FD | Forest Department of Ministry of Environmental Conservation and Forestry |
| FDI | Foreign Direct Investment |
| FMC | Farmland Management Committee |
| FR | Final Report |
| FSWG | Food Security Working Group |
| GAD | General Administration Department |
| GOM | The Government of the Republic of the Union of Myanmar |
| ICR | Inception Report |
| IEE | Initial Environmental Examination |
| IOL | Inventory of Loss |
| IRP | Income Restoration Program |
| IRPIC | Income Restoration Program Implementation Committee |
| IRPISC | Income Restoration Program Implementation Sub-Committee |
| ITR | Interim Report |

| | |
|---------|---|
| JICA | Japan International Cooperation Agency |
| KTDC | Kyauktan Township Development Committee |
| LYS | Lay Yar San |
| LUASC | Land Use and Land Allocation Scrutinizing Committee |
| MCDC | Mandalay City Development Committee |
| MJTD | Myanmar Japan Thilawa Development Limited |
| MMK | Myanmar Kyat |
| MMST | MMS Thilawa Development Co., Ltd. |
| MTSH | Myanmar Thilawa SEZ Holding Public Limited |
| MOAI | Ministry of Agriculture and Irrigation |
| MOC | Ministry of Construction |
| MOD | Minutes of Discussion |
| MOE | Ministry of Energy |
| MOECAF | Ministry of Environmental Conservation and Forestry |
| MOI | Ministry of Industry |
| MOHA | Ministry of Home Affairs |
| MOLESS | Ministry of Labour, Employment and Social Security |
| MOM | Ministry of Mining |
| MONPAED | Ministry of National Planning and Economic Development |
| MONREC | Ministry of Natural Resources and Environmental Conservation |
| MOSWRR | Ministry of Social Welfare, Relief and Resettlement |
| MOT | Ministry of Transport |
| MSAG | Multi-Stakeholder Advisory Group |
| M/P | Master Plan |
| NGO | Non Governmental Organization |
| ODA | Official Development Assistance |
| PAH | Project Affected Household |
| PCM | Public Consultation Meeting |
| PAP | Project Affected Person |
| RAP | Resettlement Action Plan |
| RIC | Relocation Implementation Committee |
| RISC | Relocation Implementation Sub-Committee |
| RWP | Resettlement Work Plan |
| SEZ | Special Economic Zone |
| SIDA | Swedish International Development Cooperation Agency |
| SLRD | Settlement and Land Record Department |
| SP | Shwe Pyauk |
| SPTY | Shwe Pyi Thar Yar |
| T/A | Technical Assistance for Preparation of Resettlement Work Plan in Myanmar |
| TDM | Thidar Myaing |

| | |
|--------|--|
| TKDC | Thanlyin - Kyauktan Development Company |
| TOR | Terms of Reference |
| TSDG | Thilawa Social Development Group |
| TSMC | Thilawa SEZ Management Committee |
| TTDC | Thanlyin Township Development Committee |
| UNDP | United Nations Development Programme |
| UNICEF | United Nations Children's Fund |
| USAID | United States Agency International Development |
| VFV | Vacant, Fallow and Virging (land) |
| VT | Village Tract |
| WB | The World Bank |
| WG | Working Group |
| WHO | World Health Organization |
| WS | Workshop |
| YCDC | Yangon City Development Committee |
| YRG | Yangon Region Government |

*1 Department of Human Settlement and Housing Development (DHSHD) of Ministry of Construction (MOC) changed to Department of Urban and Housing Development (DUHD) in April 2015.

*2 Ministry of Environmental Conservation and Forestry (MOECA) changed to Ministry of Natural Resources and Environmental Conservation in April 2016.

*3 Ministry of Labour, Employment and Social Security (MOLESS) changed to Ministry of Labour, Immigration and Population in April 2016.

Acronyms

| | |
|---|--|
| Project Affected Persons (or Households) | Persons (or households) affected by the development of Thilawa SEZ Development Area |
| Cut-Off Date | The cut-off date is the date when the project is formally declared by the relevant authorities to stakeholders. Generally, the cut-off date is the date when census begins. Persons who occupy the project area after the cut-off date will not be eligible for resettlement assistance. |
| Detailed Measurement Survey (DMS) | The detailed survey of affected assets in order to examine impact to be caused due to project implementation |
| Entitlement | Range of assistance measures including: i) assistance for loss of assets, loss of income sources, and relocation, ii) assistance for vulnerable groups, and iii) special arrangement of resettlement site and income restoration program, in accordance with the nature of loss, to restore their economic and social base |
| Relocation | Physical displacement from the original location to the relocation site and economic displacement |
| Replacement Cost | Cost of replacing loss of assets without considering depreciation |
| Resettlement | Settlement of the displaced persons at the resettlement site, and economic and social activities to restore their livelihood including award of assistance and income restoration activities |
| Vulnerable Groups | Distinct groups of people who might suffer disproportionately from relocation effects. A household headed by woman, disabled person, elderly (over 61 years old), a household including a member of disabled person, or a household below poverty line are regarded as vulnerable households. |

Source: JICA Expert Team referring to definition in “Involuntary Resettlement Sourcebook *Planning and Implementation in Development Projects* (World Bank)” and “Handbook on Resettlement *A Guide to Good Practice*” (ADB).

PART I GENERAL

Chapter 1 Background and Objectives

1.1 Background

The economic condition in Myanmar has been showing rapid progress towards democratization and market economy after changing to democratic administration in March 2011. The former administration¹ considered the strategy of restructuring the economy from its dependence on agriculture, forestry, and fishery, to a new structure that would focus on labor-intensive industries such as manufacturing and services. The economic strategy that it applied attracted direct investment and market entry by companies from developed countries that had important resources such as technology, capital, management skills, and sales skills. It gave priority to Foreign Direct Investment (FDI) as the key factor in the development of the nation. In particular, it expected Thilawa, Dawei, and Kyaukphyu Special Economic Zones (SEZs) to play an important role in economic development.

Among three SEZs, the former administration prioritized the development project of Thilawa SEZ as one of its policies for inviting direct investment to the country. Thilawa SEZ development aimed to provide foreign investors with land for factories, which would further promote the country's industrialization as well as generate jobs for the Myanmar people. Through this project, it was expected that the whole country would benefit from improved living standards and expanded industries to meet the domestic demand from retail and service industries.

In response, Japan International Cooperation Agency (JICA) has shown a policy to support the Government of the Republic of the Union of Myanmar (GOM) for wide-ranging and rapid development projects through Official Development Assistance (ODA) projects and private sector investment finance. During the implementation of the development projects, various environmental and social impacts are expected, such as impacts on air, water, soil and natural environment, and impacts on social environment such as physical and economical displacement including involuntary resettlement. In order to realize sustainable development, it is necessary to mitigate such impacts by incorporating appropriate environmental and social mitigation measures into project planning in advance taking into consideration the JICA Guidelines for Environmental and Social Considerations April 2010 (the JICA Guidelines).

However, GOM has not been engaged in the practices of ODA projects for more than 20 years, and also the loans from international organizations and donors have not been provided for a long period of time. Therefore, the related organizations in Myanmar are not familiar with international standard environmental and social considerations which the international donor agencies like World Bank (WB), Asian Development Bank (ADB) as well as JICA are requesting to recipient countries recently.

In addition, it is also necessary to confirm whether legal and execution systems on land acquisition and resettlement in Myanmar meet the levels of international standard social considerations which

¹ The former administration was established in November 2011 and led by the then president Then Sein.

the JICA Guidelines and WB safeguard policies are requesting. Furthermore, it is necessary to confirm whether the execution capacities of the related organizations for land acquisition and resettlement are sufficient or not.

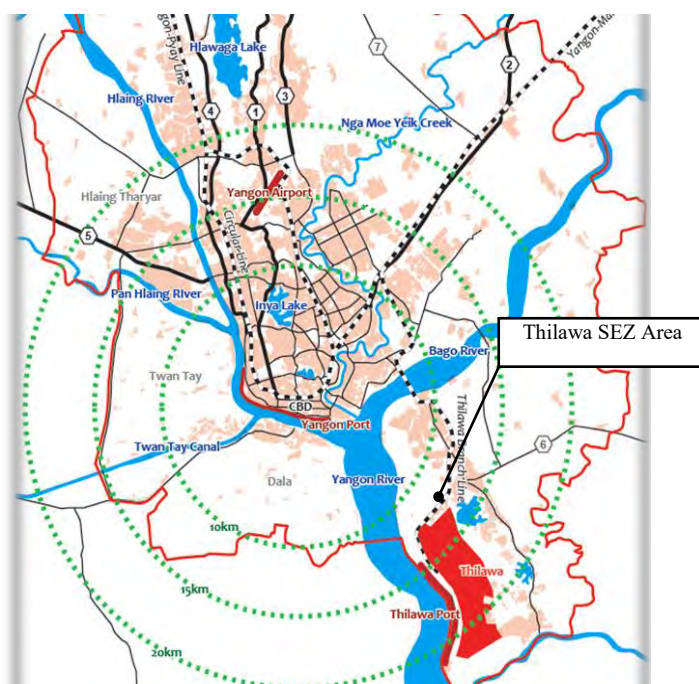
Based on the above situation, JICA has decided to conduct Technical Assistance (T/A) for Preparation of Resettlement Work Plan in Myanmar. The Minutes of Discussions (MOD) on Technical Cooperation for Preparation of Resettlement Work Plan in Myanmar between Yangon Region Government (YRG) and JICA was signed on 25 April 2013 mainly to assist to prepare an international standard Resettlement Work Plan (RWP) for development of Phase 1 area, namely Zone A of approximately 400 ha of Thilawa SEZ (Phase 1/ Zone A). In September 2013, this MOD was amended to assist to prepare RWP on the remaining area of Thilawa SEZ development (approximately 2,000 ha).

1.2 Objective of T/A

The objective of T/A is to assist GOM to prepare international standard RWPs for Thilawa SEZ development. Through the preparation exercise of the RWPs, it is expected that necessary future improvements to the legal and execution systems on land acquisition and resettlement and the execution capacities of the relating organizations for land acquisition and resettlement in Myanmar will be identified.

1.3 Target Area

Target area of T/A is Thilawa SEZ development area for the preparation of the RWPs, while the main work places are Yangon Region (where there are many representative offices of donor agencies including JICA Myanmar office and private companies), and also Nay Pyi Taw (where there are head offices of government organizations). Thilawa SEZ is located in Yangon Region and about 20 km southeast of Yangon city as shown in Figure I-1. Thilawa SEZ covers an area of about 2,400 ha along the Thilawa port. List of village tract, ward and village in the Thilawa SEZ development area is shown in Table I-1



Source: Resettlement Work Plan (RWP) for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Figure I-1 Location of Thilawa SEZ Development Area

Table I-1 Village Tract, Ward and Village in Thilawa SEZ Development Area

| Region | District | Township | Village Tract/Ward | Village |
|--------|-------------------|----------|-------------------------------|-------------------|
| Yangon | Southern District | Thanlyin | Alunsut VT | Alunsut (ALS) |
| | | | Bayar Gone VT | Bayar Gone (BYG) |
| | | | Let Yet San VT | Lay Yar San (LYS) |
| | | Kyauktan | Aye Mya Thidar (AMTD) Ward | - |
| | | | Shwe Pyi Thar Yar (SPTY) Ward | - |
| | | | Shwe Pyauk VT | Shwe Pyauk (SP) |
| | | | Thidar Myaing (TDM) Ward | - |

Note: VT stands for Village Tract. One village tract is composed for 2 or 3 villages.

Source: JICA Expert Team

1.4 Counterpart and Cooperation Organizations

The counterpart and relating organizations of the T/A are as follows:

- Counterpart agency: YRG, Thilawa SEZ Management Committee (TSMC), Department of Urban and Housing Development (DUHD) of Ministry of Construction (MOC)², Ministry of Planning and Finance³
- Relating organizations: Myanmar Japan Thilawa Development Ltd. (MJTD), MMS Thilawa Development Co. Ltd. (MMST), and Myanmar Thilawa SEZ Holdings Public Limited. (MTSH)

² Department of Human Settlement and Housing Development (DHSHD) of MOC renamed to Department of Urban and Housing Development (DUHD) in April 2015. In this report, DHSHD is specifically used in case some events were happened before renaming to DUHD.

³ Ministry of National Planning and Economic Development renamed to Ministry of Planning and Finance in April 2016.

Chapter 2 Basic Approaches

2.1 Basic Approach to Implement T/A

(1) Contributing to Capacity Development of the Implementing Agencies through Resettlement Work Plan Preparation

The primary aims of T/A are: i) to review capacity of Myanmar's implementing organizations for land acquisition and resettlement through information collection and case studies, and ii) to confirm issues and provide recommendations for GOM to fulfill international level social consideration measures including the JICA Guidelines. However, for the implementing agencies that deal with the projects which may require large-scale land acquisition and resettlement, capacity development for such agencies is indispensable even during a stage of T/A. Therefore, during the implementation of case studies, JICA Expert Team aimed to contribute to capacity development of resettlement implementing agencies at various stages of international level RWP preparation, such as survey planning, implementation of DMS, consultation with PAHs, in consideration of current implementation capacity and setup of the implementation organizations.

(2) Confirming Implementation Setup in relation to Land Acquisition and Resettlement, and Information Sharing with Relevant Agencies

Currently, preparation of the national level interdisciplinary land use policy and planning is on-going in Myanmar. The T/A considered such existing coordination mechanism among relevant agencies and aimed to share information and outputs of T/A.

Ministry of Environmental Conservation and Forestry (MOECAF)⁴, which judges environmental and social considerations including social impacts in Myanmar, is regarded as one of relevant agencies. Currently, MOECAF finalized Environmental Impact Assessment Procedure as Notification No. 616 / 2015 on 29 December 2015.

(3) Implementing Assistance for RWP Preparation in Consideration of Loan Projects

The actual content as well as precision of RWPs prepared for selected projects was highly influenced by extent and number of displaced persons, and degrees of cooperation from PAHs/ Project Affected Persons (PAPs). However, since the RWPs prepared in T/A had the contents and precision required for future ODA projects, T/A aimed to prepare the RWPs applicable for further ODA project implementation as much as possible, in consideration of the intentions of GOM and other relevant organizations.

⁴ Ministry of Environmental Conservation and Forestry (MOECAF) changed to Ministry of Natural Resources and Environmental Conservation (MONREC) in April 2016 due to reforming the ministries in the union level. In this report, MOECAF is specifically used in case some events were happened before changing to MONREC.

(4) Presenting Samples of Income Restoration and Improvement Measures in Accordance with the Current Situation and Perspectives in Myanmar

For the preparation of RWP, not only determination of appropriate assistance and compensation, but also examination of income restoration and improvement measures was a key aspect upon preparation of RWP. Therefore, in order to support preparation of practical income restoration and improvement measures, examples, particularly lessons learnt, from other countries are presented to GOM during a course of the T/A. Examples of income restoration and improvement measures were selected in consideration of the current situations as well as perspectives of land acquisition and resettlement issues in Myanmar.

2.2 Basic Approach to Operate T/A

(1) Emphasis on Smooth Communication with Relevant Organizations

Since various stakeholders were involved in the T/A, JICA Expert Team fully utilized: i) existing interdisciplinary committees among organizations in GOM and ii) our established networks and connections with agencies/ personnel in GOM, to facilitate various information sharing / discussions required for the conduct of T/A.

(2) Aiming at Schedule Management and Flexibility for T/A Implementation

Regarding the preparation of RWPs, JICA Expert Team took into account the timeframe intended by GOM and other stakeholders. On the other hand, there were certain changes in requirements by trend of public opinion and response of PAPs, JICA Expert Team responded to such changes flexibly after discussing with JICA and counterpart agencies in considerations of the overall progress of this T/A.

(3) Effective Use of Local Resources

For efficient implementation of the T/A, local (national) consultants as sub-contractors for assistance for the implementation of DMS and resettlement site planning, and national experts including surveyors were procured for the T/A.

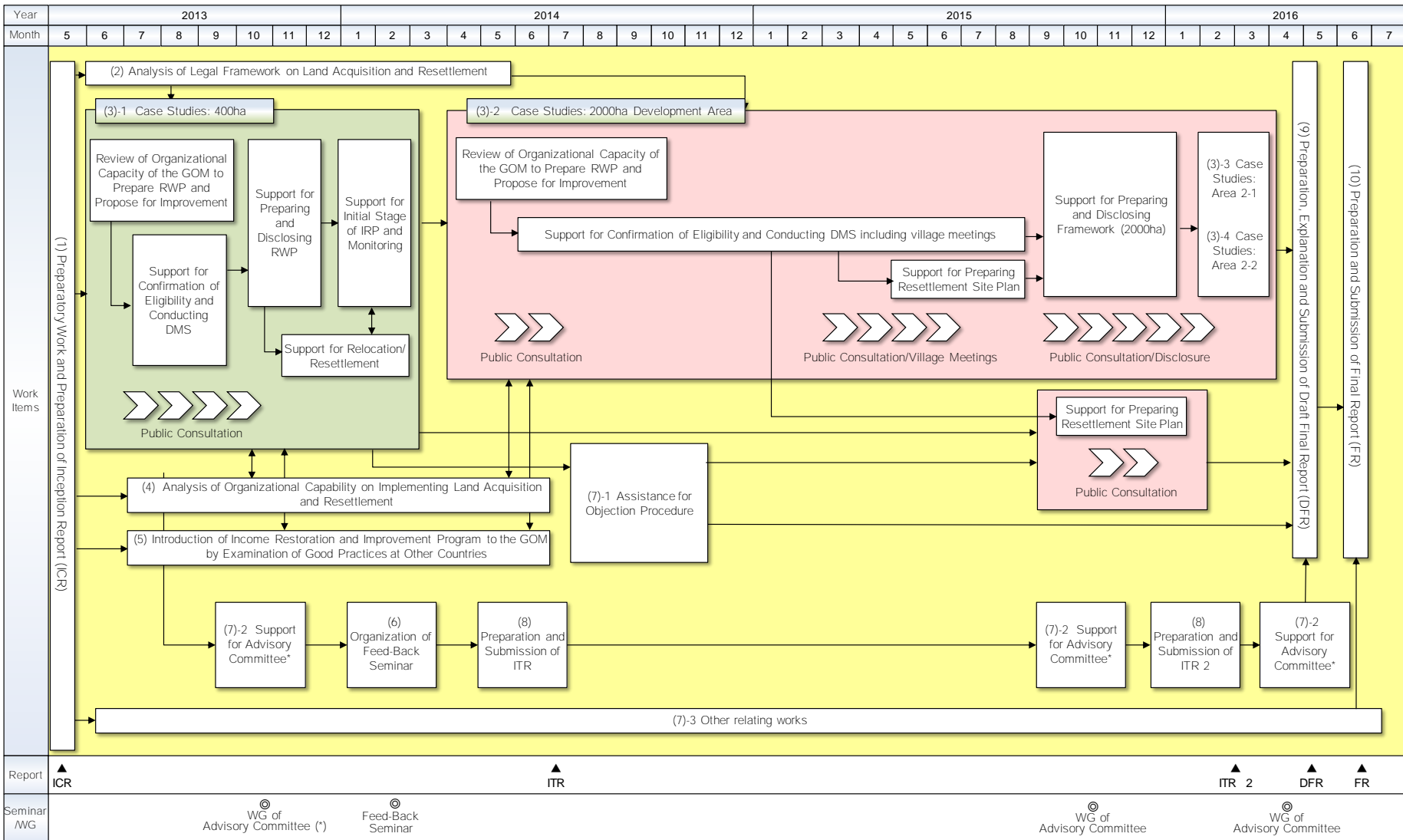
(4) Cooperation with T/A for Planning and Implementing Income Restoration Program funded by JICA

Initial stage of Income Restoration Program (IRP) for PAPs in Phase 1/ Zone A was implemented under this T/A. When IRP was fully in progress, its implementation was separately assisted by JICA by another technical assistance namely Technical Assistance for Planning and Implementing Income Restoration Program (T/A for IRP). T/A for IRP has been implemented since June 2014 with objectives to: i) improve livelihood of PAPs after relocation, and ii) capacity development of GOM on planning and implementing livelihood rehabilitation activities in accordance with international standards through conducting actual activities. As resettlement works and IRP are related to each other, such as lessons-learned from IRP for Phase 1/ Zone A need to be reflected into following RWPs, these two T/A were implemented with close cooperation.

Chapter 3 Work Plan

3.1 Overall Workflow

The overall workflow of T/A is shown in Figure I-2.



*Advisory Committee: Advisory Committee for Environmental and Social Considerations

Remark: ICR stands for Inception Report, ITR stands for Interim Report, DFR stands for Draft Final Report and FR stands for Final Report.

Source: JICA Expert Team

Figure I-2 Overall Work Flow of T/A

3.2 Methodology

(1) Preparatory Work and Reparation of Inception Report (ICR)

Relevant documents and information were collected and analyzed by noting characteristics of the Thilawa SEZ Development Project, and the draft Inception Report (ICR) with its summary was prepared including the basic approaches, the methodology and schedule. The contents of the draft ICR were consulted with counterpart agencies, and ICR was finalized by reflecting their comments.

(2) Analysis of Legal Framework on Land Acquisition and Resettlement

Items stipulated in “7. Legal Framework” of OP 4.12 Annex A, the World Bank Safeguard Policy were confirmed. Especially, differences on eligibility of compensation, calculation method of compensation amount, timing of compensation payment, income restoration and improvement measures, public consultation and information disclosure and grievance mechanism between the legislate framework on land acquisition and resettlement in Myanmar and the JICA Guidelines were examined.

Currently, there is no law stipulating involuntary resettlement comprehensively. It is said that there are approximately 70 laws and regulations related to land issues in Myanmar including laws and regulations formulated at the latter half of the 19th Century. Of these, about 30 laws and regulations are said to be still valid although their actual status is not clear. Therefore, JICA Expert Team reviewed and confirmed the current status of these laws and regulations, especially, existing legislate documents and framework established after the year 2011. Table I-2 shows relevant laws are regulation on land issues in Myanmar.

Table I-2 Relevant Laws and Regulations on Land Issues in Myanmar

| | |
|---|---|
| <ul style="list-style-type: none"> • Farmland Law, 2012 • Farmland Rules, 2012 • Vacant, Fallow and Virgin Lands Management Law, 2012 • Vacant, Fallow and Virgin Lands Management Rules, 2012 • Constitution of the Republic of the Union of Myanmar, 2008 • (Land Nationalization Act,1953) • Land Nationalization Rules, 1954 • (The Disposal of Tenancies Law, 1963) • The Disposal of Tenancies Rules, 1963 • (The Law Safeguarding Peasant Rights, 1963) • The Law Amending the Disposal of Tenancies Law, 1965 • Land Acquisition Act, 1894 • Transfer of Immovable Property Restriction Act, 1947 (repealed) • Transfer of Immovable Property Restriction Law, 1987 • Registration Act | <ul style="list-style-type: none"> • The Lower Burma Land Revenue Manual, 1876 • The Upper Burma Land and Revenue Regulation, 1889 • The Lower Burma Town and Village Land Manual, 1899 • The City of Yangon Development Council Law, 1990 • The City of Mandalay Development Council Law, 2002 • Development Committee Law, 1993 • Forest Law, 1992 • Cantonments Act • Duties and Rights of the People’s Council and Executive Committees at various levels, 1977 • The State Laws and Order Restoration Council’s Law No.8/88 • Duties and Rights of the Central Committee for the Management of Culturable Land, Fallow Land and Waste Land and Procedures conferring the right to cultivate land/right to utilized land, 1991 • Directions of Central Land Committee |
|---|---|

Source: “Guidance Note on Land Issues Myanmar” UNHCR, UNHABITAT

(3) Case Studies: Preparation of RWP Including Review of Organizational Capacity of GOM to Prepare RWP and Propose for Improvements

Since land acquisition and resettlement have already commenced at some areas in the Thilawa SEZ development area, compensation and assistance policy, procedure and methodology of public consultation and land acquisition/resettlement were confirmed. Then, consultation how to describe confirmation results into the RWP was done with counterpart agencies. Capacity of these agencies for implementing land acquisition and resettlement at the international standard was reviewed.

The Phase 1/ Zone A was the first target of the preparation of RWP. After that, technical assistance was provided for the preparation of the Resettlement Framework for the 2000ha Development Area (the Framework), followed by the preparation of individual RWPs in the prioritized areas in 2000ha Development Area. In parallel with the preparation of the Framework, the supplemental RWP for approximately 9 ha of expansion area of Phase 1/ Zone A (the Expanded Area of Phase 1/ Zone A) as an amendment of RWP for Phase 1/ Zone A was prepared.

Table I-3 outlines the contents applied in RWPs which were prepared in English and Myanmar language.

Table I-3 Contents of RWP

| Items | Contents |
|---|--|
| Potential Impacts to be caused by the Project | The following items have been examined. <ul style="list-style-type: none"> • Outline of land development requesting land acquisition and resettlement • Alternatives to minimize or avoid land acquisition and resettlement • Framework to minimize impact of land acquisition and resettlement as much as possible during the project implementing period |
| Necessity of Land Acquisition and Resettlement | Necessity of land acquisition and resettlement has been examined through reviewing outline of land development, land acquisition area, etc. In addition, alternatives to avoid or minimize land acquisition and resettlement impact examined at the time of the initial project formulation was reviewed. |
| Socio-Economic Survey (Census, Inventory of Loss, Socio-Economic Survey) | Census has been conducted for all PAPs in order to confirm the number of affected persons including land owners, tenants, owners of business establishments, employees and squatters. For conducting socio-economic survey, appropriate cut-off date and eligibility of compensation and income restoration and improvement measures has been examined with GOM. Inventory of Loss (IOL) has been conducted to all structures in the target area of RWP preparation in order to confirm degree and number of assets physically and economically affected. IOL has been conducted with census. Socio-economic survey has been conducted to collect baseline information on livelihood and living standard of PAPs especially vulnerable groups such as households living Below the Poverty Line (BPL), households without land ownership or land use right, the old, women, children, indigenous people and ethnic minorities and others vulnerable groups stipulated in Myanmar regulations. |
| Policies for Compensation and Income Restoration and Improvement Measures | Eligibility of compensation and income restoration and improvement measures has been examined. Land owners, tenants, business owners, employees and squatters were considered as eligible parties on compensation and income restoration and improvement measures based on the JICA Guidelines. Several methods of compensation payment were examined for PAPs depending on land-based income source referring to examples at neighboring countries, and the selected method was explained. Responsibility of concerned agencies on compensation payment based on replacement cost defined in OP 4.12 of the World Bank Safeguard Policy has been examined. Difference of compensation policy on replacement cost and relevant regulations in Myanmar were slightly identified, and necessary policy and responsibility of concerned agencies has been examined. As for PAPs who were requested physical displacement, relocation allowance was examined. IRP to improve their standard of living, income opportunities and production levels, or at least to restore these to pre-project levels has been examined. IRP was in-kind assistance such as vocational training prepared based on consultation with PAPs. |

| Items | Contents |
|--|---|
| Plan for Arrangement of Resettlement Sites | Appropriate resettlement site was selected, and a plan of resettlement site arrangement including arrangement of residences and social infrastructure was examined. In addition, a plan of providing social service such as education and health care was examined. Environmental study including preparation of mitigation measures and environmental management plan for the resettlement site was conducted. |
| Grievance Redress Mechanism | Grievance redress mechanism using the existing mechanism or establishing the new mechanism has been examined from the viewpoint of easiness, convenience and reliability. Then, the following items were described: <ul style="list-style-type: none"> • Responsibility of concerned agencies; • Procedure of lodging and handling grievance; • The period of grievance redress, and • Announcement methods |
| Implementing Schedule | Schedule of implementing of land acquisition and resettlement to the new sites including schedule of compensation/assistance payment and arrangement of resettlement sites was examined. |
| Budget and Budget Source | Necessary cost for each item such as compensation based on the replacement cost, resettlement site arrangement, implementing income restoration and improvement measures and administration have been estimated. |
| Monitoring and Evaluation | Structure of internal monitoring to be conducted by the project proponent has been examined, and a monitoring form to confirm land acquisition progress was prepared. A monitoring form includes input, output and indicators to implement land acquisition and resettlement. Structure of external monitoring to be conducted by independent organizations has been also examined, and the terms of reference of external monitoring have been examined. Evaluation methods to confirm whether land acquisition and resettlement is implemented in accordance with RAP was examined; also the draft Terms of Reference (TOR) for evaluation of outsourcing this work have been examined. |
| Public Participation /Information Disclosure | Strategy to ensure public participation from the stage of land acquisition/resettlement planning until implementation of land acquisition/resettlement by considering participation of vulnerable groups and host communities was examined. The followings were applied for ensuring public participation: <ul style="list-style-type: none"> • Holding a series of public consultation meetings • Interview to concerned agencies, public consultation meetings for preparation of RWP, • Disclose of relating information to public • Establishing structure of implementing land acquisition and resettlement works ensuring public participation and monitoring Minutes of meetings were prepared when public consultation meetings were organized, and raised comments were reflected into RWPs. |

Source: JICA Expert Team

(4) Analysis of Organizational Structure on Implementing Land Acquisition and Resettlement

Responsible agencies on land acquisition and resettlement for the Thilawa SEZ development have been identified at the national and regional levels. Then, job descriptions at each concerned agency (e.g. roles of agency, relevant departments and staff in an agency etc.) were checked.

TSMC, YRG and DUHD of MOC were key agencies on land acquisition and resettlement for the Thilawa SEZ development. For these key agencies, organizational capacity was confirmed, and a plan to develop their capacity was discussed. In addition, capacity of outside organizations (e.g. national consultants, NGOs/CBOs) to support implementing land acquisition and resettlement was checked.

(5) Introduction of Income Restoration and Improvement Measures to GOM by Examination of Good Practices at Other Countries

Good practices and lessons learned on income restoration and improvement measures related to land acquisition and resettlement at other countries were collected, and the results were shared with the concerned agencies in Myanmar. Information on projects funded by JICA, WB and ADB and

conducted at ASEAN members countries, especially Indonesia, Vietnam, Cambodia and Laos were collected.

(6) Organization of Feedback Seminar

A seminar to feedback findings and lessons learnt from the resettlement works for Phase 1/ Zone A and recommendations on land acquisition and resettlement in Myanmar was organized inviting various organizations such as government organizations, donor agencies, civil societies and media.

(7) Other Relating Works

On 2 June 2014, JICA received a document named “Objections Regarding the Thilawa Special Economic Zone Development Project in Myanmar” (the Request) from three requesters. The Examiners reviewed the Request. JICA Expert Team supported JICA operational department, Private Sector Partnership and Finance Department, to prepare necessary documents, and to collect necessary data and information to be submitted to the Examiners etc.

Since Thilawa SEZ development is classified as Category A project under the JICA Guidelines, JICA operational department asked for advice on environmental and social considerations from Advisory Committee. Resettlement works was discussed at the working group of Advisory Committee together with EIA. JICA Expert Team supported JICA operational department to prepare necessary documents to be discussed at the working group meetings.

The EIA studies for the Zone B development (approximately 700 ha) have been conducted by MJTD (for Industrial Area, approximately 262 ha) and Thilawa Property Development Ltd. (for Logistic, Residence and Commercial Areas). For these EIA studies, JICA Expert Team shared necessary information and data regarding socio-economic conditions of PAHs/PAPs in the target area of each EIA study and proposed assistance package as mitigation measures with EIA Study team.

(8) Preparation and Submission of Interim Report (ITR) and Interim Report (2) (ITR (2))

The progress and interim results of the T/A were compiled into the Interim Reports. The first ITR was prepared compiling mainly achievements relating to Phase 1/ Zone A, while the second ITR (ITR (2)) was mainly compiled from the results on the Framework and progress of preparation of individual RWPs in Zone B etc. Both ITRs were submitted JICA and concerned agencies in Myanmar.

(9) Preparation, Explanation and Submission of Draft Final Report (DFR)

The T/A results were compiled into the Draft Final Report (DFR). The contents of DFR were explained and consulted with JICA and counterpart agencies, and then submitted to them.

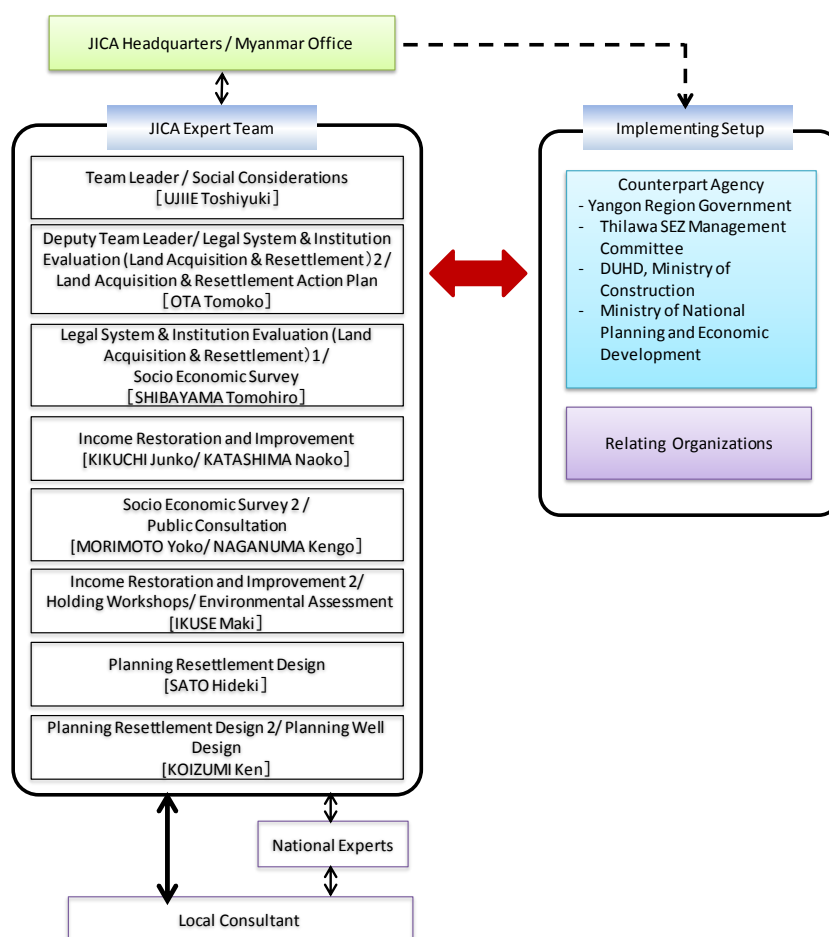
(10) Preparation and Submission of Final Report (FR)

The Final Report (FR) was finalized by reflecting comments from JICA and counterpart agencies, and then was submitted to JICA and counterpart agencies in Myanmar.

3.3 Implementation Set-up

3.3.1 Implementation Organization

The Implementation setup of the T/A is described in Figure I-3. In addition to JICA experts, local consultants (sub-contractors) and personnel (national experts) having experiences in social considerations and relating fields were hired to conduct T/A effectively.



Source: JICA Expert Team

Figure I-3 Implementation Setup

3.3.2 Subcontract Works

For the smooth conduct of T/A, JICA Expert Team subcontracted works to local consulting firms having sufficient expertise for social considerations and other relating fields for Phase 1/ Zone A and the 2000ha Development Area. Main work items and employed subcontractor (local consulting firms) of the subcontracting works for Phase 1/ Zone A and the 2000ha Development Area are summarized in Table I-4.

Table I-4 Subcontract Works for the T/A

| Area | Work Name | Main Work Items | Subcontractor |
|-------------------------------|--|---|--|
| Phase 1/ Zone A : 400ha | Supplemental Socio-Economic Survey and Inventory of Loss | <ul style="list-style-type: none"> - Information collection and analysis on legal frameworks related to land acquisition / resettlement in Myanmar - Implementation of supplemental socioeconomic | Resource Environment Myanmar Co., Ltd. |

| Area | Work Name | Main Work Items | Subcontractor |
|-------------------------|---|--|--|
| | (400ha) | surveys (supplemental socio-economic survey, detailed measurement survey (DMS)) for PAHs/PAPs - Survey on market prices and socio-economic referential information surrounding areas of Thilawa SEZ development area - Support of public participation such as assistance for public consultation meetings, preparation of handouts and meeting minutes. | |
| 2000ha Development Area | Supplemental Socio-Economic Survey and Inventory of Loss (2000ha) | - Implementation of supplemental socioeconomic surveys (DMS) for PAHs/PAPs - Survey on market prices and socio-economic referential information surrounding areas of Thilawa SEZ development area - Support of public participation such as assistance for public consultation meetings, preparation of handouts and meeting minutes. | Myanmar Engineering Consulting Co., Ltd. |
| | Topographic Survey | - Benchmark survey - Grid height measurement - Topographic map preparation for the proposed resettlement site | Hydrocon Services (Myanmar) Limited. |
| | Well Construction and Pumping Test | - Test well drilling at the proposed resettlement site - Installation of borehole casing and screen pipe, gravel packing and borehole capping - Borehole development - Pumping test including water quality test | Golden Tri Star Tone Co., Ltd. |

Source: JICA Expert Team

3.4 Schedule and Outputs

The T/A schedule is shown in Table I-5.

Table I-5 Schedule of T/A

| Work Items | 2013 | | | | 2014 | | | | 2015 | | | | 2016 | | | | | | | | | | | | | | |
|---|------|---|---|---|------|----|----|----|------|---|---|---|------|---|---|---|---|----|----|----|---|---|---|---|---|---|---|
| | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| (1) Preparation of Work Plan and Inception Report | ■ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (2) Analysis of Legal Framework on Land Acquisition and Resettlement | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| (3)-1 Case Studies (Preparation of Resettlement Work Plans for Phase 1 (400 ha)) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (3)-2 Case Studies (Preparation of Resettlement Work Plans for next prioritized area in 2000 ha) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (3)-3 Case Studies (Preparation of Resettlement Work Plan for the Initial Development Area of Zone B (100 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (3)-4 Case Studies (Preparation of Resettlement Work Plan for the Second Development Area of Zone B | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (4) Analysis of Organizational Capacity on Implementing Land Acquisition and Resettlement | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (5) Introduction of Income Restoration and Improvement Program | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (6) Organization of Feedback Seminar | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (7)-1 Assistance for Operational Department Report to Examinations for Objection Procedures | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (7)-2 Assistance for Operational Department to JICA Advisory Committee for Environment and Social | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (7)-3 Other relating works | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (8) Preparation of Interim Report (ITR, ITR2) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (9) Preparation of Draft Final Report | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (10) Preparation of Final Report | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Working Group of Advisory Committee, Seminar | | | | | | | | | | | | | | | | | | | | | | | | | | | |

■ In Myanmar □ In Japan

Source: JICA Expert Team

Outputs of T/A are summarized in Table I-6.

Table I-6 Outputs of T/A

| Report | Language/ Type | Number of Copies | Submission Time (Schedule) |
|----------------------------------|---|------------------------------|----------------------------|
| 1) Inception Report (ICR) | English Japanese | 15 sets 5 sets | May, 2013 |
| 2) Interim Report (ITR) | English | 5 sets | June, 2014 |
| 3) Interim Report No.2 (ITR (2)) | English | 5 sets | February, 2016 |
| 4) Draft Final Report (DFR) | English Japanese (Summary) CD-ROM | 5 sets 14 sets 2 sets | April, 2016 |
| 5) Final Report (FR) | English Japanese (Summary) CD-ROM | 15 sets 10 sets 3 sets | June, 2016 |

Source: JICA Expert Team

3.5 Equipment

For the smooth conduct of T/A, the necessary equipment was procured as shown in Table I-7.

Table I-7 Equipment Procured for T/A

| No | Equipment Name | Model/ Specification | Quantity | Usage |
|----|----------------------|--|-----------|---|
| 1 | Multifunction copier | Both side printing, scanner, printer functions | 1set | Printing various documents and handouts etc. |
| 2 | Projector | Portable type | 1 set | Various meetings including public consultation meetings |
| 3 | Inverter | Including stationary battery | 1set | Power supply back up for an office |
| 4 | Notebook computer | Including MS office and anti-virus software | 1set | Various meetings including public consultation meetings |
| 5 | Desktop computer | Including MS office and anti-virus software | 1set | GIS and CAD works |
| 6 | Software | Arc ArcView (GIS), Auto CAD | 1set each | ditto |

Source: JICA Expert Team

3.6 Collected Data and Information

The data and information collected for the implementation of T/A so far is listed as attached in Appendix I-1.

PART II LEGAL AND INSTITUTIONAL FRAMEWORK ON LAND ACQUISITION AND RESETTLEMENT IN MYANMAR

Chapter 1 Legal Framework for Land Related Rights and Land Acquisition

1.1 Overview of Land Related Rights and Land Acquisition in Myanmar

In principle, all of lands in Myanmar are currently owned by the nation as determined in the Constitutions 2008.

“The Union is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the ware and in the atmosphere in the Union” (Section 37, Sub-section (a), Chapter 1 Basic Principle of the Union, State Constitution 2008).

In this context, Myanmar individuals and organizations do not have the true means of land ownerships (proprietary rights) and have only land use/ occupancy rights which in some situations allow inheritance and transfer of such rights. However, land related rights in current Myanmar are rather complicated mainly due to following reasons.

- Temporal changes in types and categories of land
- Temporal changes in definitions and extents of land related right
- Still applying laws from 19th century which are not fully applicable in the current Myanmar
- Still applying some repealed laws if original land transfer activities were initiated by repealed laws
- Land administration is normally assigned to various government ministries /departments and each ministry / department set different laws, rules, and procedures.

In case of land acquisition, the Land Acquisition Act 1894 still serves as the fundamental law for the land acquisition nowadays in Myanmar. However, different regulations apply for different types of land, and still no comprehensive as well as updated law/ rules/ procedures/ guidelines related to land use right/ transfer of rights/ land acquisition/ resettlement issues have been developed yet. It is said that there are approximately 70 laws and regulations related to land use in Myanmar including laws and regulations formulated at the latter half of the 19th Century. Of these, about a half of laws and regulations are said to be still valid or partially applied. However, their actual status is not fully clear and their applications and interpretations are more of case by case which is making land related rights in current Myanmar more complicated.

Under this situation, the Myanmar Government established a multi-ministerial Land Use and Land Allocation Scrutinizing Committee (LUASC) in 2012. One of the primary tasks of LUASC is to develop a comprehensive land use policy for the country since there was no comprehensive land use policy in Myanmar. The United States Agency for International Development (USAID) has been providing technical assistance to LUASC during the development of the National Land Use Policy.

According to USAID news¹, The National Land Use Policy is the first step to improve land administration in Myanmar and followed by following steps.

- i) Enacting a new National Land Law
- ii) Harmonizing existing legislation
- iii) Undertaking a land resource inventory
- iv) Undertaking national land use planning
- v) Undertaking sectoral policy and land use planning

The latest National Land Use Policy (the Latest Policy) was published in January 2016 by LUASC as enclosed in Appendix II-1. It includes guidance and aimed to strengthen the government's mechanisms to tackle with land acquisition, compensation, relocation, and restitution issues. According to the Latest Policy, the objectives of the National Land Use Policy are as follows:

- i) To promote sustainable land use management and protection of cultural areas, environment, and natural resources for the interest of all people in the country
- ii) To strengthen land tenure security for the livelihoods improvement and food security of all people in both urban and rural areas of the country
- iii) To recognize and protect customary land tenure rights and procedures of the ethnic nationalities
- iv) To develop transparent, fair and independent dispute resolution mechanisms in accordance with rule of law
- v) To promote responsible investment in land resources in order to support the equitable economic development of the country
- vi) To develop a National Land Law in order to implement the above objectives of National Land Use Policy.

The Latest Policy provides sections for "Determination of Land Types and Land Classifications (as Part 2 of the policy). Three general land types (i.e. agricultural land, forest land, and other land) are considered in the policy and various land classifications are expected to be determined to meet the current needs of the country.

According to the Food Security Working Group (FSWG)², the Latest Policy was developed through series of drafting by using a multi-stakeholder consultation process that began in 2012. Multi-stakeholder national dialogues were participated in by the government, donors, non-governmental organizations, civil societies, and private sector representatives, and recommendations made were reflected into series of drafts of National Land Use Policy.

The Latest Policy consists of 13 parts, as indicated in Table II-1.

¹ <http://usaidlandtenure.net>

² <http://www.myanmarfswg.org/>

Table II-1 Contents of the Latest Policy

| Item |
|---|
| Introduction Part 1 Objectives and Basic Principles |
| · Chapter 1 Objectives |
| · Chapter 2 Guiding Principles |
| · Chapter 3 Basic Principles |
| Part 2 Land Use Administration |
| · Chapter 1 Formation of the National Land Use Council |
| · Chapter 2 Determination of Land Types and Land Classifications |
| · Chapter 3 Land Information Management |
| Part 3 Planning and Changing Land Use |
| · Chapter 1 Planning and Drawing Land Use Map |
| · Chapter 2 Zoning and Changing Land Use |
| · Chapter 3 Changing Land Use by Individual Application |
| Part 4 Grants and Lease of Lands at the Disposal of Government |
| Part 5 Procedures Related to the Land Acquisition, Relocation, Compensation, Rehabilitation and Restitution |
| Part 6 Land Dispute Resolution and Appeal |
| · Chapter 1 Land Dispute Resolution |
| · Chapter 2 Appeal |
| Part 7 Assessment and Collection of Land Tax, Land Transfer Fee and Due Stamp Duties |
| Part 8 Land Use Rights of the Ethnic Nationalities |
| Part 9 Equal Rights of Men and Women |
| Part 10 Harmonization of Laws and Enacting New Law |
| Part 11 Monitoring and Evaluation |
| Part 12 Research and Development |
| Part 13 Miscellaneous |

Source: The Latest Policy (January 2016)

The policy will be finalized by Union Government after the comments/ feedbacks have been taken into account. After the finalization, the National Land Use Policy is expected to be updated every five years.

1.2 Land Type in Myanmar

In current Myanmar, land categorization is somewhat complicated especially for non-agricultural land. This is because some of land types and their definitions originally were developed before the colonial period, and also due to temporary changes in binding laws and their interpretations.

In general, Myanmar lands can be categorized into either 1) agricultural or 2) non-agricultural lands. Agricultural land comprises cultivable waste land at the disposal of the State and land which is occupied for the purposes of agriculture such as paddy field (rice growing land), ya (dry land), kaing (alluvial land) and garden land. Non-agricultural land refers to land that is not used for agricultural purposes. Agricultural land can be converted for other purposes in accordance with procedures set in the relevant laws. However, the recently enacted Farmland Law 2012, also limits inappropriate agricultural land transfer and determines that whoever uses agricultural land for purposes other than the intended use, can be vacated and penalized.

“Guidance Notes on Land Acquisition in Myanmar” (UNHABITAT-UNHCR, 2010), provides a list of land categories that are summarized in Table II-2.

Table II-2 Land Types in Current Myanmar

| Land Type | |
|------------------------------|---|
| Non-agricultural land | Freehold Land |
| | Grant Land |
| | “La Ya 30 Land”, “La Na 39 Land “ |
| | Town Land |
| | Village Land |
| | Cantonments |
| | Monastery |
| | Forest Land |
| | Grazing Land |
| Agricultural Land | Agriculture Land (Farmland) |
| | Garden Land (Farmland) |
| | Cultivable land, Fallow Waste Land and Virgin lands |

Sources: Guidance Notes on Land Acquisition in Myanmar” (UNHABITAT-UNHCR, 2010)

Based on the above land categories, land ownership by type and use related rights in current Myanmar are described in Table II-3.

**Table II-3 Status of Land Ownership, Land Use Right and Delegated Government Authorities for Each Land Type in Myanmar
(as of End of March 2016)**

| Type of Land | Land Ownership | Use Right | Right Conditions | Land Revenue | Delegated Government Authorities | Remarks | |
|-----------------------|--|-----------|---|---|---|---------------------------------|--|
| Non-agricultural land | Freehold Land | (Private) | Regarded as "ancestral land" and has (had) ownership to land user. Current status not clear. | Transferable | Exempted | GAD/ MOHA | Located mainly in large towns and cities. Regarded as privately owned land based on laws before Land Nationalization Act 1953. It can only be acquired for State interest in accordance with the Land Acquisition Act, 1894. |
| | Grant Land | State | Granted/ leased by Government for 10 to 90 years | Transferable | Required | YCDC, MCDC GAD, MOC | Located mainly in towns and cities |
| | Farmlands to be transferred for other purposes (e.g. "La Na 39 Land"), "La Na 39 Land" | State | Agricultural lands approved to be used for other purposes such as for public purposes and national interest. In accordance with Section 30 of Farmland Rules, 2012, and previously in accordance with Section 39 of the Land Nationalization Act 1953 | Transferable | Required | MOAI/ SLRD GAD, CFAB, MOC | Can be eventually upgraded to "Grant Land" |
| | Town Land | State | Same as grant land or "'La Ya 30 Land"/ "La Na 39 Land" | Transferable | required (in case of grant / La Na 39 Land) | MOAI/ SLRD GAD, MOC | Mostly either freehold land or grant land |
| | Village Land | State | Ditto | Transferable if under the grant land or "'La Ya 30 Land"/ "La Na 39 Land" | Required | MOAI/ SLRD GAD | Mostly grant land or "'La Ya 30 Land"/ "La Na 39 Land" |
| | Cantonments | State | Until used as cantonments | Not transferable? | Exempted | GAD /MOHA | For military uses and declared by Ministry of Home Affairs |
| | Monastery | State | Permanent | Not transferable? | Exempted | GAD /MOHA/ | For religious uses and declared by Ministry of Home Affairs |

| Type of Land | Land Ownership | Use Right | Right Conditions | Land Revenue | Delegated Government Authorities | Remarks | |
|-------------------|---|-------------------------------------|--|---|--|---|--|
| Forest Land | State | Permissions based on the Forest Law | Not transferable | land use fees collected | Forest Department (MONREC) | Administered and declared by Ministry of Natural Resources and Environmental Conservation | |
| Grazing Land | State | For cattle rearing | used only by the cattle owned by the people who are residents of the Villages (village tract) permitted access to it | exempted | MOAI/ SLRD GAD (MOHA) | | |
| Agricultural Land | Agriculture Land (Farmland) | State | For agricultural purpose | Not transferable previously in accordance with the Land Nationalization Act, 1953 | required | MOAI/ SLRD GAD / MOHA CFAB | Now it is transferable after the Farmland Law 2012, only when the farmland utilization certificate (Form – 7) is received. |
| | Garden Land (Farmland) | State | Same as agricultural land | Not transferable | required | MOAI/ SLRD GAD / MOHA CFAB | Transferable after Farmland Law 2012, only when the farmland utilization certificate is received. |
| | Cultivable land, Fallow Waste Land and Virgin lands | State | Granted/ leased by Government for agriculture, livestock and fishery usages to the local and foreign investors | Maximum of 30 years grant/lease, with area size conditions | Exemptions from land revenues and income tax are available | MOAI/ SLRD CCMVFVL GAD | Mainly for agricultural purposes |

Note:

- Land Revenue comes from tax to be paid for land use.
- GAD = General Administration Department, MOHA = Ministry of Home Affairs, YCDC = Yangon City Development Committee, MCDC = Mandalay City Development Committee, MOC = Ministry of Construction, MOAI = Ministry of Agriculture and Irrigation, SLRD = Settlement and Land Record Department, CFAB = Central Farmland Administrative Body, MONREC = Ministry of Natural Resources and Environmental Conservation, CCMVFVL = Central Committee for Management of Vacant, Fallow and Virgin Lands

Sources: JICA Expert Team based on the UNHABITAT Report, 2010; Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Lands Management Law, Food Security Working Group's Land Core Group, November, 2012

1.3 Laws and Rules on Land Related Rights and Land Acquisition in Myanmar

1.3.1 Key Applicable Laws and Regulations

Although not exhaustive, the following laws and their amendments/ subordinate documents are key as well as applicable laws and regulations in respect to land related rights and land acquisition in current Myanmar. Even though some laws already have been repealed, such laws are still partially applicable depending on situations. Major acts and rules related to land acquisition and resettlement in Myanmar are attached in Appendix II-2.

Table II-4 Key Laws and Regulations for Land Related Right and Land Acquisition

| Law Name | Key Descriptions |
|---|---|
| <ul style="list-style-type: none"> • The (Lower Burma) Land and Revenue Act, 1879 (India Act II, 1876) | <ul style="list-style-type: none"> • The first law to clarify rights related to cultivable (agriculture) land. • Assessment and collection of land revenue are set by this law • Amendments were made in 1945 (Burma Act No. 12 of 1945), 1946 (Burma Act No. 64 of 1946), and 1947 (Burma Act No. 6 of 1947) |
| <ul style="list-style-type: none"> • The Upper Burma Land and Revenue Regulation, 1889 | <ul style="list-style-type: none"> • Land revenue collection extended to Upper Burma area based on this regulation • Amendment was made in 1947 (Burma Act No. 7, 1947) |
| <ul style="list-style-type: none"> • The Land Acquisition Act, 1894 (India Act 1, 1894) • Land Acquisition Directions | <ul style="list-style-type: none"> • The law determines that the government will acquire or occupy lands for public purpose (but also for business reasons for companies at that time). • The law sets procedures for land acquisition and compensation. • In Section 23, determines about suitable amount of compensation to be made for affected person when the land is acquired by the government. • If a concerned land is with mines or minerals, conditions in the Land Acquisition (Mines) Act 1885 may apply. • Detail descriptions and procedures are mentioned in Land Acquisition Directions |
| <ul style="list-style-type: none"> • The Lower Burma Town and Village Lands Act 1899 • (Burma Act IV, 1898) | <ul style="list-style-type: none"> • This law determines about lands inside towns and villages, including boundary demarcations and settlement operations for land revenue. • Also determines procedure and punishment in relation to eviction from lands acquired by the government. <ul style="list-style-type: none"> - Section 19: any person staying in land at the disposal of the government without proper permission is i) to be evicted from the land, ii) to pay 5 times the amount or rent in respect of the land during the period of unauthorized occupation; and iii) to pay such fines and further penalty determined by the revenue officer - Section 20: any person staying/ using in State land not in determined land use is to i) pay revenue/ rent or enhance rate of revenue/ rent, ii) pay further penalty for unauthorized use of land which may be determined by the revenue officer, and iii) have grant, lease or license of the land and to be evicted from the land. - Section 21 (1): “When any person is liable under this Act to be evicted from State land, the Revenue Officer may issue an order requiring him and any other person (if any) occupying the land to quit the same, and to remove there from all property other than Government property within a specified time.”) • Amendment was made in 1947 (Burma Act No. 8, 1947) • Section 21 is still applied in some cases of attachment (compulsory execution) |
| <ul style="list-style-type: none"> • Land and Revenue Order, 1911 | <ul style="list-style-type: none"> • Vacant lands and fallow lands at the disposal of the Government can be transferred in accordance with this (Upper and Lower Burma) Land and Revenue Order, paragraph 332, 333, 334, 335 and 336. • If the land is required by any government organization, land can be transferred free of cost according to the Upper and Lower Burma Land and Revenue Direction, paragraph 332. • If the land is required by Army under the Ministry of Defense, land can be transferred free of cost according to the Upper and Lower Burma Land and Revenue Direction, paragraph 333. • If the land is required by Air-Force or urban aviation communication under the Ministry of Defense, land can be transferred free of cost according to the Upper and Lower Burma Land and Revenue Direction, paragraph 334. • If the land is required by the Ministry of Communication, Posts and Telegraph (Posts and Telegraph Enterprise), land can be transferred according to the Upper and Lower Burma Land and Revenue Direction, paragraph 335. • If the land is required by the Ministry of Transportation (Railway and Communication Enterprise), land can be transferred according to the Upper and Lower Burma Land and Revenue Direction, paragraph 336. |

| Law Name | Key Descriptions |
|---|---|
| <ul style="list-style-type: none"> Land Acquisition Rules 1932 | <ul style="list-style-type: none"> Issued with Notification No. 4, by Union of Myanmar, Revenue (Land Acquisition) Department, on 4 January 1932) After issuing the notification according to section 4 of Land Acquisition Act, how Collector shall conduct the objection of the person interested from the land and the person who objects shall be granted a chance to submit why he objects. Some modifications on Land Acquisition Act were as follows: <ul style="list-style-type: none"> The Body is authorized to confiscate the land according to the section 19(1) of State Human Resettlement and City Development Act, issued with Act No. 63 in 1931. Section 17(1) of Land Acquisition Act is modified with the section 19(2) of that Body: Section 28 is amended in respect to-the compensations for the land and other immovable materials confiscated according to the section 19 or section 19(a) or section 28(4) |
| <ul style="list-style-type: none"> Land Acquisition Manual 1947 | <ul style="list-style-type: none"> Compilation of Land Acquisition related laws including notices and directions up to then and provide procedures for land acquisition |
| <ul style="list-style-type: none"> The Land Nationalization Act,1953 (Act No 75, 1953) Land Nationalization Rules, 1954 | <ul style="list-style-type: none"> Though this law determines rights of land ownership for certain cases, the law serve as a basis for all land (especially agriculture land) to be nationalized and distributed (also providing conditions for lands/ cases to be exempted) Procedure for transfer of agriculture land to other purposes is described in the law (LaNA 39). Also described establishment of land committee at different levels of government and compensation The Act determines extent and amount of compensation by types of agricultural land (Schedule II, in Amendment 1954) Amendments were made in 1954 (Act No. 22), 1955 (Act No. 54), 1957 (Act No. 49) Already repealed by the Farm Land Law 2012. However, still this law is applied in case land transfer has been initiated by this law. |
| <ul style="list-style-type: none"> The Law Safeguarding Peasant Rights (Agriculturist's Rights Protection Law) 1963 (Union Myanmar Revolutionary Council Law No. 91, 1963) | <ul style="list-style-type: none"> The law determines that any civil court shall not make a decree or order for i) warrant of attachment for confiscation of agricultural land, livestock, and equipment, ii) prohibition of work in agricultural land, and iii) prohibition of movement and sales of livestock, equipments and products (Section 3 (1)). The above seizures do not apply to actions for obtaining of government revenue, actions taken for law and order, and for events concerning inheritance rights (Section 3 (2)). Already repealed by the Farm Land Law 2012. However, still this law is referred in some contexts. |
| <ul style="list-style-type: none"> Farmland Law 2012 (Pyidaungsh Hluttaw Law No.2, 2012) | <ul style="list-style-type: none"> The law determines land use right for farmland and granting of land use right to eligible famers The law allows right to sell, mortgage, lease, exchange and gift whole or a part of the right to use the farmland The law determines formation as well as roles/ responsibilities of farmland administrative bodies at various levels |
| <ul style="list-style-type: none"> Farmland Rules, 2012 (President Office Notification No 62, 2012) | <ul style="list-style-type: none"> Determines procedures such as followings <ol style="list-style-type: none"> Application for farmland registration and obtaining land use certificate. Application of transfer of farmlands for other purposes Indemnities and compensation |
| <ul style="list-style-type: none"> Vacant, Fallow and Virgin Lands Management Law 2012 (Pyidaungsh Hluttaw Law No.10, 2012) | <ul style="list-style-type: none"> The law determines conditions and frameworks for usage of vacant, fallow and virgin lands. According to the law, vacant, fallow and virgin lands can be claimed and utilized by willing individuals/ organizations mainly for production activities such as agriculture, livestock, aquaculture, mining and others permitted by the government The law determines formation as well as roles/ responsibilities of central committee for the management of vacant, fallow and virgin lands |
| <ul style="list-style-type: none"> Vacant, Fallow and Virgin Lands Management Rules 2012 (President Office Notification No 1, 2012) | <ul style="list-style-type: none"> Determines procedures and conditions such as followings <ol style="list-style-type: none"> Application for usages of vacant, fallow and virgin lands Conditions for usages of vacant, fallow and virgin lands Conditions for guarantees and land revenue Roles and regulations, monitoring to be imposed upon usage of lands |

Source: Summarized by JICA Expert Team based on the original laws/ rules and "Guidance Note on Land Issues Myanmar" UNHABITAT/UNHCR.

Among the laws listed above, the (Lower Burma) Land and Revenue Act, 1879 and the Land Acquisition Act 1894 are the still fundamental laws in respect to land rights / revenue and land acquisition procedures, respectively. The procedure of land acquisition determined in the Land Acquisition Act 1894 is summarized in Section 1.4 of this Chapter.

Procedures as well as compensation policies for transfer of a) agricultural land, and b) vacant, fallow and virgin lands are determined in the recently enacted Farmland Law 2012/ Farmland Rules 2012, and Vacant, Fallow and Virgin Lands Management Law 2012/ Vacant, Fallow and Virgin Lands Management Rules 2012, respectively.

The Land Nationalization Act 1953 which was repealed by the Farmland Law 2012 determines nationalization of agricultural lands and procedures for conversion of agricultural lands for other purposes (La Na 39). Though the Farmland Law came into force since 2012, still most of land transfer from agricultural land to other purposes and associated compensation have been mainly conducted in accordance with the Land Acquisition Act 1894 and the Land Nationalization Act 1953 as of May 2014.

According to Aung Myat Kyaw 2012³, the relationship between new farmland law and farmland issues is generally considered as follows:

- If an issue to a farmland was raised before the Farmland Law 2012 and Farmland Rules 2012 were enacted, the issue was settled with the previous farmland law. Thereafter, the Farmland Law 2012 and Farmland Rules 2012 are applied to farmland issues.

Aung Myat Kyaw 2012 also describes past compensation for land acquisition as follows:

- In the past, compensation for land acquisition composed of:
 - (a) The cost reconstruction in another area, for temporary structures and buildings built
 - (b) Compensation for the seasonal crops grown on the land each year
- In the past, identifying the amount of compensation was not fixed definitely and considered based on the following factors.
 - (a) Types of crops
 - (b) Current market price of the crops
 - (c) Situation of the region and condition of the crops
 - (d) Difficulties for the loss of their land
 - (e) Whether they can get other lands or not

The Farmland Rules 2012 stipulates farmland registration (the right to work for farmland) for the following cases:

- i) obtaining the new right to work for the farmland (Art. 16 to 23): the right to work for the farmland will be issued for 2 types of farmland: a) farmland cancelled to cultivate by the currently using farmers, and a) farmland newly identified or converted by the Government.
- ii) transferring the right to work for the farmland to others (Art. 24 to 26)
- iii) inheriting the farmland (Art. 29 to 30)

³ U Aung Myat Kyaw, December 2012, "Land Acquisition and Transfer Act, Procedures and Vacant, Fallow & Virgin Land Administration and Notable Fact" Kyaw Printing House (original in Myanmar)

iv) re-designating the right to work from vacant, fallow and virgin land to farmland (Art. 35 to 46)

v) leasing and mortgaging the right to work for the farmland (Art. 47 to 51)

The Farmland Rules 2012 also defines in Article 64 that compensation under the Farmland Rules is provided for the case of land acquisition for public interest conducted under the Farmland Law.

1.3.2 Other Applicable Laws and Regulations

In addition to laws mentioned in Table II-4, there are other existing and effective laws in relation to specific land use right, land administration and in some extent land acquisition. Table II-5 describes such laws and regulations which are somewhat applicable or referred to in some contexts in the current Myanmar.

Table II-5 Other Laws for Land Use / Administration and Land Acquisition

| Law Name | Key Descriptions |
|--|---|
| • Cantonments Act 1923 | <ul style="list-style-type: none"> • Application of this Act to be operative in any cantonment or part of a cantonment situate in the Union of Burma • Nothing in this Act shall affect the provisions of any written instrument executed by or on behalf of the East India Company or the Government consent in writing to be bound by the terms of this Act |
| • Transfer of Immovable Property Restriction Law, 1987 | <ul style="list-style-type: none"> • No person shall sell, buy, give away, pawn, exchange or transfer by any means immovable property with a foreigner or foreigner owned company. • No foreigner or foreign owned company shall acquire immovable property by way of purchase, gift, pawn, exchange or transfer. |
| • The Forest Law 8/92 Nov, 1992 | <ul style="list-style-type: none"> • Classification of type of forest land administered by Forest Department. • Demarcates forest land in to “reserved forest” and “public protection forest” • Determines licensing and practice of economic uses of forest land • The law supports conservation, sustainable forestry and socio-economic benefits. • The Law decentralizes forest management to some degree and encourages the private sector and community participation in forest management. |
| • Development Committee Law, 1993 | <ul style="list-style-type: none"> • The Ministry shall form the Development Committee with suitable citizens in order to carry out the duties and functions of the Committee. |
| • Union Government Notification No. 39 30 Sep, 2011 | <ul style="list-style-type: none"> • Application of right to use land owned by government , government departments, organization, citizens |
| • The Code of Civil Procedure 1909 (India Act 1908), • The Law Amending the Code of Civil Procedure 2009 (SPDC Law No. 6/2008) | <ul style="list-style-type: none"> • The law determined about attachments of saleable movable/ immovable properties including lands and houses. Properties belonging to or under the control of a judgment debtor are liable to attachment and sale. |
| • Myanmar Special Economic Zone Law 2014 (Law No 1/2014) | <ul style="list-style-type: none"> • Chapter 17 Land Use, Sections 79 to 82 determine rights and obligations related to land use by investors or developers of SEZ • Section 80 determines that the developer/ investors shall bear the expenses of transferring and compensation of houses, buildings, farms and gardens, orchards/ fields, plantation if these are required to be relocated. • The Management Committee may permit the developer or the investor the right to land lease or land use for up to 50 years (and extension up to 25 years) after causing payment of fees to be made for land lease or land use (Section 79). |
| • Union Government Notification No. 39 30 Sep, 2011 | <ul style="list-style-type: none"> • Application of right to use land owned by government, government departments, organization, citizens |
| • The Towns Act (Burma Act No.3/ 1907), • The Village Act (Burma Act No. 6/ 1907) (Repealed by “the Ward or Village Tract Administration Law 2012”). | <ul style="list-style-type: none"> • These two acts determined denomination, administration and revenue collection from lands within towns and village tracts, respectively. • Repealed by the Ward or Village Tract Administration Law 2012 which determines functions/ roles of ward or village tract administrators and their selection system as follows: <ul style="list-style-type: none"> • Safeguarding fundamental rights of the citizens • Trespassing on state owned land, town/ village land, agriculture land, alluvial land, forest land pasture, communal lands • Administering the land of cultivation • Collecting land revenue |

| Law Name | Key Descriptions |
|--|--|
| <ul style="list-style-type: none"> Foreign Investment Law 2012 (Law No. 21/2012) Foreign Investment Rules 2013 (Notification No 11/2013) | <ul style="list-style-type: none"> This Law provides the framework for foreign investment in Myanmar, which includes investment in business projects involving land. Chapter 14 Right to Use Land, Sections 31 to 38 determine rights to use land by investors. The Law defines land lease periods with foreign investors able to lease land from the government or from authorized private owners for up to 50 years, depending on the type and size of the investment, and the deal can be extended twice, for 10 years each time (Sections 31 & 32). Furthermore, it is stated that leases longer than the standard 50 years may be granted for investments in areas of the country which are designated as less developed (Section 36). Chapter 15 Right to Use Land, Sections 97 to 132 of the Foreign Investment Rules determine procedures and conditions in relation to usage of land. |
| Laws at Region/ State Level and below | |
| <ul style="list-style-type: none"> The City of Yangon Development Council Law, 1990 | <ul style="list-style-type: none"> The Chairman of the State Law and Order Restoration Council shall form the City of Yangon Development Committee in order to carry out the development works of the City of Yangon effectively. |
| <ul style="list-style-type: none"> Yangon City Development Council (YCDC) Notification 3/2001 | <ul style="list-style-type: none"> The power is given to YCDC to manage the land within its jurisdiction with the exemption of some lands YCDC right to acquire land in its jurisdiction with compensation |
| <ul style="list-style-type: none"> The City of Mandalay Development Council Law, 2002 | <ul style="list-style-type: none"> This law was formed to carry out the City of Mandalay Development works effectively. |

Source: Summarized by JICA Expert Team based on the original laws/ rules and other secondary information.

1.3.3 Repealed Laws and Regulations

In the previous section, key land use and land acquisition related laws which are applicable or partially referred are described. In addition to above, certain numbers of relevant laws were enacted in Myanmar. Of such relevant laws, Table II-6 lists already repealed/ abolished laws and laws where status is not clear as of April 2016.

Table II-6 Other Relevant Laws Repealed or Status Not Clear

| Category | Law Regulation Name |
|---|---|
| Land Tenure Grant Land Use/ Related: | <ul style="list-style-type: none"> Rules for the Grant of Waste Land 1861 The Waste lands Claims Act 1863 (Repealed 1992) Rules for the Sales of Waste Land 1863(Repealed 1880) Rules for the Grant of Waste Land 1865 The Boundaries Act, 1880 (India Act 5, 1880) The Government Management of Private Estates Act 1892 (India Act 10, 1892) Repealed 1992 The State Grants Act 1895 The Land Alienation Act 1939 (Repealed 1992) The Tenancy Act 1939, (Repealed 1942) The Burma Land Purchase Act 1941 (Repealed 1992) The Land Disputes (Summary Jurisdiction) (Amendment) Act 1946 The Tenancy Act 1946 (Repealed 1992) The Tenancy Rules 1947 The Tenancy Standard Rent Act 1947 The Land Nationalization Act 1948 The Tenant Fee Standardization Act 1950 The Tenancy Act 1953 The Land Nationalization Act 1953 (Repealed 2012) The Tenancy Act 1963 (Repealed 1992) The Tenancy Rules 1963 The Tenancy Act Amendment 1965 Duties and Rights of the People's Council and Executive Committees at various levels, 1977 The State Laws and Order Restoration Council's Law No.8/88 The State Laws and Order Restoration Council's Law No.32/88, Authorization to exercise power and authority in dealing with agricultural land administration. Duties and Rights of the Central Committee for the Management of Culturable Land, Fallow Land and Waste Land and Procedures conferring the right to cultivate land/right to utilized land, 1991 |

| Category | Law Regulation Name |
|---|--|
| | <ul style="list-style-type: none"> • Procedures conferring the right to cultivate land / right to utilize land for agriculture, livestock poultry and aquaculture purposes 1991 • Procedures conferring the right to cultivate land / right to utilize land for agriculture, livestock poultry and aquaculture purposes (Amendment) 1998 |
| Registration and Transfer of Property Related | <ul style="list-style-type: none"> • Registration Act 1909 • Registration (Temporary Provision) Act, 1947 • The Transfer of Property Act 1882 • The Monthly Leases (Termination) Act 1946 (Repealed 1992) • Transfer of Immoveable Property Restriction Act 1947 • The Urban Rent Control Act 1948 |

Source: Summarized by JICA Expert Team based on “Burma Code Volume X” (1958), “Guidance Notes on Land Acquisition in Myanmar” (UNHABIT-UNHCR, 2010) and other secondary information.

1.4 Land Acquisition Procedure in Myanmar

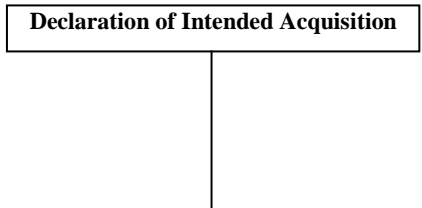
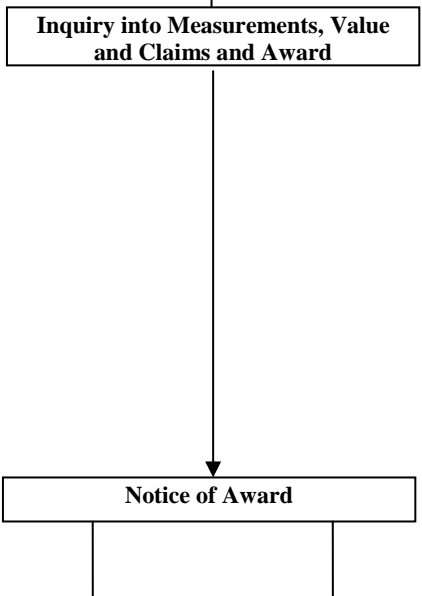
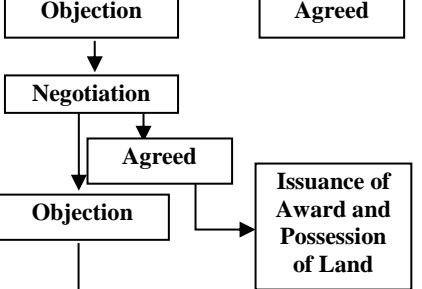
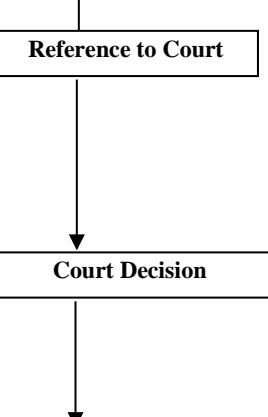
There are several land related laws and regulations by land use type as explained in Section 1.3, and each of them stipulates land acquisition procedure and conditions. Generally, land acquisition procedures are taken under laws and regulations which manage the land to be acquired. However, due to complicated legal structure in Myanmar, the authority conducting land acquisition tends to define applicable laws and regulations for land acquisition at each case.

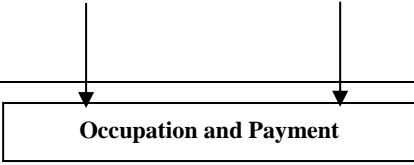
1.4.1 Land Acquisition based on Land Acquisition Act 1894

The Land Acquisition Act 1894 has long been applied in land acquisition and compensation for all types of land in Myanmar since colonial time and is still effective as of April 2016. Table II-7 summarizes overall flow of land acquisition determined in the Land Acquisition Act 1894. However, nowadays land acquisition procedures referring to the Land Acquisition Act 1894, do not exactly follows the steps laid down in the law. Originally, in the Land Acquisition Act 1894, the Government has authority to acquire lands not only for public purpose but also for uses by companies (Sections 38 - 34), but land acquisitions for companies are not normally applied in the current Myanmar and acquisitions are limited for public purposes. In addition, respective district and/or township level administrators under the General Administration Department, Ministry of Home Affairs, more or less serve the function of “the Collector”, which is determined in the Land Acquisition Act 1894.

Table II-7 Land Acquisition Flow in accordance with Land Acquisition Act 1894

| | Step | Description |
|---|--|--|
| 1 | <div style="border: 1px solid black; padding: 5px; text-align: center;"> Notice for Land Acquisition and Preliminary Investigation </div> | <p>Notice for Land Acquisition and Preliminary Investigation: Section 4(1)</p> <ul style="list-style-type: none"> • The department which requires the land shall apply to the Collector with the purpose the acquisition, financial approval on the cost of land acquisition and other related documents mentioned detail condition of the land. • On receiving the proposal of the department which requires the land, the Collector shall open the Land Acquisition proceedings and sign, if the purpose of the land acquisition is likely to be fit and other related evidences are completed. • The Collector shall prepare the report and draft the notification in accordance with section 4, sub-section 1, and submit to the Ministry step by step after negotiation with concerned departments. • Concerned Ministry shall review and issue notification in accordance with section 4, sub-section 1 of Land Acquisition Act. • After the sanction from the concerned Ministry, the notification is published in Gazette and posted at convenient placed in the said locality |
| 2 | <div style="border: 1px solid black; padding: 5px; text-align: center;"> Preliminary Investigation </div> | <p>Preliminary Investigation: Section 4(2)</p> <ul style="list-style-type: none"> • Whoever wants to use the farmland by other means including the matters described in the rule 79, 80, and 81, applies to Township Department (SLRD) Office using application form (Form 14) of Farmland Utilization by other means (Section 82) • Township Department Office shall open the dossier of using farmland by other mean (Section 83) • Collector (and his authorized officer, servants, and workmen) is authorized to conduct the following activities: <ol style="list-style-type: none"> (1) to enter upon and survey and take levels of any land in such locality; (2) to dig or bore into the subsoil; (3) to do all other acts necessary to ascertain whether the land is adapted for such purpose; (4) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon; (5) to mark such levels, boundaries and line by placing marks and cutting trenches; and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle; • No person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days notice in writing of his intention to do so. |
| 3 | <div style="border: 1px solid black; padding: 5px;"> <div style="text-align: center; border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Objections and Settlement </div> <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; padding: 5px; text-align: center; width: 45%;"> Objection </div> <div style="border: 1px solid black; padding: 5px; text-align: center; width: 45%;"> No Objection </div> </div> <div style="margin-top: 10px;"> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-bottom: 5px;"> Investigation </div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> President Decision </div> </div> </div> | <p>Objections and Settlement: Section 5A</p> <ul style="list-style-type: none"> • Any person interested in any land which has been notified under section 4, subsection (1), as being needed or likely to be needed for a public purpose or for a company may, within 30 days from the date of publication of notification, object to the acquisition of any land. <ol style="list-style-type: none"> (1) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard either in person or by pleader (2) The Collector shall, after hearing all such objections and after making such further inquiry, submit the case for the decision of the President of the Union, together with the record of the proceedings held by him and a report containing his recommendations on the objections. (3) The decision of the President of the Union on the objections shall be final. (4) A person who objects shall be deemed to be interested in land that would be entitled to claim an interest in compensation. |

| | Step | Description |
|---|---|--|
| | | <p>Note: If the land is to be acquired urgently, direction shall be stated in the notification that the designations under the section 5A shall be exempted and, according to section 17(1), the land shall be acquired upon expiration of 15 days after the date of notification issuance.</p> |
| 4 |  | <p>Declaration of Intended Acquisition: Section 6 & Section 9</p> <ul style="list-style-type: none"> When the government is satisfied, after considering the report, if any request is made under Section 5(a), sub-section 2, that any particular land is needed for a public purpose, or for a company, a declaration shall be made under section 6 to that effect. The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him. |
| 5 |  | <p>Inquiry into Measurements, Value and Claims and Award: Section 11 & Section 12</p> <ul style="list-style-type: none"> Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice and shall make an award under his hand of: <ol style="list-style-type: none"> the true area of the land the compensation which in his opinion should be allowed for the land the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him. Such award shall be filed in the Land Acquisition Case File. Such award shall except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested. [Section 12(1)] The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made. [Section 12(2)] |
| 6 |  | <p>Issuance of Award and Possession of Land: Section 16</p> <ul style="list-style-type: none"> When the Collector has made an award, he may take possession of the land, which shall thereupon vest absolutely in the government, free from all encumbrances (Section 16). However according to GAD, in the recent land acquisition cases, the award will be basically be issued by award committee after agreement of compensation. If the compensation or any part of land acquisition has not reached the conclusion, negotiation will continue by concerned stakeholders (GAD will mediate the case if necessary). If agreement is not reached it will be put into court case as per determined in Section 18 |
| 7 |  | <p>Reference to Court: Sections 18 - 28</p> <ul style="list-style-type: none"> Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be of the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested The application shall state the grounds on which objection to the award is taken and provided that every such application shall be made: <ol style="list-style-type: none"> If the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award. In other cases, with six weeks of the receipt of the Notice from the Collector, or within six months from |

| | Step | Description |
|---|--|--|
| | <div style="text-align: center;">  <p>Occupation and Payment</p> </div> | <p>the date of the Collector's award, whichever period shall first expire.</p> <ul style="list-style-type: none"> Detail descriptions and procedures relating to referencing to Court are mentioned at paragraph 55-68 of Land Acquisition Directions. |
| 8 | | <p>Occupation and Payment: Sections 16,17,18, and 31</p> <ul style="list-style-type: none"> When the Collector has made an award, he may take possession of the land, which shall thereupon vest absolutely in the government, free from all encumbrances (Section 16). Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his moveable property from such building without unnecessary inconvenience (Section 17 (2)). On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies (Section 31). |

Source: Summarized by JICA Expert Team based on Land Acquisition Act 1894, Land Acquisition and Transfer Act, Procedures and Vacant, Fallow & Virgin Lands Administration and Notable Facts 2012

According to U Myat Kyaw 2013⁴, roles and functions of Commissioners in relation to the Land Acquisition Act 1894 and Land and Revenue Acts was modified as follows during the period of the Government of the State Law and Order Restoration Council 1988.

- Authority of Finance Commissioner mentioned in that Regulation and Rules under the Regulation under section 4(2) of the Upper Burma Land and Revenue Regulation 1889, authority of Finance Commissioner mentioned in that Act and Rules under the Act under section 3(b) of the Lower Burma Land and Revenue Act 1876, according to the Notification 43/44 dated 19 May 1979 issued by Ministry of Home Affairs attentive to Director General for General Administration Department, authority of Divisional (Collector) Commissioner had been conferred to Division/State General Administration Officer (Division/State Administrator) and authority of Deputy Commissioner and governor had been conferred to Township General Administration Officer (Township Administrator), those authorities were conferred in accordance with the Notification of Ministry of Home and Religious Affairs dated 19 May 1989 started from 1 April 1989.
- Regarding the townships under jurisdiction of Yangon City Development Committee (YCDC) in Yangon Region, all the lands except under-mentioned lands can be managed by YCDC in accordance with Notification 3/2001 of YCDC issued in line with the authority mentioned in section 10 of Yangon City Development Act (11/90) and which is referring to section 33:
 - (1) State-owned lands
 - (2) Lands at the disposal of the Government
 - (3) Revenue-free religious lands and revenue-free lands for ordination hall

⁴ U Myat Kyaw, January 2013 "Union of Myanmar Land Administration Mechanism and Applied Farmland Laws", 2nd edition, (Original in Myanmar)

(4) Farmland and vacant and virgin lands

- Regarding the townships under jurisdiction of Mandalay City Development Committee (MCDC) in Upper Myanmar, City Plan and Land Administration were conducted by MCDC in accordance with Mandalay City Development Act (8/2002). According to Notification 11/95 of Union Government dated 16 August 1995, MCDC can apply, with the agreement of Prime Minister, the authority of Finance Commissioner and Divisional Commissioner conferred in accordance with section 4(2) of the Upper Burma Land and Revenue Regulations 1889.

1.4.2 Land Transfer based on Farmland Law 2012 and Farmland Rules 2012

(1) Land Acquisition based on Farmland Law and Rules

In principle, agricultural lands in current Myanmar are administered and registered by SLRD, under the Ministry of Agriculture and Irrigation.

In order to acquire agricultural land to use for public purpose, the following steps are required in accordance with the Farm Land Law 2012 (Chapter 11) and Farmland Rules 2012 (Chapter 10, Section 95-99):

- When transforming farmland as modern model mechanized farm by the state or local program, if the boundary and increase/decrease of the said farm land is effected, the Township farmland management committee shall conduct field inspection, fair and correct decision and re-designation of right to work farmland within (15) days or transforming the farmland so that the plantation can be completed by the person who get right to work farmland. (Section 95)
- The concerned ministry implanting the project for the long term interest of the state shall submit to the central farmland management committee for acquisitioning the least actual necessary area to implement the project. (Section 96)
- Central farmland management committee, not to make unnecessary waste of farmland or not to affect the sufficiency of paddy crop, shall submit to the Union Government with recommends the least area of farmland to be acquisitioned by the concerned ministry for implementation the project with remarks. (Section 97)
- The Union Government shall grab the necessary area of farmland after scrutinizing the recommendation of the Central farmland management committee under Section 97. (Section 98)
- Except the matter to be used by other purpose under notification prescribed by the Union Government or the authority appointed by the Union Government for the said matter, arrangement shall be conducted not to affect the pasture lands and common village lands. (Section 99)

(2) Land Transfer Based on Farmland Law 2012

The procedure for the land transfer of farmlands is determined in Chapter 10, Sections 29 to 33 of the Farmland Law 2012 and summarized as follows:

- For the long-term national interest of the State, concerned implemented Ministry shall utilize the farmland by other means for the project, with the permission of the Cabinet of the Union Government after getting the remarks and recommendations of the Central Farmland Management Body.
- In respect of the application to utilize the farmland for other purposes for the interest of the public.
 - A) The Central Farmland Management Body shall give permission to utilize the paddy land for other purposes, with the recommendation of the Region or State Farmland Management Body.
 - B) Concerned Region or State Government shall give permission to utilize the farmland for other purposes except paddy land, with the recommendation of the Region or State Farmland Management Body.
- The Central Farmland Management Body shall confiscate the farmland if the farmland is not start to use within six months in the prescribed manner form the date of permission order, or not completed within the prescribed period.

Details of the procedure are described in Chapter 9 Sections 78 to 94 of the Farmland Rules 2012. The overall procedure of the land transfers is summarized in Table II-8.

Table II-8 Land Transfer Procedure by Farmland Rules 2012

| | Step | Description |
|----|---|---|
| 1A | <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">Application and Approval at Union Level Central Committee (by Union Ministry, NPT/ Region / State Government)</div> <div style="text-align: center;">↓</div> | <ul style="list-style-type: none"> • The Union Ministry or Nay Pyi Taw Council or region / state government which will implement the plan to use farm land by other means for planning work, for the sake of land term national interest, application shall be submitted to the Union Government with the approval of Central Farmland Management Committee (Section 78) • For establishing the housing complex, school, health unit, hospital, dispensary, library, street, bridge, market, religious building, cemetery and other necessary building that are concerned for the development of living standard in the farmland work plans formulated by Nay Pyi Taw Council or Region/State Government will be forwarded to Central Farmland Management Committee and approved by concerned Union Ministry (Sections 79, 80). |
| 1B | <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">Application at Township SLRD</div> <div style="text-align: center;">↓</div> <div style="border: 1px solid black; padding: 5px;">Township SLRD to Open Dossier</div> | <ul style="list-style-type: none"> • Whoever wants to use the farmland by other means including the matters described in the rule 79, 80, and 81, applies to Township Department (SLRD) Office using application form (Form 14) of Farmland Utilization by other means (Section 82) • Township Department Office shall open the dossier of using farmland by other mean (Section 83) |
| 2 | <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">Examination by Township SLRD (within 30 days from application)</div> <div style="text-align: center;">↓</div> | <ul style="list-style-type: none"> • Section84: Township Department Office shall scrutinize the following facts upon receiving application form starting from the first acceptance day to the followed 30 days. <ol style="list-style-type: none"> a) The condition of the land applied b) Ownership c) Condition of cultivation d) Location Map of the building to be built e) Submission of tentative commencement date and method of using the applied land f) The recommendation of concerned ward/village tract Farmland Management Committee regarding the applied land |

| Step | | Description |
|------|--|---|
| | | <ul style="list-style-type: none"> g) Whether the approval of concerned Government/Organization for the application applied by department and work units to utilize the farmland by other means is attached or not h) Whether the condition of adjacent land utilization together with the location map of the applied land and adjacent land is submitted or not i) Recommendation of the ward/village tract Farmland Management Committee <ul style="list-style-type: none"> • Section 85: Township Department Office, in connection with the application forms shall submit the dossier of the application form together with the recommendation to the Township Farmland Management Committee. |
| 3 | <div style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Examination by Farmland Management Committee (FMC) (within 15 days after notice)</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Submission to NPT/ Region /State FMC through District</div> <p style="text-align: center;">↓</p> </div> | <ul style="list-style-type: none"> • After receiving the application form submitted, Township Farmland Management Committee shall submit the scrutinized dossier of the application form to the Nay Pyi Taw Council or Region/State Farmland Management Committee through the District Farmland Management Committee within the 15 days of receiving the above submission (Section 86). • Points to be scrutinized are as follows: <ul style="list-style-type: none"> a) Whether the applied land area is the least requirement of land area or not b) Whether it affects to the cultivations adjacent to the applied land area under Rule (a) or not c) Whether it affects to the water inlet/outlet used for cultivation or not d) Whether it affects to the roads and ways for the agricultural products used by the public or not e) Whether it can complete the applied work with the applied method within the prescribed time or not f) Whether it contains the agreement of the applicant himself that it will be used with the prescribed method or not |
| 4A | <div style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Paddy Field</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Submission to Central FMC</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Approval and Permit Issue</div> </div> | <p>Actions for paddy field:</p> <ul style="list-style-type: none"> • Nay Pyi Taw Council or Region/State Farmland Management Committee shall submit the dossier together with the recommendation to the Central Farmland Management Committee within the 30 days of receiving the submission (Section 87). • Central Farmland Management Committee shall issue the permit (Form 15), if the Committee allows the submission submitted to use the farmland by other means (Section 88). |
| 4B | <div style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Non Paddy Field</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Submission to NPT/Region/State Government</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Approval and Permit Issue</div> </div> | <p>Actions for non paddy field:</p> <ul style="list-style-type: none"> • Nay Pyi Taw Council or Region/State Farmland Management Committee shall submit the dossier and it shall be forwarded together with the recommendations to Nay Pyi Taw Council or Region/State Government within the 30 days of receiving the submission (Section 87). • The Nay Pyi Taw Council or Region / State Farmland Management Committee, shall issue the permit (Form 15a) if the Committee allows the submission submitted to use the farmland by other means (Section 89) |

Source: Summarized by JICA Expert Team based on Farmland Rules 2012

1.4.3 Land Transfer based on Vacant, Fallow and Virgin Lands

(1) Definition of Vacant, Fallow and Virgin Lands

The meaning of vacant, fallow and virgin lands is mentioned in the section 2(e) and (f) of Vacant, Fallow and Virgin Land Management Law 2012 as follows:

- "Vacant Land and Fallow Land" means land which was cultivated by the tenant before, and then that land was abandoned by the tenant for any reason (not only that the government designated land) or if it was used for agriculture or livestock breeding purposes.
- "Virgin land" means land which may be new land or other wood land in which cultivation was never done before. It may or may not have forest, bamboo or bushes, even though

ground feature may be flat or not, and includes the land which has been cancelled legally from Reserved Forest, Grazing ground, and Fishery pond land respectively for Agriculture, Livestock Poultry Farming and Aquaculture, Mining, and Government allowable other purposes in line with law.

Before the “Vacant, Fallow and Virgin Land Management Law 2012”, the definition of vacant fallow and virgin lands have changed slightly from time to time. According to the Land Nationalization Rules 1954 (Section 152), the meaning of vacant, fallow and virgin land is defined as follows:

- Virgin land which can be used by the State for any purpose
- The balance of farmland after allocation according to Section 7 from revoked lands according to Section 5 by the State
- Farmland revoked by the Government because of failing to pay land revenue
- Re-transferred farmlands after allotted according to Section 6

(2) Land Transfer before Vacant, Fallow and Virgin Lands Management Law 2012

Before the enactment of the Vacant, Fallow and Virgin Lands Management Law 2012, vacant lands and fallow lands at the disposal of the Government were transferred in accordance with the Land and Revenue Order 1911, paragraphs 332, 333, 334, 335 and 336 (Table II-9).

Although applied procedures for the land transfer differ slightly among departments which require the land transfer (depending on which paragraph of the Land and Revenue Order 1911 is applied)⁵, the general procedure for the land transfer by the Land and Revenue Order 1911 is summarized as follows:

- 1) If the state-owned vacant lands and fallow lands are required by concerned departments and organizations for public purposes, concerned departments and organizations must propose to concern District GAD. Originally, the authority to transfer the state-owned vacant and fallow lands was made over to Deputy Commissioner, according to the Land and Revenue Direction, 1911. The State Law and Order Restoration Body gave authority to conduct the land management to Ministry of Home Affairs and GAD since 1989
- 2) The proposal is required to include the following information:
 - Location of the proposed land, block no., block name, area and evidence map must be attached in the proposal.
 - How to use the proposed land for public purposes must be mentioned as well.
 - If the proposed lands include under the name of other department, whether the land is already transferred back to the Government or not, or agreement of the concerned department/organization on the land to be transferred must be attached altogether.
- 3) Concerned District Administrator must start land acquisition proceeding.
- 4) Concerned District Administrator must survey and review the proposed land to check whether the descriptions mentioned in the proposal are correct or not.

⁵ Based on information from U Aung Myat Kyaw, December 2012, “Land Acquisition and Transfer Act, Procedures and Vacant, Fallow & Virgin Land Administration and Notable Fact” Kyaw Printing House (original in Myanmar)

- 5) If District Administrator must report to Ministry of Home Affairs through Union/Region General Administrator with recommendation if the descriptions are correct.
- 6) Land Acquisition notification to be issued upon the confirmation of the Ministry of Home Affairs.

(3) Land Transfer Based on Vacant, Fallow and Virgin Lands Management Law 2012

The procedure for the land transfer of vacant, fallow, and virgin lands is determined in Chapter 2; Sections 4 to 9 in the Vacant, Fallow and Virgin Lands Management Law 2012 and details of the procedure is described in Chapter 2 Sections 3 to 28 of the Vacant, Fallow and Virgin Lands Management Rules 2012. Overall procedure of the land transfer in accordance with the Vacant, Fallow and Virgin Lands Management Rules 2012 is summarized in Table II-9.

Table II-9 Land Transfer Procedures

| | Step | Description |
|----|--|---|
| 1 | <div style="border: 1px solid black; padding: 5px; text-align: center;">Application to Central Committee</div> <p style="text-align: center;">↓</p> | <ul style="list-style-type: none"> Eligible persons or organizations that wish to carry out agricultural projects, livestock breeding, mining and other government approved legal projects on vacant, fallow and virgin lands may apply to the Central Committee (Section 3). When submitting an application, designated forms (Form 1 to Form 4) must be used (Section 4) When submitting an application in accordance, maps issued by the relevant Township Department Office (SLRD) must be attached (Section 5) |
| 2 | <div style="border: 1px solid black; padding: 5px; text-align: center;">Registration of Applications by Central Committee</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">Transfer to Respective Task Forces</div> <p style="text-align: center;">↓</p> | <ul style="list-style-type: none"> Upon receiving applications the Central Committee shall record the relevant details in the Register for Applications for the Rights to Work on and Utilize Vacant, Fallow and Virgin lands (Form - 5), (Section 6) And transfer them to the respective Nay Pyi Taw Council or Regional or State task force for inspection and further action (Section 6) |
| 3 | <div style="border: 1px solid black; padding: 5px; text-align: center;">Forwarding Applications to Respective SLRD Offices</div> <p style="text-align: center;">↓</p> <div style="text-align: center;"> <small>Region/ State SLRD</small> <small>↓</small> <small>District SLRD</small> <small>↓</small> <small>Township SLRD</small> </div> | <ul style="list-style-type: none"> The respective task force shall forward the applications to the respective Nay Pyi Taw Department Office or Regional or State Department (SLRD) Office. (Section 7) The Nay Pyi Taw Department Office or Regional or State Department Office, shall through the respective District Department Office, forward the applications to the respective Township Department Office for necessary action (Section 8) |
| 4 | <div style="border: 1px solid black; padding: 5px; text-align: center;">Registration, Opening Case File and Notification of Applications</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">Notification Period (Objections can be made within 30 days from notice)</div> <p style="text-align: center;">↓</p> <div style="text-align: center;"> <small>Township SLRD to examine and fill the inspection form during the notice period</small> </div> | <ul style="list-style-type: none"> The Township (SLRD) Office, upon receiving an application submitted shall (Section 9): <ol style="list-style-type: none"> Record details concerning the application in the Register for Applications (Form - 5). Open a case file for the application on the date of receiving the application, notify the public that if any individual wishes to object, she/he can raise an objection together with sound evidence regarding the application to the Notification for Objection form (Form – 6). The Notification for Objection form must be placed on the notice boards of the relevant Nay Pyi Taw Department Office or Regional or State Department Office, the District Department Office, the Township Department Office, and the Administrator’s Office of the ward or village tract where the vacant, fallow and virgin lands are located. In the notification, it must be stated that objections can be made within 30 days from the date of notification. During the period of notification, the Township Department Office shall examine and fill in the Inspection Form (Form -7) (Section 10). If there is more than one applicant Township Department Office shall issue a notification using the Notification for Objection form (Form – 6) out necessary actions (Section 11) |
| 5a | <div style="border: 1px solid black; padding: 5px; text-align: center;">No Objection to Notification</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">Submission to District SLRD</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">Submission to NPT/ Region /State SLRD</div> <p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">Submission to NPT/ Region /State Task Force</div> <p style="text-align: center;">↓</p> | <p>According to Section 12 B, in case of no objection to the notification, the following action will be made.</p> <ol style="list-style-type: none"> The Township Department Office shall submit the case file together with findings and remarks to the respective District Department Office within 7 days from the last date of the objection period. The District Department Office shall submit the case file together with remarks to the respective Nay Pyi Taw Department Office or Regional or State Department Office within 7 days from the date of receipt of the case file submitted. The Nay Pyi Taw Department Office or Regional or State Department Office shall submit the case file together with remarks to the respective Nay Pyi Taw Council or Regional or State task force within 7 days from the date of receipt of the case file submitted. |

| | | |
|----|--|--|
| 5b | | <p>According to Section 12 A, in case of objection to the notification, the following action will be made.</p> <ol style="list-style-type: none"> (1) The Township Department Office shall examine the objection together with the submitted evidence, within 7 days from the date of receiving the objection, and report the findings together with the case file to the respective Nay Pyi Taw Council or Regional or State task force through the respective District Department Office and Regional or State Department Office. (2) Upon receiving the case file and objection submitted, the Nay Pyi Taw Council or Regional or State task force shall submit the objection, together with relevant remarks or notes, to a Separate Board formed and delegated by the Central Committee, with instructions to carry out an inquiry and report findings. (3) Upon receiving the instructions, the Separate Board shall within 7 days from receipt of the instructions, make a field trip to the location of the lands to carry out an inspection, and submit a report with findings, together with photo records as evidence, to the respective Nay Pyi Taw Council or Regional or State task force. |
| 6 | | <ul style="list-style-type: none"> • Upon receiving the case file in accordance with Section 12, the Nay Pyi Taw Council or Regional or State task force shall examine the case files and record the findings in the Inspection Report (Form – 8): (Section 13) • After taking action in accordance with Section 13, the Naypyidaw Council or Regional or State task force shall submit the case file as soon as possible to the Nay Pyi Taw Council or Regional or State government for consideration and remarks. (Section 14) |
| 7 | | <ul style="list-style-type: none"> • Within 7 days from the date remarks concerning the case file submitted in accordance with Section 14 are received from the Naypyidaw Council or Regional or State government, the Nay Pyi Taw Council or Regional or State task force shall: (Section 15) <ol style="list-style-type: none"> (a) with the exception of applications not exceeding 50 acres by rural farmers and families wishing to carry out manageable agricultural projects, submit all remaining case files regarding applications to the Central Committee with remarks by the Nay Pyi Taw Council or Regional or State government. (b) with regard to applications exceeding 50 acres, by rural farmers and families wishing to carry out manageable agricultural projects, approve or reject the applications in accordance with the remarks given by the Nay Pyi Taw Council or Regional or State government. • Upon receiving the case file submitted in accordance with Section 15, the Central Committee shall:(Section 16) <ol style="list-style-type: none"> (a) request remarks from the Union Government Ministry of Mining if for the purpose of mining, or remarks from the relevant Ministry of the Union Government if for the purpose of other government approved legal projects. (b) in order to avoid damage to the forest lands managed by the government, and in order to avoid damage to natural habitats, areas of water diversion, and natural lakes and ponds, request remarks from the Ministry of Conservation and Forestry and other relevant ministries. (c) with regard to the projects concerning applications for the right to work on and utilize vacant, fallow and virgin lands for the purpose of foreign investment, obtain agreement from the Myanmar Investment Commission. |

| | | | |
|----|---|--|---|
| | | | <ul style="list-style-type: none"> Upon obtaining the views of the relevant ministry in accordance with Section 16, the Central Committee shall approve or reject the application for the right to work on or utilize vacant, fallow and virgin lands after reviewing the concerned case file. (Section 17) |
| 8a | <pre> graph TD A[Case Approved] --> B[Applicant to Deposit Fee] B --> C[Issuance of Land Use Notification] C --> D[Forwarding Notification to Concerned Agencies] </pre> | | <p>In case File is Approved:</p> <ul style="list-style-type: none"> The Central Committee (Section 18) and the Nay Pyi Taw Council or Regional or State task force (Section 19) shall direct the person who has been granted the rights to deposit fees as guarantee in the Myanmar Agricultural Development Bank and record details in the Form -9 Register for Persons Granted Rights (Section 18) The Central Committee (Section 20) and the Nay Phi Taw Council or Regional or State task force (Section 21) shall issue a notification using the relevant form to the person being granted the rights to work on or utilize vacant, fallow and virgin lands The Central Committee (Section 25) and the Naypyidaw Council or Regional or State task force (Section 26) shall submit copies of the permission notification granting the rights to the relevant Union Ministry, Regional or State Government, and Nay Pyi Taw Council or Regional or State task force (Section 25) or to the Central Committee and Regional or State government (Section 26) |
| 8b | <pre> graph TD A[Case Rejected] --> B[Rejection Registration] B --> C[Notify Rejection to Applicant] </pre> | | <p>In case File is Rejected</p> <ul style="list-style-type: none"> The Central Committee (Section 18) and the Naypyidaw Council or Regional or State task force (Section 19) shall direct the person whose application for the rights has been rejected, to record details in the Form -10 Register for Persons Denied the Rights to Work The Central Committee (Section 22) and the Nay Pyi Taw Council or Regional or State task force (Section 23) shall inform the person whose application has been rejected using the form 16 for Notification of Rejection of the Application for the Rights. |

Source: Summarized by JICA Expert Team based on Vacant, Fallow and Virgin Lands Management Rules 2012

1.4.4 Land Transfer based on Land Nationalization Act 1953

The Section 39 of the Land Nationalization Act is known as “LaNa 39” and serve as the basis for transfer of farmlands for other specific purposes and still adopted if the farmland in question is still in the process of land transfer or land acquisition has been initiated prior to enactment of the Farmland Law 2012. The Section 39 provides only descriptive information about the land transfer as follows.

- Section 39 Using agricultural land by specific mean: However, other provisions of this Act mentioned, the President or authority appointed by the President for this particular matter, may deem necessary, any agricultural land can be summoned to use specific mean or method.

The Land Nationalization Rules 1954 and relevant notifications/ orders provide details procedures for the farmland transfer. However, the full content of the Land Nationalization Rules 1954 was not available as of May 2015 and details of the procedure could not be confirmed.

If required land is farmland, the concerned authority shall be sought for permission to utilize with the specific mean according to the Section 39. If department/organization which required the land got the exemption of the Section 39 of the Land Nationalization Act 1953 from concerned authority, the said department/organization shall apply to the respective Collector as per the Land Acquisition Act 1894 and continue as per the rules under the Act.

The Central Farmland Management Committee was authorized to summon the Section 39 issues (notification number 3/74, dated 6 September 1974). However, during the period of People Council, authorization had been transferred to State/Division People Council Executive Group (notification number 8 of the Ministers' Office of the Union of Socialist Republic of Myanmar, 23 September 1976). After 1988, state/division Law and Order Restoration Council and state/division Peace and Development Council served as authorization agency for the evaluation of the farmland transfer. After March 2011, respective region/ state level government, particularly of GAD, and respective farmland management committee as well as SLRD are involved in the farmland transfer with LaNa39.

1.4.5 Land Acquisition and Land Transfer Procedures for State-Owned Land⁶

According to the letter no. 46/001-Ka/AhPhaYa dated 15 February 2002, the Union Government issued the directions to follow in managing the state-owned lands as follows.

- The activities concerning with land-use must be conducted with the permission of the Government, since the Government is the owner of all lands. Moreover, all activities concerning with land management must be conducted in line with current laws, rules, regulations and directions.
- The lands, managed by the Ministries as their own, are owned by the Government and those Ministries are given authority for land management on behalf of Government. However, some Ministries are deciding the land-use issues as their own land.
- Ministries are directed to request for the land-use, if they require the lands for their departments or to conduct regional development activities for the interest of the State.
- According to the above mentioned direction, lands at the disposal of the Government must be transferred by the Government or Ministry authorized by the Government in accordance with the Upper and Lower Burma Land and Revenue Directions, if the land is required by other Ministries, and if the land is proposed by government departments to confiscate the land to be used for public purposes, the land must be confiscated in line with the Land Acquisition Act 1894.
- Therefore, when managing the lands at the disposal of the Government acquired by the Ministries, the Ministries shall take the responsibility to manage the following:
 - (a) To utilize the land as originally intended.
 - (b) To return the land to the Government the land is not utilized as originally intended.
 - (c) If the land is to be transferred to other Ministry, to submit and seek the permission of the Government attached with the agreement of original Ministry and the proposal of the Ministry which the land is required.
 - (d) Not to transfer the land according to their own desire to other departments or person.
 - (e) To manage to formulate the schedule of land-use for the lands acquired by the Ministries.
 - (f) To conduct in line with land management procedures, current land laws issued by the Government accordingly.

⁶ Information in this section is based on U Aung Myat Kyaw, December 2012, "Land Acquisition and Transfer Act, Procedures and Vacant, Fallow & Virgin Land Administration and Notable Fact" Kyaw Printing House (original in Myanmar)

1.4.6 Land Acquisition and Land Transfer inside the Territory of YCDC

According to U Aung Myat Kyaw 2013, land acquisition and land transfer issues within the jurisdiction of YCDC are recognized as follows:

- The lands inside the YCDC area are owned by DUHD, Private, YCDC and government departments.
- Regarding the lands owned by DUHD, according to the Rangoon Development Trust Act, Section 58, vacant and fallow lands, leased lands and grant lands inside YCDC area are owned by DUHD.
- According to the section 59 of that Act, DUHD has authority to lease, sell and transfer the lands owned by the Department in line with the above mentioned Act and rules under the Act.
- According to the section 25 of Yangon Municipal Act, YCDC can utilize the lands owned by it for roads, parks, market and butchery. The surplus vacant and fallow lands can be leased, sold and transferred, according to the section 42 of that Act.
- If the lands inside the YCDC area are required for public purposes, Department of Public Service, Housing and Rehabilitation can issue notification in accordance with section 58, sub-section 3 of Yangon Municipal Act 1920, to transfer the lands to Public Housing Rehabilitation and Town and Village Development Body and the Body shall proceed the activities.
- If the lands are required for public purpose, Department of Public Service, Housing and Rehabilitation shall issue the notification in accordance with section 39 of Yangon Municipal Rules 1922, and Public Housing Rehabilitation and Town and Village Development Body excludes the lands and lands will be transferred with principles.
- After 1988, State Law and Order Restoration Body organized Yangon City Development Committee with Law No. 11/90 and enacted Yangon City Development Act.
- According to Chapter III of that Act, the authority has been made over to YCDC to manage the lands inside the YCDC area.
- Land management authority is identified as follows in the Rules under the Act, chapter II, section 3, issued by Notification No. 3/2001 on 7-5-2001 in accordance with the section 33, sub-section (a) of that Act: According to the City Planning and Land Management Rules, YCDC can manage the lands except the following lands:
 - (a) State-owned land
 - (b) Lands at the disposal of the Government
 - (c) Revenue-free lands religious purposes and lands for ordination hall
 - (d) Farmlands and vacant and virgin lands
- It is enacted in Section 37 of Yangon City Planning and Land Management Rules, for public purposes, YCDC can confiscate the private lands and buildings, in line with current laws, which are inside the area of city development projects inside YCDC area by giving compensation or buying the current price. Moreover, it is also enacted in section 37 and 39 that if private lands are required for public purposes, coordination with concerned authorized Ministry, if the lands are for new city projects, project zones, housing project, acting the same mentioned above, if the

lands are owned by government department/organization, coordination with concerned department/organization can be conducted to confiscate the lands.

- The state-owned lands mentioned in paragraph 9 are managed by the Government and lands at the disposal of the Government are managed by Revenue Officers (Finance Commissioner, Commissioner, etc.) authorized by the Government. According to the current law, those lands can be utilized by other purposes, except for Government department, organization, cooperative, private, agriculture, forestry, mining, livestock breeding, pasture, factory, workshop, religious land, cemetery, town/village, road, irrigation, dam and farming.
- Regarding agriculture, farmland, paddy land and alluvial island are managed according to chapter V, Section 15 of Farmland Law (Law No. 11, 2012), by organizing the Farmland Management Bodies.
- Revenue-free lands for religious purpose are allotted by Finance Commissioner and revenue-free lands for ordination hall are allotted by Revenue Officers with the permission of the Government. Farmlands, vacant lands and virgin lands are managed by organization or department authorized on behalf of the Ministry of Agriculture and Irrigation.

1.4.7 Illegal Land Squatting and Actions to be Taken Determined in Existing Laws

Although there is no consolidated legislation determining about illegal land squatting and actions to be taken, existing laws and regulations determine this in certain types of lands. Table II-10 summarizes some of actions determined to be taken in illegal land squatting.

Table II-10 Illegal Land Squatting and Actions to be Taken in Existing Laws

| Type | Actions Taken |
|--|--|
| Squatting Town and Village Land | <p>Regarding the land cases, there are various types of squatting and the following two are in common:</p> <ul style="list-style-type: none"> • Squatting over fallow and vacant lands owned by Government • Squatting or squatter who continues living over the land at the disposal of the Government which has been revoked because of any reason such as living without license or lease grant over the land, or license or lease grant has been expired, or license or lease grant has been cancelled. <p>According to the Revenue Jurisdiction, the Upper Burma Land and Revenue Regulation 1889 and the Lower Burma Land and Revenue Act 1879, rules under the Act and Directions shall be applied for taking action of above squatting.</p> |
| Squatting over fallow and vacant land owned by Government | <p>According to the Upper Burma Land and Revenue Regulation 1889 and the Lower Burma Land and Revenue Act 1879:</p> <ul style="list-style-type: none"> • If it is squatting over fallow and vacant land owned by Government without permission, Revenue Officer shall publish a notice to move out. In this notice, it shall state to remove all properties of the person other than the Government property within prescribed time. • If that person doesn't follow the notice within the prescribed time, Revenue Officer shall sue him at the Court under section 188 of the Code of Civil Procedures. • After the Court sentenced, if the property of the dwellers are still remained on the land, an auction of these properties shall be made and the cost of sale, removing and custody of these properties will be deducted from the money get from the auction and if the money are still remained, it shall give back to the owner of the property (Upper Burma). • If the Court sentenced, action can be taken (Lower Burma). |
| Squatting over the Land at the disposal of the Government | <p>According to the Upper Burma Land and Revenue Regulation 1889 and the Lower Burma Land and Revenue Act 1879:</p> <ul style="list-style-type: none"> • Squatting includes squatters who continue living over the land which has been revoked because of any reason such as living without license or lease grant over the land, or license or lease grant has been expired, or license or lease grant has been cancelled. • Revenue Officer can publish a notice to move out, and collect the land revenue not more than 5 times (Lower Burma, 3 times for Upper Burma) and fine the squatter for the period of squatting with suitable amount and evict the squatter from the land. |

| Type | Actions Taken |
|---|---|
| | <ul style="list-style-type: none"> • Regarding the licensed or grant land, if the land is not used as per rules originally granted and used for other purposes, holder can be claimed for explanation, and if it is not satisfactory, collection of revenue increasing the rate, fine suitable amount, cancellation of the grant or lease and eviction can be made with the advance permission of the Divisional Commissioner (Lower Burma) • If the squatting remains, action can be taken the same as the squatting over fallow and vacant land owned by Government. |
| Squatting over the Farmland | <p>According to Farmland Law 2012:</p> <ul style="list-style-type: none"> • Whoever has the right for farming, fails to comply with an order issued in accordance with the section 19 of Farmland Law 2012, or order/decision of land dispute under this law, shall be liable to imprisonment for any term at least six months to two years and moreover to fine 300,000 MMK to 500,000 MMK in cash. • Whoever violates the same order issued in accordance with section 19 in the past shall be liable to sentence with the utmost imprisonment designated in section 35 for another violation of the same order. • Whoever has right for farming, fails to comply with the prohibition mentioned in section 14 of this Law, shall be liable to imprisonment from at least one year to three years and to fine not less than 1,000,000 MMK. Then money and materials relate to the case shall be forfeited as the State-owned. • Regarding to the cases related to farmland that were happened before the Farmland Law is enacted, these cases shall be dealt with the previous law until finished, and then Farmland Law and Rules under the Law are to be applied. |
| Squatting Land of Cultural Department: | <p>According to the Protection and Preservation of Cultural Heritage Regions Law (State Peace and Development Council Law 9/98):</p> <ul style="list-style-type: none"> • No person shall, without prior permission granted under this law, construct, extend, renovate a building or extend the boundary of its enclosure in the ancient monumental zone or ancient site zone or if it shall extend the boundary, in accordance with that law section 24, it shall on conviction be punished with fine which may extend to 50,000 MMK or with imprisonment for a term which may extend to 5 years or with both and also the Court shall pass any of the following orders on whoever is convicted of any of the offences under this Law: <ul style="list-style-type: none"> (a) causing the building constructed to be dismantled; (b) causing the restoration of the extended building or boundary of the enclosure to its original position; (c) causing the restoration of the altered and repaired form of the building or land to its original form. • Whoever fails to abide by the order passed under above law, shall he liable to a fine which may extend from 500 MMK to 1,000 MMK for each day for failure to abide by such order. |
| Squatting Land of Highways: | <p>According to the Highways Act (State Peace and Development Council Law 8/2001):</p> <ul style="list-style-type: none"> • Regarding the squatting the boundary of the highway, whoever without the permission of the Public Works commit the act of constructing the building within the boundary of the highway, shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine or with both. |
| Squatting Forest Land: | <p>According to the Forest Law (State Law and Order Restoration Council Law 8/92):</p> <ul style="list-style-type: none"> • Whoever commits the act of trespassing and encroaching in a reserved forest, shall, on conviction, be punished with fine which may extend to 5,000 MMK or with imprisonment for a term which may extend to 4 months or with both. |
| Squatting Land of Yangon City Development Council: | <p>According to the Notification No. 3/2001, issued in accordance with the chapter 10, section 47 and 48 of City Plan and Land Management Rules, issued by the Yangon City Development Council on 7 May 2001:</p> <ul style="list-style-type: none"> • Whosoever trespass building on the land of Yangon City Development Council and illegal tenants shall be removed. |
| Squatting Municipal Land: | <p>According to section 58 of the Municipal Act (State Law and Order Restoration Council Law 5/91):</p> <ul style="list-style-type: none"> • Constructing building or part of the building over the public street, drainage, water pipe and sewage line without the permission of the relevant Municipal Committee is prohibited. |
| Squatting Land of Department/Organization: | <ul style="list-style-type: none"> • In general, squatting over the land of department/organization shall be managed by concerned department/organization and squatting over the land of pagoda, pagoda trustee and religious land shall be managed by concerned trustee or organization. |

Source: Summarized by JICA Expert Team based on the original laws/ rules and other secondary information.

Chapter 2 Legal Framework on Resettlement

2.1 Introduction

In current Myanmar, resettlement related issues are described in some existing laws and regulations, but emphasis is given more on compensation in relation to land acquisition. On the other hand, comprehensive laws and regulations for the resettlement have not been prepared yet as of June 2016. Also most existing laws and regulations covering land acquisition and resettlement related issues do not determine details such as procedures and conditions related to the resettlement.

The procedures of the Land Acquisition Act 1894 have long been followed by the governments since in the Colonial Period to the present day for the purpose of public and for business purposes of companies. However, not all the land acquisitions followed the procedures. After the elected democratic government in 2011, land acquisitions for public purposes only are permitted and are to be carefully managed by the Union Government in accordance with the procedures of the Land Acquisition Act 1894 as well as the Farmland Law and Rules 2012.

2.2 Compensation and Indemnity in Myanmar Legal Framework

(1) Compensation Policies

Of the existing key applicable laws, the following laws and regulations discuss policies on compensation.

- The Land Acquisition Act 1894
- Farmland Law 2012 and Farmland Rules 2012
- Vacant, Fallow and Virgin Lands Management Law 2012 and Vacant, Fallow and Virgin Lands Management Rules 2012
- Special Economic Zone Law 2011
- Yangon City Development Committee (YCDC) Notification 3/2001.

Description of respective compensation policy is summarized in Table II-11.

Table II-11 Indemnity and Compensation Polices Determined in Existing Laws

| Law/ Regulations | Description of Compensation Policies |
|---------------------------|--|
| Land Acquisition Act 1894 | Section 23 determines the type of compensation to be awarded for land acquired under this Act, and notes the court shall take into following consideration for setting amount: (Details are described in Table II 2-29 in Chapter 1 of this report.) |
| Farmland Law 2012 | Following Sections determine about the compensation policy and indicating appropriate compensation to be paid to eligible effected persons. <ul style="list-style-type: none"> • Section 26: Notwithstanding contained in any existing law, the Central Farmland Administrative Body shall coordinate as many be necessary in respect of giving compensation not to grieve absolutely for the matters carried out by the person who has the ownership right to use the farmland including the land confiscated for interest of the State or the public interests and development by building on such land and managing by other means by the relevant. • Section 27: The person whose right to use the farmland is revoked or the farmland is recovered the Central Farmland Administrative Body under Section 17 (d) shall not have the right to enjoy compensation |
| Farmland Rules 2012 | Following sections determine about the compensation policy and indicating appropriate compensation to be paid to eligible effected persons. <ul style="list-style-type: none"> • Section 64: In the farm land is requisitioned under farm land law for the interest of the state or the public the grievance and compensation for improving the farm land with buildings on the said farm land by the person who get the right to work farm land in the |

| Law/ Regulations | Description of Compensation Policies |
|---|---|
| | <p>improvement made by the original person who get the right to work farm land, without delay far from the concern, the central farm land management body shall conduct as necessary</p> <ul style="list-style-type: none"> • Section 65: If the right for farming or the farmland is revoked by the one of the following reasons whoever shall not be entitled for getting the compensation and indemnity: a) According to the Section 19 of the Farmland Law, expelling from the farmland or removing structures unofficially built on the farmland without permission, because of violating one of the disciplines in the Farmland Law, b) Revoking the farmland because of neither utilizing as per permitted mean nor finishing the activity during the specific period, within six months after getting approval to utilize the farmland with other mean in line with the Farmland Law, and c) Revoking for farming because of selling, mortgaging, lending, changing or gifting the whole or partial right for farming to local organization or foreign organization without the permission of the government. • Section 66: In confiscating farm lands in the interests of the nation, the central government shall pay indemnity and compensation to person interested. |
| <p>Vacant, Fallow and Virgin Lands Management Law 2012 (Pyidaungsh Hluttaw Law No.10)</p> | <p>Following sections determine about the compensation policy and indicating appropriate compensation to be paid to eligible effected persons.</p> <ul style="list-style-type: none"> • Section 19: The Central Committee shall resume the area required in the authorized land, if one of the following situation arises:- <ul style="list-style-type: none"> (a) If ancient culture heritage are found in the authorized land; (b) If infrastructure project or Special project are desired to be constructed on the authorized land, in the interest of the State; (c) Except the permitted minerals , if other natural resources are found in the authorized land which are permitted for production of mining; (d) If natural resources are found in the authorized land which are permitted for the purposes described in Section4, Sub-section (a),(b), and (d); • Section 20: For resuming the area required in the authorized land in accordance with the Section19, the Central Committee will have to be undertaken in coordination with the department, organization concerned for getting the compensation within the prescribed period, calculated by current value to cover the actual investment cost of the legitimate owner, with the agreement of the Cabinet of the Union Government. |
| <p>Vacant, Fallow and Virgin Lands Management Rules 2012 (President Office Notification No 1, 2012)</p> | <p>Following sections determine about the compensation policy and indicating appropriate compensation to be paid to eligible effected persons.</p> <ul style="list-style-type: none"> • Section 55: The Central Committee has the right to repossess the minimum required area from the granted vacant, fallow and virgin lands if any of the following occurs: <ul style="list-style-type: none"> (a) discovery of historical and cultural artifacts on the granted vacant, fallow and virgin lands (b) implementation of basic infrastructure projects or special projects is required in the interests of the state (c) discovery of other natural resources apart from those permitted, on the vacant, fallow and virgin lands where rights are granted to carry out mining projects (d) discovery of natural resources on the vacant, fallow and virgin lands where rights are granted to carry out agricultural projects, livestock breeding or other government approved legal projects. • Section 56: The Central Committee, in order to ensure that the person granted rights to work on and utilize the land does not suffer an injustice with regard to the vacant, fallow and virgin lands that will be repossessed according to Section 55, shall calculate the actual costs incurred in work and investments based on current values and with the approval of the Union Government, and give the responsibility to the Regional or State task force to collaborate with respective departments and organizations to take action for compensation to be received within 30 days from the date of repossession of the vacant, fallow and virgin lands. |
| <p>Special Economic Zone Law 2011</p> | <ul style="list-style-type: none"> • Section 36 determines that for compensation relating to the development of the Special Economic Zone, the developer or investor shall bear the expenses of transferring and compensation of houses, buildings, farms and gardens, orchards/ fields, plantation on land permitted by the Central Body if these are required to be transferred. (However, specific amount of compensation and timeframe of that action are not stated in this law). |
| <p>Yangon City Development Committee Notification 3/2001</p> | <ul style="list-style-type: none"> • The notification provides the necessities of compensation in connection with acquisition, purchasing and transferring of land. Section 35 determines that YCDC can purchase land with suitable price or compensate for the land and buildings for the beneficial of people if the land or buildings are located within the area where development of urbanization is proposed in accordance with the existing laws and regulations. (However, the Notification does not specify the detailed methodology of calculating the compensation). |

Source: Summarized by JICA Expert Team based on the original laws/ rules and other secondary information.

(2) Compensation Amount

Of the existing key applicable laws, the following laws and regulations determine the compensation calculation method.

- The Land Acquisition Act 1894
- Farmland Rules 2012

Description of respective compensation calculation method is summarized in Table II-12.

Table II-12 Indemnity and Compensation Amount Determined in Existing Laws

| Law/ Regulations | Description of Compensation Amount |
|---------------------------|--|
| Land Acquisition Act 1894 | <p>Section 23 determines the type of compensation to be awarded for land acquired under this Act, and notes the court shall take into following consideration for setting amount:</p> <ul style="list-style-type: none"> • The market value of the land at the date of the publication of the notification under Section 4, sub-section (1); • The damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof; • The damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land • The damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, moveable or immovable, in any other manner, or his earnings; • If in consequence of the acquisition of the land by the Collector the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and • the damage (if any) bona fide resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land. • In addition to the market-value of the land as above provided, the Court shall in every case award a sum of fifteen per centum on such market-value, in consideration of the compulsory nature of the acquisition. |
| Farmland Rules 2012 | <ul style="list-style-type: none"> • Section 66 determines the requirement of indemnity and compensation to the affected person when it comes to the case of confiscating farms in the interests of nation. • Section 67 determines the responsibility of township Farmland Management Body to calculate the indemnity and compensation using the indemnity and compensation form 12. The rates of indemnity for crop and structure are determined s as follows: <ul style="list-style-type: none"> - Three times of the value calculated based on the average production of the grain and other crops currently sowed and current market price of that area - Three times of the value calculated based on the current price of the tree and current market price of the trees in that area - Two times of the value calculated based on the current market price of the other activities including buildings on the farmland to modify <p>The rates of land compensation are determined s as follows:</p> <ul style="list-style-type: none"> - Value calculated based on the current market price of that area, in confiscating farms in long term interests of nation, for the non- profitable construction activities and national security - For the purpose of utilizing the profitable business, amount agreed by the persons interested or amount which is not lower than that amount calculated based on current market price of that area, according to the type of the business |

Source: Summarized by JICA Expert Team based on the original laws/ rules and other secondary information.

(3) Timing of Compensation

Of laws and regulations which had been enacted so far in Myanmar, there is no relevant content specifically concerning compensation payment timing except for Section 34 of the Land Acquisition Act 1894, imposing interest rate to compensation amount in case, compensation amount is not paid on or before land acquisition.

- When compensation is not paid on or before land acquisition date, compensation amount awarded with interest rate must be paid. (Section 34: Land Acquisition Act 1894)

2.3 Other Key Issues Relevant to Resettlement

(1) Public Disclosure and Public Consultation

Of laws and regulations which had been enacted so far in Myanmar, there is no relevant content specifically concerning public disclosure and consultation in line with land acquisition and resettlement. One exception is in Sections 4 and 9 of the Land Acquisition Act 1894 that determines procedure for public notice upon land acquisition. Description of the public notice procedure is summarized in Table II-13.

Table II-13 Public Notice Procedures Determined in Land Acquisition Act 1894

| Section | Description |
|---------------|---|
| Section 4 (1) | <ul style="list-style-type: none"> Whenever it appears to the President of the Union that land in any locality is need or is likely to be needed for any public purposes, a notification to that effect, shall be published in the Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality |
| Section 9 | <ul style="list-style-type: none"> (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him. (2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent. (3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents, authorized to receive service on their behalf, within the revenue-district in which the land is situate. (4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business and registered under the Burma Post Office Act. |

Source: Summarized by JICA Expert Team based on Land Acquisition Act 1894

(2) Grievance Redress Procedure

Of laws and regulations which had been enacted so far in Myanmar, little is determined for grievance redress procedure in line with land acquisition and resettlement. Sections in the Land Acquisition Act 1894 and Farmland Rules 2012 determine about procedure for raising complaints against land acquisition and/or compensations. Description of such procedure is summarized in Table II-14.

Table II-14 Appeal /Complaint Procedures Determined in Existing Laws

| Section | Description |
|--|--|
| Land Acquisition Act 1894 Section 5A Objections | <ul style="list-style-type: none"> Any person interested in any land which has been notified under section 4, subsection, as being needed or likely to be needed for a public purpose or for a company may, within thirty day of the notification, object to the acquisition of any land in the locality, as the case may be. Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard either in person or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary. Submit the case for the decision of the President of the Union, together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the President of the Union on the objections shall be final. For the purposes of this section, a person shall be deemed to be interested in land, who would be entitled to claim an interest in compensation if the land were acquired under this Act. |
| Land Acquisition Act 1894 Section 18 | <ul style="list-style-type: none"> Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination |

| Section | Description |
|---|--|
| | <p>of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.</p> <ul style="list-style-type: none"> • The application shall state the grounds on which objection to the award is taken; Provided that every such application shall be made: <ul style="list-style-type: none"> (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award; (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire. |
| Land Acquisition Act 1894 Section 19 | <p>(1) In making the reference, the Collector shall state for the information of the Court, in writing under his hand:</p> <ul style="list-style-type: none"> (a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon; (b) the names of the persons whom he has reason to think interested in such land; (c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11; and (d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined. <p>(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively:</p> |
| Farmland Rules 2012 Section 68 | <ul style="list-style-type: none"> • Regarding the managing to give indemnity, compensation and other suitable mean, to avoid any indemnity of the person whose land is confiscated- <ul style="list-style-type: none"> (a) If the complains upon un-satisfaction occur, Nay Pyi Taw Council or concerned Region/State Farmland Management Body shall decide in line with the prescribed law. (b) If there is any requirement in conducting as per sub-section (a), the Central Farmland Management Body shall monitor and negotiate accordingly. |

Source: Summarized by JICA Expert Team based on Land Acquisition Act 1894, Farmland Rules 2012

(3) Social Welfare and Environmental Considerations

Though there are no laws specifically determining about resettlement issues, some of existing laws and regulations determine about social welfare issues and environmental consideration issues. In some cases, these issues have certain relevancy with the resettlement activities; thus, major existing and applicable laws for social welfare and environmental considerations are summarized in Table II-15 and Table II-16, respectively.

**Table II-15 Laws and Regulations Related to Social Welfare and Occupational Health
(as of End of March 2016)**

| Law/Regulation Name | Brief Summary | Responsible Ministry |
|---|--|---|
| Factory Act 1951 | Ensuring the Safety, Health and Welfare of the workers, working in Factories and Industrial Establishments. | Ministry of Industry (MOI) |
| The Oil Field (Labor and Welfare) Act 1951 | With the provision of the basic safety , health and welfare requirements in the working areas, this law is to ensure the Safety, Health Welfare of the workers, working in Notified Oilfield | Ministry of Energy (MOE) |
| The Leave and Holiday Act 1951 | Worker's entitlement to the leave and holidays | Ministry of Labour, Employment and Social Security (MOLESS) |
| Standing Order 2/95 Occupational Health Plan 1995 | Determines standards for occupational health of factories and industry workers. | MOI |
| Settlement of Labor Dispute Law 2012 (5/2012) | Safeguarding the right of workers or having good relationship between employer and worker and making peaceful workplace or obtaining rights fairly righteously and quickly by settling dispute | MOLESS |

| Law/Regulation Name | Brief Summary | Responsible Ministry |
|-----------------------------------|--|----------------------|
| Social Welfare Law 2012 (15/2012) | Safeguarding the Health and welfare for laborers | MOLESS |
| Minimum Wage Law 2013 (7/2013) | Worker's entitlement to receive the minimum wage | MOLESS |

Source: Summarized by JICA Expert Team based on the original laws/ rules and other secondary information.

**Table II-16 Laws and Regulations Related to Environmental Conservation
(as of End of March 2016)**

| Law/Regulation Name | Brief Summary | Responsible Ministry |
|--|--|---|
| The Water Power Act 1927 (Burma Act 11, 1927) | Determining license requirement of using public water for energy and mining purposes | Ministry of Mining (MOM) |
| The Underground Water Act 1930 | Determining requirement for systematic use of ground water toward sustainable purpose | Ministry of Agriculture and Irrigation (MOAI) |
| The Forest law 1992 (8/92) | Determining implementation of forest policy and environmental conservation policy, to promote the sector of public in implementing these policies, to develop the economy of state, to prevent destruction of forest and biodiversity, to carry out simultaneously conservation of natural forests and establishment of forest plantation and to contribute to the fuel requirement of the country. Determining implementation in accordance with international agreement relating to Conservation of forest and conservation of environment. | MONREC |
| The Protection of Preservation of Cultural Heritage Region Law 1994 | Determining protection and preservation of the cultural heritage regions and the cultural heritage therein so as not to deteriorate due to natural disaster or man-made destruction | Ministry of Culture |
| The Protection of Wildlife, Wild Plant and Conservation of Natural Area Law 1994 | Determining protection and conservation of wild life, wild plants in accordance with international protocol, and the Union Government Policy. | MONREC |
| Terrestrial Sea and Maritime Zone Law 1997 (1977) | The law defines and determines the maritime zone, contiguous zone, exclusive economic zone and continental shelf and the right of Union of Myanmar to exercise general and exclusive jurisdiction over these zones and continental shelf in respect of preservation and protection of marine environment, its sources and prevention of marine pollution | GOM |
| The Conservation of Water Resources and River Law 2006 | The law determines followings for protection and maintenance of river bank and river water quality; (a) to conserve and protect the water resources and rivers system for beneficial utilization of the public; (b) to enable smooth and safe waterways navigation along rivers and creeks; (c) to contribute to the development of State economy through improving water resources and river system; (d) to protect environmental impact. | Ministry of Transport (MOT) |
| The Environmental Conservation Law 2012 | This is the fundamental law for environmental conservation in Myanmar. The law lays down the path forward for the government agencies to focus government efforts to accomplish sustainable development and provide basic principles and give guidance for systematic integration of environmental issues. | MONREC |
| The Environmental Conservation Rules 2014 | The Rules is detailed enforcement regulations of the Environmental Conservation Law and enacted on 5 June, 2014. | MONREC |
| The EIA Procedure 2015 | The EIA Procedure covers contents such as screening of projects, qualification for conducting EIA/ IEE (Initial Environmental Examination), preparation of EIA/IEE report, environmental management plan (EMP), public involvement, approval of EIA/IEE report by MONREC, and monitoring process after approval of EIA/IEE report and categorization of EIA , IEE requirement projects | MONREC |

Source: Summarized by JICA Expert Team based on the original laws/ rules and other secondary information.

(4) Vulnerable

There has been no law or regulation enacted so far for vulnerable people in Myanmar and also, there has been no official definition of vulnerable group identified in Myanmar. However, according to the Ministry of Social Welfare, Relief and Resettlement, vulnerable people, in general, are described in the main functions of the ministry as “to safeguard and restore back the lives of needy and vulnerable people such as children, youths, women, disabled people and elderly persons into the normal and secure condition”.

A socio-economic survey was carried out during 2009-2010 by the Ministry of National Planning and Economic Development in collaboration with international organizations such as UNDP, UNICEF and Swedish International Development Cooperation Agency (SIDA). The results were issued in June, 2011, and defined that an adult person who has annual income of 376,151 MMK was below poverty line.

Since there is no official definition of vulnerable people/ household/ group in the legal framework of Myanmar, distinct groups of people who might suffer disproportionately from relocation effects are regarded as a vulnerable group in relocation and resettlement work for Phase 1/ Zone A as well as the 2000ha Development Area. Specifically, a household headed by woman, disabled person, elderly (over 61 years old), a household including a member of disabled person, or a household below poverty line are regarded as vulnerable households.

Chapter 3 Gap Analysis on Resettlement between Myanmar and International Practices

3.1 Introduction

As described in the previous chapters, as of April 2016, in Myanmar there are no comprehensive laws and regulations related to resettlement and livelihood assistance for the Project Affected People except for the laws denoting the compensation such as the Land Acquisition Act 1894 and the Farmland Rules 2012.

Most international funding organizations and donors have developed policies and guidelines for environmental social considerations including resettlement occurring under development projects. In respect to land acquisition and resettlement, these policies and guidelines normally define eligibility of compensation, calculation method of compensation amount, timing of compensation payment, income restoration and improvement measures, public consultation and information disclosure and grievance mechanism required for the resettlement.

3.2 International Practices on Resettlement

In principle, international practices on resettlement are conducted based on policies and guidelines developed by international funding organizations and donors. Major policies and guidelines applicable for resettlement are listed hereunder:

- WB Safeguard Policy: Operational Policy on Involuntary Resettlement (OP 4.12)
- JICA Guidelines for Environmental and Social Considerations (April, 2010)
- ADB Safeguard Policy: Safeguard Policy Statement 2009 (SPS)

In Myanmar, currently, the Environmental Impact Assessment Procedure (EIA Procedure) was issued as Notification No.618/2015 dated 29 December 2015 under the Environmental Conservation Law enacted on 30 March 2012. As per Chapter II Section 7 of the EIA Procedure, projects that involve involuntary resettlement shall comply with specific procedures separately issued by the responsible ministries. Prior to the issuance of any such specific procedures, all such projects shall adhere to international good practices (as accepted by international financial institutions including WB and ADB) regarding involuntary resettlement.

JICA Guidelines cite WB Safeguard Policy, OP 4.12 Annex A for the preparation of the resettlement action plan. Therefore, details on JICA Guidelines are described hereunder.

3.3 JICA Policy on Resettlement

JICA has policies on resettlement, which are stipulated in the JICA Guidelines. The key principles of JICA policies on involuntary resettlement are summarized below:

1. Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives.
2. When, population displacement is unavoidable, effective measures to minimize the impact and to compensate for losses should be taken.
3. People who must be resettled involuntarily and people whose means of livelihood will be hindered or losses must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels.
4. Compensation must be based on the full replacement cost as much as possible.
5. Compensation and other kinds of assistance must be provided prior to displacement.
6. For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. It is desirable that the resettlement action plan include elements laid out in the WB Safeguard Policy, OP 4.12, Annex A.
7. In preparing a resettlement action plan, consultations must be prompted in the planning, implementation, and monitoring of resettlement action plans.
8. Appropriate and accessible grievance mechanisms must be established for the affected people and their communities.

In addition to the above policies, JICA also applies for the following policies stipulated in WB OP 4.12.

1. Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advantage of such benefit.
2. Eligibility of Benefits include, the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying.
3. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.
4. Provide support for the transition period (between displacement and livelihood restoration).
5. Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc.
6. For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared.

3.4 Gap Analysis and Gap Filling Measures

The comparison between the Government's laws/regulations and the JICA Guidelines etc. are shown in Table II-17.

Table II-17 Comparison of Myanmar Laws and JICA Guidelines on Resettlement Issues

| No. | JICA Guidelines etc. | Law in Myanmar | Gap Between Laws in Myanmar and JICA Guidelines | Measures to Filling Gap |
|-----|---|--|---|---|
| 1. | Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA Guidelines: JICA GL) | Not applicable | There is no regulation which mentions or requests to avoid or minimize involuntary resettlement and loss of livelihood means. | The project examines alternatives to avoid or minimize resettlement impact. |
| 2. | When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken. (JICA GL) | Compensation or indemnity is provided for farmland acquisition for the interest of the State or public. (Farmland Law (2012) Art. 26, Farmland Rules (2012) Art. 64) | There is no difference. | - |

| No. | JICA Guidelines etc. | Law in Myanmar | Gap Between Laws in Myanmar and JICA Guidelines | Measures to Filling Gap |
|-----|---|--|---|---|
| 3. | People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels. (JICA GL) | Damages to standing crops/trees, lands, movable/immovable properties, relocation cost, economic activities are requested to compensate. (Land Acquisition Act (1894) Art. 23, Farmland Rules (2012) Art. 67) | There is no stipulation of improving or at least restoring living standard, income opportunities and production levels to pre-project levels in the Myanmar legal framework. | Assistance for improving or restoring livelihood at least to pre-project level is provided. |
| 4. | Compensation must be based on the full replacement cost as much as possible. (JICA GL) | Land: Market-value compensation (Land Acquisition Act (1894) Art.9, 23 (1) and 23(2)) Crops: Compensation at three times of the value calculated based on the average production of crops in the current market price of that area is provided. (Farmland Rules (2012) Art. 67) | Land: Partial gap since the act lacks standard methodology in determining compensation, though it requires considering the market value. Additionally, there would be a gap between the market value and full replacement cost. Crops: There is no significant difference. | Land: Needs to be compensated at replacement cost which generally consists of the market value and other transaction costs. |
| 5. | Compensation and other kinds of assistance must be provided prior to displacement. (JICA GL) | When compensation is not paid on or before land acquisition, compensation amount awarded with interest rate must be paid. | There is no clear indication about timing of compensation payment in the Myanmar legal framework. | Assistance is provided prior to displacement. |
| 6. | For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. (JICA GL) | Not applicable | There is no regulation which mentions or requests to avoid or minimize involuntary resettlement and loss of livelihood means. | RWP is prepared in consultation with PAPs and will be disclosed to the public. |
| 7. | In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. (JICA GL) | Not applicable | There is no regulation requesting to organize consultations with PAPs. | Consultations with PAPs have been organized in timely manner. |
| 8. | When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. (JICA GL) | Not applicable | There is no regulation requesting to organize consultations with PAPs. | Consultations with PAPs have been organized using understandable explanation methods. |
| 9. | Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans. (JICA GL) | Not applicable | There is no regulation requesting participation of PAPs into planning, implementation and monitoring of resettlement action plans. | Participation of PAPs is secured by organizing consultations in timely manner. |

| No. | JICA Guidelines etc. | Law in Myanmar | Gap Between Laws in Myanmar and JICA Guidelines | Measures to Filling Gap |
|-----|--|--|---|---|
| 10. | Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL) | 1) Notice of compensation amount to PAPs directly: appeal to the court within 6 weeks from the date of compensation award 2) Notice of compensation amount to representatives of PAPs: i) within 6 weeks of receipt of compensation notice, or ii) within 6 months from the from the date of compensation award, whichever period shall be first expire (Land Acquisition Act (1894) Art. 18) | The procedure of grievance in the Myanmar context is direct settlement at the court, which is not necessarily easy or accessible to PAPs. | The grievance redress mechanism is established by utilizing the existing administration system to be convenient for PAPs. |
| 11. | Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advantage of such benefits. (WB OP4.12 Para.6) | A notification of land acquisition or public purposes is published in the Gazette, which is also published at the convenient place in the concerned municipality. (Land Acquisition Act (1894) Article 4) | There is no specific description of identifying affected people as early as possible in the national law. | Census was initially conducted at the preliminary delineated boundary in April 2013, and supplemental survey was conducted to the final boundary in May 2014 to September 2015 for identifying number of affected households as well as their socio-economic condition. |
| 12. | Eligibility of benefits include, the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying.(WB OP4.12 Para.15) | Occupiers/stakeholders of lands to be acquired are explained about acquisition and claims to compensations. (Land Acquisition Act (1894) Article 9) | Detail procedures as well as eligibility criteria are not clearly defined. Also there is no specific indication about displaced persons without titles. | The project establishes eligibility for assistance to all households whose income sources or assets are confirmed as affected due to project implementation. |
| 13. | Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP4.12 Para.11) | Not Applicable | There is no regulation stipulating to give land-based resettlement strategies. | Appropriate measures are provided to PAPs based on consultation with them. |
| 14. | Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6) | Not Applicable | There is no regulation stipulating to provide support for the transition period. | Sufficient support for the transition period is provided. |

| No. | JICA Guidelines etc. | Law in Myanmar | Gap Between Laws in Myanmar and JICA Guidelines | Measures to Filling Gap |
|------------|--|-----------------------|--|--|
| 15. | Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc. (WB OP4.12 Para.8) | Not Applicable | There is no regulation stipulating to provide particular attention to the vulnerable groups. | Additional support for the vulnerable groups is provided. |
| 16 | For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared. (WB OP4.12 Para.25) | Not Applicable | There is no regulation stipulating to prepare resettlement plan. | The project requests more than 200 people of displacement, and prepares RWP accordingly. |

Source: JICA Expert Team based on JICA Guidelines; Land Acquisition Act 1894; Farmland Law 2012, and Farmland Rules 2012

Chapter 4 Institution Framework Relevant to Land Acquisition and Resettlement

As land administration is delegated to different government authorities, some government ministries and land administrative bodies are partially involved in land acquisition and resettlement in Myanmar. As of April 2016, there is no specific government organization in Myanmar that solely administers about land acquisition and resettlement issues. Among the government ministries, departments, and institutions related to land administration, GAD) is considered as the main entity to implement land acquisition under the domestic legal framework. Table II-18 outlines the relevant entities and their function.

Table II-18 Key Functions and Roles relevant to Land Acquisition and Resettlement of Concerned Organizations (as of End of March 2016)

| Organization | Key Functions and Roles relevant to Land Acquisition and Resettlement |
|---|--|
| General Administration Department (GAD), Ministry of Home Affairs (MOHA) | <p>MOHA is undertaking in accordance with the prescribed objectives; using primary health care approach.</p> <ul style="list-style-type: none"> • to security of the State • to maintenance of law and order • to preservation of community peace and tranquility • to strive for the interest of the people organizations <p>As responsible for the administration, GAD is formed at different levels from Region/State, District, Township, and Ward/Village Tract levels respectively. GADs are in closed coordination with the relevant government departments at different levels.</p> <p>In case of land acquisition and resettlement issues, GAD serves central roles in coordination with other organization such as SLRD and DUHD</p> |
| Settlement and Land Record Department (SLRD), Ministry of Agriculture and Irrigation (MOAI) | <p>MOAI is responsible for promoting the agriculture and irrigation sectors. And implementing national agriculture policy (excluding forestry), providing irrigation infrastructure for rice production, and agricultural extension services.</p> <p>SLRD is responsible for agricultural land administration especially for updating and maintaining land records for lands used by farmers for agricultural and settlement purposes. SLRD will be also responsible for recording and registering interests in farmland and vacant, fallow and virgin land, and issuing land use certificates to farmers who have received approval to use farmland from the Farmland Administration Body at the appropriate level. The SLRD's major activities are as follows:</p> <ul style="list-style-type: none"> • Settlement work: Settlement works deal with measures for fixation of land revenue rates • Collection of Agricultural Statistic: • Annual Assessment of land Revenue and Land Rent: Land Revenue has been levied since the time of Myanmar kings Taxation is customarily based on extent of land and type of crop SLRD undertakes annual assessment of land revenue and land rent. • Registration of deeds Agricultural Land administration: It deals with the registration of documents including deeds that must be compulsorily registered such as those of transferring the rights of immovable properties. |
| Forest Department (FD), Ministry of Natural Resources and Environmental Conservation (MONREC) | <p>MONREC is responsible for protection of the environment, implementing environmental conservation including Environmental and Social Impact Assessments (ESIA), and management of forest lands and forest resources in the country.</p> <p>FD is responsible for forest land administration and management of forest resources.</p> |
| Environmental Conservation Department (ECD), MONREC | <p>ECD was newly created in October 2012 under MONREC. ECD is responsible for effective implementation of environmental conservation and management.</p> <p>Currently ECD is drafting EIA procedure, and eventually expected to proceed for drafting of SIA procedure which more describes about legal procedures on social impacts as well as land acquisition and involuntary resettlement issues.</p> |

| Organization | Key Functions and Roles relevant to Land Acquisition and Resettlement |
|---|--|
| Department of Public Works (DPW), Ministry of Construction (MOC) | DPW is responsible for the public construction work development, such as road and bridge construction and other public infrastructures: In this connection, DPW is involved in land acquisition and resettlement in public construction works. |
| Department of Urban and Housing Development (DUHD), MOC | DUHD is responsible for the housing sector development of the country, and introduced several housing programs such as: <ul style="list-style-type: none"> • Public rental housing • Government's joint housing • Programs for individual housing • Sites and services schemes • Slum and squatter upgrading (hut to apartment scheme) • Urban redevelopment projects • Area development projects • Low cost housing development In above context, DUHD is involved in land acquisition and resettlement in urban areas. In addition, DUHD is responsible for registration for grant/lease of majority of non-agricultural land in Myanmar |
| Ministry of Labor (MOL) ⁷ | MOL is responsible for labor administration including employment and social security. Departments under MOI include (1) Department of Labor, (2) Social Security Board, (3) Central Inland Freight Handling committee, (4) Factories and General Labor Laws Inspection Department, and (5) Department of Labor Relations. From occupational health and social security point of view, departments under MOI have partially relevance with resettlement issues. |
| Ministry of Social Welfare, Relief and Resettlement (MOSWRR) | MOSWRR is consist of Department of Social Welfare (DSW) and Department of Relief and Resettlement (DRR), and responsible for following tasks: <ul style="list-style-type: none"> • To safeguard and restore back the lives of needy and vulnerable people such as children, youths, women, disabled people and elderly persons into the normal and secure condition. • To rehabilitate the people living with HIV/AIDS, victims of being human trafficked and people of narcotic withdrawal by providing them with the vocational training and psychosocial support. • To make sure the inclusive participation of vulnerable and social needy people in the process of upgrading education and health services of national of Myanmar. • To conduct the preventive measures so as to reduce the loss of lives and properties of human beings caused by the natural disasters. • To provide assistance to the victims who are facing the difficulties caused by the disasters with the purpose of easing their sufferings. • To coordinate and cooperate with all stakeholders in carrying out the activity of restoring the lives of victims back into better and secure conditions. These two departments under MOSWRR serve as implementing safeguard policies to specific vulnerable people such resides in communities and also suffered from disasters and war/ insurgent. |
| Central Farmland Administrative Body (CFAB or Central Farmland Management Body), Union Government /MOAI | CFAB was formed as a line agency within the MOAI designated under the Farmland Law (2012) and replaces the former Land Committee which had a similar mandate. FAB is established at various administrative levels. Roles and responsibilities of FABs at below union level are not clearly defined. Duties of the FAB at the Central level are listed in Article 17 and summarized as follows. <ul style="list-style-type: none"> • Reviewing applications for the use of farmland; • Formally recognizing/approving rights to use farmland; • Submitting approved rights to use farmland to SLRD for registration; • Conducting valuations of farmland for tax and acquisition compensation purposes; • Issuing warnings, imposing penalties or rescinding use rights if conditions for use of farmland are not met; and, • Resolve disputes that arise over the allocation and use of farmland use rights FABs are yet to be fully functional but will be key players in land right and land transfer issues in agricultural land. |
| Central Committee for the Management of Vacant, Fallow | CCMVFL is a national level multi-ministerial committee formed at the President's discretion in accordance with Section 3 of the Vacant, Fallow and Virgin Lands Management Law 2012, |

⁷ Ministry of Labor (MOL) was changed to Ministry of Labour, Employment and Social Security in April 2016 due to reforming the ministries.

| Organization | Key Functions and Roles relevant to Land Acquisition and Resettlement |
|---|---|
| and Virgin Lands (CCMVFVL), Union Government | <p>CCMVFVL oversees the granting and monitoring of use rights over vacant, fallow and virgin (VFV) lands in the country for the following purposes:-</p> <ul style="list-style-type: none"> • Agriculture; • Livestock Poultry Farming and Aquaculture; • Mining; • Government allowable other purposes in line with law; <p>CCMVFVL is specifically responsible to</p> <ul style="list-style-type: none"> • Receive recommendations for the use of VFV land from various Ministries and Regional or State Governments; • Receive applications for the use of VFV land from public citizens, private sector investors, government entities and NGOs; • Reject applications or Grant “Permission Orders” for the use of VFV lands; • Rescind or modify rights to use VFV land; • Coordinate with MONREC and other Ministries to prevent damage or destruction to forest lands and conserve natural regions, watershed areas and natural fisheries; • Submit semi-annual monitoring reports on the use of VFV to the Cabinet of the Union Government; • Provide input on the formulation of National Land Policy; • Fix the rate of security fees to be deposited for use of VFV land; • Fix the annual land revenue rate and suitable period for tax exemption in connection with the use of VFV land; • Organize and delegate responsibilities to Task Forces and Special Groups for use of VFV land at the Regional and State level of Government; • Help those with rights to VFV land secure assistance upon request (technical assistance, inputs, loans etc.); • Resolve disputes related to the use of VFV land in coordination with other Government departments and agencies; <p>The FABs are yet to be fully functional but will be key players in land right and land transfer issues in VFV lands.</p> |
| Land Allotment Scrutiny Committee (or Land Utilization Management Central Committee), Union Government | <p>The Land Allotment Scrutiny Committee is formed in 2012 at union level to tackle land dispute issues and to formulate inter-sector land use policy and planning. Since land administration in Myanmar has been delegated to various government ministries/ departments, coordination mechanisms of the committee may contribute to comprehensive land use right, land acquisition, and resettlement in the long run.</p> |

Source: JICA Expert Team

PART III INFORMATION COLLECTION OF EXAMPLES ON RESETTLEMENT AND INCOME RESTORATION ACTIVITIES IN NEIGHBORING COUNTRIES AND MYANMAR

(1) Example in the Neighboring Countries

JICA Expert Team selected some projects in neighboring countries, which prepared Resettlement Action Plan (RAP) and were funded by international funding agencies such as WB, ADB and JICA, to introduce how these projects established compensation and assistance policies. JICA Expert Team introduced to TSMC a total of 26 project histories in July 2013 at a meeting. At that time, JICA Expert Team also introduced several examples of income restoration activities of the projects funded by WB, ADB and JICA in neighboring countries in order to enhance understanding of the practices of income restoration activities. Table III-1 shows the summary of assistance confirmed through reviewing secondary data in neighboring countries; details are attached in Appendix III-1.

Table III-1 Summary of Assistance at Neighboring Countries

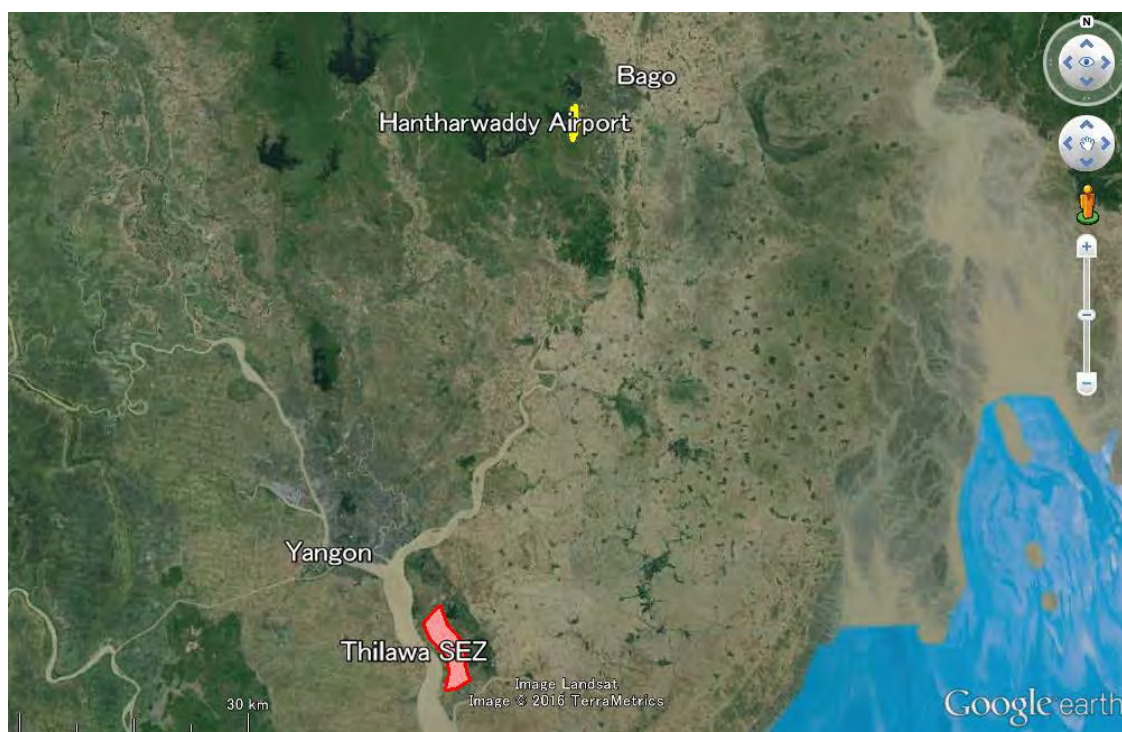
| Country | Assistance for Relocation | Assistance for Income Restoration |
|-----------|--|--|
| Cambodia | <ul style="list-style-type: none"> - Compensation of assets (structures, crops and trees) in replacement cost - Assistance of moving allowance (USD 60 – 70) - Assistance of cash for households of land-based income source - Assistance of cash for the period of business disruption for household of non land-based income source - Additional support for vulnerable groups of 3 – 6 months of food support (20 kg of rice per person per month) or equivalent cash assistance | <ul style="list-style-type: none"> - Assistance of an opportunity of temporal employment at the construction site - Implementing livelihood improvement activities with NGOs |
| Indonesia | <ul style="list-style-type: none"> - Compensation of structure in replacement cost - Compensation of agriculture products in replacement cost taking productivity into account - Assistance of moving allowance - Assistance of transition cost per household of land-based income source - Assistance of 10 kg of rice per person per month for 3 months for household of non land-based income source. | <ul style="list-style-type: none"> - Providing training of agriculture, micro business, processing technique |
| Lao PDR | <ul style="list-style-type: none"> - Compensation of structure in replacement cost - Compensation of agriculture products (1.5 times for standing crops or replacement cost at the current market price for trees) - Assistance of moving allowance (USD 120-125) - Assistance of 16-20 kg of rice per person per month for 6 months to households severely affected - Assistance of 16-20 kg of rice per person per month for 3 months to households marginally affected | <ul style="list-style-type: none"> - Assistance of an opportunity of employment at the construction site - Assistance of job changing |

| Country | Assistance for Relocation | Assistance for Income Restoration |
|---------|--|---|
| Vietnam | <ul style="list-style-type: none"> - Compensation of structure in replacement cost - Compensation of agriculture products in replacement cost - Assistance of moving allowance (USD 140-170 moving within the same administrative area and USD 240-280 moving to another administrative area) | <ul style="list-style-type: none"> - Assistance of rice according to the decree of loss to households of land-based income source - Assistance of cash equivalent to 30 to 50% of annual income |

Source: JICA Expert Team

(2) Example in Myanmar

Relocation and resettlement concerning the Hanthawaddy Airport construction project implemented in 2012 was studied as referential information of another practice in Myanmar since the progress and situation on land acquisition of this project were similar to the development of Thilawa SEZ. Figure III-1 shows the location of Hantharwaddy Airport Project.



Source: JICA Expert Team

Figure III-1 Location of Hantharwaddy Airport Project

Interview to Deputy Commissioner of Bago Region Government was conducted on 3 June 2013, and some of PAPs were separately interviewed on 8 August 2015 to ask about the sequence of events of land acquisition and resettlement from construction of the Hantharwaddy Airport.

Land use of the Hantharwaddy Airport project area was mainly orchard and rubber plantation and there were a few farmers. Land acquisition was completed in 1996 by providing a plot of 40 ft x 60 ft per household in the resettlement site and compensation for agriculture products. However, the project was suspended in 2006 due to budget shortage, and then, displaced persons and other influx persons came into the project area.

In order to restart the project in 2012, Bago Region Government relocated persons living and/or using the project area by providing a combination of compensation: i) compensation to agriculture products according to production age and cost for the land, ii) compensation to living area (i.e. providing a plot of 25 ft x 40 ft in the resettlement site), iii) allowance (i.e. 100,000 MMK for transportation and 2 weeks of food), and iv) recommendation of job opportunity in a garment factory located near the resettlement site.

For resettlement, Bago Region Government applied the following procedures: i) conducted survey by concerned departments to each household, ii) reported survey results to the jurisdiction department of the project, iii) prepared resettlement work plan, iv) approved resettlement work plan by Bago Region Government, and v) conducted relocation. During these procedures, public consultation meetings were held to explain compensation in order to enhance understanding of PAPs.

As for management of the resettlement site, according to interview to PAPs of the Hantharwaddy Airport project, infrastructure such as road, well, or septic tank was necessary to be maintained or developed by themselves through investment by themselves or inviting financial supporters. Through these issues, PAPs have developed a community in the resettlement site with their effort and budget.

PART IV CASE STUDY ON PREPARATION AND IMPLEMENTATION OF RESETTLEMENT WORK PLAN FOR DEVELOPMENT OF PHASE 1/ ZONE A OF THILAWA SEZ

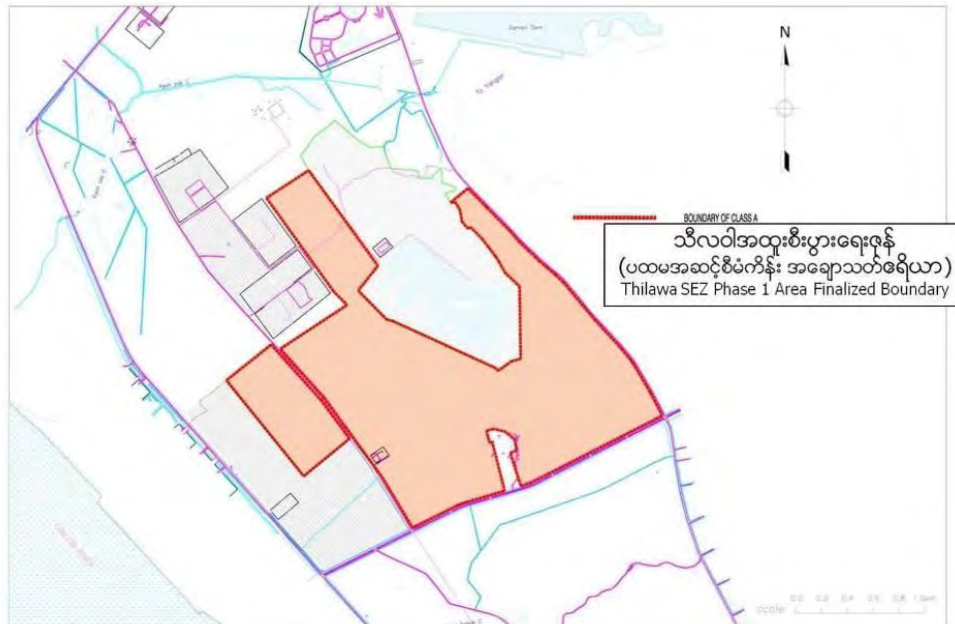
Chapter 1 Outline of Assistance by JICA Expert Team

1.1 Outline of the Project (Phase 1/ Zone A)

The land use plan for the entire development area of Thilawa SEZ is classified into Phase 1/ Zone A and the 2000ha Development Area. These areas differ in development priority and investment attraction based on the development concept and development framework.

The Phase 1/ Zone A area was selected for priority development because this area was relatively nearer to Yangon city and continuous and relatively good shaped land for efficient infrastructure facilities. In addition, this area was higher ground elevation with a low risk of flood, so the land filling costs could be minimized. The location of Phase 1/ Zone A development areas is shown in Figure IV-1.

The Phase 1/ Zone A area was planned to be developed as a base for receiving aggressive investment from the Japanese companies. This area also aimed to attract international brand companies (anchor tenants), which would become the core of Thilawa SEZ development. By attracting anchor tenants, SEZ was expected to progress the development of supporting industries integrated in a supply chain of factories for Myanmar's future economic development. It was also expected that these activities would comprehensively produce great labor demand. Based on these expectation and prospect, development of the Phase 1/ Zone A was planned.



Note: The area hatched with red color means Phase 1/ Zone A area.
Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Figure IV-1 Development Area of Phase 1/ Zone A

The land inside the Phase 1/ Zone A area was acquired by the Myanmar Government in 1997, in accordance with the Land Acquisition Act 1894. Therefore, current legal ownership of the land is in the hands of the Myanmar Government.

This 1997 land acquisition targeted the Thanlyin-Kyauktan Industrial Zone Development (1,230 ha), which was planned to be developed and managed by the TKDC, a joint venture between DHSHD/MOC and SMD International Pte Ltd of Singapore. Although the Thanlyin-Kyauktan Industrial Zone Development was not materialized after the land acquisition, the land was first transferred to DHSHD/MOC between 1998 and 1999. The land was then transferred to TSMC in March 2013.

During the 1997 land acquisition, farmers and residents inside the proposed Thanlyin-Kyauktan Industrial Zone Development received compensation for the farmland, resettlement assistance, and resettlement sites of 40 feet x 60 feet of plot provided for their residences. In addition, 20,000 MMK per acre for paddy land was provided as compensation. However, in the course of years, some of relocated farmers/residents migrated back to their original areas and resumed cultivation and other income generating activities. Also after the 1997 land acquisition, other households¹ newly migrated inside the acquired land area. These households were scattered inside the Phase 1/Zone A area, and households migrated back from the resettlement sites to Thilawa SEZ lived in the area of Thilawa SEZ with condition to return to the resettlement site when development of Thilawa SEZ started. Therefore, resettlement is not avoidable although Phase 1/ Zone A area was designed to minimize impact of resettlement.

On the other hand, MOI owns other areas. Since these areas are not included in Thilawa SEZ, the households and cultivating areas in these areas are expected to remain into the future.

1.2 Resettlement Scope

Based on the past and current prevalent situations surrounding the Phase 1/ Zone A development and the Phase 1/ Zone A area, the principle of resettlement caused by the Phase 1/ Zone A development was defined by YRG and TSMC as summarized below:

- In principle, compensation of land in the Phase 1/ Zone A area was completed in 1997 and compensation of Phase 1/ Zone A land area will not be covered in the assistance package for PAPs.
- Persons and households that either lived or utilized the land inside the Phase 1/ Zone A area on the Cut-off Date (COD) are eligible for entitlement of assistance.
- All eligible PAPs losing assets or income sources (livelihood) will be assisted so that they can improve, or at least to restore, their former economic and social conditions.

Taking into account of the above resettlement principles and results of the Detailed Measurement Survey: DMS (see Chapter 2 for details), the resettlement scope for the Phase 1/ Zone A area, in terms of PAHs/ PAPs is summarized in Table IV-1.

¹ There were many refugees from Cyclone Nargis migrated in the area of Thilawa SEZ.

Table IV-1 Resettlement Scope

| Category | No. of Households (PAHs) | No. of Persons (PAPs) |
|--|--------------------------|-----------------------|
| A: Households living inside Phase 1 / Zone A area (Paddy farmer, Livestock Farmer, Vegetable Farmer, Wage Worker (self-employed, contracted worker, daily worker), no-job, pension receivers) | 65 | 292 |
| B: Households cultivating inside Phase 1 area but living outside Phase 1/ Zone A area (but living inside SEZ area) (Basically paddy farmers) | 5 | 22 |
| C: Household cultivating inside Phase 1 area but living outside Phase 1/ Zone A area (and living outside SEZ area) (Basically paddy farmers) | 11 ¹ | 68 ² |
| Total | 81 | 382 |

Note

1: Two households cultivating one area is counted as one household based on the discussion at the time of DMS.

2: It includes total number of persons in two households mentioned in Remark No.1.

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

1.3 Contents of Assistance Provided by JICA Expert Team

For implementing relocation and resettlement, JICA Expert Team provided technical assistance summarized in Table IV-2, while details are explained in the respective chapters.

Table IV-2 Contents of Assistance Provided by JICA Expert Team

| Work Procedure | Contents of Technical Assistance |
|---|--|
| Setting the Cut-off Date (COD) | <ul style="list-style-type: none"> - Explaining the concept of the COD - Examining the appropriate COD by reviewing the previous survey and notices conducted and issued by GOM |
| Examining Eligibility and Conducting Supplemental Socio-Economic Survey (DMS) | <ul style="list-style-type: none"> - Examining criteria to consider eligible households - Reviewing the results of survey previously conducted by GOM - Preparing questionnaire to be used for DMS - Supervising progress of DMS - Checking the results of DMS |
| Identifying Eligible Households | <ul style="list-style-type: none"> - Setting criteria to define eligible households and definition of structures - Methodology to confirm eligible households using criteria - Facilitating to organize meetings to confirm eligible households including preparing necessary materials |
| Conducting DMS | <ul style="list-style-type: none"> - Reviewing the results of previous survey conducted up to April 2013 - Revising the questionnaire forms based on the experience of Phase 1/ Zone A - Facilitating, conducting and supervising DMS at the field - Checking the DMS results |
| Preparing RWP | <ul style="list-style-type: none"> - Compiling the DMS results - Examining assistance policy by referring relevant domestic regulations and examples at neighboring countries - Preparing RWP at international standards |
| Holding Public Consultation Meetings | <ul style="list-style-type: none"> - Examining contents to be explained to PAPs - Preparing materials to be used - Logistic arrangement (e.g. arrangement of the venue and transportation for participants, reception, minutes of meetings) |
| Information Disclosure | <ul style="list-style-type: none"> - Arranging for disclosing (e.g. printing RWP, informing village heads, arrangement of the disclosing place, collecting and compiling public comments) |

Source: JICA Expert Team

Chapter 2 Assistance for Supplemental Socio-Economic Survey (Detailed Measurement Survey: DMS)

2.1 Setting the Cut-off Date (COD)

The COD is the day to determine eligibility for entitlement assistance. Persons (or households) living or doing income generation activities inside the project area on the COD are eligible for assistance package. The delineated project area is disseminated to the public in order to avoid influx of population into the project area, and persons who occupy the project area after the COD are not eligible for resettlement assistance.

The COD is normally the day that the census begins according to World Bank Safeguard Policy OP 4.12. In some neighboring countries, the COD is also set as the date of issuing official documents (i.e. notice or decree) on land acquisition. In the case of the Phase 1/ Zone A area, relocated households migrated back and new households were influx after compensation completion in 1997. In addition, there were several milestones of identifying occupied households in the area from the time of compensation completion in 1997 as summarized below:

- Issued three types of official notices: i) banning of rice farming activities inside the project area in August 2012, ii) termination of supply of irrigation water or summer cropping in December 2012, and iii) eviction from the project area in January 2013
- Conducted three surveys: i) 2011, ii) March 2013, and iii) April 2013

YRG needed to determine the most appropriate COD to define eligibility for development of Thilawa SEZ including the Phase 1/ Zone A area under this situation. JICA Expert Team advised YRG and TSMC to examine each milestone and other appropriate alternatives to be set as the COD which might be fair for all concerned households. Based on the concept of international standards, the COD for development of Thilawa SEZ was declared as 4 April 2013 which is the first day of the census of April 2013. The notice of the COD is attached in Appendix IV-1.

2.2 Confirmation of Past Surveys

JICA Expert Team collected and review past surveys conducted by MOC etc. Table IV-3 summarized the records of surveys conducted for the entire Thilawa SEZ (approx. 2,400 ha).

Table IV-3 Summary of Past Surveys

| | Survey Period | Conducted Parties | Major Survey Contents | No. of Surveyed HH |
|---|-------------------------|---|--|--------------------|
| 1 | 24 to 30 Nov. 2011 | DHSHD and GAD | - Number of family member - Structure size and material - Structure ownership | 1,077 |
| 2 | Two weeks in March 2013 | DHSHD, SLRD and GAD | - Occupation of household head - Number of family member - Structure material - Living duration - Compensation in 1997 or not | 1,269 |
| 3 | 4 to 26 April 2013 | TSMC, GAD, Police Dept., Fire Dept. and Immigration Dept. | - Occupation of household head - Number of family member - Structure material - Living duration - Compensation in 1997 or not - Living condition (electricity, drinking water, etc) - Possession | 1,066 |

Source: MOC

2.3 Assistance for Implementation of Supplemental Socio-Economic Survey (Detailed Measurement Survey)

JICA Expert Team recognized that information collected at each past survey, and observed that collected information, especially information of agriculture production, was not sufficient to examine assistance package at the international standards. JICA Expert Team recommended YRG and TSMC to collect additional (more detail and accurate) information on socio-economic and assets by conducting a supplemental survey, and YRG and TSMC decided to conduct the supplemental socio-economic survey, namely DMS, with technical support from JICA Expert Team.

2.3.1 Methodology

(1) Survey Contents

DMS was implemented by four parties jointly, a household head of PAH, TSMC, concerned townships and the survey team with the aim of supplementing the past surveys conducted by TSMC and other concerned organization in April 2013 (Census) and confirming the existing assets of PAHs in the Phase 1/ Zone A area. DMS was composed of three types of surveys shown the details in Table IV-4 below: i) census, ii) inventory of asset loss, and iii) socio-economic survey. These three types of surveys were conducted at one time with four parties jointly.

Table IV-4 Contents of Supplemental Survey (DMS)

| No. | Items | Contents |
|-----|-------------------------|--|
| 1 | Census | - Confirmation of family members, gender and age, education level, literacy rate, major occupation, etc. of all PAHs |
| 2 | Inventory of Asset Loss | - Confirmation of exact location of households and other structures of all PAHs and cultivation areas with coordinates - Listing and measuring the affected properties of all PAHs on the ground - Confirming paddy size and agriculture products and production of all PAHs on the ground - Confirming and listing movable assets such as livestock cow/buffalo, horse) and agricultural machine |
| 3 | Socio-Economic Survey | - (re-) confirmation of socio-economic information of all PAHs including monthly or annual incomes and income sources, monthly or annual expenditures |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

(2) Preparation for Conducting DMS

1) Preparation for DMS Form

Confirmation of any changes compared with the condition at the time of Census in April 2013 was another objective of the DMS since the assistance package was examined based on the condition at the time of the COD. JICA Expert Team supported YRG and TSMC to review the questionnaire forms in the previous survey, and developed DMS form to be able to confirm any difference from the previous survey and to collect supplemental information considering culture and custom in Myanmar. A draft questionnaire form was initially prepared by JICA Expert Team, which was discussed with TSMC for finalization. The final questionnaire form was approved by YRG for using at the DMS (see Appendix IV-2).

2) Preparation for Field Survey

The latest structure and land condition in the project area was confirmed on the aerial photo taken in March 2013 and the survey targets who were listed as interviewed households by the Census in

April 2013 were checked before conducting the DMS. Households of interview target were selected based on information preliminary confirmed through literature review, and list of survey target households were prepared. Prior to conducting actual survey to the target households, contents of questionnaire form were explained from JICA Expert Team to the survey team. The survey team basically consisted of interviewers and field surveyors from the local consultant sub-contracted by JICA Expert Team.

(3) Conducting DMS

1) Census and Socio-Economic Information

Four parties visited each PAH and collected census and socio-economic information from a household head (or another representative of a household if a household head was not available) filling in the DMS form by a household head or a surveyor through interview to a household head. JICA Expert Team supported logistic arrangement among concerned four parties in order to conduct DMS smoothly. Each household head or another representative if a household head was not available was taken photo as the record.

2) Confirmation of Location and Size of Structures

Location of each structure was checked with GPS, and dimension of each structure was measured. Photos of each structure confirmed through the DMS were taken from front, back and both sides (right and left) as the record.

3) Confirmation of Paddy Size and Agriculture Products

Location of paddy was confirmed on the ground, and its size was checked by recording several points of paddy field with GPS. As for production of paddy, it was confirmed through interview to a household head. Kinds of agriculture productions such as crops (excluding paddy) and fruit on the trees were also confirmed on the ground.

4) Confirmation of Movable Assets (Livestock and Agriculture Assets)

Number and type of movable assets such as livestock and agriculture assets were confirmed on the ground and recorded in the DMS form. Photos of each movable asset were taken as the record.

(4) Arrangement of Collected Data

Collected information in the DMS form was checked with TSMC, JICA Expert Team and the survey team after the DMS, and another site confirmation was conducted if some issues were found. Collected information and photo was combined by household, and collected information was arranged and/or adjusted with the following methods:

- Paddy area and location information obtained on the ground by GPS was overlaid by GIS to the aerial photo taken in March 2013
- Paddy area information obtained through interview with was checked with the paddy area record which was prepared by SLRD based on the payment record of tax for the paddy production
- Size of structure was adjusted by reviewing among concerned parties if recorded dimension was not considered to be realistic

2.3.2 DMS Schedule

The DMS was conducted for all PAHs using areas in the Phase 1/ Zone A at the DMS time regardless of living location. The DMS was conducted in several rounds from June to October 2013 since some collected information was requested to supplement data on the ground. DMS schedule was set among TSMC, respective townships, JICA Expert Team including the survey team. Then, survey schedule was informed to the target households through a village administrator.

2.3.3 DMS Results

Based on conditions of COD and results of DMS, TSMC classified PAHs broadly into the following three categories:

- A: Living Inside Phase 1/ Zone A (relocation required)
- B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A
- C: Living Outside Phase 1/ Zone A (and outside SEZ) & Cultivating Inside Phase 1/ Zone A

A total of 81 households were regarded as eligible PAHs, with total population of 382. Out of 81 households, 28 households cultivated farmland, total of approximately 202 acres, inside the Phase 1/ Zone A area. A PAH by category is described in Table IV-5.

Table IV-5 Outline of Project Affected Households

| Category | No of Households | No. of Persons | No. of Workers | No. of Households with farmland inside Phase 1 | Farmland (Acre) |
|--|------------------|----------------|----------------|--|-----------------|
| A: Living Inside Phase 1/ Zone A | 65 | 292 | 99 | 14 | 132.67 |
| B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 5 | 22 | 8 | 5 | 34.41 |
| C: Living Outside Phase 1/ Zone A (and outside SEZ) & Cultivating Inside Phase 1/ Zone A | 11 | 68 | 23 | 9 | 35.10 |
| Total | 81 | 382 | 130 | 28 | 202.18 |

Note: The Phase 1 boundary was finalized at the time of DMS, and exact location of PAHs was confirmed with coordinates. Since the Phase 1 boundary was slightly modified from the one at the time of survey in April 2013, number of affected households and area of affected farmland were modified accordingly.

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

(1) Profile of Project Affected Households

Profiles of PAHs identified through the DMS are shown in Tables IV-6 to IV-9.

Table IV-6 Ethnicity of PAHs

| Category | Burmese | Hindu | Thamee | Total |
|--|---------|-------|--------|-------|
| A: Living Inside Phase 1/ Zone A | 49 | 15 | 1 | 65 |
| B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 3 | 2 | 0 | 5 |
| C: Living Outside Phase 1/ Zone A (and outside SEZ) & Cultivating Inside Phase 1/ Zone A | 7 | 4 | 0 | 11 |
| Total | 59 | 21 | 1 | 81 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Table IV-7 Religion of PAHs

| Category | Buddhist | Others | Total |
|--|----------|--------|-------|
| A: Living Inside Phase 1/ Zone A | 65 | 0 | 65 |
| B: Living Outside Phase 1 (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 5 | 0 | 5 |
| C: Living Outside Phase 1 (and outside SEZ) & Cultivating Inside Phase 1/ Zone A | 11 | 0 | 11 |
| Total | 81 | 0 | 81 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Table IV-8 Daily Language used by PAHs

| Category | Myanmar | Myanmar & Hindu | Total |
|---|---------|-----------------|-------|
| A: Living Inside Phase 1/ Zone A | 65 | 0 | 65 |
| B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 3 | 2 | 5 |
| C: Living Outside Phase 1/ Zone A (and outside SEZ) & Cultivating Inside Phase 1/ Zone A ¹ | 7 | 4 | 11 |
| Total ¹ | 75 | 6 | 81 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Table IV-9 Education Level of PAHs

| Category | No Education | Monastery Education | Primary Education | Secondary Education | Total |
|--|--------------|---------------------|-------------------|---------------------|-------|
| A: Living Inside Phase 1/ Zone A | 13 | 9 | 29 | 8 | 59 |
| B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 0 | 0 | 4 | 0 | 4 |
| C: Living Outside Phase 1/ Zone A (and outside SEZ) & Cultivating Inside Phase 1/ Zone A | n.a | n.a | 2 | n.a | n.a |
| Total | 13 | 9 | 35 | 8 | - |

Note: Information of education is based on survey in April 2013. Thus, information of education on PAHs classified into C is not available. In addition, information at some of households living inside SEZ area is not available.

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

(2) Inventory of Assets of PAHs (Structures, Crops, Trees, etc.)

Table IV-10 shows total house-floor size including earth floor of PAHs living inside Phase 1/ Zone A and SEZ (outside of Phase 1/ Zone A but inside SEZ) separately. According to the DMS results, range of floor size inside Phase 1/ Zone A is from around 45 to 627 ft² with an average of around 210 ft².

Table IV-10 Type and Average Floor Size of Structures of PAHs

| Category | House (ft ²) | Other Housing Structure (ft ²) | Agriculture Structure (ft ²) |
|---|--------------------------|--|--|
| A: Living Inside Phase 1/ Zone A | 200 | 58 | 227 |
| B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 215 | 0 | 228 |
| C: Living Outside Phase 1/ Zone A & Cultivating Inside Phase 1/ Zone A | 184 ¹ | n.a. | 110 ² |

Note 1: Information from 2 households is available.

2: Information from 2 households is available.

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Type and number of livestock raised by PAHs are outlined in Table IV-11.

Table IV-11 Type and Number of Livestock Raised by PAHs

| Category | Livestock (Large) | | Livestock (Small) | | |
|---|-------------------|--------------|-------------------|-------------------|----------|
| | Cow (no) | Buffalo (no) | Goat (no) | Chicken/Duck (no) | Pig (no) |
| A: Living Inside Phase 1/ Zone A | 146 | 35 | 66 | 923 | 1 |
| B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 21 | 0 | 10 | 93 | 0 |
| C: Living Outside Phase 1/ Zone A & Cultivating Inside Phase 1/ Zone A | 23 | 0 | 18 | 62 | 1 |
| Total | 190 | 35 | 94 | 1,078 | 2 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

The types and quantities of trees/crops were identified during DMS. Table IV-12 summarizes PAH crop and tree quantities by category.

Table IV-12 Crop and Tree Grown by PAHs

| Category | Paddy (basket) | Vegetable | | Tree (no) |
|---|----------------|-------------------|---------------|-----------|
| | | Betel Leaf (pole) | Other (plant) | |
| A: Living Inside Phase 1/ Zone A | 4,170 | 23,211 | 5,527 | 1,589 |
| B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 1,731 | 0 | 0 | 35 |
| C: Living Outside Phase 1/ Zone A & Cultivating Inside Phase 1/ Zone A | 1,919 | 3,017 | 100 | 24 |
| Total | 7,820 | 26,228 | 5,627 | 1,648 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Inventory of movable assets of PAHs were also made and summarized by PAH category in Tables IV-13 to IV-15.

Table IV-13 Movable Assets of PAHs (1)

| Category | Electric fan | Fridge | Inverter | Small generator | TV 14 inch | TV 21 inch | TV over 21 inch |
|--|--------------|--------|----------|-----------------|------------|------------|-----------------|
| A: Living Inside Phase 1/ Zone A | 0 | 0 | 4 | 6 | 11 | 6 | 1 |
| B: Living Outside Phase 1 / Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 1 | 0 | 0 | 1 | 1 | 2 | 1 |
| C: Living Outside Phase 1/ Zone A & Cultivating Inside Phase 1/ Zone A | 2 | 1 | 1 | 1 | 1 | 5 | 0 |
| Total | 3 | 1 | 5 | 8 | 13 | 13 | 2 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Table IV-14 Movable Assets of PAHs (2)

| Category | Bicycle | Motorcycle | Gondow (handy tractor) | Tractor |
|---|---------|------------|---------------------------|---------|
| A: Living Inside Phase 1/ Zone A | 43 | 12 | 1 | 0 |
| B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 4 | 2 | 2 | 1 |
| C: Living Outside Phase 1/ Zone A & Cultivating Inside Phase 1/ Zone A | 5 | 3 | 0 | 0 |
| Total | 52 | 17 | 3 | 1 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Table IV-15 Movable Assets of PAHs (3)

| Category | Phone | Water Pump | Sewing Machine | Solar | Battery | Radio | Washing Machine |
|---|-------|------------|----------------|-------|---------|-------|-----------------|
| A: Living Inside Phase 1/ Zone A | 7 | 5 | 1 | 2 | 1 | 2 | 0 |
| B: Living Outside Phase 1/ Zone A (but inside SEZ) & Cultivating Inside Phase 1/ Zone A | 4 | 4 | 0 | 0 | 0 | 0 | 0 |
| C: Living Outside Phase 1/ Zone A & Cultivating Inside Phase 1/ Zone A | 10 | 0 | 0 | 0 | 0 | 0 | 2 |
| Total | 21 | 9 | 1 | 2 | 1 | 2 | 2 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

(3) Impacts on Livelihood and Income Sources

1) Income source

Among the PAPs, the odd job (casual labor) was dominant in the project area. As for main income source, 46.8% of PAHs relied on odd jobs. The second dominant income source was rice farming in which 20.6% of PAHs were engaged as shown in Table IV-16.

Table IV-16 Major Income Source of PAHs

| Type of occupation | Main Income Source (HH) | | Second Income Source (HH) | | Total | | Remarks |
|--------------------|-------------------------|------|---------------------------|------|-------|------|-------------------------------------|
| | No | % | No. | % | No. | % | |
| Odd job | 37 | 45.7 | 22 | 48.9 | 59 | 46.8 | casual labor |
| Wage worker | 3 | 3.7 | 9 | 20.0 | 12 | 9.5 | contracted worker |
| Rice farming | 24 | 29.6 | 2 | 4.4 | 26 | 20.6 | |
| Cash crops | 6 | 7.4 | 7 | 15.6 | 13 | 10.3 | |
| Livestock | 2 | 2.5 | 1 | 2.2 | 3 | 2.4 | |
| Public servant | 1 | 1.2 | 1 | 2.2 | 2 | 1.7 | |
| Others | 7 | 8.7 | 3 | 6.7 | 10 | 7.9 | fishery, carpenter, small shop etc |
| No job | 1 | 1.2 | - | - | 1 | 0.8 | Supported financially by a daughter |
| Total | 81 | 100 | 45 | 100 | 126 | 100 | |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

2) Household livelihood

The annual household income of PAHs was a range of 180,000-54,000,000 MMK with the average of 1,464,217 MMK for the main income and 498,265 MMK for the secondary income as shown in Table IV-17.

Table IV-17 Average Household Income of PAHs

| Average | Main Income (MMK) | Secondary Income (MMK) |
|-----------------|-------------------|------------------------|
| Annual average | 1,464,217 | 498,265 |
| Monthly average | 122,018 | 41,522 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

3) Household expenditure

The annual expenditure and pattern of expenditure provides an indication for assessing standard of living of a household. Non-food items consist of expenditure on education, medical treatment, cloths, agricultural activity and so on. The ratios between food and non-food expenditure are given in Table IV-18.

Table IV-18 Average Annual Food and Non-Food Expenditure of PAHs

| Annual Food Expenditure | | Annual Non-food Expenditure | |
|-------------------------|------|-----------------------------|------|
| MMK | % | MMK | % |
| 1,229,723 | 49.3 | 1,263,290 | 50.7 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

(4) Vulnerable Households

There is no official definition of vulnerable groups in Myanmar. JICA Expert Team assisted YRG and TSMC to define the vulnerable groups for this project by referring examples of international practices at the neighboring countries. YRG and TSMC defined vulnerable households in this project as a household headed by woman, disabled person or elderly (over 61 years old), or a household including a disabled person or a household below the poverty line². Table IV-19 outlines vulnerable households of the Phase 1/ Zone A area (including households living outside Phase 1 but doing agriculture activity inside Phase 1/ Zone A).

Table IV-19 Outline of Vulnerable Households

| Category | No. of Households |
|--|-------------------|
| Households headed by woman | 3 |
| Households headed by disabled person | 2 |
| Households headed by elderly | 8 |
| Households below the poverty line ³ | 10 |
| Households including a member of disabled person | 1 |
| Total | 24 |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

² Integrated Household Living Conditions and Survey in Myanmar (2009-2010) was conducted by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development, and survey result was publicized as Poverty Profile in June 2011. Poverty line as of 2010 was defined as 376,151 MMK per adult equivalent per year in Poverty Profile, and this amount is referred as poverty line in many reports. This project also regards 376,151 MMK per adult equivalent per year as the poverty line.

³ Total of food and non-food expenditure is compared with 376,151 MMK per adult equivalent per year defined in Poverty Profile prepared by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development as mentioned in the footnote No.4.

Chapter 3 Assistance for Preparation of Resettlement Work Plan (RWP)

3.1 Consideration of Assistance Package

3.1.1 Eligibility of Assistance Package

This was the first experience for GOM to prepare a RWP including the assistance package in accordance with international practices in the previous decades. The critical items for preparing a RWP and examining the assistance package in accordance with international practices are: setting and declaring the COD, examining eligibility not only land compensation but also livelihood assistance, examining contents and implementing structure of monitoring (i.e. internal and external monitoring). Since these items were new for the GOM, JICA Expert Team introduced contents generally examined in a RWP, especially contents stipulated in World Bank OP 4.12 Annex A, to enhance understanding. Based on the introduced contents, YRG and TSMC examined assistance package.

Three official notices were issued: i) banning of rice farming activities inside the SEZ area in August 2012, ii) termination of supply of irrigation water or summer cropping in December 2012, and iii) eviction from the project area in January 2013. In accordance with or due to these notices, some of households already moved out from the project area while some of households remained and/or kept agriculture activities inside the project area. As per recommendation from JICA Expert team, YRG considered the necessity to assist the households already moved from the project area in response to the three official notices, same as household identified on the COD from the viewpoint of fairness.

In the light of the YRG's concern, JICA Expert Team assisted YRG and TSMC to examine eligibility for assistance package based on careful review of each notice and survey conducted so far. The resulting eligible households are categorized below:

- a) Households surveyed by Census in April 2013 and live inside Phase 1/ Zone A area
- b) Households not surveyed by Census in April 2013, but confirmed habitation inside Phase 1/ Zone A area on the COD
- c) Households surveyed in April 2013 though they did not live inside Phase 1/ Zone A area at that time due to demolishing houses by the Notice on January 2013 or natural disaster
- d) Household cultivating area or having structure inside Phase 1/ Zone A area but living outside of Phase 1 area on the cut-off date

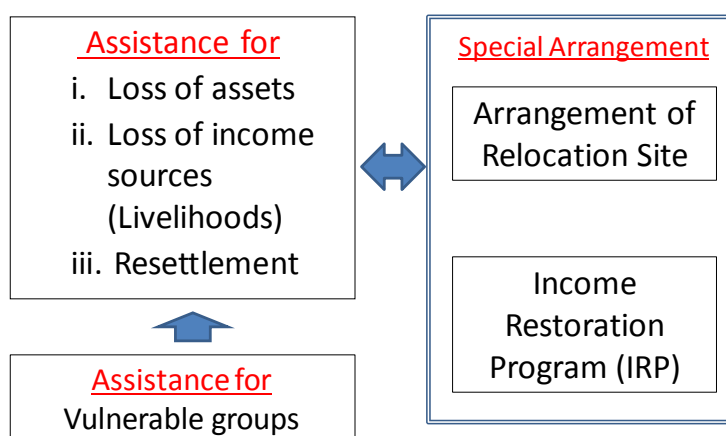
3.1.2 Principle of Assistance Package

(1) Contents of Assistance Package

Prior to examining the assistance package for the Phase 1/ Zone A development, JICA Expert Team collected and reviewed some practices of the assistance/compensation package which were applied for projects by international funding agencies for neighboring countries. All reviewed donor funded projects applied a combination of: i) compensation for loss of fixed assets, ii) support for livelihood

rehabilitation, iii) support for vulnerable groups, and iv) allowance for moving. With respect to compensation for loss of fixed assets, structural and agriculture products tended to be compensated at full replacement cost. Among reviewed practices, it was proposed to provide in the range from 1.5 to 5.0 times of annual productive value to agriculture products and trees. Regarding support for livelihood rehabilitation, providing one-time cash assistance or in-kind assistance (i.e. some amount of rice, or IRP such as vocational training) appeared to be commonly used. As for support for vulnerable groups, providing additional cash or in-kind (i.e. some amount of rice) were generally applied. In addition, allowance for moving or one-time allowance was provided.

The results were introduced to YRG and TSMC to enhance understanding of the assistance package (The results are compiled in Appendix III-1). Referring to international practices, the assistance package of Phase 1/ Zone A development was decided as the combination of: i) assistance for loss of assets, income sources/livelihood and resettlement, ii) assistance for vulnerable groups and iii) special arrangement (arrangement of resettlement site and IRP).



Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Figure IV-2 Framework of Assistance Package

Based on general concerns on payment of compensation and assistance amount (e.g. using the amount in a short term) or custom in Myanmar, YRG and TSMC agreed with PAHs to pay the compensation and assistance amount by several time of installments.

Contents of each assistance package were defined below by YRG and TSMC based on introduced international practices and other relocation practices in Myanmar:

- i) Assistance for loss of assets, income source, and resettlement:
 - Loss of house was assisted by providing substitute house at the resettlement site or necessary amount of house construction costs for those who prefer to construct a house at the resettlement site by themselves. In the latter case, the houses were constructed based on specifications provided by YRG and TSMC. Necessary construction cost was provided according to progress of house construction. If floor area of a substitute house at the resettlement site was smaller than a currently living house, difference was assisted by providing the current market price of materials for different floor area. Assistance for losses

of another fixed asset (livestock barn), movable assets for large livestock (buffalo and cow) and agriculture machines⁴ were also provided.

- Loss of means of livelihood was assisted for land-based or non land-based income sources with an adequate monetary approach for improving or restoring livelihood to at least pre-project level. As for land-based income source, assistance of a yield by referring national regulations and international practices was provided. As for non land-based income source, sufficient allowance of wage for the period of disrupting income generation activity due to relocation was provided.
- In addition to assistance for loss of assets and income sources, monetary assistance for moving, commuting and cooperation for relocation was provided to enhance smooth relocation and to support commuting after relocation.

ii) Assistance for vulnerable groups

- Assistance for vulnerable groups was provided since relocation affects vulnerable groups more severely than those that are not handicapped.

iii) Special arrangement (arrangement of resettlement site and income restoration program)

- Resettlement site with house and necessary infrastructure was provided near the project area in order to keep the similar living and social conditions.
- Income restoration program was provided to enhance vocational opportunities of PAPs.

(2) Contents of Income Restoration Program (IRP)

IRP at Phase 1/ Zone A development was the first challenge of this type in Myanmar. Thus, approach of IRP and entitled person were examined by YRG and TSMC with assistance from JICA Expert Team. Referring to examples at neighboring countries, the framework of IRP was defined below:

- i) IRP, which was in-kind assistance of vocational training and support to provide job opportunities, was provided in order to restore and stabilize income source of PAPs.
- ii) IRP was provided to the following PAPs.
 - a) Farmers who need to alter income earning activity from farming to another activity
 - b) Daily casual worker and other off-farming worker who desire to alter job place
 - c) Unemployment people who desire to improve technical skill for finding job opportunity
 - d) PAPs who do not need to change the current income earning activities but desire to improve technical skill and income level

3.1.3 Entitlement Matrix

The Entitlement Matrix was developed based on the impacts identified through Census in April 2013, results of the DMS, records of SLRD in respective townships and the outcome of gap analysis between international practices and laws and regulations in Myanmar. The assistance and

⁴ Assistance for agriculture machines is provided only the case where using them after relocation is impossible.

compensation amounts in the entitlement matrix were determined and agreed with PAPs as shown in Table IV-20.

Table IV-20 Entitlement Matrix for Phase 1/Zone A

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|---|---|--|---|---|
| 1. Assistance for Loss of Assets | | | | |
| 1-1. Fixed Assets | | | | |
| (1) House | House inside the Phase 1/ Zone A area | Owner of the house | <ul style="list-style-type: none"> - A substitute house with necessary infrastructure in a resettlement site, OR - Cash assistance for house construction for those who prefer to construct a house by themselves, AND - Cash assistance to difference in floor area if it is smaller in a substitute house than a currently living house | <ul style="list-style-type: none"> - YRG arranges a resettlement site, constructs houses and necessary infrastructure. - For those who construct a house by themselves, house construction costs are provided if a house satisfies specifications given by YRG. |
| | House previously existed inside the Phase 1/ Zone A area but demolished due to notices or natural disaster | Owner of the house | <ul style="list-style-type: none"> - A substitute house with necessary infrastructure in a resettlement site, OR - Cash assistance for house construction for those who prefer to construct a house by themselves, AND - Cash assistance to difference in floor area if it is smaller in a substitute house than a previously living house | - Ditto |
| | <ul style="list-style-type: none"> - Cultivating inside the Phase 1/ Zone A area, AND - Locating a house outside the Phase 1/ Zone A area but inside SEZ area | Owner of the house | <ul style="list-style-type: none"> - A substitute house with necessary infrastructure in a resettlement site, OR - Cash assistance for house construction for those who prefer to construct a house by themselves, AND - Cash assistance to difference in floor area if it is smaller in a substitute house than a previously living house | <ul style="list-style-type: none"> - Ditto - For those who prefer to move to a resettlement site under this assistance package are provided houses at a resettlement site. |
| (2) Other Structures (livestock barn) | Livestock barn inside the Phase 1/ Zone A area | Owner of the livestock barn | <ul style="list-style-type: none"> - Cash assistance in two (2) times of the current market price | <ul style="list-style-type: none"> - Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS. |
| (3) Standing Rice/Vegetable/Trees | Rice/vegetable/trees grown inside the Phase 1/ Zone A area | Those who cultivating rice/vegetable/trees inside the Phase 1 area | <ul style="list-style-type: none"> - To be assisted as a part of assistance for loss of income sources | |

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|---|---|---|--|---|
| 1-2. Movable Assets | | | | |
| (1) Livestock (cow/buffalo for agriculture or milk) | Livestock (cow/buffalo for agriculture or milk) farmed inside the Phase 1/ Zone A area | Those who raising livestock (cow/buffalo for agriculture or milk) inside the Phase 1 area | - Cash assistance per animal | |
| (2) Agriculture Machines or Other Assets | Agriculture machines or other assets which are not able to be used after relocation | Owners of agriculture machines or other assets | - Cash assistance in the current market price | - Assistance amount is calculated based on the number and type of agriculture machines confirmed at DMS |
| 2. Assistance for Loss of Income Sources/Livelihood (regardless of main or secondary income) | | | | |
| 2-1. Land-Based Income | | | | |
| (1) Paddy Farmer | Income obtained from rice cultivated inside the Phase 1/ Zone A area | Those who obtain income from cultivating rice inside the Phase 1 area | - Cash assistance for six (6) times of yield amount in total in the current market price, AND - Participate in IRP | - Assistance amount is calculated based on yield amount recorded in SLRD or confirmed at DMS |
| (2) Vegetable/ Tree Farmer | Income obtained from vegetable and/or tree cultivated inside the Phase 1/ Zone A area | Those who obtain income from cultivating vegetable and/or tree inside the Phase 1 area | - Cash assistance for four (4) times of yield amount and/or number of trees in total in the current market price, AND - Participate in IRP | - Assistance amount is calculated based on yield amount and/or number of trees confirmed at DMS |
| (3) Livestock Farmer (cow for milk) | Income obtained from livestock (cow for milk) farmed inside the Phase 1/ Zone A area | Those who obtain income from livestock (cow for milk) farming inside the Phase 1 area | - Cash assistance for three (3) times of income from cow for milk, AND - Participate in IRP | - Assistance amount is calculated based on the monthly income from livestock confirmed at DMS |
| 2-2. Non Land-Based Income | | | | |
| (1) Wage Worker (self-employed, contracted worker, daily worker) | Assistance for non-working days as the duration for disrupting income-generation activities | Those who obtain salary regardless of working place | - Cash assistance for seven (7) working days with 4,000 MMK/day/person (28,000 MMK in total per person), AND - Participate in IRP if interested | |
| 3. Resettlement Assistance | | | | |
| (1) Moving Cost | | All households living inside the Phase 1 area | - One-time cash assistance of 150,000 MMK (lump-sum) per household | |
| (2) Commuting Assistance | | All persons whose work place become farther due to relocation | - One-time cash assistance of 72,000 MMK (lump-sum) per wage worker | |
| | | All school students who need to change schools due to relocation | - One-time cash assistance of 30,000 MMK (lump-sum) per school student | |
| (3) Cooperation Allowance | | All households who cooperate on-time relocation | - One-time cash assistance of 100,000 MMK (lump-sum) per household | |

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|--|---|---|--|---|
| 4. Assistance for Vulnerable Groups | | | | |
| Vulnerable Groups | All household headed by woman, disabled person, elderly (over 61 years old), poor household (below poverty line of 2010 in Poverty Profile), or household including disabled member is defined as vulnerable groups in this project | Assistance is provided to the following persons of vulnerable groups in the Phase 1 area: <ul style="list-style-type: none"> - Disabled person and one support person in a family (total two persons), - Elderly person and one support person in a family (total two persons), - Unemployed persons¹ in a woman-headed household, AND - Unemployed persons in a household below poverty line of 2010² | <ul style="list-style-type: none"> - One-time cash assistance of 25,000 MMK per person (equivalent to one big bag, about 50kg, of rice per person), AND - Participate in IRP | 50 kg of rice is based on calculation at about 15kg of rice per person for 3 months |

Note

1: Unemployed persons are defined in this project as the persons of workable age but not employed.

2: 376,151 MMK per adult equivalent per year defined in Poverty Profile in June 2011 prepared by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development

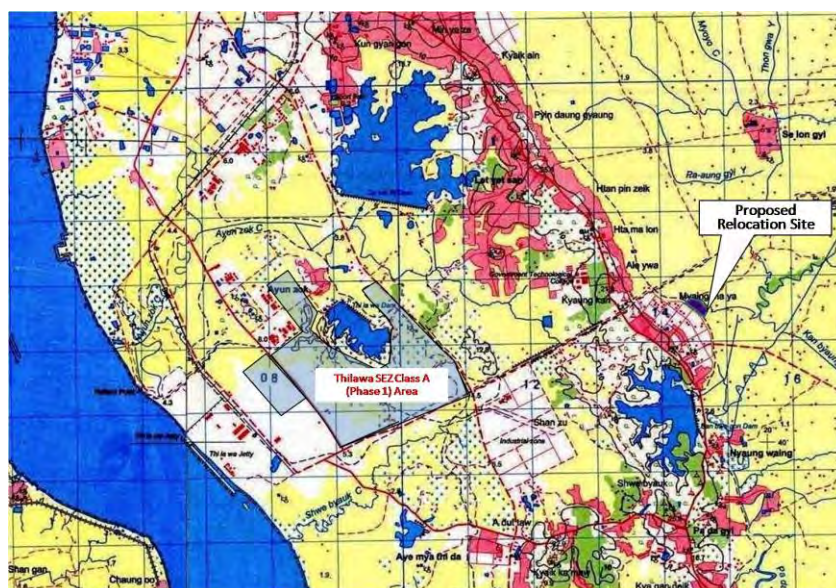
Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

3.2 Consideration of Resettlement Site⁵

3.2.1 Location of Resettlement Site

The resettlement site is in Myaing Tharyar Ward, Kyauktan Township and near the Bant Bway Kon Dam as indicated in Figure IV-3. Originally, the resettlement site was mainly cultivated as farmland by local people. It was acquired by DHSHD between 1993 and 1994 in accordance with the Land Acquisition Act 1894 and then, DHSHD has been applied the Land Nationalization Act 1954 to the land for the nationalization and the conversion for the other purposes.

Since then, the resettlement site belongs to DHSHD, and approximately 24 acres of land was available behind already established housing development area developed by DHSHD. Out of 24 acres, the total area developed for Phase 1/Zone A resettlement site was approximately 3 acres. The resettlement site was approximately 4.5 to 8 km away from houses of PAHs who live in the Phase 1/ Zone A area.



Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Figure IV-3 Location of Proposed Resettlement Site

3.2.2 Housing, Infrastructure and Social Service at Resettlement Site

YRG and TSMC originally planned to develop the resettlement site with the arrangement of some facilities. Through a series of consultations with PAHs, however, design of resettlement site was changed and finalized with the necessary facilities as shown in Table IV-21. PAHs were allocated a plot with housing. However, as per requests from PAHs, PAHs had the option to construct it by themselves at the resettlement site instead of in kind assistance as house constructed by TSMC.

- PAH living or lived in the Phase 1/ Zone A area
- PAH living outside Phase 1/ Zone A area but inside SEZ area, and have intention to move into the resettlement site at the time of 400 ha development

⁵ When PAPs moved from Phase 1/ Zone A area, the site for resettlement was sometimes called “the relocation site” in RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013) although it is called “the resettlement site” in this report.

Table IV-21 Major Contents of Resettlement Site Arrangement

| No | Features | Actual |
|----|----------------------------------|--|
| 1 | Total area of resettlement site | Approximately 3 acres |
| 2 | Total number of housing plot | 68 plots |
| 3 | Size of each housing plot | 25' x 50' |
| 4 | Major Infrastructure Arrangement | |
| | - Road (Main access road) | 2,500 ft of 12' width of concrete paved road |
| | - Well | 2 nos of open well and 6 nos of hand pump well |
| | - Electricity | Arrangement of electric distribution at each house including installing an electricity meter |
| | - Garbage pit | 1 garbage pit |

Source: JICA Expert Team referring to RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

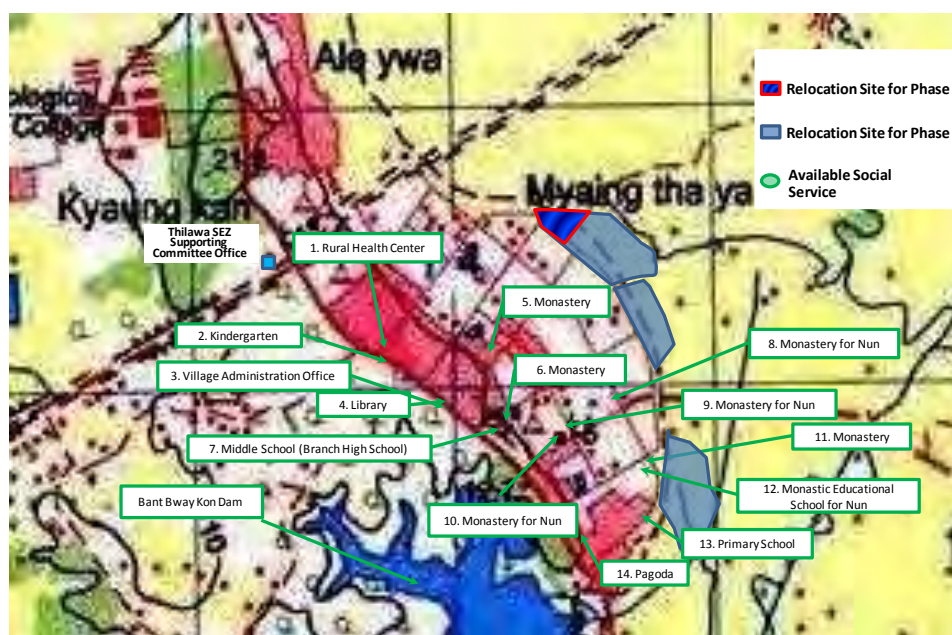
Existing social infrastructure in the vicinity of the resettlement site was available for PAHs. Already established housing development area, at the front of the resettlement site, was originally developed for relocation of residents affected by construction of Bant Bway Kon Dam, located at south-east of Thilawa Phase 1/ Zone A area, in 1996. After the relocation of residents from Bant Bway Kon Dam, various social infrastructures have been established at plots mainly located along the Thanlyin-Kyauktan road. Table IV-22 describes available and accessible social service infrastructure at vicinity of the resettlement site. Details of the resettlement site and available/ accessible social service infrastructure are illustrated in Figure IV-4.

TSMC and IRPIC (see Section 3.3 for explanation of IRPIC) supported school children to transfer of primary and middle schools near the resettlement site by preparing necessary documents and discussing with concerned authorities, and its arrangement of enrollment has been completed in order to start new semester from June 2014. In addition to school, village administration office, health center, pagoda and monastery near the resettlement site are also used by PAHs after resettlement.

Table IV-22 Available Social Service at Vicinity of Resettlement Site

| Sr. | Description | Type | Location |
|-----|---|---------------------|------------------------------|
| 1 | Myaing Thar Yar Rural Health Center | Health | Thanlyin-Kyauktan Road |
| 2 | Kindergarten | Education | Thanlyin-Kyauktan Road |
| 3 | Village Administration Office | Administration | Thanlyin-Kyauktan Road |
| 4 | Ah Lin Tan Library | General Knowledge | Thanlyin-Kyauktan Road |
| 5 | Aye Zay Ti Monastery | Religious | |
| 6 | Pyi Taw Aye Monastery | Religious | |
| 7 | Middle School (Branch High School) | Education | Thanlyin-Kyauktan Road |
| 8 | Ye` Mya Dhamma Thu Kha Monastery for Nun | Religious/Education | |
| 9 | Yadana Theingi Monastery for Nun | Religious/Education | Myaing Thar Yar-We` Gyi Road |
| 10 | Gunavithaythi Monastery for Nun | Religious/Education | Myaing Thar Yar-We` Gyi Road |
| 11 | Zambu Aye Monastery (Nyaung Tan Aye Monastery) | Religious | |
| 12 | Zamby U Shaung Monastery/ Monastic Educational School for Nun | Religious/Education | |
| 13 | No. 2 Bant Bway Kone Primary School | Education | Myaing Thar Yar (1) Ward |
| 14 | Kyeik Myat Kha Mon Pagoda | Religious | Thanlyin-Kyauktan Road |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)



Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Figure IV-4 Available Social Service at Vicinity of Resettlement Site

3.2.3 Environmental and Social Considerations on Resettlement Site

The resettlement site was once used as paddy, but it was open space at the time of Phase 1/ Zone A development time. The construction work such as foundation arrangement, installation of housing, electricity, water source (well) and access road was necessary to alter the open space to the residence place for resettlement. Environmental and social aspects as per construction work for resettlement site development was considered prior to commencement of construction as shown in Table IV-23, and concluded that there was no significant environmental and social impact due to development of the resettlement site.

Table IV-23 Environmental and Social Considerations on Resettlement Site

| Items | Environmental and Social Considerations on Resettlement Site |
|---------------------|---|
| Natural Environment | <p>Flora, Fauna and Biodiversity The open space previously used as paddy is planned to be used for the resettlement site. Since the land already used will be used for resettlement site, impact on flora, fauna and biodiversity is considered as negligible. In term of after relocation of PAPs, there is a possibility that population's pressure would bring negative impact on natural resources surrounding the resettlement site by collecting activities such as collecting wood chip for firewood. However, such potential impact would be minimized by instructing PAPs on proper use and management of natural resource.</p> |
| Social Environment | <p>Involuntary Resettlement No involuntary resettlement is requested since the area is now open space. However, previous land users raised a claim on land use. It needs to be settled before development of the land.</p> |
| | <p>Local Economy Positive impacts during construction of the resettlement site and after people's resettlement are anticipated by creating job opportunities in and around the resettlement site.</p> |
| | <p>Land Use The land was previously used as paddy but currently recognized as open space, and is planned to be used for the resettlement site. Development of current open space to the resettlement site does not request new alternation of land use. Therefore, impact to land use is not anticipated.</p> |

| Items | Environmental and Social Considerations on Resettlement Site |
|-----------|--|
| | <p>Conflict of interest within the region Two types of conflict of interest are anticipated, with host community near the resettlement site consists of the resettled peoples for the construction of Bant Bway Kon Dam in 1996, and with current land users. To avoid the conflict and facilitate the acceptance of PAPs in the resettlement site, the consultation meeting is planned to be held with a host community and previous land users.</p> <p>Consideration for women and children at PAHs Because the relocation is conducted at family level regardless of gender, significant impact is not anticipated. Because there are school, play ground and monastery near the resettlement site, children can be benefited from educational condition.</p> |
| Pollution | <p>Water Pollution Impact to water pollution after resettlement of PAPs is considered as minor since a fly proof latrine will be installed at each house.</p> <p>Noise, Vibration and Solid Waste The resettlement site, which is open space, is developed to residential area with construction of housing and access road, and installation of electricity and hand-pump well. Since construction of the resettlement site is small scale activities, pollution impact such as noise and vibration is considered as negligible. Although soil will be generated due to excavation, it will be used for embankment.</p> |

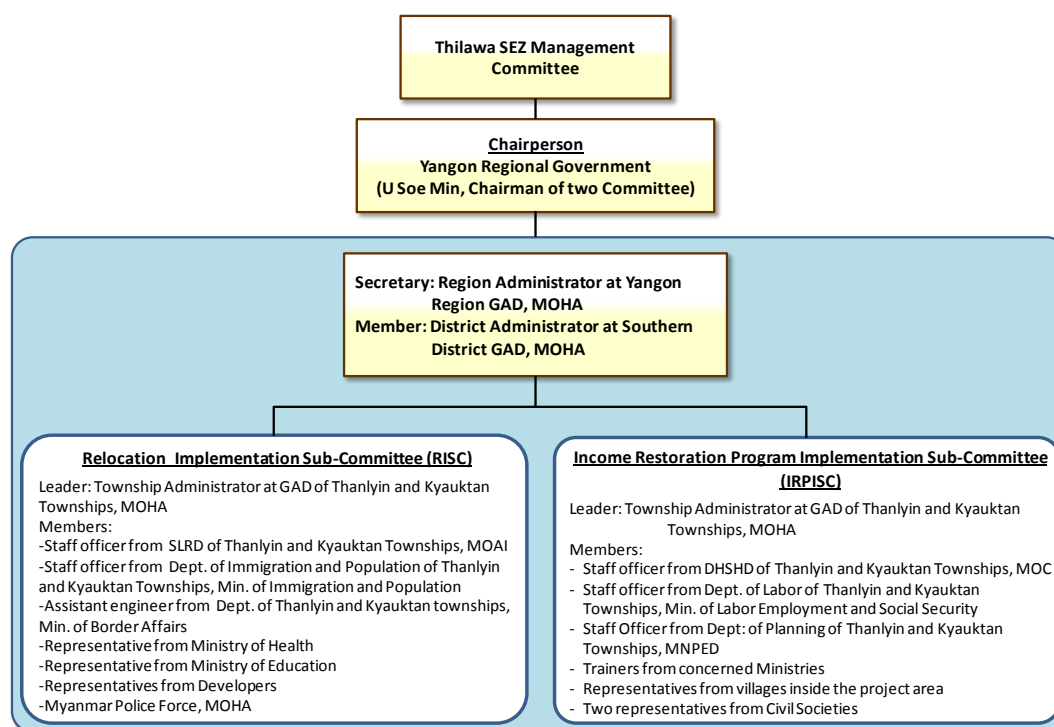
Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

3.3 Consideration of Institutional Arrangement

(1) Organizational Structure of Organizations Concerned

YRG was the responsible body for implementing activities stipulated in RWP for Phase 1/ Zone A development, and TSMC was in a position to support YRG. In order to implement activities stipulated in RWP for Phase 1/ Zone A, YRG established two committees for resettlement namely Resettlement Implementation Committee (RIC) and for income restoration program namely Income Restoration Implementation Committee (IRPIC)⁶. These two committees were established chaired by Administrators at GAD of Thanlyin and Kyauktan townships. RIC dealt with disbursement of cash assistance and arrangement of living condition at resettlement site, and IRPIC managed the implementation of IRP. Figure IV-5 shows the structure of implementing resettlement and income restoration program, and members of each committee.

⁶ RIC and IRPIC were originally established as Relocation Implementation Sub-Committee (RISC) and Income Restoration Implementation Sub-Committee (IRPISC) as indicated in Figure IV-5. However, as these 2 sub-committees worked as the committee and they are renamed as Relocation Implementation Committee (RIC) and Income Restoration Implementation Committee (IRPIC), RIC and IRPIC are used in this report.



Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Figure IV-5 Implementation Structure of RWP

(2) Responsibility of Each Organization

Responsibility of each organization for RWP implementation is outlined in Table IV-24.

Table IV-24 Responsibility of Each Organization

| Organization | Responsibility |
|---|---|
| - Thilawa SEZ Management Committee (TSMC) | - To cooperate with YRG, RISC and IRPISC to support for resettlement activities as needed, such as schedule management of relocation and development of SEZ area and facilitation of the job recruitment of PAPs in SEZ area. |
| - Yangon Region Government (YRG) | - To have overall responsibility for coordination with all related organization on RWP implementation - To supervise the implementation of RWP |
| - Relocation Implementation Committee (RIC) | - To coordinate and communicate with PAPs and all related institution in resettlement at whole - To manage the disbursement of assistance to PAPs - To organize the living condition of resettlement site for PAPs such as construction and installation of housing, access road, water and electricity - To coordinate PAPs for implementation of relocation at whole |
| - Income Restoration Program Implementation Committee (IRPIC) | - To facilitate the integration of PAPs in the host community - To coordinate and communicate with PAPs and all related institutions in IRP activities at whole - To finalize IRP through consultation with PAPs - To facilitate the registration of PAPs who participate in IRP - To implement the series of activities of IRP - To observe the progress of IRP activities on the ground - To follow up the activities of IRP, if needed - To advise about the employment opportunities to PAPs at pre-/ post-training time |

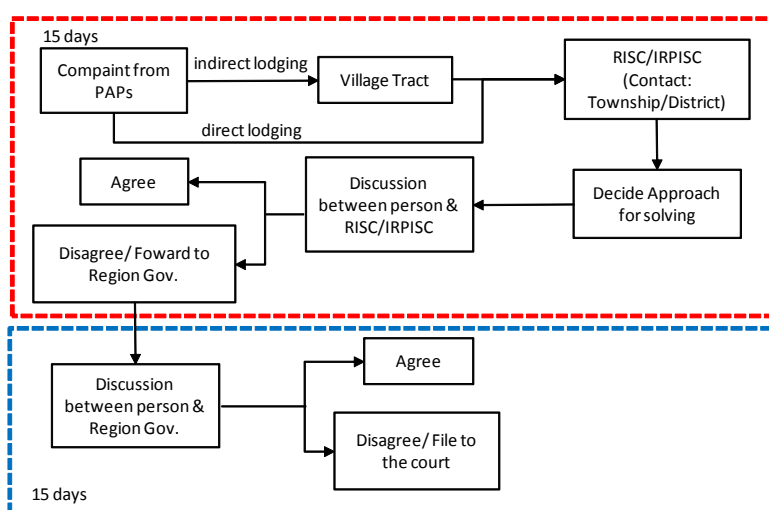
Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

3.4 Consideration of Grievance Redress Mechanism

The grievance redress mechanism under the Myanmar legal framework is stipulated in Land Acquisition Act 1894 and Farmland Rules 2012 respectively as summarized in Part II, but procedure stipulated at each regulation is not necessarily the same. Then, YRG and TSMC established the comprehensive function of grievance redress to allow easy access for people by referring the mechanism applied for neighboring countries to ensure that: i) all complaints related to relocation and assistance package are appropriately dealt with, ii) easily access for those who have complaints related to relocation and assistance package, and iii) adequate measures are taken to resolve raised issues.

The main actor to implement relocation and IRP was different: RIC was responsible for implementing relocation while IRPIC was responsible for conducting IRP. Although the main actor differed at relocation phase and IRP phase, one procedure of grievance redress was commonly applied for both project phase by changing decision-making body as summarized. TSMC supports the entire process according to requests of any actions from RIC.

- Lodging complaints by PAPs verbally or in written form to RIC or IRPIC via the village tract or directly (GAD of each township in RIC or IRPIC is the contact for direct lodging of complaints from PAPs)
- Assigning an officer from RIC or IRPIC based on the nature of lodged complaints to interview with PAPs lodging complaints
- Discussing interview lodged complaints and interview results within RIC or IRPIC for deciding approach to settle complains
- Negotiating between RIC or IRPIC and PAPs
- Forwarding the case to YRG in case of not reaching agreement within 15 days from the day of lodging complaints
- Forwarding the case from YRG to the court in case of not reaching agreement



Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Figure IV-6 Grievance Redress Procedure during and after Relocation Phase

3.5 Consideration of Implementation Schedule

The resettlement works for development of Phase 1/ Zone A area mainly consisted of arrangement of the resettlement site, award of assistances for loss of assets and income source/livelihood, actual relocation (moving from Phase 1/ Zone A development area to the resettlement site etc.), implementation of the IRP, and monitoring and follow-up of the resettlement and implementation activities. Implementation schedule was prepared based on the actual situation.

3.6 Estimation of Necessary Costs

Based on the DMS result and the assistance policy stipulated in the entitlement matrix, necessary costs were estimated for implementing the assistance package. The costs mainly include: i) assistance amount to PAHs, ii) IRP implementing, iii) resettlement site arrangement and iv) external monitoring. Assistance amount was finalized through individual negotiation with each PAH.

3.7 Consideration of Monitoring

(1) Monitoring Purpose and Item

A project requesting relatively large scale of resettlement is generally requested to conduct internal and external monitoring regularly to confirm the progress and issues on resettlement. RIC and IRPIC were the responsible parties to conduct internal monitoring and to supervise the external monitoring at each project stage. Table IV-25 outlines the internal and external monitoring at each project stage:

Table IV-25 Outline of Monitoring

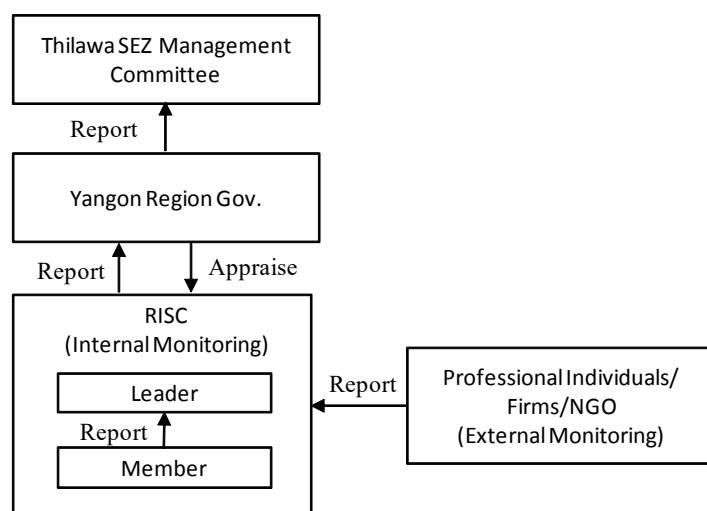
| Project Stage | Internal/External Monitoring | Monitoring Purpose | Monitoring Item | Monitoring Frequency |
|---------------|------------------------------|--|--|---|
| Relocation | Internal | <ul style="list-style-type: none"> - To monitor whether assistance is provided in accordance with RWP, - To examine unforeseeable issues on assistance package at the time of planning | <ul style="list-style-type: none"> - Timely and complete disbursement of assistance amount to each PAH in accordance with agreed conditions between YRG and each PAH - Timely development and allocation of the resettlement site - Participation of PAPs into preparation and implementation of RWP - Information disclosure and consultation procedures - Effectiveness of grievance mechanism and raised issues - Unforeseeable issues or additional measures to be taken | <ul style="list-style-type: none"> - Regularly from the start and completion of relocation |
| | External | <ul style="list-style-type: none"> - To see the achievement of resettlement objectives - To see the needs for further mitigation measures | <ul style="list-style-type: none"> - Relocation procedure including payment as per the agreed in RWP - Effectiveness and efficiency of grievance redress mechanism (documentation, process, resolution) - Procedure and quality of resettlement site and housing - Institutional capability, internal monitoring and reporting | <ul style="list-style-type: none"> - 2 times (i.e. one time at the beginning of relocation and one at the end of the relocation) |

| Project Stage | Internal/External Monitoring | Monitoring Purpose | Monitoring Item | Monitoring Frequency |
|---------------|------------------------------|---|---|--|
| | | | <ul style="list-style-type: none"> - Any impacts caused during relocation activities - Participation of PAPs to preparation and implementation of RWP | |
| IRP | Internal | <ul style="list-style-type: none"> - To monitor progress of IRP - To monitor settlement status after relocation - To examine further measures if necessary | <ul style="list-style-type: none"> - Effectiveness of grievance mechanism and raised issues - Status of implementing IRP - Issues for implementing IRP (i.e. implementation schedule, budget or personnel, personnel capacity, facilitation among relevant parties) and proposed remedial measures | - Regularly after completion of relocation |
| | External | <ul style="list-style-type: none"> - To see restoration of the economic and social base of PAPs - To see the needs for further mitigation measures | <ul style="list-style-type: none"> - Effectiveness, impact and sustainability of entitlements and IRP, and the need for further improvement and mitigation measures - Level of settlement at the resettlement site - Level of restore/re-establish livelihoods and living standards - Institutional capability, internal monitoring and reporting | - Quarterly |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

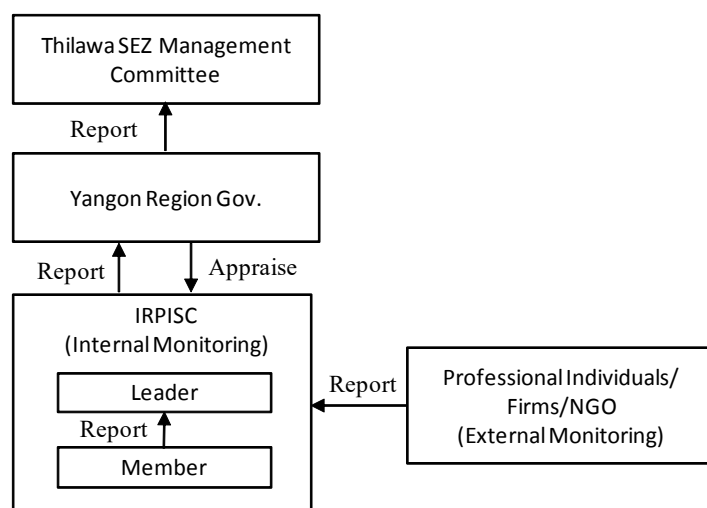
(2) Overall Monitoring Structure

It was initially planned that RIC might compile the result of internal and external monitoring into a report and might submit it to YRG, and YRG might share the monitoring report with TSMC during the relocation phase. After the relocation phase, it was planned that IRPIC might compile internal and external monitoring results into a report, and might report it to YRG. YRG might share the monitoring report with TSMC. Figures IV-7 and IV-8 show the initially planned procedure of monitoring and reporting. Actual implementation practice is explained in Section 3.3 in this part for the relocation phase, and in Part V for the post relocation phase.



Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Figure IV-7 Monitoring and Reporting Procedure during Relocation Phase



Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

Figure IV-8 Monitoring and Reporting Procedure after Relocation Phase

3.8 Preparation of RWP

JICA Expert Team supported technically YRG, the responsible agency of implementing resettlement, to prepare RWP in Myanmar including the contents in Table IV-26 to be in accordance with the requirements stipulated in the World Bank OP 4.12.

Table IV-26 Contents of RWP

| | Item | Contents |
|----|--|--|
| 1 | Introduction | - Background and outline of the project - Minimization an necessity of resettlement |
| 2 | Resettlement Scope | - History of land acquisition in the project area - Magnitude of resettlement in the current project design |
| 3 | Socio-Economic Profile | - Result of census, inventory of asset and socio-economic survey in the project area |
| 4 | Legal Framework | - Myanmar regulations related to land acquisition, resettlement and compensation |
| 5 | Assistance Package to the Project Affected Persons | - Eligibility of assistance package and contents of assistance to each eligible party |
| 6 | Resettlement Site | - Development of resettlement site including availability of existing social infrastructure |
| 7 | Income Restoration Program (IRP) | - The concept and the overall framework of IRP |
| 8 | Public Participation and Consultation | - Results of public consultation meetings |
| 9 | Institutional Arrangement | - Relevant authorities and their responsibility to implement resettlement and IRP |
| 10 | Implementation Schedule | - Provisional resettlement schedule |
| 11 | Monitoring and Evaluation | - Purpose and contents of monitoring - Provisional monitoring schedule |

Source: JICA Expert Team

Chapter 4 Assistance for Public Participation and Accountability

4.1 Assistance for Holding of Public Consultation Meeting

JICA Expert Team supported to organize public consultation meeting from second one while the first public consultation meeting was held on 14 February, 2013 by GOM. The following are summaries of public consultation meetings which JICA Expert Team supported (detailed records are enclosed in RWP for Phase 1/ Zone A enclosed in Appendix IV-3).

4.1.1 2nd Consultation Meeting

The 2nd consultation meeting was held on 11 June 2013 at the Thilawa Supporting Committee Temporary Office⁷ in Kyauktan Township. The invitation was delivered to the households which were listed in the list of Census in April 2013 as ones inside Phase 1/ Zone A area. The summary of the 2nd consultation meeting is presented in Table IV-27.

Table IV-27 Summary of 2nd Consultation Meeting

| Items | Contents |
|--|--|
| 1. Date and Time | 11 June 2013, 10:00-12:00 |
| 2. Venue | Thilawa Supporting Committee Temporary Office |
| 3. Invitee | Project affected peoples |
| 4. Participant | Total 107 persons (Phase 1 area: 87*, outside Phase 1 area:8, Mass-media: 12) |
| 5. Main participants from government | Total 15 person from authorities below: 1) Minister of Yangon Region Government 2) Deputy Minister of Ministry of National Planning and Economic Development/ Chairman of Thilawa SEZ Management Committee 3) Chairman of Thilawa SEZ Supporting Committee, etc. |
| 6. Agenda | 1) Thilawa SEZ Phase 1 development 2) Summary of socio-economic survey in April 2013 3) Cut-off date 4) Request cooperation to supplemental socio-economic survey (DMS) 5) Question and Answer |
| 7. Major comments and opinions from the participants | - Request of livelihood assistance after relocation - Request of clarification of land issues including one near the pagoda - Concerns on job opportunities at SEZ - Questions on schedule of project as well as relocation for continuation of agricultural activities |

Note:* After the consultation meeting, 23 households were found as ones of outside Phase 1/ Zone A area by DMS in June and July 2013.

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

During the consultation meeting, feedback forms were distributed to the participants to receive frank comments and opinions from them. The major comments and opinions written in the collected feedback forms (total 21 forms collected) are as follows:

- Expected to receive assistance by international standards
- Necessity of sufficient money as assistance
- Request of transparent discussions of assistance
- Expected to have more job opportunities by the Thilawa SEZ project

⁷ Thilawa Supporting Committee Office was renamed to TSMC Temporary Office in 2014. It is currently called as DUHD Temporary Office after TSMC officially opened its office at Thilawa SEZ in January 2016.

4.1.2 3rd Consultation Meeting

The 3rd consultation meeting was held on 30 July 2013 at the Thilawa Supporting Committee Temporary Office in Kyautan Township. The invitation was delivered to the households which are located inside Phase 1 area and also to the households which were surveyed by DMS even they were confirmed to be located outside Phase 1/ Zone A area by DMS. The summary of the 3rd consultation meeting is presented in Table IV-28.

Table IV-28 Summary of 3rd Consultation Meeting

| Items | Contents |
|--|---|
| 1. Date and Time | 30 July 2013, 10:00-12:00 |
| 2. Venue | Thilawa Supporting Committee Temporary Office |
| 3. Invitee | Project affected peoples |
| 4. Participant | Total 167 persons (Phase 1 area: 78, outside Phase 1 area:73*, Mass-media: 16) |
| 5. Main participants from government | Total 17 persons from authorities below: 1) Minister of Yangon Region Government 2) Deputy Minister of Ministry of National Planning and Economic Development/ Chairman of Thilawa SEZ Management Committee 3) Chairman of Thilawa SEZ Supporting Committee, etc. |
| 6. Agenda | 1) Thilawa SEZ development plan 2) Summary of 2nd consultation meeting 3) Summary of supplemental socio-economic survey in June and July 2013 (DMS), and eligible households and persons 4) Provisional assistance package 5) Question and Answer |
| 7. Major opinions and comments from the participants | - Expected to receive the benefits from the SEZ development - Request to clarification of land issues for assistance package - Request of enough assistance for income restoration - Request of resettlement near the current living place |

Note:* Including 24 households which were found as ones of outside Phase 1 area by DMS in June and July 2013.

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

During the consultation meeting, feedback forms were distributed to the participants to receive frank comments and opinions from them. The major comments and opinions written in the collected feedback forms (total 24 forms collected) are as follows:

- Request to prepare proper resettlement work plan
- Expected to receive assistances by international standards
- Request of assistance for the garden and orchard as well
- Well come of the Thilawa SEZ project as if more job opportunities are expected

4.1.3 4th Consultation Meeting

The 4th consultation meeting was held on 21 September 2013 at the Thilawa Supporting Committee Temporary Office in Kyautan Township. The invitation was delivered to the households which are located inside Phase 1, cultivating inside Phase 1 or having immovable assets inside Phase 1/ Zone A area based on the confirmation results by DMS. The summary of the 4th consultation meeting is presented in Table IV-29.

Table IV-29 Summary of 4th Consultation Meeting

| Items | Contents |
|--|---|
| 1. Date and Time | 21 September 2013, 10:30-13:00 |
| 2. Venue | Thilawa Supporting Committee Temporary Office |
| 3. Invitee | Project affected peoples |
| 4. Participant | Total 161 persons (Phase 1 area: 80, outside Phase 1 area: 73, Mass-media: 8) |
| 5. Main participants from government | Total 18 persons from authorities below: 1) Minister of Yangon Region Government 2) Deputy Minister of Ministry of National Planning and Economic Development/ Chairman of Thilawa SEZ Management Committee 3) Chairman of Thilawa SEZ Supporting Committee, etc. |
| 6. Agenda | 1) Assistance package including proposed plot size and housing design of resettlement site 2) Question and Answer |
| 7. Major opinions and comments from the participants | - Prefer to have a large size of plot in the resettlement site - Prefer to proceed resettlement based on negotiation - Request to provide assistance regardless of a period of cultivating land inside Phase 1 - Request to negotiate assistance between representatives of local people and the responsible authority |

Source: RWP for Development of Phase 1 of Thilawa SEZ (Nov. 2013)

During the consultation meeting, feedback forms were distributed to the participants to receive frank comments and opinions from them. The major comments and opinions written in the collected feedback forms (total 12 forms collected) are as follows:

- Request to provide wider size of plot than currently planning size
- Request officers to stay in a fixed place for contacting local residence to discuss on assistance package
- Prefer the idea of international standard and proposal explained at the time of the meeting

In addition to the 2nd to 4th consultation meetings, YRG and TSMC conducted group and individual consultation from 24 September to 1 October 2013, and YGR held additional consultation meeting to enhance participation of PAHs to the project to have an opinion exchanging.

4.2 Assistance for Disclosure of Draft RWP and Finalization of RWP

4.2.1 Disclosure of Draft RWP

YRG disclosed the draft RWP to public places in order to have comments or opinions from public to improve RWP more comfortable and practical for PAPs. The draft RWP was disclosed at offices of GAD of Thanlyin and Kyauktan townships respectively and Thilawa Supporting Committee Temporary Office from 4 November 2013 to 22 November 2013. The draft RWP disclosure was announced with the public notice board in Thanlyin and Kyauktan township offices, one market place and the web-site of TSMC. In addition, two newspapers (i.e. Myanmar Alin and The Mirror) announced the web-site of TSMC and disclosing places of the draft RWP.

Browsing record and comment sheets were set at each office of the draft RWP disclosure. In addition, comments from public were also accepted through e-mail to TSMC. However, there was no comment during the disclosure period.

4.2.2 Finalization of RWP and Disclosure of Final RWP

Based on the comments at the time of public consultation meeting, individual meetings and supplemental consultation meeting held by YRG, RWP was finalized and approved by YRG. The approved RWP was disclosed at GAD offices in Thanlyin and Kyauktan townships and Thilawa Supporting Committee Temporary Office. At Thilawa Supporting Committee Temporary Office, RWP in English was also disclosed together with the questionnaire sheets filled out during DMS.



Photo IV-1 Disclosure of RWP at Thilawa Supporting Committee Temporary Office

PART V ASSISTANCE FOR PREPARATION AND IMPLEMENTATION OF INITIAL STAGE OF INCOME RESTORATION PROGRAM (IRP) FOR PHASE 1/ ZONE A OF THILAWA SEZ

Chapter 1 Assistance for Preparation of Income Restoration Program (IRP)

1.1 Procedure in Preparation of IRP

On the basis of the information collected and analyzed below, the draft IRP was elaborated as a part of RWP.

- 1) Analysis of available capacity development program in and around the Phase 1/ Zone A area
- 2) Analysis for income source, and income/ expenditure of Project Affected Households (PAHs) before relocation
- 3) Analysis of current recruitment trend in Yangon region and Southern district
- 4) Information on existing technical training courses



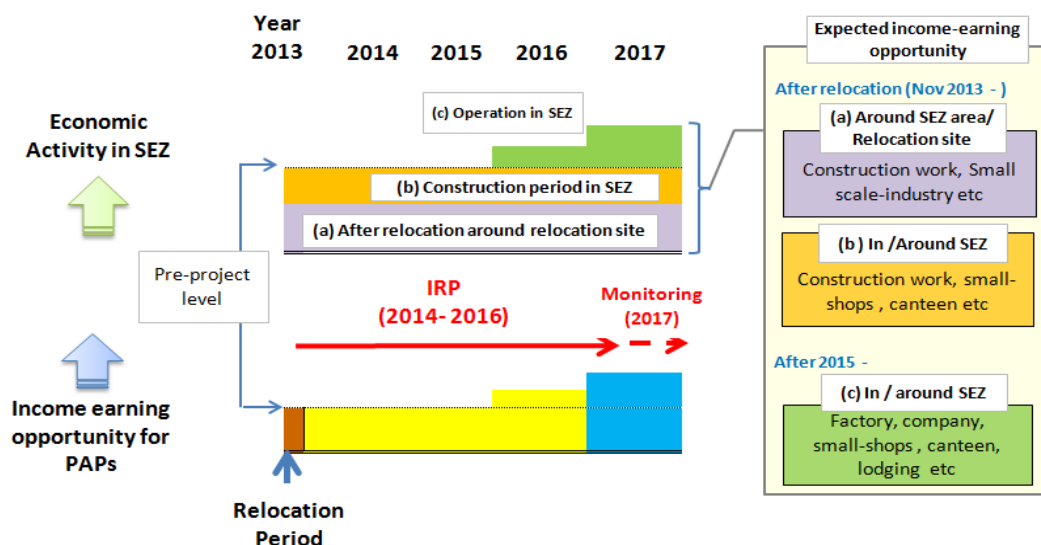
Source: JICA Expert Team

Photo V-1 Information Collection at Several Institutions

Referring to the result of analysis above, the approach, outline and components of IRP were developed as described below.

1.2 Approach IRP

IRP targeted to stabilize livelihood of PAPs while taking advantage of the development of economic activity in Thilawa SEZ area. Figure V-1 shows the image of expected positive relation between degree of SEZ economic activities and income level of PAHs for the next several years. Expected income earning opportunities in and around SEZ area are shown at the right hand side in Figure V-1. IRP was conducted through providing technical support for PAPs, not only for men but also for women, to take an opportunity to participate in these economic activities.



Source: JICA Expert Team

Figure V-1 Image of Economic Activities in /around Thilawa SEZ and Expected Income Level of PAHs

1.3 Entitled PAPs for IRP

Based on the tendency for livelihood of PAHs in project area, PAPs below were defined as the entitled PAPs to participate in IRP at RWP.

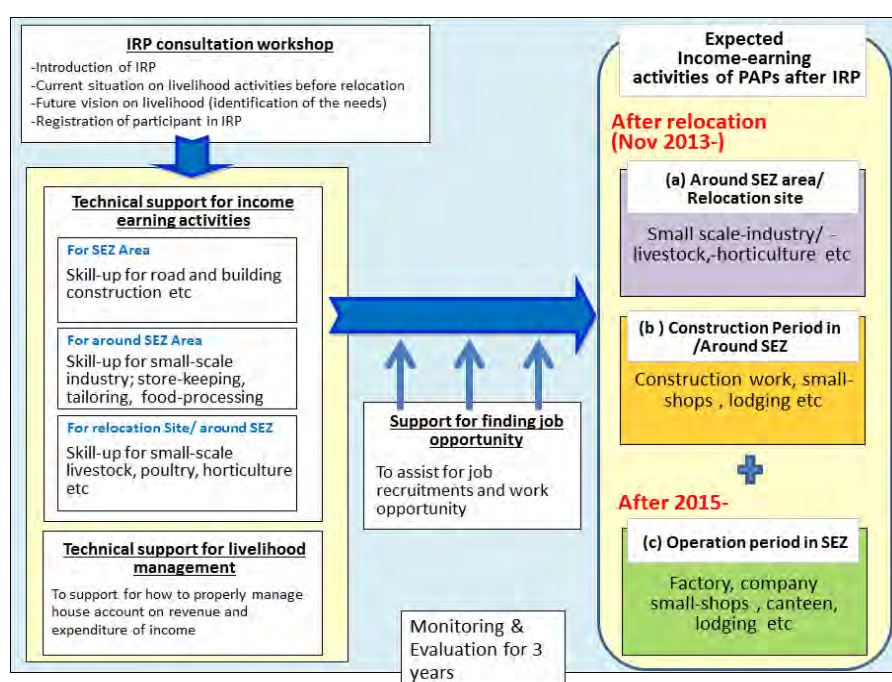
- (1) Farmers who alters income earning activity form farming to another activity
- (2) Odd job worker and other off-farming worker who desire to alter job place
- (3) Unemployed people who desire to improve technical skill for finding job opportunity
- (4) PAPs who do not change the current income earning activities but desire to improve technical skills and income level

After RWP was elaborated, IRP consultation workshop (WS) was held in participatory way with PAPs in December 2013. In the WS, definition of the entitled PAPs was finalized by the discussion with PAPs.

- (1) Farmers who alters income earning activity form farming to another activity
- (2) Odd job worker and other off-farming worker who desire to alter job place
- (3) Unemployed people who desire to improve technical skill for finding job opportunity
- (4) PAPs who do not change the current income earning activities but desire to improve technical skills and income level
- (5) PAPs over 18 years old
- (6) Family members who have been registered in the family certificate at PAHs.

1.4 Outline of IRP

Figure V-2 shows the outline of IRP and expected income earning activities for PAPs to be engaged with the support from IRP, which was presented in the RWP. IRP consist of participatory workshop (IRP consultation workshop) at first in order to make IRP activities more people demand-driven than ready-made support. Moreover, participants of IRP are assisted for finding the income earning opportunities. Then, the series of technical support for improvement of work-skill, and for house account management skill are followed based on the needs of PAPs. Labor recruitment office under Ministry of Labor, Employment and Social Security, are linked up to, which advice recruitment trend and qualification/certificate to get job opportunity. These activities are monitored for three years on the effectiveness of the series of income restoration activities. In the case that issues to be solved are identified, necessary follow-up activities are conducted.



Source: RWP for Phase 1/ Zone A of Thilawa SEZ (Nov. 2013)

Figure V-2 Outline of IRP and Expected Income Earning Activities of PAHs after IRP

Chapter 2 Assistance for Implementing Initial Stage IRP Activity

2.1 Contents of IRP Planned in RWP

Following activities were planned in RWP, and details are explained in Sections 3.2 to 3.4.

- IRP consultation meeting (Workshop: WS)
- Technical support for income earning activities
- Support for job arrangement and recruitment
- Community meeting with host community

2.2 IRP Consultation Meeting (WS)

Although the basic idea of IRP was proposed in RWP, IRP consultation meetings (WSs) were held 3 times from December 2013 to January 2014 by the participatory workshop style in order to elaborate IRP activities based on the actual needs of PAPs. JICA Expert Team supported technically IRPIC, the responsible institutions for implementing IRP, in collaboration with TSMC in order to organize the workshops. Main objectives of the participatory workshops are shown below.

- To introduce the concept of IRP
- To analyze current situation on livelihood activities
- To identify future vision on livelihood (To identify the needs)
- To identify and finalize necessary IRP activities based on the needs of PAPs

Table V-1 shows the summary of the IRP WSs, and detailed records are enclosed in Appendix V-1.

Table V-1 Summary of the IRP Workshop

| Item | 1st WS | 2nd WS | 3rd WS |
|-------------------|--|--|---|
| Date and Time | 11 Dec 2013 11:00-16:30 | 22 Dec 2013 10:30-13:30 | 16 Jan 2014 11:00-13:00 |
| Participant (No.) | - PAPs(125) - IRPIC(17) - TSMC(2) - Vocational Training School(10) - JICA Expert Team(7) - JICA Myanmar Office(1) In total 160 | - PAPs(81) - IRPIC(10) - TSMC(2) - Vocational Training School (7) - JICA Expert Team(6) - JICA Myanmar Office(2) In total 106 | - PAPs(57) - IRPIC(4) - TSMC(2) - Vocational Training School (3) - JICA Expert Team(5) In total 71 |
| Venue | TSMC Temporary Office | TSMC Temporary Office | TSMC Temporary Office |
| Objective | - To understand the concept of IRP - To identify and prioritize the constraint of PAPs to be overcome - To consider future life of PAPs - To select leader of PAPs | - To recognize social infrastructure around resettlement site - To consider future work and necessary assistance/training - To understand grievance redress mechanism | - To understand entitled PAPs for IRP - To clarify the condition for participating in IRP - To register PAPs who are interested in vocational training |
| Agenda | 1. Introduction of IRP 2. Future vision analysis 3. Presentation on possible training 4. Selection of representative of PAPs for IRPIC 5. Scheduling for next WS 6. Open discussion | 1. Result of 1st Consultation WS 2. Location map around resettlement site 3. Matching of future work and suitable training 4. Grievance redress mechanism 5. Open discussion | 1. Result of 1st and 2nd WS 2. Review of entitled PAPs for IRP 3. Elaboration of 'Consent Letter' for IRP 4. Registration of vocational training and signature of Consent Letter 5. Open Discussion |

| Item | 1st WS | 2nd WS | 3rd WS |
|--------|--|---|---|
| Output | <ul style="list-style-type: none"> - Issues to be overcome were identified and prioritized - 75 PAPs (50PAHs) were interested in vocational training - Two community leaders were selected among PAPs | <ul style="list-style-type: none"> - 77 PAPs (55PAHs) were interested in vocational training - Location at resettlement site was introduced - Village officer was introduced for PAPs to express grievance | <ul style="list-style-type: none"> - Consent letter was finalized by discussion with PAPs - 56 PAPs (44PAHs) were registered in training and signed on consent letter |

Source: JICA Expert Team



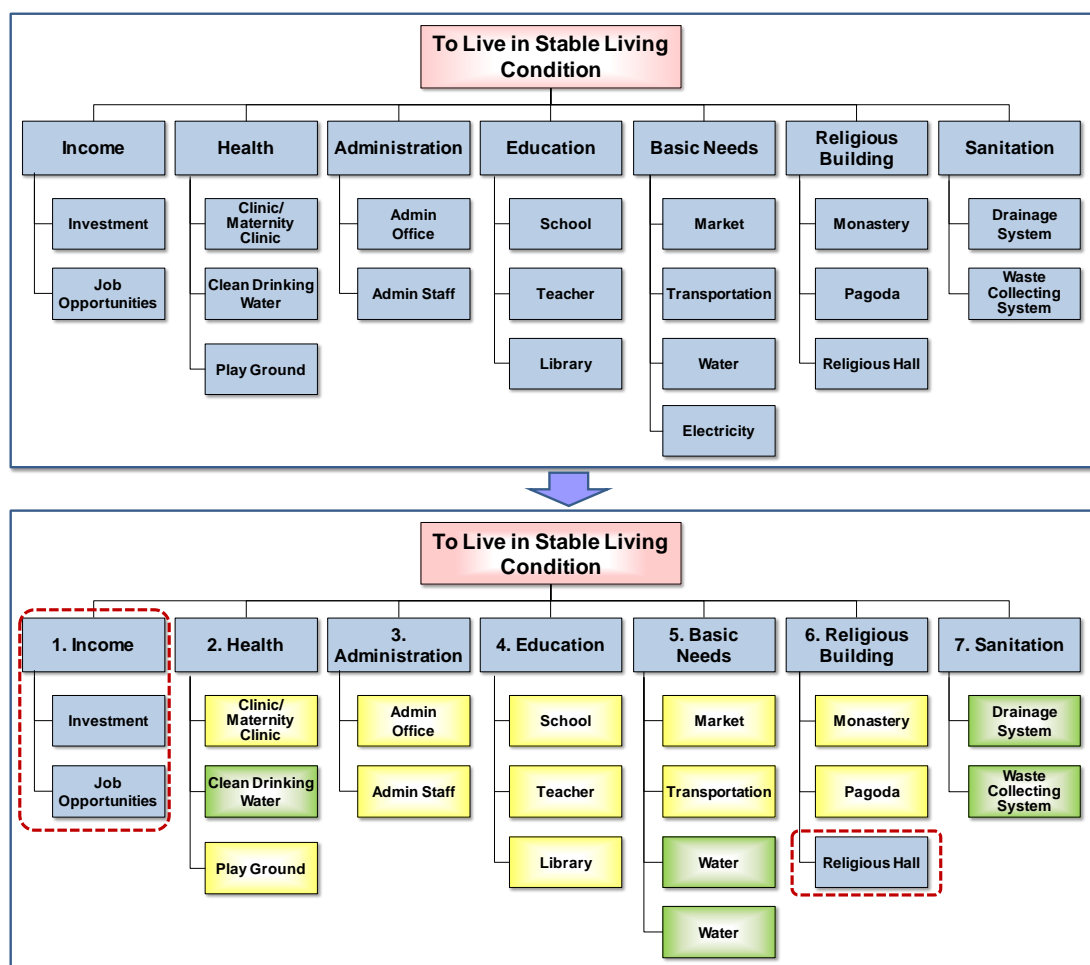
Source: JICA Expert Team

Photo V-2 IPR Workshops

In the first workshop, objective and contents of IRP were carefully presented to PAPs. This was also for raising awareness of PAPs about the importance of IRP. After people came to have an idea on IRP, future vision analysis was conducted to identify what was needed to live in stable living condition after resettlement. That stage helped PAPs consider the current situation of their livelihood in objective way. Figure V-3 shows the result of the analysis.

It was observed through future vision analysis that social infrastructures PAPs thought as necessary in the resettlement site were already existed around the resettlement site. Therefore, JICA Expert Team advised to IRPIC and TSMC to hold a session to enhance understanding of existing facilities near the resettlement site by using the location map.

PAPs reviewed the result of future vision analysis after they recognized the location of social infrastructure at resettlement site. Then, PAPs realized the most of issues that yellow colored already existed and some issues in green colored would be arranged by GOM at resettlement site (as of December 2013). What was left at the workshop time in December 2013 was the issue of 'Income' and lack of 'Religious Hall' in blue colored. In particular, issue of 'Income' was ranked by participants at first priority to be improved.



Source: JICA Expert Team

Figure V-3 Result of Future Vision Analysis

In reply to the rest of issue, IRPIC and TSMC decided to start the support for PAPs from improvement of income and job status. Then, the kind of economic activities in which PAPs were interested was discussed with the future vision of their livelihood. Whist people tended to see only current situation in short-term, the workshop aimed at promotion of the awareness to make people foresee the future livelihood with long-term view. Making consensus with PAPs, IRP activities was clearly designed. As a result of discussion with PAPs, vocational training came to be arranged to have new job opportunity.

2.3 Assistance for Income Earning Activities

In the reply to the outputs of the WSs, JICA Expert Team supported IRPIC and TSMC for inviting vocational training school to WS. In total, eight training schools attended in the WS. Each invited training school explained to PAPs about the condition, duration, modules and job opportunity after the training. Then, PAPs had an opportunity to consult the representative of training school about suitable training. Referring to the guidance by training school, PAPs considered which training courses would be useful for their future work. Based on the desire of PAPs, having supported by JICA Expert Team, TSMC and IRPIC looked for training school which could accept PAPs. After

work in/around SEZ area such as construction worker and Thilawa SEZ project office staff. The support which has been implemented is shown in Table V-3.

Table V-3 Support for Obtaining Job Opportunity

| Supported Activity | Recruited PAPs as of 10 May 2014 |
|--|--|
| <ul style="list-style-type: none"> - Job arrangement in SEZ as construction worker - Job arrangement in SEZ Project Office as office staff, cleaner, security guard - Job arrangement for running canteen, small shop and tea shop in/ around SEZ for women finished food processing training | <ul style="list-style-type: none"> -Construction worker:15 PAPs <Expected Recruitment in June 2014> - Office Staff at SEZ project Office - Cleaner at SEZ Project Office - Security guard - Canteen, small shop, tea shop keeper |

Source: JICA Expert Team



Southern District Labour Exchange Office

Source: JICA Expert Team



Job Arrangement at Thilawa SEZ

Photo V-4 Job Arrangement

2.5 Community Meeting with Host Community

Host community near the resettlement site consists of the resettled people at the construction of Zarmani Reservoir in 1996. To avoid the conflict and facilitate the acceptance of PAPs at the resettlement site, a consultation meeting with the host community was held in December 2013. Table V-4 shows the summary of discussion results. As a result, the host community tried to communicate with PAPs by themselves and discussed for both of people to live in safe and peace way mutually. Detailed result is enclosed in Appendix V-2.

Table V-4 Summary of Discussion with Host Community

| Activity | Result of discussion |
|---|---|
| 1.Date:22 Dec 2013 2.Time: 13:00-14:30 3.Venue:Village Tract Office 4. Participants: Total 32 persons Host community (27), TSMC(2), Village Tract Officer(1) , JICA Expert Team (2) 5. Discussion: - To introduce background of resettlement work - To introduce development work at Thilawa SEZ - To discuss the current/potential issue between host community and PAPs | <ul style="list-style-type: none"> - At resettlement site, the lack of drinking water is serious issue. Some PAPs have been using the well at host community. It is not problematic but the well at host community has become old and need to be repaired. => TSMC considers to repair it. - There were PAPs who made a noise until late at night. People at host community complained and discussed with the PAPs. Afterward, PAPs stopped noise. - There was funeral at resettlement site. At that time people from host community also join to help the family. This kind of mutual support has been generated between two. - Host community has community leader (100-households heads) and community based organizations, such as funeral group and worker group. Group leaders are thinking to communicate with PAPs in order for both of people to live in safe and peace together. - For the way forward, people at host community stated that they will manage by themselves to integrate both communities. If some issues happens, they will consult village officer for arbitration. |

Source: JICA Expert Team

2.6 Implementation Schedule of IRP

Having mentioned above, IRP commenced with a consultation workshop in December 2013. On the basis of the output of the WS, promotion of income earning activities was chosen by PAPs as prioritized activity to be supported by IRP. Then, the series of technical support concerning restoration of livelihood has been conducted since January 2014. The initial stage of IRP implemented schedule and tentative schedule after June 2014 are presented in Table V-5.

In regard to IRP, from December 2013 to May 2014, the support focused on developing PAPs' individual technical skills in order for household head to obtain job opportunity. Then, from June 2014 onward, in parallel with individual technical support, the IRP support focused on community development for promoting collective activity at resettlement site at whole. The initial stage of IRP was, therefore, conducted for the capacity development at individual and community level to make the livelihood of PAPs sustainable.

Table V-5 Implemented Schedule of the Initial Stage of IRP

| Activity | 2013 | | 2014 | | | | | | 2015 | 2016 | 2017 |
|---|------|----|------|---|---|---|---|--------|------|------|------|
| | 11 | 12 | 1 | 2 | 3 | 4 | 5 | 6...12 | | | |
| Initial Stage of IRP | | | | | | | | | | | |
| 1 Arrangement of Relocation Site | | | | | | | | | | | |
| (1) Land grading at relocation site | ■ | | | | | | | | | | |
| (2) House construction | | ■ | ■ | | | | | | | | |
| (3) Water supply, drainage, solid waste management, electricity | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| 2 Institutional Arrangement | | | | | | | | | | | |
| (1) Establishment of IRPSC | | ■ | | | | | | | | | |
| (2) IRPSC regular meeting (monthly) | | ■ | ■ | | ■ | | | ■ | ■ | ■ | ■ |
| 3 Consultation Workshop | | | | | | | | | | | |
| (1) IRP participatory workshop | ■ | ■ | ■ | ■ | | | | ■ | ■ | ■ | ■ |
| (2) Community meeting with host community | | ■ | | | | | | ■ | ■ | ■ | ■ |
| 4 Income Restoration Support | | | | | | | | | | | |
| (1) Ordinary vocational training | | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| (2) Job arrangement in Southern District, Yangon area | | | | | | | | ■ | ■ | ■ | ■ |
| (3) Job arrangement in/around Thilawa SEZ | | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| (4) House account management training | | | | | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| 5 Community Development | | | | | | | | | | | |
| (1) Community development (social relocations, security, environmental management, water supply, etc) | | | | | | | | ■ | ■ | ■ | ■ |
| 6 Follow-up and Monitoring | | | | | | | | | | | |
| (1) Livelihood survey | | | | | ■ | | | | | | |
| (2) Internal and external monitoring | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |

Source: JICA Expert Team

Chapter 3 Assistance for Institutional Arrangement for IRP

3.1 Assistance for Organization of Income Restoration Program Implementation Committee (IRPIC)

In RWP, YRG was indicated as the overall responsible body of IRP. Under YRG, IRPIC was established in December 2013 to support for smooth implementation of IRP. In addition to GAD at YRG, IRPIC consisted of GAD at District and Township level, DHSHD, labor exchange office (Ministry of Labor, Employment and Social Security), representative of civil society (NGOs or PAPs) and other related organizations. TSMC was the cooperative body with YRG and IRPIC.

JICA Expert Team supported a series of IRPIC meetings in order to function IRPIC effectively. At the first meetings, objective and contents of IRP were carefully presented to IRPIC members since IRP was the first experience for GOM to implement. Moreover, understanding of importance of IRP and roles of IRPIC as well as each member in IRP activities was enhanced throughout meetings.

The main objective of IRPIC meetings was sharing of the progress of IRP activity and discussion on the issue to overcome. The summary of the meeting results is shown in Table V-6, and details are enclosed in Appendix V-3.

Table V-6 Summary of IRPIC Meeting Result

| Item | 1st Meeting | 2nd Meeting | 3rd Meeting | 4th Meeting |
|----------------------|---|---|---|---|
| Date and Time | 6 Dec 2013 13:30-15:00 | 23 Dec 2013 10:30-12:00 | 24 Jan 2014 15:30-17:00 | 24 Mar 2014 15:30-17:00 |
| Participant (No.) | -IRPIC (14) -Related Ministries with vocational training (5) -TSMC(2) -JICA Expert Team(3) In total 24 | -IRPIC (11) -TSMC (2) -JICA Expert Team (6) In total 19 | -IRPIC (14) -Related Ministries with IRP (10) -TSMC(2) -JICA Expert Team (3) In total 29 | -IRPIC (14) -Related Ministries with IRP (8) -TSMC(1) -JICA Expert Team (2) In total 25 |
| Venue | TSMC Temporary Office | TSMC Temporary Office | TSMC Temporary Office | TSMC Temporary Office |
| Agenda of meeting | 1. Introduction of Income Restoration Program (IRP) 2. Responsibility and Role of IRP Implementation Committee (IRPIC) 3. Schedule of IRP | 1. Progress of activity: Result of 1st Consultation WS 2. Grievance redress mechanism 3. Concept of internal monitoring 4. Issues to be overcome 5. Scheduled IRP | 1. Progress of activity: Result of 2 nd and 3 rd Consultation WS/ progress of vocational training/ progress of job-matching 2. Issues to be overcome 3. Schedule of IRP | 1. Progress of job matching activity 2. Progress of vocational training Result of livelihood interview 3. Seminar on Resettlement works in Thilawa SEZ area 4. Next step- Future schedule |

| Item | 1st Meeting | 2nd Meeting | 3rd Meeting | 4th Meeting |
|--------|--|--|--|---|
| Result | <ul style="list-style-type: none"> - The background and concept of IRP was shared - IRP consultation WS was scheduled to 11/Dec/2013 - IRPIC meeting was decided to be held monthly | <ul style="list-style-type: none"> - The result of 1st and 2nd IRP WS was shared - The third IRP Consultation WS was scheduled to the beginning of Jan 2014. - The third IRPIC meeting was scheduled to Jan 2014 - hand-pump well 1 at resettlement site was discussed | <ul style="list-style-type: none"> - The result of 3rd IRP WS was shared - The progress of vocational training was reported by training implementing organization - Three officers from YRG were introduced as monitoring assistants - Issues to be overcome was discussed; difficulty of job arrangement support was mainly discussed | <ul style="list-style-type: none"> - The progress of IRP activity was shared - The issues to be overcome were discussed; (1) water at the resettlement site, (2) follow-up activities of vocational training, (3) squatters around the resettlement site, (4) motivation of PAPs toward working |

Source: JICA Expert Team

IRPIC members as of June 2014 are listed in Table V-7.

Table V-7 IRPIC Member List

| No. | Title in IRPIC | Ministry | Position in Ministry |
|-----|---|--|---|
| 1 | Chairperson of IRPIC | GAD in YRG (MOHA) | Director of GAD |
| 2 | Secretary Member of IRPIC | GAD in Southern District (MOHA) | Deputy Commissioner of GAD |
| 3 | Team Leaders of IRPIC | GAD in Thanlyin Township (MOHA) | Township Administrator |
| 4 | | GAD in Kyauktan Township (MOHA) | Township Administrator |
| 5 | Representatives from National Planning | Department of National Planning, Thanlyin Township, MNPD | Staff Officer |
| 6 | | Department of National Planning, Kyauktan Township, MNPD | Staff Officer |
| 7 | Representatives from Ministry of Labor | Southern District (Thankyin Township), MOL | Staff Officer |
| 8 | | Southern District (kyauktan Township), MOL | Staff Officer |
| 9 | Representatives from Ministry of Construction | MOC | Chief Engineer (Thanlyin) |
| 10 | Representatives of Villages | None | Community Leader, 100-households heads at the resettlement site |
| 11 | | None | Community Leader, 10 household heads at the resettlement site |
| 12 | Representatives from respective training center | MOC (Cooperative) | Assistant Director |
| 13 | | Thuwanna Training Center (MOC) | Engineer |

Source: JICA Expert Team

3.2 Assistance for Facilitation of Involvement of Resettled People into IRPIC

Participation of PAPs was crucial for making IRP successful in the process for implementing IRP. In addition, it helped PAPs generate a sense of ownership and initiative toward IRP activity. Thus, JICA Expert Team supported to involve the representative of PAPs in the IRPIC as members in order to assure the participation of PAPs in IRP. This allowed PAPs to participate in decision-making process of IRP activities.

In the 1st IRP Workshop held on 11 Dec 2013, 2 PAPs were selected by participants PAPs as the representatives of PAPs. In the IRPIC meeting, those 2 representatives of PAPs raised issues facing

PAPs to discuss the solution among IRPIC members, and shared all information on IRP. Figure V-4 shows the image of the IRPIC members which compose the IRPIC regular meeting.



Source: JICA Expert Team



Source: JICA Expert Team

Figure V-4 Members of IRPIC Regular Meeting

Photo V-5 1st IRP Workshop

Chapter 4 Livelihood Condition of Resettled Peoples

4.1 Survey Methodology of Livelihood Condition Before/ Current Relocation

In March 2014, JICA Expert Team carried out the livelihood survey with PAPs. Since the objective of IRP is to restore/improve the living condition of PAPs up to the level before relocation, this survey helps assess the living conditions before/ after relocation. Table V-8 summarizes survey contents.

Table V-8 Contents of Livelihood Condition Survey

| No. | Category | Contents |
|-----|---------------|---|
| 1 | Survey Period | From 10 to 23 March 2014 |
| 2 | Survey Item | i) Number of PAPs participated in income generation activity ii) Housing and infrastructure condition at living place iii) Social infrastructure around living place iv) Natural environmental condition, etc. |
| 3 | Methodology | Indusial semi-structured interview at each PAH |
| 4 | Target | 42 PAHs lived in the resettlement site as of 23 March 2014 |
| 5 | Surveyor | JICA Expert Team |

Source: JICA Expert Team



Source: JICA Expert Team

Photo V-6 Livelihood Condition Survey

4.2 Survey Results of Livelihood Condition Before/Current Relocation

(1) Condition of Income Generating Activities (Household Head)

Participation income generating activities of household head is shown in Table V-9. As of the end of May 2014, 6 households still sought job opportunities.

Table V-9 Condition of Income Generating Activities (Household Head)

| Current Work Previous Work | Odd job work | Employee at factory / company | Small-scale business | Farming/Livestock grazing | No work | | Remarks |
|-------------------------------|--------------|-------------------------------|----------------------|---------------------------|---|---|---|
| | | | | | Retirement (pensioner, taken care of by family) | Looking for work (no family member works) | |
| Farming only (17 PAPs) | 4 | 2 | 1 | 2 | 4 | 4 | As for PAPs 'looking for work' (=4 PAPs), - 2 PAPs will apply for work in SEZ as security guard - 1 PAP has health problem and will work if recovered - 1 PAP lacks motivation to work |
| Farming + other job (6 PAPs) | 2 | 1 | 1 | - | - | 2 | As for PAP 'looking for work' (=2 PAPs), - 1 PAP will work in Class A but still thinking. (=> He has some idea to open grocery shop at resettlement site) - 1 PAP is considering to work in Class A as security for 4 young children (Wife was dead in Nov2013) |
| Odd Job Work (11 PAPs) | 10 | - | 1 | - | - | - | |
| Employee (4 PAPs) | - | 4 | - | - | - | - | |
| No work (4 PAPs) | - | 1 | - | - | 3 | - | |
| Total | 16 | 8 | 3 | 2 | 7 | 6 | |
| Grand Total | 42 | | | | | | |

Source: JICA Expert Team

(2) Conditions of Social Infrastructure before/after Relocation

1) Distance from living place to social infrastructure

Table V-10 shows the results of interview with PAPs about the distance from people's living place at present to clinic and school, compared to the one before relocation. Most of PAPs appreciated that medical and educational facilities became nearer than before relocation.

Table V-10 Distance from Living Place to Social Infrastructure

| | Nearer (PAHs) | Further (PAHs) | Same (PAHs) | No answer (PAHs) | Remarks |
|-------------------------------------|---------------|----------------|-------------|------------------|--|
| Distance to School | 19 | 0 | 6 | 17 | - All of PAPs(25PAPs) are waiting new semester before transferring to new school - 17 PAPs have 'no answer', who do not have children at home |
| Distance to medical clinic/hospital | 25 | 0 | 16 | 1 | - 25 PAPs find nearer and appreciate that they can call doctor by phone. - 1 Healthy PAP has 'no answer'. |

Source: JICA Expert Team

2) Quality of social infrastructure

As Table V-11 presents, PAPs found the quality of medical and educational facilities were improved compared to the condition before relocation.

Table V-11 Quality of Social Infrastructure

| | Better (PAHs) | Worse (PAHs) | Same (PAHs) | No answer (PAHs) | Remarks |
|------------------------------------|---------------|--------------|-------------|------------------|---|
| Quality of School | 24 | 0 | 1 | 17 | - 17PAPs, who do not have children at home, don't have answer. |
| Quality of medical clinic/hospital | 25 | 0 | 16 | 1 | - 25 PAPs find clinic is nearer and they can call doctor by phone more easily than before. - 1 healthy PAP does not have answer. |

Source: JICA Expert Team

3) Types of disease

In 3 to 4 months after relocation, the tendency of disease was surveyed. The result of survey in Table V-12 shows that the influence of relocation did not cause disease.

Table V-12 Types of Disease

| Type of disease | Before relocation (PAHs) | After relocation (PAHs) | Remarks |
|-----------------------|--------------------------|-------------------------|--|
| Diarrhea | 0 | 1 | |
| TB | 0 | 1 | The condition is getting better now (as of 11 Apr. 2014). |
| Gastric | 2 | 1 | It's not so frequent, but sometimes it happens. |
| Chickenpox | 0 | 1 | It's better now. |
| Heart Problem | 3 | 1 | 1 PAP (household head) has had a heart problem since 2011. |
| Hypertension | 2 | 0 | |
| Asthma | 2 | 0 | |
| Serious pain in waist | 1 | 0 | |
| Healthy | 32 | 37 | |

Source: JICA Expert Team

(3) Conditions of Living Environment before/ after Relocation

1) Housing and living infrastructure

Table V-13 shows how PAPs viewed the current housing and infrastructure condition at resettlement site, compared to the one before relocation. On the one hand, people feel the condition is better in housing, electricity supply, drainage and septic tank system; on the other hand, some people raised the issue of inconvenience in road and water supply (well) condition. In reply to the water issue, GOM constructed 4 new tube wells. As of the end of June 2014, in total 8 wells were functioning.

Table V-13 Housing and Living Infrastructure

| Infrastructure | Better (PAHs) | Worse (PAHs) | Same (PAHs) | Remarks |
|-----------------|---------------|--------------|-------------|--|
| House Condition | 42 | 0 | 0 | - All PAPs find house condition is better than before - PAPs are pleased and proud of new house constructed and designed by themselves |
| Road Condition | 31 | 10 | 1 | - 10 PAPs answered 'worse'. Not because of the comparison in original living place but they find the road is narrow at resettlement site. (In reality, they did not have any road at original living place.) |
| Electricity | 42 | | 0 | - All PAPs appreciated. |
| Water Supply | 6 | 6 | 30 | - 6 PAPs mention water is more difficult to get in summer than before. |
| Drainage | 42 | 0 | 0 | - All PAPs appreciated because they didn't have drainage system in the previous place although they worry for rainy season. |

| Infrastructure | Better (PAHs) | Worse (PAHs) | Same (PAHs) | Remarks |
|----------------|---------------|--------------|-------------|--|
| Septic-tank | 42 | 0 | 0 | - All PAPs appreciated because they didn't have such kind of septic tank before although they don't know how to manage, yet. |

Source: JICA Expert Team

2) Fuel source and solid waste management

As Table V-14 presents, while most of PAHs relied on fire wood before relocation, PAHs shifted to use electric coil and charcoal after relocation. While the workload of women was reduced, PAPs needed to manage the payment for electricity. In that sense, the life style of PAPs changed because of the relocation.

In terms of solid waste management, in the previous living place, PAPs tended to throw trash away around the house, or burn it near the house. At the resettlement site, PAPs were conscious to throw the rubbish to dumping place constructed in resettlement site.

Table V-14 Fuel Source and Solid Waste Management

| Fuel source | Before relocation (PAHs) | After relocation (PAHs) | Remarks |
|--------------------------------|--------------------------|-------------------------|--|
| Charcoal | 0 | 2 | |
| firewood | 40 | 7 | |
| electric coil | 0 | 19 | |
| Both Firewood and Electric | 0 | 13 | |
| Both Firewood and Charcoal | 2 | 1 | |
| Waste management (solid waste) | Before relocation (PAHs) | After relocation (PAHs) | Remarks |
| Burning | 40 | 1 | |
| Bury in soil | 0 | 0 | |
| Use at dumping place | 0 | 36 | In reply to the solid waste issues, dumping place (waste pit) was constructed at resettlement site by GOM in Mar 2014. |
| No Answer | 2 | 3 | |
| Throw away carelessly | 0 | 2 | |

Source: JICA Expert Team

3) Noise issue

31 PAHs found that the current condition increased noise as Table V-15 indicates. Some PAPs made noise by TV, music and karaoke at the resettlement site, which PAPs did not experienced in the previous living place. Some PAPs mentioned that PAPs needed to get used to the new living environment (i.e. distance between houses became close). Establishing an administrative rule/regulation was considered as necessary in case the problem of noise continuously disturbs other PAPs.

Table V-15 Noise Issue

| Better (PAHs) | Worse (PAHs) | Same (PAHs) | No answer (PAHs) | Remarks |
|---------------|--------------|-------------|------------------|--|
| 0 | 31 | 11 | 0 | 31 PAPs who answered 'Worse' find noisier at resettlement site, as they used to live in open space in original living place. They also maintained that they are getting used to it day by day. |

Source: JICA Expert Team

4) House asset purchased after relocation

Assets newly purchased by PAPs are shown in Table V-16. In particular, PAPs purchased the electric assets due to the electricity supply at resettlement site.

Table V-16 House Asset Purchased after Relocation

| | | | | | | | No. of PAHs |
|----|--------|--------|---------------|-------------|----------|-------------|-------------|
| TV | Stereo | Fridge | Electric coil | Rice Cooker | Cupboard | Motor-cycle | Fan |
| 19 | 19 | 5 | 29 | 8 | 14 | 3 | 1 |

Source: JICA Expert Team

5) Social network within family, with neighbors, and at community

Table V-17 presents the current condition on the relationships within family, neighbors, and in community, compared to the one before relocation.

[Relationships within family members]

13 PAHs out of 42 PAHs answered that relationships within family member got closer and strengthened than before relocation. As a reason, PAPs stated that whilst house was bigger and spacious, other member came to easily visit and stay overnight. Other PAPs also maintained that after the house was newly constructed, relatives who hardly visited before has tended to come over to have tea and talks, while feeling at home.

[Relationships with neighbors]

29 PAHs out of 42 PAHs answered that communication with neighbors has been increased, compared to before relocation. Since PAPs relatively lived in distance with neighbors at previous living place, many PAPs have had the first experience to live closely with neighbors. In that context, PAPs have started socialization with neighbors through having tea, taking care of children together, help with each other at weddings/ funerals and karaoke.

[Network at community level]

As the table below indicates, only a few PAPs have a consciousness of ‘community network’ at present. For the near future, collective activity, such as the management of solid waste, water supply system, natural resources, and disaster prevention, will need to be considered at community level in order to develop the community. Therefore, the support for strengthening the social network needs to be considered for the next step.

Table V-17 Social Network within Family, with Neighbors and at Community

| Relationship | Closer (PAHs) | Further (PAHs) | Same (PAHs) | Other (has idea for future) (PAHs) | No Answer (PAHs) | Remarks |
|----------------------------|---------------|----------------|-------------|------------------------------------|------------------|--|
| Relationship with family | 13 | 0 | 29 | 0 | 0 | 13 PAPs appreciate closer relationships at resettlement site than at original living place in Phase 1/ Zone A |
| Relationship with neighbor | 29 | 0 | 13 | 0 | 0 | 29 PAPs have started new relationship with neighbors (having tea, helping housekeeping/wedding, taking care of children, etc). It is the first experience for most of 29 PAPs above in socializing, as they did not have neighbors before. |
| Relationship in the | 2 | 1 | | 3 | 36 | 3 PAPs have idea to make groups such as religious group and fire protection group. |

| Relationship | Closer (PAHs) | Further (PAHs) | Same (PAHs) | Other (has idea for future) (PAHs) | No Answer (PAHs) | Remarks |
|--------------|---------------|----------------|-------------|------------------------------------|------------------|--|
| community | | | | | | 36 PAPs find there is not collective activity/ relationship at resettlement site yet. 1 PAP who answered 'further' expects good relationship in the community at whole. |

Source: JICA Expert Team

PART VI FEEDBACK AND INFORMATION SHARING

Chapter 1 Holding Seminar for Sharing Experiences of Resettlement Works for Phase 1/ Zone A of Thilawa SEZ

1.1 Objectives

Since the various resettlement works and activities for Phase 1/ Zone A of Thilawa SEZ had been undertaken, it was proposed to have an opportunity to disseminate the experiences on the resettlement works and its progress for Phase 1/ Zone A to the relating organizations, donor agencies and other stakeholders. In this connection, JICA Expert Team supported TSMC to have a seminar to disseminate experiences and exchange opinions on relocation and resettlement works.

The two main objectives of the seminar were:

- To share experiences on resettlement activities at Phase 1/ Zone A of Thilawa SEZ, and
- To share challenges of IRP at Phase 1/ Zone A of Thilawa SEZ

1.2 Agenda

In line with TSMC's moderator, the seminar consisted of the following six components:

- 1) Welcome remarks by H.E. U Soe Min, Minister of Agriculture and Irrigation of YRG
- 2) Opening remarks by U Set Aung, Chairperson of TSMC
- 3) First presentation: Summary of the Technical Assistance for Resettlement Activities at Phase 1 of Thilawa SEZ by Mr. Toshiyuki Ujiie, JICA Expert Team.
- 4) Second presentation: Introduction of Resettlement Activities at Phase 1 of Thilawa SEZ by U Set Aung.
- 5) Third presentation: Challenges for Income Restoration of the Resettled Peoples by Dr. Than Than Thwe, Joint Secretary of TSMC.
- 6) A question and answer/exchange of experiences session.



Source: JICA Expert Team

Photo VI-1 Opening Remarks

1.3 Summary of Seminar

The half-day seminar: Seminar on Sharing Experiences of Resettlement Works at Phase 1/ Zone A of Thilawa SEZ was held in the afternoon between 12:30 and 16:30 on 14 March 2014 at International Business Center in Yangon.

For having a high level structure for planning and executing a successful seminar, JICA Expert Team facilitated the seminar process. The seminar preparation included setting up venue, preparing handouts, visual aids, signage, displays, and registration as well as developing the seminar agenda.

Prior to the event, TSMC sent invitation cards to invitees who were not only government officials but also personnel from donor agencies and international organizations, NGOs and CSOs, local environmental consultants, developer, and media that situate their offices in Yangon. The turnout totaled 73 persons including:

- Government agencies: YRG, TSMC, MOC, Ministry of Environmental Conservation and Forestry (MOECAF), Dawei SEZ Management Committee, and Kaynk Phyu SEZ Management Committee
- Donor or International agencies: JICA, ADB, and United Nations Development Programme (UNDP)
- NGOs and CSOs: Social Clarity, Myanmar Center for Responsible Business
- Media: MRTV News, MRTV4, Myanmar News Agency
- Local Environmental Consultants: Resource & Environment in Myanmar Co. Ltd., E-Guard
- Others: Myanmar Japan Thilawa Development Ltd.

As mentioned in the agenda above, opening speeches were delivered by U Soe Min and U Set Aung, and three presentations were given.

At first, Mr. Toshiyuki Ujiie, the leader of JICA Expert Team, presented the main JICA T/A activities implemented for the Phase 1/ Zone A of Thilawa SEZ. The main points were:

- 1) Analysis of legal and institutional framework for resettlement works: gap analysis between JICA Guidelines and Myanmar laws and regulations on land acquisition and resettlement.
- 2) Assistance for preparing and implementing RWP for Phase 1/ Zone A including a survey methodology, and assistance package.
- 3) Assistance for launching IRP.

Secondly, U Set Aung acquainted the participants with issues and challenges in social aspects of the resettlement practice in Phase 1/ Zone A of Thilawa SEZ. The presentation reminded the audience:

- 1) Although it is not a perfect project, it is the very first one in the entire country to conduct proper RWP systematically according to international practices, and
- 2) TSMC has acted as a main coordinator to implement relocation and resettlement activities which were done peacefully, and consideration for the livelihood support still continues.



Source: JICA Expert Team

Photo VI -2 Question and Answer/Exchange of Experience Session

The last presentation by Dr. Than Than Thwe addressed matters on IRP: Challenges for Income Restoration of the Resettled Peoples. Her lecture shared information on: 1) what is the IRP and its

approach, 2) current IRP activities and its progress, and 3) the findings from IRP program and lessons learned in strengthening practice according to international practice.

The time after the presentations was allocated for feedback and suggestion on matters for the future, and the way forward to implement the effective and practical land acquisition and IRP. All three presenters were on the stage to answer and respond to all questions and comments.

Three participants from NGOs and CBOs: two from Myanmar Center for Responsible Business (MCRB), and one from Social Clarity raised questions particularly on current living conditions of PAPs at the resettlement site and findings from their visits to the resettlement site. A participant from DHSHD shared experiences from resettlement programs in the last 20 years that she engaged in. Seminar proceedings show all questions raised during the session (see Appendix VI-1).

Chapter 2 Other Information Sharing Activities

2.1 Introduction of Experiences for Thilawa SEZ at ADB Seminar

Before the above seminar, TSMC presented the resettlement works that TSMC had tackled according to the international practices in a seminar held by other organizations in order to disseminate their experiences.

The participated seminar was a national seminar on Myanmar's Country Safeguard System: Environmental and Social Safeguards Awareness Seminar hosted by ADB and MOECAAF on 10 and 11 February, 2014 at Nay Phi Taw. The primary objective of the seminar was to raise awareness about environmental and social safeguards in Myanmar. To move forward toward the aim, the seminar particularly focused on Myanmar's progress with establishing country system on environmental and social safeguard policies. It included sharing information on international approaches, standards, its capacity development strategies in Myanmar and lessons as well as suggestions from case studies from other countries in Asia in formulating policies, strategic frameworks and action plans. More than 90 delegates including senior government officials, and representatives from NGOs as well as development agencies including ADB, the International Finance Corporation, JICA and WB participated in the seminar.

Three TSMC representatives: U Set Aung, Dr. Than Than Thwe and Daw Mie Mie Aung, participated in the seminar. On the first day of the seminar, U Set Aung as the principle representative of TSMC delivered his presentation on International Standard Resettlement Practice for Thilawa SEZ Project. Along with informative presentation slides in which JICA Expert Team contributed materials, U Set Aung illustrated the Thilawa SEZ; the very first project in the country had implemented resettlement and relocation activities for PAPs in practice according to international practices. In contrast to other presentations with theory and similar case study from neighboring countries, the presentation showed how the very first resettlement and relocation project in the country according to international practices had been implementing activities.

2.2 Information Disclosure at Thilawa SEZ Management Committee Website

TSMC has set up and commenced their website <http://myanmarthilawa.com/> since March 2014 to share information with the public for better communication among stakeholders. The website strengthens to inform a variety of information regarding Thilawa SEZ to public in a timely manner which allows for earlier proactive information disclosure and responding to requests on a timely basis. The website includes information and lessons learned as indicated in the following list:

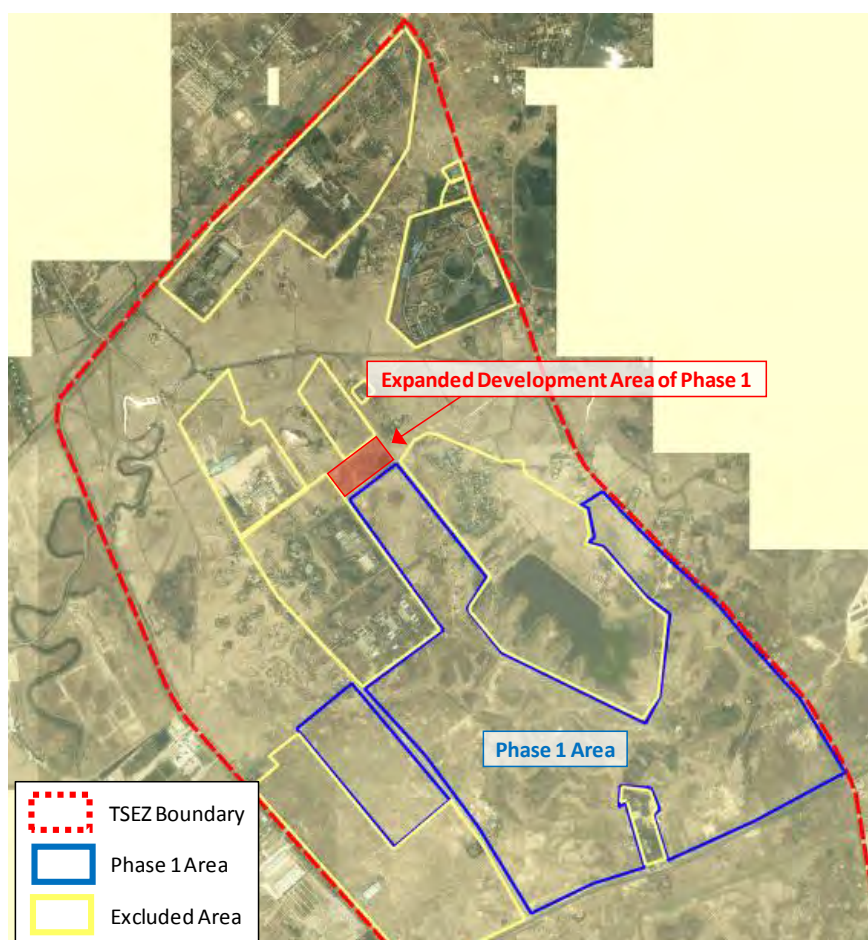
- 1) The latest news of Thilawa SEZ
- 2) About TSMC and Myanmar Private Consortium
- 3) Information and news regarding PAPs including archive information on consultation meetings with PAPs, current grievance raised by PAPs, differences from other projects in Myanmar, difficult issues for negotiation, long-term livelihood support, relocation and resettlement, and resettlement site.
- 4) Downloadable information: EIAs, RWPs, and Myanmar SEZ Law.

PART VII CASE STUDY ON PREPARATION OF SUPPLEMENTAL RESETTLEMENT WORK PLAN FOR EXPANSION AREA OF PHASE 1/ ZONE A

Chapter 1 Outline of Assistance by JICA Expert Team

1.1 Outline of the Expansion Area

Following development of Phase 1/ Zone A since November 2013, TSMC planned to develop approximately 9 ha area of the land adjoining to Phase 1/ Zone A area from the viewpoints of: i) less socio-economic and relocation impacts, and ii) advantageous in topographic conditions. Since the target area of 9 ha was continuously developed and adjoined to Phase 1/ Zone A, the area was planned to be developed as the expansion of the Phase 1/ Zone A area. Based on the land use plan of 9 ha area (the Expansion Area), the RWP of Phase 1/ Zone A was amended by reflecting impact due to development of the Expansion Area. The amended RWP was prepared as a supplemental document to the original RWP and JICA Expert Team provided technical support to prepare this supplemental RWP including its implementation. The location of the Expansion Area is shown in Figure VII-1.

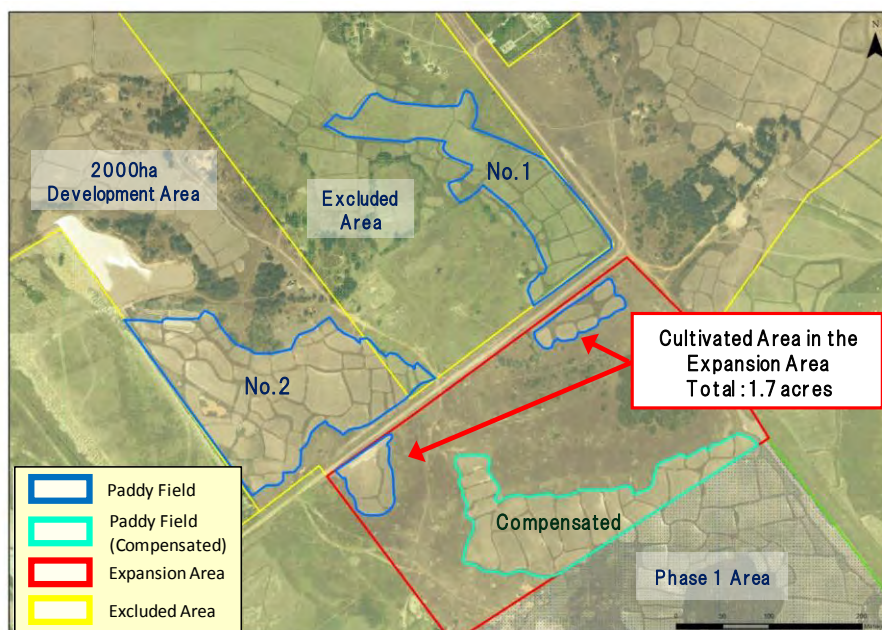


Source: Resettlement Work Plan (RWP) for the Expanded Development Area of Phase 1/ Zone A of Thilawa SEZ (Jan. 2016)

Figure VII-1 Location of the Expansion Area

1.2 Resettlement Scope

In the Expansion Area, there were three separate areas currently used as the monsoon paddy, but there were no structures for living. Although relocation was not needed, income source was expected to be affected to some degree though it might be limited. Loss of income source at the remaining cultivating areas would be assisted when the concerned areas are to be developed.



Source: RWP for the Expanded Development Area of Phase 1/ Zone A of Thilawa SEZ (Jan. 2016)

Figure VII-2 Location of the Affected Area in the Expansion Area

Among three separate areas, assistance for loss of income source from one area was already provided at the time of Phase 1/ Zone A development. This time, only two areas were affected due to development of the Expansion Area as shown in Figure VII-2 and Table VII-1.

Table VII-1 Scope of Cultivated Areas in the Expansion Area

| Paddy Field No. | Location | |
|-----------------|----------------|---|
| | Expansion Area | 2000ha Development Area |
| No.1 | ✓ | |
| No.2 | ✓ | To be assisted in the development of 2,000 ha |
| Total | 1.3 (acres) | - |

Source: RWP for the Expanded Development Area of Phase 1/ Zone A of Thilawa SEZ (Jan. 2016)

1.3 Contents of Assistance by JICA Expert Team

In the works of implementing relocation in the Expansion Area, JICA Expert Team provided technical assistance to prepare the supplemental RWP including consultation with PAHs. For preparing the supplemental RWP, JICA Expert Team provided assistance to review and compile collected data through DMS, examining assistance package based on the DMS results and Phase 1/ Zone A experiences, holding consultation meeting, information disclosure etc. As for individual negotiation, JICA Expert Team provided assistance on calculation of assistance amount based on the DMS results and preparing supplemental documents for negotiation and agreement.

Chapter 2 Assistance for Preparation of RWP

2.1 Socio-Economic Profile of Project Affected Households

(1) Profile of Project Affected Households

DMS was conducted at the time of preparation of the Framework for the 2000ha Development Area, and the results of this DMS were used for preparing the RWP for the Expansion Area. Profiles of PAHs identified through DMS are shown in Table VII-2.

Table VII-2 Outline of PAHs in the Expansion Area

| No. of HHs | No. of People | No. of Worker | Ethnicity | Religion | Daily Language | Education level |
|------------|---------------|---------------|-----------|----------|----------------|---------------------|
| 2 | 7 | 4 | Burmese | Buddhist | Myanmar | Secondary Education |

Source: RWP for the Expanded Development Area of Phase 1/ Zone A of Thilawa SEZ (Jan. 2016)

(2) Inventory of Assets of PAHs

Table VII-3 shows the number and amount of major asset of PAHs.

Table VII-3 Major Asset of PAHs in the Expansion Area

| Cultivated Paddy Area (Acre) | Yield Amount of Paddy (basket) |
|------------------------------|--------------------------------|
| 1.3 | 77 |

Note: The above area is limited to the area located inside 9 ha expansion area.

Source: RWP for the Expanded Development Area of Phase 1/ Zone A of Thilawa SEZ (Jan. 2016)

(3) Vulnerable Households

According to the definition in the original RWP of Phase 1/ Zone A¹, one household was classified as a vulnerable household since the household head is elderly (over 61 years old).

2.2 Assistance for Consideration of Assistance Package

(1) Eligibility of Assistance Package

PAHs confirmed their habitation or income generation activities in the Expansion Area on the day of the Cut-off Date² are eligible according to Phase 1/ Zone A definition on eligibility, which is also applied for the Expansion Area since development of this area is a part of Phase 1/ Zone A. TSMC with support by JICA Expert Team reviewed the DMS results, and identified two affected households to be assisted.

(2) Assistance Package

Since it was confirmed that only paddy cultivation would be affected by the development of the Expansion Area, assistance was provided to affected crop cultivation, but one PAH classified as a

¹ A household headed by woman, disabled person or elderly person (over 61 years old), a household including a disabled person or a household below the poverty line is defined as the vulnerable group in the original RWP of the Phase 1/ Zone A.

² The Cut-off Date of 4 April 2014 was applied for the entire Thilawa SEZ (approximately 2,400ha), which includes the Expansion Area. So, the Cut-off Date of 4 April 2014 is also applied for development of the Expansion Area.

vulnerable household was provided with one-time cash assistance additionally according to the assistance policies established at the time of Phase 1/ Zone A development as shown in Table VII-4.

Table VII-4 Summary of Assistance Contents

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|-------------------------|--|---|--|--|
| Paddy Farmers | Income obtained from rice cultivated inside the expansion area | Those who obtain income from cultivating rice inside the expansion area | - Cash assistance for six (6) times yield amount in total in the current market price - Participate in IRP | Assistance amount is calculated based on yield amount recorded in SLRD or confirmed at DMS |
| Vulnerable Groups | All household headed by elderly (over 61 years old) is defined as vulnerable household | Elderly person and one support person in a family (total two persons) | - One-time cash assistance with equivalent to one big bag, about 50 kg. of rice per person - Participate in IRP | 50 kg of rice is based on calculation at about 15 kg of rice per person for 3 months |

Source: RWP for the Expanded Development Area of Phase 1/ Zone A of Thilawa SEZ (Jan. 2016)

(3) Grievance Redress Mechanism

Since development of the Expansion Area is a part of Phase 1/ Zone A, grievance redress related to development of the Expansion Area is handled under the framework of grievance redress mechanism of Phase 1/ Zone A.

(4) Income Restoration Program (IRP)

Since development of the Expansion Area is a part of Phase 1/ Zone A, if PAHs desire, PAHs are able to be join in the IRP activities on-going under Phase 1/ Zone A development.

(5) Monitoring

Since development of the Expansion Area is a part of Phase 1/ Zone A, internal and external monitoring is planned as a part of Phase 1/ Zone A development.

2.3 Assistance for Preparation of Draft RWP

The assistance package proposed based on Phase 1/ Zone A experience of relocation and resettlement including IRP and results of DMS were compiled in the draft RWP. The draft RWP was prepared in Myanmar language and English referring to the contents of the World Bank Safeguard Policy OP4.12, which were finalized through consultation meeting and disclosure. The final RWP is enclosed in Appendix VII-1.

Chapter 3 Assistance for Public Participation and Accountability

3.1 Public Consultation Meeting

TSMC held a consultation meeting with PAHs and other concerned parties. With cooperation from village administrator and 100-households heads, invitation letters were sent to two PAHs at one week prior to the meeting, and a notice to announce a consultation meeting was publicized three places in total in and around the Expansion Area (i.e. Thanlyin Township GAD office, Alunsut Village Tract Administration Office, and one place close to the Expansion Area). Table VII-5 summarizes the contents of public consultation meeting, and minutes of a meeting is enclosed in Appendix VII-1.

Table VII-5 Summary of Public Consultation Meeting

| Items | Contents | Remarks |
|---|--|-----------------|
| 1. Date and Time | 11 October 2015, 16:00 – 17:00 | |
| 2. Venue | TSMC (DUHD of MOC) temporary office | |
| 3. Participant | Project affected persons and other villagers | Total 6 persons |
| 4. Main participants from government | 1) Secretary of the Thilawa SEZ Management Committee 2) Joint Secretary, Thilawa SEZ Management Committee etc. | Total 6 persons |
| 5. Agenda | 1) Outline of expanded development area of Phase 1/ Zone A 2) Eligible households 3) Contents of assistance 4) Questions and Answers | |
| 6. Major comments from the participants | - Request for clarifying whether the contents of assistance package is same as the one for PAPs in the 2000ha Development Area - Request for clarifying the actual PAPs in the expansion area | |

Source: RWP for the Expanded Development Area of Phase 1 of Thilawa SEZ (Jan. 2016)

3.2 Disclosure of Resettlement Work Plan

In addition to the consultation meeting, the Draft RWP was disclosed at seven places in total at the surrounding area of the Expansion Area from 29 December 2015 to 5 January 2016 for asking public review. Seven disclosing places were: one place in the TSMC temporary office in Kyauktan township, one place in the office of DUHD of MOC in Yangon, one place in Administrative Office of Thanlyin township, one place in the administrative office of Alunsut Village Tract, three places in 100-households heads and others in Alunsut Village. The announcement of disclosure was placed at each disclosing place to inform disclosure and comment receiving, and a Village Administrator and 100-households heads also announced disclosing places and periods verbally to villagers.

There was at least one officer/person at each disclosing place for supporting review and recording comments. Villagers or interested people were able to provide their comments at each disclosed place verbally or on written forms. In case of providing comments verbally, responsible officers/persons recorded the provided comments in a comment form. No comments on the Draft RWP were sent from the public, and it was compiled as the Final RWP accordingly.

PART VIII CASE STUDY ON PREPARATION OF FRAMEWORK FOR RESETTLEMENT WORKS FOR THE 2000HA DEVELOPMENT AREA

Chapter 1 Outline of Assistance by JICA Expert Team

1.1 Outline of 2,000 ha Development

The development plan for the entire area of Thilawa SEZ is broadly separated into Phase 1/ Zone A and the 2000ha Development Area. The Phase 1/ Zone A started development since November 2013, and TSMC has proposed the land use of the 2000ha Development area by preparing the land use plan.

In the land use, the 2000ha Development Area of Thilawa SEZ is planned to be developed in incremental steps since the development area is too large to develop all at once. Corresponding to the steps, resettlement works are also planned as the number of PAHs is large. Hence, it is important to establish a coherent policy of assistance for the entire 2000ha Development Area, so that assistance will be provided to all PAHs fairly over different relocation and resettlement periods. Therefore, a framework for resettlement works for the 2000ha Development Area is proposed as a common policy to be applied for the 2000ha Development Area, with detailed assistance contents to be elaborated in each RWP which will be prepared for each relocation area.

The boundary of Thilawa SEZ was officially defined by the Cabinet, and was confirmed in the field from 7 to 23 May 2015 by the National Survey Team from the Survey Dept. of MOECA. Figure VIII-1 shows the 2000ha Development Area.

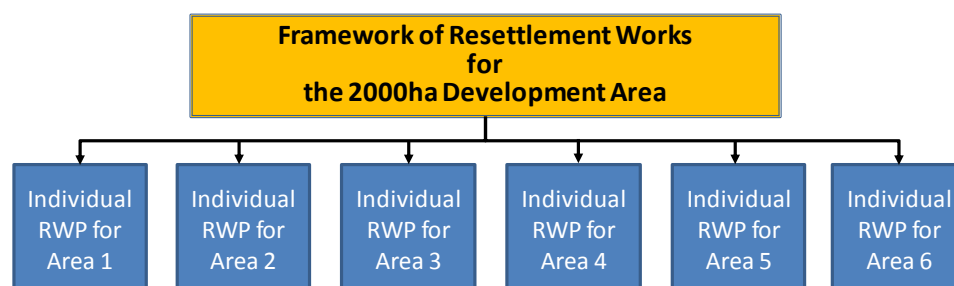


Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

Figure VIII-1 2000ha Development Area of Thilawa SEZ

1.2 Resettlement Scope

Figure VIII-2 summarizes the structure of preparing the Framework and individual RWPs, and Figure VIII-3 shows the provisional areas for resettlement works. Each area was delineated with TSMC according to the status of administrative procedure on land acquisition, the land use plan, and provisional development schedule.



Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

Figure VIII-2 Structure of Framework and Individual RWPs



Note: "Ex" stands for the excluded area.

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

Figure VIII-3 Provisional Areas for Resettlement Works¹

The provisional relocation scope at each relocation area in the 2000ha Development Area in terms of PAHs/ PAPs is summarized in Table VIII-1. Among 1,088 households in total, 995 households live inside the 2000ha Development Area, while 93 households live outside it but own economic activities such as cultivating farmland inside the 2000ha Development Area.

¹ The areas may be divided further in accordance with development schedule of the area etc. As of February 2016, Area 2 would be divided into Area 2-1, Area 2-2, Area 2-3 and Area 2-4 and also would Area 3 (i.e. Area 3-1 and Area 3-2) and Area 4 (i.e. Area 4-1 and Area 4-2).

Table VIII-1 Provisional Relocation Scope (as of 19 October 2015)

| Relocation Area | PAHs | | PAPs | |
|-----------------|-------------------------|--------------------------|-------------------------|--------------------------|
| | Living Inside 2000ha | Living Outside 2000ha | Living Inside 2000ha | Living Outside 2000ha |
| Area 1 | 588 | 12 | 2,247 | 33 |
| Area 2 | 217 | 23 | 823 | 98 |
| Area 3 | 30 | 6 | 131 | 42 |
| Area 4 | 12 | 15 | 39 | 67 |
| Area 5 | 52 | 13 | 202 | 75 |
| Area 6 | 96 | 24 | 387 | 118 |
| Total | 995 | 93 | 3,829 | 433 |

Note: Number of PAPs at one household is not available.

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

1.3 Contents of Assistance by JICA Expert Team

The Framework was prepared by identifying eligible households, conducting DMS to them, organizing consultation meetings, and information disclosure. Table VIII-2 shows the contents of technical assistance provided by the JICA Expert Team in the process of preparing the Framework.

Table VIII-2 Contents of Assistance Provided by JICA Expert Team

| Work Procedure | Contents of Technical Assistance |
|---|--|
| Consideration of concept of the Framework for the 2000ha Development Area | <ul style="list-style-type: none"> - Examining how to divide the relocation area - Marshaling the approach to prepare the resettlement work plans |
| Fixing the boundary of Thilawa SEZ | <ul style="list-style-type: none"> - Preparing the map based on the results of field survey by the National Survey Team from the Survey Dept. of MOECAP |
| Identifying Eligible Households | <ul style="list-style-type: none"> - Setting criteria to define eligible households and definition of structures - Methodology to confirm eligible households using criteria - Facilitating to organize meetings to confirm eligible households including preparing necessary materials |
| Conducting DMS | <ul style="list-style-type: none"> - Reviewing the results of previous survey conducted up to April 2013 - Revising the questionnaire forms based on the experience of Phase 1/ Zone A - Facilitating, conducting and supervising DMS at the field - Checking the survey results |
| Preparing the Framework for 2000ha Development Area | <ul style="list-style-type: none"> - Reviewing DMS results - Examining assistance policy based on Phase 1 experience - Preparing the assistance policy in the report form |
| Organizing Consultation Meetings | <ul style="list-style-type: none"> - Examine contents to be explained to PAHs - Preparing handouts and presentation materials - Logistic arrangement |
| Information Disclosure | <ul style="list-style-type: none"> - Preparing the list of draft eligible households - Arranging for disclosing the list of eligible households and the Draft Framework for Resettlement Works |

Source: JICA Expert Team

Chapter 2 Assistance for Supplemental Socio-Economic Survey (Detailed Measurement Survey: DMS)

2.1 Criteria of Eligibility for Assistance Package

Since YRG declared 4 April 2013 as the COD for the entire Thilawa SEZ (approximately 2,400 ha), the COD was regarded as the criteria to fix eligibility of households to be assisted by the assistant package based on the idea applied for the Phase 1/ Zone A relocation and resettlement. Based on criteria of eligibility for Phase 1/ Zone A development, it was considered that households satisfying the following conditions were the eligible household for the assistant package on development of the 2000ha Development Area:

- (1) Living inside the 2000ha Development Area on the day of COD
- (2) Households occupying some area inside the 2000ha Development Area on the day of COD by doing income generation activities or holding structures though living outside the 2000 ha Development Area

2.2 Method and Procedure of Eligibility Confirmation

Due to complexity of surveyed households, DMS target households were not necessarily regarded as eligible households for compensation and assistance. Firstly, preliminary survey was conducted for all households in the 2000ha Development Area to confirm the currently living conditions and use of lands inside the 2000ha Development Area. Then, eligible households were screened with the criteria of the COD. Those who were surveyed in April 2013 were tentatively regarded as eligible, and finalized and disclosed on lists of eligible households. As for those who were not surveyed in April 2013, they were checked for several types of evidence. In case households were regarded as living or doing economic activities at the time of the COD through village meeting on eligible confirmation or disclosing the list of eligible households, they were regarded as eligible and conducted DMS.

It was observed during evidence confirmation that evidence mentioned in Figure VIII-4 did not fully cover eligible households. Thus, eligibility confirmation was taken with concerned parties in 9 steps that are summarized in Table VIII-3. The work flow of evidence confirmation, eligibility confirmation and DMS is summarized in Figure VIII-4 in Section 2.6.

Table VIII-3 Steps Taken for Eligibility Confirmation

| Step | Confirmation Method |
|----------|--|
| 1st Step | - Checked listed or not-listed households in previous surveys in 2013 for conducting DMS |
| 2nd Step | - Prepared the eligible household list for disclosure based on DMS results by categorizing surveyed households into sure-eligible and not-sure eligible |
| 3rd Step | - Disclosed eligible list started from 7 March 2015 and set approximately 1 month of comment hearing period |
| 4th Step | - Visited TSMC and village administrators each village from 11 March 2015 to 9 April 2015 to discuss with not-sure eligible households for their eligibility and other interest households |
| 5th Step | - Confirmed with TSDG about eligible households from 21 May 2015 to 22 July 2015 by comparing the eligible household list prepared by TSDG based on their survey conducted in April 2013 |
| 6th Step | - Updating the eligible list based on discussion results during comment public hearing and TSDG - Visiting each village to hear comments of villages to the disclosed eligible list |
| 7th Step | - Disclosing updated eligible list at the time of the third consultation meeting |
| 8th Step | - Conduct additional field check and DMS if necessary |
| 9th Step | - Finalize the eligible household list |

Source: JICA Expert Team

Up to the 3rd eligibility confirmation step, households conducted DMS in Thanlyin township were classified into 665 sure-eligible households² and 118 not-sure eligible households. In Kyauktan township, surveyed households were classified into 367 sure-eligible households and 133 not-eligible households.

As for not-sure households, TSMC and village administrators held a meeting calling concerned households to discuss their eligibility as the 4th step of eligibility confirmation according to the schedule shown in Table VIII-4.

Table VIII-4 Schedule of Eligibility Confirmation Discussion (4th Step)

| No. | Date | Village • Ward/Township | No. of Households Discussed |
|-------|--------------|-------------------------|-----------------------------|
| 1 | 11 Mar. 2015 | ALS, Thanlyin | 50 |
| 2 | 12 Mar. 2015 | ALS, Thanlyin | 35 |
| 3 | 13 Mar. 2015 | ALS, Thanlyin | 16 |
| 4 | 17 Mar. 2015 | BYG, Thanlyin | 26 |
| 5 | 20 Mar. 2015 | SPTY, Kyauktan | 19 |
| 6 | 24 Mar. 2015 | SPTY, Kyauktan | 12 |
| 7 | 25 Mar. 2015 | AMTD, Kyauktan | 40 |
| 8 | 26 Mar. 2015 | AMTD, Kyauktan | 25 |
| 9 | 1 Apr. 2015 | TDM, Kyauktan | 8 |
| 10 | 6 Apr. 2015 | SP, Kyauktan | 36 |
| 11 | 9 Apr. 2015 | LYS, Thanlyin | 4 |
| Total | | | 271* |

Note:

- Households not listed in not-sure list came for discussion. Thus, number of households discussed is larger than total number of households listed as not-sure.
- ALS stands for Alwunsut village, BYG stands for Bayar Gone village, SPTY stands for Shwe Pyi Thar Yar village, AMTD stands for Aye Mya Thidar village, TDM stands for Thidar Myaing village, SP stands for Shwe Pyauk village, LYS stands for Lay Yar San village.

Source: JICA Expert Team

² Sure-household means their eligibility was confirmed with all concerned parties. Not sure-eligible household means their eligibility was not confirmed, but there was not clear evidence to decide not eligible.

After completion of the 4th step of eligibility confirmation, the 5th step confirmation was started with TSDG from 21 May 2015 until 22 July 2015. In this confirmation session, TSMC and TSDG checked the list of eligible households prepared by each side, and households listed only one side's list were confirmed their eligibility among concerned household, TSMC, village administrators and TSDG by visiting each village. Total 611 households came in this confirmation session as shown in Table VIII-5.

In addition, many people not categorized either sure-eligible or not-sure eligible in the disclosed eligible list came and explained their eligibility during comment hearing period. These people were also confirmed their eligibility during this confirmation session with TSMC, concerned village administrators and TSDG.

Table VIII-5 Schedule of Eligibility Confirmation Discussion with TSDG (5th Step)

| No | Date | Village • Ward/Township | No. of Households Discussed |
|-------|--------------|-------------------------|-----------------------------|
| 1 | 21 May 2015 | ALS, Thanlyin | 23 |
| 2 | 22 May 2015 | ALS, Thanlyin | 53 |
| 3 | 26 May 2015 | ALS, Thanlyin | 68 |
| 4 | 27 May 2015 | ALS, Thanlyin | 93 |
| 5 | 27 May 2015 | SP, Kyauktan | 5 |
| 6 | 4 Jun. 2015 | ALS, Thanlyin | 32 |
| 7 | 7 Jun. 2015 | BGY, Thanlyin | 24 |
| 8 | 8 Jun. 2015 | ALS, Thanlyin | 24 |
| 9 | 9 Jun. 2015 | ALS, Thanlyin | 14 |
| 10 | 11 Jun. 2015 | ALS, Thanlyin | 32 |
| 11 | 12 Jun. 2015 | ALS, Thanlyin | 21 |
| 12 | 17 Jun. 2015 | AMTD, Kyauktan | 39 |
| 13 | 19 Jun. 2015 | AMTD, Kyauktan | 35 |
| 14 | 21 Jun. 2015 | SPTY, Kyauktan | 40 |
| 15 | 9 Jul. 2015 | TDM, Kyauktan | 54 |
| 16 | 13 Jul. 2015 | ALS, Thanlyin | 17 |
| 17 | 14 Jul. 2015 | ALS, Thanlyin | 13 |
| 18 | 17 Jul. 2015 | ALS, Thanlyin | 8 |
| 19 | 20 Jul. 2015 | ALS, Thanlyin | 6 |
| 20 | 21 Jul. 2015 | SPTY, Kyauktan | 6 |
| 21 | 22 Jul. 2015 | AMTD, Kyauktan | 3 |
| 22 | 22 Jul. 2015 | SP, Kyauktan | 1 |
| Total | | | 611 |

Note: ALS stands for Alunsut village, BYG stands for Bayar Gone village, SPTY stands for Shwe Pyi Thar Yar village, AMTD stands for Aye Mya Thidar village, TDM stands for Thidar Myaing village, SP stands for Shwe Pyauk village, LYS stands for Lay Yar San village.

Source: JICA Expert Team

The eligible list was updated based on the discussion results of 4th step and 5th step, and updated eligible list was disclosed from 23 August 2015 to 26 September 2015 at each village. During the disclosure period, TSMC visited each village with the schedule in Table VIII-6 to ask about eligibility from villagers.

Table VIII-6 Schedule of Eligibility Confirmation Discussion with TSDG (6th Step)

| No | Date | Village • Ward/Township | No. of Households Discussed |
|-------|----------------|-------------------------|-----------------------------|
| 1 | 23rd Aug. 2015 | ALS, Thanlyin | 12 |
| 2 | 24 Aug. 2015 | BYG, Thanlyin | 20 |
| 3 | 27 Aug. 2015 | AMTD, Kyauktan | 18 |
| 4 | 1 Sep. 2015 | SPTY, Kyauktan | 13 |
| 5 | 25 Sep. 2015 | ALS & BYG, Thanlyin | 22 |
| 6 | 25 Sep. 2015 | AMTD, Kyauktan | 8 |
| 7 | 26 Sep. 2015 | ALS, Thanlyin | 22 |
| Total | | | 115 |

Note: ALS stands for Alunsut village, BYG stands for Bayar Gone village, SPTY stands for Shwe Pyi Thar Yar village, AMTD stands for Aye Mya Thidar village, TDM stands for Thidar Myaing village, SP stands for Shwe Pyauk village, LYS stands for Lay Yar San village.

Source: JICA Expert Team

2.3 Result of Eligibility Confirmation

Through 6 steps of eligible confirmation with concerned parties, 995 households living inside the 2000ha Development Area and 93 households living outside the 2000ha Development Area but owning economic activities inside the 2000ha Development Area were provisionally confirmed as the eligible households. After eligibility confirmation meetings, the categories of eligible households were finalized as shown below:

- (1) Households living inside the 2000ha Development Area on the day of COD
- (2) Households occupying some area inside the 2000ha Development Area on the day of COD by doing income generation activities or holding structures though living outside the 2000 ha Development Area
- (3) Households who were not conducted surveys but confirmed their habitation, income generation activities or structures inside the 2000ha Development Area through a series of village meetings on eligibility confirmation.

2.4 Confirmation of Past Surveys

Surveys to confirm number of households and their basic information were conducted three times for the entire Thilawa SEZ (approx. 2,400 ha) as summarized in Table VIII-7.

Table VIII-7 Summary of Past Surveys

| No | Survey Period | Conducted Parties | Major Survey Contents | No. of Surveyed HH |
|----|-------------------------|---|--|--------------------|
| 1 | 24 to 30 Nov. 2011 | DHSHD and GAD | - Number of family members - Structure size and materials - Structure ownership | 1,077 |
| 2 | Two weeks in March 2013 | DHSHD, SLRD and GAD | - Occupation of household head - Number of family members - Structure materials - Living duration - Compensation in 1997 or not | 1,269 |
| 3 | 4 to 26 April 2013 | TSMC, GAD, Police Dept., Fire Dept. and Immigration Dept. | - Occupation of household head - Number of family members - Structure materials - Living duration - Compensation in 1997 or not - Living condition (electricity, drinking water, etc.) - Possessions | 1,066 |

Source: MOC

2.5 Assistance for Implementation of Supplemental Socio-Economic Survey (Detailed Measurement Survey)

DMS was conducted for the entire 2000 Development Area by four parties (i.e. a household head, TSMC, Township officer, the survey team) jointly.

(1) Survey Contents

DMS for the remaining 2,000ha included three types of surveys, i) census, ii) inventory of asset loss, and iii) socio-economic survey, as shown in Table VIII-8. It was conducted by the four parties jointly using a modified DMS form for the 2000ha Development Area enclosed in Appendix VIII-1.

Table VIII-8 Contents of Supplemental Survey (DMS)

| No | Items | Contents |
|----|-------------------------|---|
| 1 | Census | - Confirmation of family members, gender and age, education level, literacy rate, major occupation, etc. of all PAHs |
| 2 | Inventory of Asset Loss | - Confirmation of exact location of households and other structures of all PAHs and cultivation areas with coordinates - Listing and measuring the affected properties of all PAHs on the ground - Confirming paddy size and agriculture products and production of all PAHs on the ground - Confirming and listing movable assets such as livestock (cow/buffalo, horse) and agricultural machine |
| 3 | Socio-Economic Survey | - (re-) confirmation of socio-economic information of all PAHs including monthly or annual incomes and income sources, monthly or annual expenditures |

Source: JICA Expert Team

(2) Preparation for Conducting DMS

1) Preparation for DMS Form

JICA Expert Team together with TSMC reviewed the DMS form used for DMS for Phase 1/ Zone A based on experiences by the survey for Phase 1/Zone A. As a result, DMS form was modified with support from JICA Expert Team in order to collect necessary data more precisely and effectively, especially agricultural products and livestock. Modified DMS form was submitted from TSMC to YRG for approval.

2) Trial Operation of DMS Form

Trial operation was conducted near Thilawa SEZ area in order to check usability of DMS form and to see overall activities from interview in the field to data entry at the office.

2.6 Conducting DMS

(1) Workflow of Conducting DMS

It was found that identifying survey target households on the ground was difficult due to no location information in previous surveys and increased number of structures after the survey in April 2013. Therefore, it was decided to conduct the pre-survey for preliminary confirmation of all structures in the 2,000ha Development Area before conducting DMS. In the pre-survey, structure location and household head personal information (i.e. name, NRC number, father's name) were mainly confirmed. The structure location confirmed through the pre-survey was checked with the aerial photo, and then DMS of the structures (same meaning as households in this context) identified at

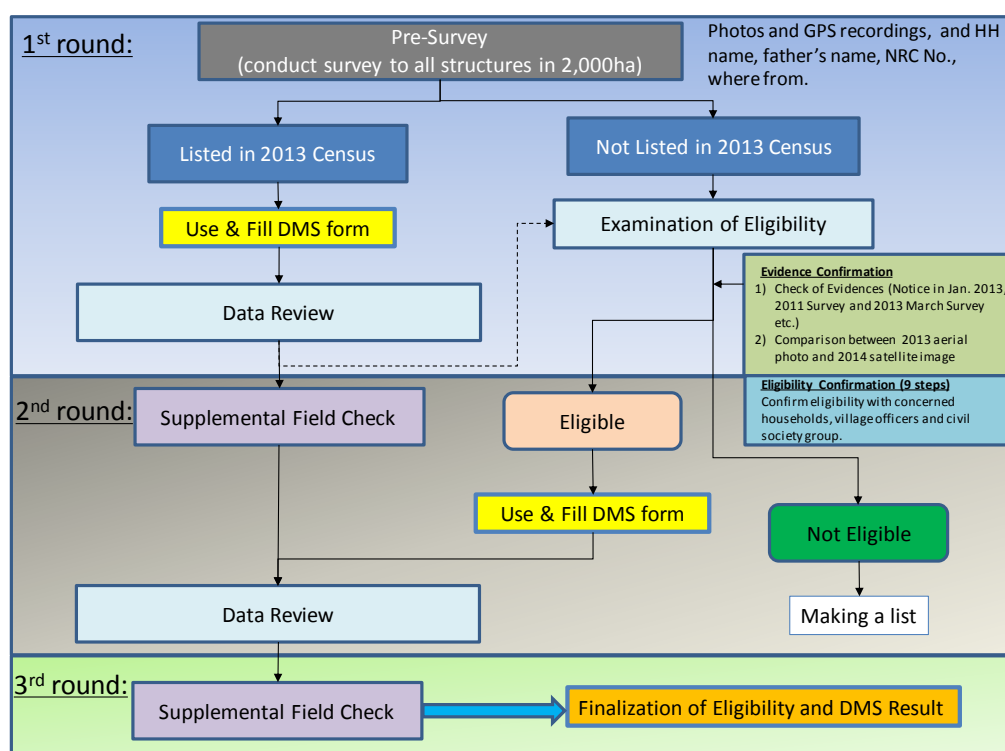
the pre-survey, 2013 aerial photo and April 2013 survey target list were conducted as the 1st round DMS.

As for the households not listed in April 2013 survey target list, they were conducted as the 2nd round DMS if their eligibility was confirmed with the results of pre-survey, 2013 aerial photo and other previous surveys or notice (i.e. survey in 2011 or March 2013, eviction notice issued in January 2013). Since households only cultivating land in 2,000 ha (i.e. not living in 2,000 ha) were not included in April 2013 survey target list, they were surveyed at the 2nd round DMS. Criteria to select target households for conducting DMS at each step are summarized in Table VIII-9.

Table VIII-9 Criteria to Select Target Households for Conducting DMS

| Step | Criteria |
|------------------|---|
| 1st Round | - Households listed in the April 2013 survey target list |
| 2nd Round (No.1) | - Households checked at Pre-survey and identified their structures on 2013 aerial photo, AND - Households listed either 2011 survey target list, 2013 March survey target list, 2013 eviction notice |
| 2nd Round (No.2) | - Not conducted in any surveys previously - Not receiving 2013 eviction notice, AND - Confirmed living or using at the time of COD by village administrators |
| 3rd Round | - Households not conducted in previous surveys in 2011 or 2013 but confirmed eligibility through eligibility confirmation process |

Source: JICA Expert Team



Source: JICA Expert Team

Figure VIII-4 Workflow of Conducting DMS

(2) Census and Socio-Economic Information

The four parties visited each PAH and collected socio-economic information from a household head (or another representative of a household if a household head was not available) by requesting a household head to fill in the DMS form or a surveyor filling questionnaires through interview.

(3) Confirmation of Location and Size of Structures

Location of each structure in the 2000ha Development Area was checked with GPS, and dimension of each structure was measured by surveyors. Measurement results were confirmed by a household head or a representative of a household.

(4) Confirmation of Paddy Size and Agriculture Products

Location of paddy was confirmed on the ground, and its size was checked by recording several points of boundary of paddy field with GPS. As for production of paddy, it was confirmed through interview to a household head (or another representative of a household if a household head was not available). Kinds of agriculture productions such as crops (excluding paddy) and fruit on the trees were confirmed on the ground and recorded in the DMS form. The number of agriculture products was also confirmed at the same time by counting on the ground.

(5) Confirmation of Movable Assets (Livestock and Agriculture Assets)

Number and type of movable assets such as livestock and agriculture assets were confirmed on the ground and listed in the DMS form.

(6) Arrangement of Collected Data

Collected information in the DMS form was checked with concerned parties after survey with technical assistance from JICA Expert Team on the points to be checked. Another site confirmation was conducted if some issues were found. Collected data was arranged using the following methods:

- Paddy area and location information obtained on the ground by GPS was overlaid on the aerial photo by means of GIS
- Collected census and socio-economic information was entered in Excel forms

2.7 Survey Schedule

DMS was conducted for all PAHs currently using land in the project area regardless of living location according to the flow in Figure VIII-4. The 1st round DMS was conducted from 27 May 2014 to 24 July 2014. Following to 1st round DMS, 2nd round DMS was conducted from 11 November 2014 to 14 January 2015. The 3rd round DMS was conducted after completing eligible confirmation.

2.8 Results

The database was established by area and category to manage necessary information of each PAH obtained through DMS as baseline information to be used for preparing RWPs. As of 19 October

2015, a total of 1,088 households are regarded as eligible PAHs counting for around 4,262 persons as total PAP. The outline of PAHs/PAPs by relocation area is shown in Table VIII-10.

Table VIII-10 Total Number of Households Surveyed by DMS

| Relocation Area | PAHs (households) | PAPs (persons) | No. of Workers (persons) |
|-----------------|-------------------|----------------|--------------------------|
| Area 1 | 600 | 2,280 | 1,065 |
| Area 2 | 240 | 921 | 390 |
| Area 3 | 36 | 173 | 70 |
| Area 4 | 27 | 106 | 179 |
| Area 5 | 65 | 277 | 124 |
| Area 6 | 120 | 505 | 188 |
| Total | 1,088 | 4,262 | 2,016 |

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

2.9 Profile of Project Affected Households

Socio-economic information of the PAHs identified through DMS is summarized in Table VIII-11 to Table VIII-13.

Table VIII-11 Ethnicity of PAHs

Unit: Households

| Relocation Area | Burma | Hindu | Others |
|-----------------|-------|-------|--------|
| Area 1 | 553 | 43 | 4 |
| Area 2 | 208 | 29 | 3 |
| Area 3 | 29 | 6 | 1 |
| Area 4 | 15 | 11 | 1 |
| Area 5 | 44 | 21 | 0 |
| Area 6 | 47 | 68 | 5 |
| Total | 896 | 178 | 14 |

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

Table VIII-12 Religion of PAHs

Unit: Households

| Relocation Area | Buddhist | Hindu | Others |
|-----------------|----------|-------|--------|
| Area 1 | 570 | 16 | 14 |
| Area 2 | 219 | 20 | 1 |
| Area 3 | 32 | 3 | 1 |
| Area 4 | 20 | 7 | 0 |
| Area 5 | 57 | 8 | 0 |
| Area 6 | 78 | 35 | 7 |
| Total | 976 | 89 | 23 |

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

Table VIII-13 Literacy of PAHs

Unit: Households

| Relocation Area | Not able to speak, read and write | Able to speak, but not to read and write | Able to speak, but read and write little | Speak, read and write fluently |
|-----------------|-----------------------------------|--|--|--------------------------------|
| Area 1 | 1 | 57 | 226 | 312 |
| Area 2 | 2 | 35 | 99 | 97 |
| Area 3 | 1 | 6 | 15 | 13 |
| Area 4 | 1 | 5 | 11 | 10 |
| Area 5 | 1 | 15 | 17 | 32 |
| Area 6 | 2 | 43 | 35 | 38 |
| Total | 8 | 161 | 403 | 502 |

Note: Information of literacy at 14 households was not available.

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

2.10 Inventory of Assets of PAHs (Livestock, Crops and Trees)

Type and number of large-size livestock raised by PAHs are shown in Table VIII-14.

Table VIII-14 Type and Number of Large Size Livestock* Raised by PAHs

Unit: Number

| Relocation Area | Raising for Milk | Raising for Agriculture | Raising for Other Uses |
|-----------------|------------------|-------------------------|------------------------|
| Area 1 | 120 | 540 | 140 |
| Area 2 | 30 | 150 | 60 |
| Area 3 | 30 | 40 | 20 |
| Area 4 | 0 | 40 | 10 |
| Area 5 | 10 | 90 | 20 |
| Area 6 | 40 | 300 | 30 |
| Total | 230 | 1,160 | 280 |

Note: Large size livestock means cow and buffalo.

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

The total production amount of paddy and types of crops were identified during DMS. Table VIII-15 summarizes paddy and three major crops grown by PAHs.

Table VIII-15 Crop Grown by PAHs

| Relocation Area | Monsoon Paddy (total basket/year) | Major Crops | | |
|-----------------|-----------------------------------|-------------|-----------|----------------|
| | | 1st | 2nd | 3rd |
| Area 1 | 39,000 | Mango | Banana | Guava |
| Area 2 | 28,000 | Mango | Betel | Cashew nuts |
| Area 3 | 6,000 | Mango | Guava | Cashew nuts |
| Area 4 | 20,000 | Tamarind | Drumstick | Other products |
| Area 5 | 37,000 | Betel | Mango | Other products |
| Area 6 | 58,000 | Mango | Drumstick | Roselle |
| Total | 188,000 | - | - | - |

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

2.11 Impacts on Livelihood and Income Sources

(1) Income Source

Main income source of household head varied depending on the relocation area, but paddy farmer and odd job worker observed widely. Table VIII-16 summarizes income information of household head.

Table VIII-16 Major Income Source of Household Head

Unit: %

| Relocation Area | Paddy Farmer | Vegetable Farmer | Odd Job Worker | Wage Worker | Self-Employed | Others |
|-----------------|--------------|------------------|----------------|-------------|---------------|--------|
| Area 1 | 12 | 5 | 53 | 9 | 16 | 5 |
| Area 2 | 14 | 11 | 41 | 6 | 18 | 11 |
| Area 3 | 31 | 0 | 44 | 11 | 3 | 11 |
| Area 4 | 67 | 0 | 4 | 4 | 21 | 4 |
| Area 5 | 50 | 7 | 27 | 5 | 5 | 5 |
| Area 6 | 67 | 5 | 14 | 2 | 4 | 8 |
| Average | 40 | 5 | 30 | 6 | 11 | 7 |

Note: Average percentage is calculated based on the percentage of each relocation area.

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

Odd job worker and wage worker are considered as the major income source of other working family members in a household. In case a household heads have no job, other family members seem to support the household financially.

Table VIII-17 Major Income Source of Other Working Family Members

Unit: %

| Relocation Area | Paddy Farmer | Vegetable Farmer | Odd Job Worker | Wage Worker | Self-Employed | Others |
|-----------------|--------------|------------------|----------------|-------------|---------------|--------|
| Area 1 | 1 | 3 | 19 | 34 | 20 | 24 |
| Area 2 | 3 | 1 | 42 | 27 | 16 | 9 |
| Area 3 | 2 | 0 | 48 | 30 | 9 | 11 |
| Area 4 | 20 | 0 | 40 | 20 | 0 | 20 |
| Area 5 | 12 | 3 | 38 | 26 | 10 | 10 |
| Area 6 | 9 | 5 | 33 | 22 | 16 | 14 |
| Average | 8 | 2 | 37 | 26 | 12 | 15 |

Note: Average percentage is calculated based on the percentage of each relocation area.

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

(2) Household Income

The annual average of income of PAHs by each area is in the range from 3,410,000 MMK/year to 5,810,000 MMK/year with the average of 4,573,000 MMK/year for main income and 1,967,000 MMK/year for secondary income as shown in Table VIII-18.

Table VIII-18 Average Income of PAHs

Unit: MMK/year

| Relocation Area | Annual Average of Main Income | Annual Average of Secondary Income |
|-----------------|-------------------------------|------------------------------------|
| Area 1 | 5,810,000 | 1,670,000 |
| Area 2 | 4,500,000 | 2,730,000 |
| Area 3 | 3,410,000 | 2,480,000 |
| Area 4 | 5,630,000 | 1,670,000 |
| Area 5 | 3,020,000 | 1,690,000 |
| Area 6 | 5,070,000 | 1,560,000 |
| Average | 4,573,000 | 1,967,000 |

Note:

- 1: Amount of main and secondary income source is according to the interview result.
- 2: Annual average of main income is calculated based on the total amount of main income from all working members in a household.
- 3: Annual average of secondary income is based on the total amount of secondary income from all working members in a household if they have a secondary income source, but it does not include the third or fourth income source.
- 4: Average is calculated to the entire amount of the main or secondary income.

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

(3) Household Expenditure

The annual expenditure and pattern at households gives an indication for assessing standard of living of a household. The ratio of expenditure items to the entire expenditure amount is shown in Table VIII-19.

Table VIII-19 Average Annual Expenditure of Major Items

Unit: %

| Relocation Area | Food | Health | Education | Commuting | Others |
|-----------------|------|--------|-----------|-----------|--------|
| Area 1 | 27 | 7 | 3 | 4 | 60 |
| Area 2 | 35 | 8 | 6 | 2 | 49 |
| Area 3 | 26 | 10 | 5 | 2 | 58 |
| Area 4 | 11 | 4 | 1 | 1 | 84 |
| Area 5 | 18 | 3 | 5 | 0 | 73 |
| Area 6 | 24 | 10 | 3 | 2 | 62 |
| Average | 24 | 7 | 4 | 2 | 64 |

Note: Average is calculated based on percentage in this table. Information from 9 households is not available.
Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

2.12 Vulnerable Households

Since there is no official definition of vulnerable groups in Myanmar, this framework defines a household headed by woman, disabled person or elderly person (over 61 years old), a household including a disabled person or a household below the poverty line³ as vulnerable households by referring international practices. Table VIII-20 outlines vulnerable households in the 2000ha Development Area.

Table VIII-20 Summary of Vulnerable Households

| Category | No. of Households |
|--|-------------------|
| Households headed by woman | 176 |
| Households headed by disabled person | 8 |
| Households headed by elderly | 125 |
| Households below the poverty line | 54 |
| Households including a member of disabled person | 22 |
| Total | 327 |

Note:

1: Total number is different of sum of each category, because some HH felled under into multiple categories.

2: 14 households are not included due to not sufficient information to examine vulnerability.

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

³ Integrated Household Living Conditions and Survey in Myanmar (2009-2010) was conducted by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development, and survey result was publicized as Poverty Profile in June 2011. Poverty line as of 2010 was defined as 376,151 MMK per adult equivalent per year in Poverty Profile, and this amount is referred as poverty line in many reports. This framework also regards 376,151 MMK per adult equivalent per year as the poverty line.

Chapter 3 Assistance for Preparation of Framework of Resettlement Works

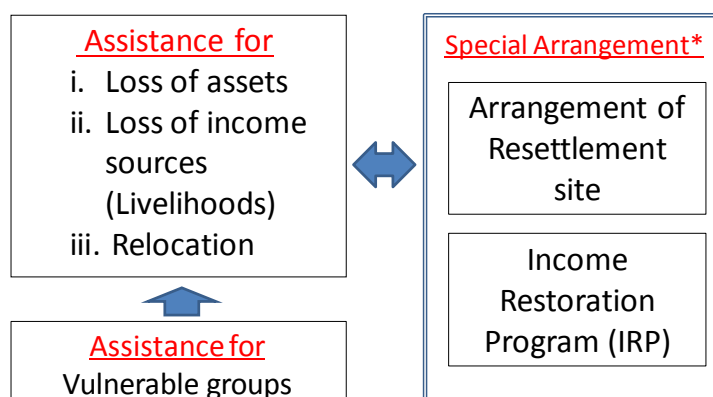
3.1 Consideration of Assistance Package

The 2000ha Development Area is planned to be developed continuously following to development of the Phase 1/ Zone A area. With this development approach, it is considered that development of the Phase 1/ Zone A area and the 2000ha Development Area falls under eminent domain. Hence, the assistance package including the assistance policy was developed based on the one applied for the Phase 1/ Zone A relocation and resettlement time by adding some policies which were not identified at the Phase 1/ Zone A area but typically found at the 2000ha Development Area.

3.2 Principle of Assistance Package

(1) Contents of Assistance Package

Referring to the Phase 1/ Zone A case, the assistant package was planned as a combination of: i) assistance for loss of assets, income sources/livelihood and resettlement, ii) assistance for vulnerable groups, and iii) special arrangement (arrangement of relocation site and income restoration program). However, all households do not necessarily qualify for the special arrangement, especially arrangement of the resettlement site, since administrative procedure of land acquisition is different.



* Special arrangement is provided for applicable PAHs/PAPs.

Source: JICA Expert Team

Figure VIII-5 Overall Framework of Assistance Package

Based on experience at Phase 1/ Zone A, it is planned to pay compensation and assistance amount by several times of installments in order to support PAHs on appropriate management of the paid amount.

3.3 Assistance Contents

Based on the fundamental principles for eligibility, overall framework of assistance package and experience of the Phase 1/ Zone A relocation/resettlement, the contents of the assistances were proposed in Table VIII-21 (for Area 1, Area 3 to Area 6) and in Table VIII-22 (for Area 2) respectively and no objections were raised to the approach mentioned in both tables.

Assistance for loss of income sources from fishery and running own business was newly added in the assistant package for the 2000ha Development Area since these income sources were confirmed by DMS although it was not confirmed at the time of Phase 1/ Zone A development. The current Myanmar legal framework does not clearly define assistance for loss of income source except agriculture products⁴. The contents of assistance to loss of these income sources were examined referring to Japanese regulations on compensation for income due to land acquisition.

Table VIII-21 Summary of Assistance Contents for Area 1, Area 3 to Area 6

| | Category | Assistance |
|------------|--|---|
| 1 | Loss of Assets | |
| 1.1 | Fixed Assets | |
| 1) | House | In kind or cash assistance for constructing a house at the resettlement sites ⁶ |
| 2) | Hut (Defined below) | Cash assistance two (2) times of the current market price |
| 3) | Other Structures (Kitchen or Toilet) | In kind assistance at the resettlement sites or cash assistance two (2) times of the current market price |
| 4) | Standing crops/trees | To be assisted as a part of loss of income sources |
| 1.2 | Movable Assets | |
| 1) | Large size livestock (cow and buffalo only) | Cash assistance per animal |
| 2) | Agriculture machinery or other assets | Cash assistance in the current market price if they are not able to be used after relocation/resettlement |
| 2 | Loss of Income Sources (regardless of main or secondary income) | |
| 2.1 | Land-Based Income | |
| 1) | Paddy farmer (monsoon/ summer paddy) | Cash assistance for six (6) years of yield amount in total in the current market price |
| 2) | Vegetable/Fruit Tree farmer | Cash assistance for four (4) years of yield amount in total in the current market price |
| 3) | Livestock farmer (cow and buffalo for milk) | Cash assistance for three (3) years of income from cow for milking |
| 4) | Fish farmer | Cash assistance for three (3) year of income from aquaculture |
| 2.2 | Non Land-Based Income | |
| 1) | Contracted worker, daily worker, self-employed person (e.g. carpenter, taxi-driver) whose working places are remained after relocation/resettlement | Cash assistance for non-working period for moving |
| 2) | Owner of business running inside 2,000 ha (e.g. grocery store, tea shop) | Cash assistance equivalent to three (3) years of income from running business |
| 3 | For Relocation | |
| 3.1 | Moving allowance | Cash assistance for moving cost |
| 3.2 | Commuting assistance | Cash assistance for commuting cost as per number of workers and students |
| 3.3 | Cooperation allowance | Cash assistance for cooperation of moving in time |
| 4 | Vulnerable Groups | |
| | Vulnerable Groups (the poor household, woman headed household, household with disabled or elderly person) | Cash assistance equivalent to one big bag of rice (equivalent to 50kg of rice) to the following persons: <ul style="list-style-type: none"> - Disabled person and one support person in a household, total 2 persons - Elderly person and one support person in a household, total 2 persons - Unemployed persons (i.e. workable age but not employed) in a woman-headed household - Unemployed persons in a household below poverty line |

⁴ Farmland Law 2012 defines to provide three times of though it is not clearly mention as assistance for the income source.

⁶ Cash assistance for difference in the floor area between a house in the 2000ha Development Area and a house in the resettlement sites

| | Category | Assistance |
|----------|---|---|
| 5 | Special Arrangement (for applicable PAHs/PAPs) | |
| 5.1 | Arrangement of resettlement site | In kind assistance as plot at resettlement site with necessary infrastructure |
| 5.2 | Income Restoration Program (IRP) | In kind assistance as IRP implementation |

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

Land in Area 2 is in the process of acquisition according to Land Acquisition Act 1894. Since land will be compensated, a substitute land such as resettlement site will not be provided to PAPs in Area 2. However, there are some households who live in a structure inside the pasture land (the governmental land) or other households' land. These households will be provided a house in the resettlement site same as households in Area 1, 3, 4, 5 and 6.

Table VIII-22 Summary of Assistance Contents for Area 2

| | Category | Assistance |
|------------|--|--|
| 1 | Loss of Assets | |
| 1.1 | Fixed Assets | |
| 1) | Land (paddy, garden) | Cash compensation at full replacement cost |
| 2)-1 | House at own garden area | Cash compensation at full replacement cost |
| 2)-2 | House at other areas (pasture land, others' land, etc.) | In-kind assistance at the resettlement site or cash assistance |
| 3) | Hut (Defined below) | Cash assistance two (2) times of the current market price |
| 4) | Other Structures (Kitchen or Toilet) | Cash assistance two (2) times of the current market price (for 2)-1) or in kind assistance at the resettlement site (for 2)-2) |
| 5) | Standing crops/trees | To be assisted as a part of loss of income sources |
| 1.2 | Movable Assets | |
| 1) | Large size livestock (cow and buffalo only) | Cash assistance per animal |
| 2) | Agriculture machinery or other assets | Cash assistance in the current market price if they are not able to be used after relocation/resettlement |
| 2 | Loss of Income Sources (regardless of main or secondary income) | |
| 2.1 | Land-Based Income | |
| 1) | Paddy farmer | Cash assistance for three (3) years of yield amount in total in the current market price |
| 2) | Vegetable/Fruit Tree farmer | Cash assistance for three (3) years of yield amount in total in the current market price |
| 3) | Livestock farmer (cow and buffalo for milk) | Cash assistance for three (3) years of income from cow for milking |
| 4) | Fish farmer | Cash assistance for three (3) year of income from aquaculture |
| 2.2 | Non Land-Based Income | |
| 1) | Contracted worker, daily worker, self-employed person (e.g. carpenter, taxi-driver) whose working place are remained after relocation/resettlement | Cash assistance for non-working period for moving |

| | Category | Assistance |
|----------|---|---|
| 2) | Owner of business running inside 2,000 ha | Cash assistance equivalent to three (3) years of income from running business |
| 3 | For Relocation | |
| 3.1 | Moving allowance | Cash assistance for moving cost |
| 3.2 | Commuting assistance | Cash assistance for commuting cost as per number of workers and students |
| 3.3 | Cooperation allowance | Cash assistance for cooperation of moving in time |
| 4 | Vulnerable Groups | |
| | Vulnerable Groups (the poor household, woman headed household, household with disabled or elderly person) | Cash assistance equivalent to one big bag of rice (equivalent to 50kg of rice) to following persons: <ul style="list-style-type: none"> - Disabled person and one support person in a household, total 2 persons - Elderly person and one support person in a household, total 2 persons - Unemployed persons (i.e. workable age but not employed) in a woman-headed household - Unemployed persons in a household below poverty line |
| 5 | Special Arrangement (for applicable PAHs/PAPs) | |
| 5.1 | Arrangement of resettlement site | In kind assistance as plot at resettlement site with necessary infrastructure |
| 5.2 | Income Restoration Program (IRP) | In kind assistance as IRP implementation |

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

According to lessons-learnt from the Phase 1/ Zone A relocation/resettlement, it was understood that consideration to clarify a definition of a house and a hut was important since the content of assistance to these structures were different.

A house was defined as a living structure with an appropriate form such as pier, roof, floor, door and kitchen and possession of sufficient equipment in a structure for continuous living, while a hut was defined as *Lel Sank Tae* in Myanmar language which is used as a rest place during agricultural activities or placing livestock and agriculture equipment. The above definition was confirmed through DMS and a village meeting for eligibility confirmation among concerned peoples, and was explained at the 3rd consultation meeting to PAPs.



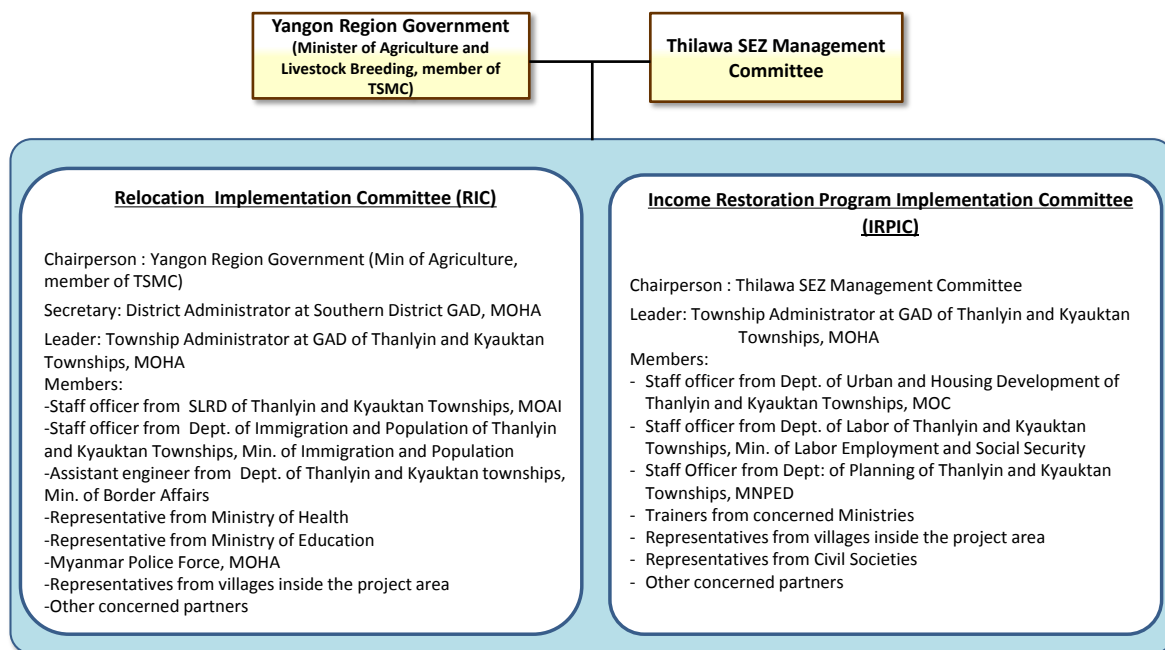
Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

Photo VIII-1 Example of House and Hut

3.4 Consideration of Institutional Arrangement

Two committees namely RIC and IRPIC were established as the supporting organizations for implementing resettlement works, including IRP activities, of the entire Thilawa SEZ (2,400ha) according to the decisions issued by YRG. These organizations were considered as in-charge of actual resettlements works for the 2000ha Development Area. Figure VIII-6 shows the structure of the two committees.

While two committees mentioned above play a role for supporting implementation, Multi-Stakeholder Advisory Group (MSAG), which was established at resettlement works for Phase 1/ Zone A of Thilawa SEZ development, supports by advising on the resettlement works. Border stakeholders engagement will assist in making progress of resettlement works and resolving some of the challenges, as well as providing lessons learned from the Phase 1 /Zone A to the case of 2000 ha Development Area. In two committees and MSAG, representatives from villages who are selected among villagers are involved as members to reflect the public opinion into the resettlement process.



Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

Figure VIII-6 Structure of Implementing Resettlement Works for the 2000ha Development Area

3.5 Consideration of Grievance Redress Mechanism

Village officers (i.e. a village administrator, 100-households heads, and 10-household head) are regarded as customary leaders in a community in Myanmar, and generally they are the focal point between administrative side and residents. In a customary way, any grievance from residents is conveyed to village officers first, mainly village administrator. If village administrator is not able to manage the raised issues, it will be forwarded to the upper administrative level such as townships or YRG. Then, it will be forwarded up to the union level or the district court step by step if it is not solved. This grievance mechanism has been used in Phase 1/ Zone A resettlement works.

During the public participation exercises of the preparation of the framework of resettlement works for the 2000ha development area, PAPs tended to inform TSMC of their grievances directly because TSMC had led the dialogs and meetings. Considering these on-going practices on the ground, TSMC also could be the contact point for direct lodging of grievances from PAPs who would like to inform their grievances to TSMC directly.

3.6 Consideration of Monitoring

Internal and external monitoring will be conducted regularly to confirm the progress and issues on relocation and resettlement including IRP. The internal and external monitoring during relocation and after relocation (resettlement including IRP) will be implemented by RIC or IRPIC. The outline of each type of monitoring to be applied for the 2000ha Development Areas is presented in Table VIII-23.

Table VIII-23 Outline of Internal and External Monitoring

| Stage | Monitoring | Major Objectives | Implementation |
|--------------------------------------|------------|--|--|
| During relocation | Internal | <ul style="list-style-type: none"> - To monitor status of assistance award in accordance with individual RWPs - To monitor relocation status - To examine unforeseeable issues on assistance package | <ul style="list-style-type: none"> - RIC together with TSMC |
| | External | <ul style="list-style-type: none"> - To monitor the achievement of resettlement objectives - To check effectiveness of grievance redress mechanism - To check necessity of further measures | <ul style="list-style-type: none"> - External monitoring experts (individual or firm/NGO) |
| After relocation (resettlement, IRP) | Internal | <ul style="list-style-type: none"> - To monitor status of resettlement including IRP - To examine unforeseeable issues on resettlement including IRP | <ul style="list-style-type: none"> - IRPIC together with TSMC |
| | External | <ul style="list-style-type: none"> - To monitor restoration of the socio-economic conditions of relocated PAPs - To check effectiveness of grievance redress mechanism - To check necessity of further measures | <ul style="list-style-type: none"> - External monitoring experts (individual or firm/NGO) |

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

3.7 Consideration of Evaluation

The methodology for evaluation is based mainly on a comparison of socio-economic status of PAHs/PAPs prior to and after relocation taking into consideration external conditions. Socio-economic status will be surveyed through interview with PAPs and others at each period of external monitoring. If the findings indicate that the objectives of resettlement have not been achieved, concerned parties will propose appropriate measures to support PAPs to rehabilitate themselves to at least to their pre-project situation.

Chapter 4 Assistance for Public Participation and Accountability

4.1 Assistance for Organization of Public Consultation Meeting

Public consultation meetings for 2000ha Development Area was held three times chaired by TSMC. Summary is outlined below, and details are included in the Framework enclosed in Appendix VIII-2. In the public consultation meetings, JICA Expert Team provided technical assistance to consider what YRG/ TSMC needed to explain to public at each meeting, preparing handouts and presentation, preparing minutes of meeting, and logistic arrangements.

4.1.1 1st Consultation Meeting

There are seven villages in total in the 2000ha Development Area. Holding a consultation meeting by calling all PAHs at one time was impossible considering the capacity of venue and location of each PAH. Thus, six meetings were held by village for two days, on 26 and 27 April 2014, at the TSMC Temporary Office in Kyautan Township by arranging transportation at each place to the venue for securing convenience of percipients. The contents explained at each meeting were the same, so that PAHs not available at the invited time could participate in any meetings. The invitation was delivered to the households listed in the survey target household of April 2013. The outline of the 1st consultation meeting is presented in Table VIII-24.

Table VIII-24 Outline of 1st Consultation Meeting

| Items | Contents |
|--|--|
| 1. Date and Time | 26 and 27 April 2014 |
| 2. Venue | TSMC Temporary Office |
| 3. Invitee | Project affected peoples |
| 4. Purpose | Explanation of RWP target area and cut-off date, and request for cooperation for conducting DMS |
| 5. Participant | Total 992 persons |
| 6. Main participants from government | 1) Yangon Region Government 2) Thilawa SEZ Management Committee 3) Township GAD 4) Village Administrator |
| 7. Agenda | 1) Target Area of RWP 2) Socio-Economic Survey in April 2013 3) Cut-off date 4) Request cooperation to supplemental socio-economic survey (DMS) 5) Further schedule 6) Question and Answer |
| 8. Major comments and opinions from the participants | - Clarification why number of invited households was smaller than previously surveyed households - Clarification how households already relocated due to the notice in 2013 would be handled - Confirmation of enrollment new school semester from June 2014 - Clarification who households living in one structure would be compensated - Request for informing the location of relocation site and contents of IRP |

Source: JICA Expert Team

During the consultation meeting, feedback forms were distributed to the participants to receive frank comments and opinions from them. The major comments and opinions written in the collected feedback forms (total 111 forms collected) are as follows:

- Expected to receive assistances sufficiently by international standards
- Request to consider other eligible households not receiving invitation or not included in the survey
- Request of provide assistance according to features of people (e.g. farmers, local people, newly living people)
- Expectation to have job opportunities by the Thilawa SEZ project
- Request to involve regional representative groups in the survey process

4.1.2 2nd Consultation Meeting

The 2nd consultation meeting was also held by village following to the method applied for the 1st consultation meeting. Number of potential eligible households became larger than the 1st consultation meeting after conducting DMS, and there were two types of areas in the 2000ha Development Area (the area completed official procedure of land acquisition procedure, and the area on-going the official procedure of land acquisition). Thus, total 7 meetings were held for 2 days, on 7 and 8 March 2015, at the TSMC Temporary Office in Kyautan Township at village-wise as well as area type-wise. The invitation was delivered to the households surveyed in DMS one week before the meeting date. The outline of the 2nd consultation meeting is presented in Table VIII-25.

Table VIII-25 Outline of 2nd Consultation Meeting

| Items | Contents |
|--|---|
| 1. Date and Time | 7 and 8 March 2015 |
| 2. Venue | TSMC Temporary Office |
| 3. Invitee | Project affected peoples |
| 4. Purpose | Explanation of outlines of DMS results and eligibility with draft eligible household lists |
| 5. Participant | Total 1,404 persons |
| 6. Main participants from government | 1) Yangon Region Government 2) Thilawa SEZ Management Committee 3) Township GAD 4) Village Administrator |
| 7. Agenda | 1) Target Area of RWP 2) Cut-off date 3) Outline of DMS results 4) Eligibility 5) Further schedule 6) Question and Answer |
| 8. Major comments and opinions from the participants | - Request for providing appropriate assistance for loss of income source - Land use issue between the previous and current users - Request to clarify contents of assistance - Request for informing relocation timing in order to repair the current house before starting the rain season - Request for clarifying the reason not to be included in the draft eligible list |

Source: JICA Expert Team

During the consultation meeting, feedback forms were distributed to the participants to receive frank comments and opinions from them. The major comments and opinions written in the collected feedback forms (total 95 forms collected) are as follows:

- Noticed the issue of land use between the previous and current users
- Noticed not surveyed, not received the invitation letter of 2nd consultation meeting or not listed in the eligible list despite of living in the area for long time

- Request for providing sufficient compensation to loss
- Request for explaining the project implementation schedule in order to prepare paddy and house for the rain season

4.1.3 3rd Consultation Meeting

Total seven meetings were held for two days as the 3rd consultation meeting on 10 and 11 October 2015, at the TSMC Temporary Office in Kyautan Township with the same method as the 2nd consultation meeting. The invitation was delivered to the households surveyed in DMS one week before the meeting date. The outline of the 3rd consultation meeting is presented in Table VIII-26.

Table VIII-26 Outline of 3rd Consultation Meeting

| Items | Contents |
|--|--|
| 1. Date and Time | 10 and 11 October 2015 |
| 2. Venue | TSMC Temporary Office |
| 3. Invitee | Project affected peoples |
| 4. Purpose | Explanation of outlines of DMS results and eligibility with draft eligible household lists |
| 5. Participant | Total 1,1684 persons |
| 6. Main participants from government | 1) Yangon Region Government 2) Thilawa SEZ Management Committee 3) Township GAD 4) Village Administrator |
| 7. Agenda | 1) Target Area of Resettlement Framework for 2000ha Development Area 2) Outline of DMS results 3) Eligibility 4) Framework of assistance 5) Arrangement of resettlement site 6) Income Restoration Program (IRP) 7) Further schedule 8) Question and Answer |
| 8. Major comments and opinions from the participants | - Request for providing appropriate assistance for loss of income source - Land use issue between the previous and current users - Request to relocate near the area where PAPs currently live in - Suggest to assign the third party as the witness of negotiation between the government side and PAPs - Request for clarifying the reason not included in the eligible list - Request for considering assets such as new born cows or trees planted after the cut-off date |

Source: JICA Expert Team

During the consultation meeting, feedback forms were distributed to the participants to receive frank comments and opinions from them. The major comments and opinions written in the collected feedback forms (total 22 forms collected) are as follows:

- Request for providing assistance for local people (i.e. living for long time) and new people differently
- Request for providing a plot at the area where is near from their current living place
- Request for providing equal compensation for those who have living structure and only hut
- Request for selecting the best people as the their party committee on negotiation

4.2 Disclosure of Draft Resettlement Framework and Receiving Public Comments

The Draft Framework was disclosed from 22 October 2015 until the end of November 2015 at 15 places in total such as Township GAD office, Village Administrative Office, 100-households heads

place, TSMC Temporary Office in Kyauktan Township, DUHD Office in Yangon, and the website of TSMC for receiving comments from public. Uploading on the website of TSMC was announced by an advertisement on two newspapers (the Mirror and the New Light of Myanmar) on 16 November 2015. TSMC received several comments to the disclosed Draft Framework, and hold an opportunity to have dialog with people to the received comments were held three times on 24 and 30 December 2015 and 7 January 2016 as the feedback workshop. The outline of the feedback workshops is shown in Table VIII-27, while the detail records of the workshops are enclosed in the Framework attached in Appendix VIII-2.

Table VIII-27 Outline of Feedback Workshops

| Items | 1st Feedback Workshop | 2nd Feedback Workshop | 3rd Feedback Workshop |
|----------------------|--|---|--|
| 1. Date and Time | 24 December 2015 | 30 December 2015 | 7 January 2016 |
| 2. Venue | 1) Meeting room of IRP project office in Thilawa | 1) Alunsut Monastery 2) Religious building in Thidar Myaing Ward | 1) Shwe Pyauk Administration office 2) Religious building in Aye Mya Thida Ward 3) Hindu temple in Shwe Pyi Thar Yar Ward |
| 3. Invitee | Villagers from 1) Aye Mya Thida Ward (RWP Area 2-1) | Villagers from 1) Alunsut/ Baa Yar Gone Village 2) Thidar Myaing Ward | Villagers from 1) Shwe Pyauk Village 2) Aye Mya Thida Ward (Other area of RWP Area 2-1) 3) Shwe Pyi Thar Yar Ward |
| 4. Purpose | Explanation of the feedback on the received comments | | |
| 5. Participant | Total 18 persons | Total 71 persons | Total 141 persons |
| 6. Main participants | 1) Thilawa SEZ Management Committee 2) Village Administrator 3) Mediator | | |
| 7. Major comments | Requested to move inside Aye Mya Thida Ward rather than the proposed resettlement site in Myaing Thar Yar. Requested to disclose the unit price applied for land compensation and the calculation method of the unit price. | Requested to provide common land for PAHs in Alunsut Village for continuous cultivation after relocation Request to arrange land for breeding livestock and agriculture workers Requested to move to the area near the current living area. | Requested to move wherever as soon as possible Requested to provide distinguished assistance considering situations of the PAHs. Requested to consider changes in living situation of PAHs after DMS |

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

4.3 Public Comments and Responses to Received Comments

Major received comments such as questions, inquiries and requests from public and responses to the comments by TSMC are summarized in Table VIII-28. The details are enclosed in the Framework attached in Appendix VIII-2.

Table VIII-28 Summary of Public Comments and Responses

| | Major Public Comments | Response to Received Comments |
|---|---|---|
| 1 | To formulate IRP based on the discussions with PAPs | The contents of IRP will be included in individual RWPs, and the detailed program will be developed in the course of participatory workshop with PAPs. |
| 2 | To fully reflect public comments received in 1st and 2nd public consultations | The comments which are suitable for the framework were reflected as much as possible, while others will be discussed in the process of preparing individual RWPs. |
| 3 | To verify the eligible households in the current list in order to specify the | Although the eligible households were already clarified and confirmed through a series of village meetings, those who have any |

| | Major Public Comments | Response to Received Comments |
|---|---|---|
| | households to be listed additionally or to be listed out | inquires about eligibility is requested to submit a letter to TSMC. |
| 4 | To exclude the public areas and religious facilities from the Thilawa SEZ area | TSMC will discuss with concerned parties case by case such as arrangement of buffer zone around the defined excluded area to secure comfort for villagers. |
| 5 | To consider the location of resettlement site and the plot size based on the request from PAPs | Availability of the preference area is being checked with concerned parties and details will be discussed in the process of preparing individual RWPs. |
| 6 | To explain relocation timing in order to prepare for moving | Provisional implementation schedule of resettlement works is shown in Chapter 11 of this Framework and detailed relocation timing will be shown in individual RWPs. |
| 7 | To provide appropriate compensation for the land | Compensation for farm land and garden land will be provided if it is in Area 2. Compensation for the land will be calculated referring to market value and international standards. |
| 8 | To consider changes in the living situation of PAPs after DMS such as increasing family members and livestock number. | Assistance will be provided based on the result of DMS. |

Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (Feb. 2016)

The Framework was finalized after taking into consideration the received comments as much as possible. The final Framework was disclosed at the 15 places where the Draft Framework was disclosed from 5 February 2016. In addition, it is also disclosed on the website of TSMC from 15 February 2016.

Chapter 5 Assistance for Preparation of Income Restoration Program for Thilawa SEZ 2,000 Ha Development

5.1 Approach of Income Restoration of PAPs

IRP is in-kind assistance to stabilize livelihood of PAPs at least pre-project level after relocation and resettlement. IRP for PAPs of the Phase 1/ Zone A area is being implemented by TSMC with assistance from JICA as shown in Table VIII-29, and MJTD as the developer of Phase 1/ Zone A area is also doing their own social activities as a part of Corporate Social Responsibility (CSR). IRP for the 2000ha Development Area has been planned based on lessons-learned from the on-going activities by TSMC and MJTD. JICA Expert Team provided assistance to establish the approach for preparing IRP and to examine anticipated activities.

5.2 Current Activities related to Income Restoration

Table VIII-29 summarizes activities being implemented in IRP for PAPs of the Phase 1/ Zone A.

Table VIII-29 Major Activities of IRP

| Activity | Contents |
|--|--|
| Establishing Social Welfare Support Program | <ul style="list-style-type: none"> - Opening bank account - (Re)issuing the NRC card |
| Community Development and Livelihood Restoration | <ul style="list-style-type: none"> - Raising awareness to living environment in the resettlement site (e.g. clean-up campaign, management of wells) - Enhancing social capital through holding a workshop - Enhancing relationship between local communities - Providing vocational training and supporting recruit - Providing household account management training - Conducting site tour (factory visit) to Thilawa SEZ - Enhancing micro finance program |
| Maintenance of Resettlement Site | <ul style="list-style-type: none"> - Support for improving foundation at each plot to prevent rainwater inflow - Support for improving wells - Support for improving housing and offset pit latrine - Support for development of a community center |
| Other relating activities | <ul style="list-style-type: none"> - Support for holding IRPIC - Support for holding MSAG meetings |

Source: JICA Expert Team compiled information from the website of TSMC (available from <<http://www.myanmarthilawa.gov.mm/long-term-livelihoods-support>> accessed on 18 February 2016)

Table VIII-30 summarizes CSR activities implemented by MJTD for people living in the surrounding area of Thilawa SEZ.

Table VIII-30 Major Activities of CSR by MJTD

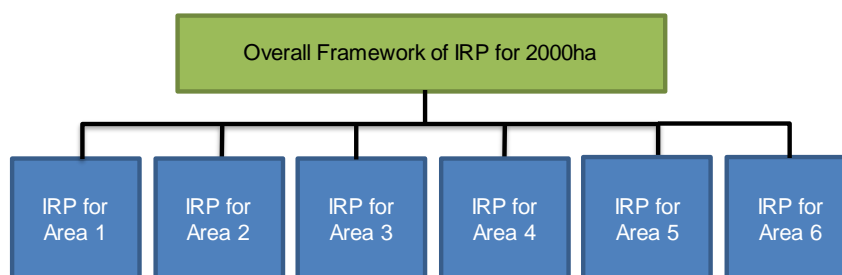
| Activity | Contents |
|--------------------------------------|--|
| Neighboring Students Support Program | <ul style="list-style-type: none"> - Scholarship for 11 outstanding students for 6 academic year - Supported excursion trip to the students - Job Seminar and knowledge sharing program at Thanlyin Technological University to be pursued as an Engineering career - Health education program - Child nutrition program |
| Local Community Support Program | <ul style="list-style-type: none"> - Donate an assembly hall (about 100 million MMK) at Moe Kyo Swan Monastery compound located near Thilawa SEZ - Contribute and support infrastructure improvements to the host community - Multi-stakeholders meetings for transparency and dialogue with authorities, local community, investors and stakeholders - Support vocational training programs for the development of local communities which is about security, basic knowledge of calculations and health and safety of personnel. - Arrange excursion for the local communities to visit around Thilawa SEZ to share the |

| Activity | Contents |
|----------|---|
| | updated situations of the Thilawa SEZ project - Conduct questionnaire survey in order to investigate necessary CSR activity for the area |

Source: JICA Expert Team compiled information from the website of MJTD (available from < <http://mjtd.com.mm/csr> > accessed on 18 February 2016)

5.3 Method and Procedure to Prepare and Implement IRP

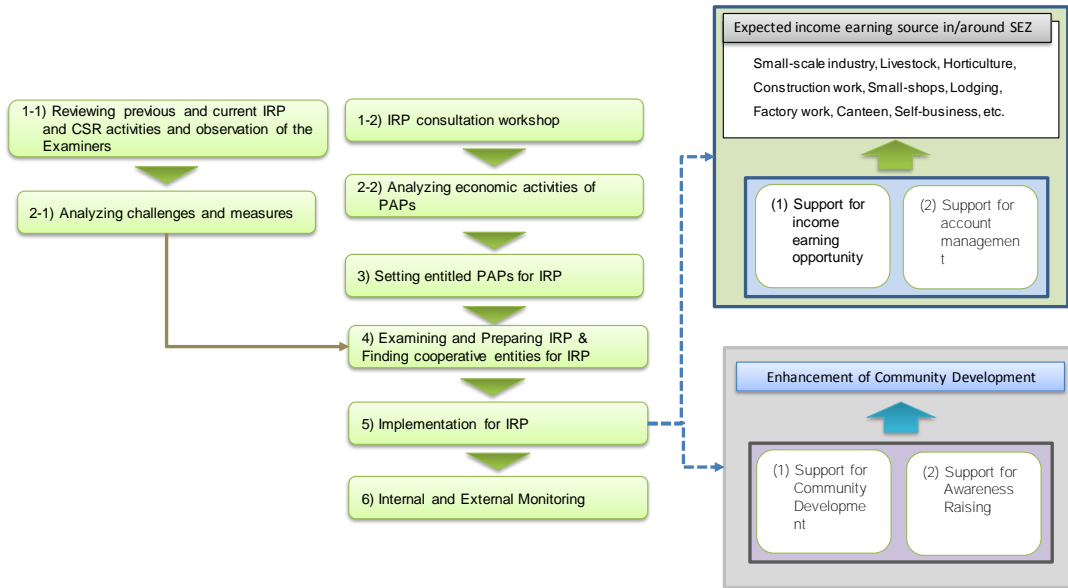
In consideration on IRP for the 2000ha Development Area, it should be prepared the overall framework for the 2000ha Development Area at first and then should be prepared the detail contents of IRP in respective areas based on the priority. Figure VIII-7 shows the image of preparing IRP. Overall framework of IRP for the 2000ha Development Area was already prepared as a part of the Framework. So, the individual IRPs will be prepared in each individual RWP according to the relocation and resettlement schedule.



Source: JICA Expert Team

Figure VIII-7 Structure of Overall IRP and Individual IRPs

For materializing image of IRP, it will be firstly necessary to grasp lessons-learnt from previous and currently on-going activities and PAPs' intension and capability to IRP. As for lessons-learnt, the previously implemented and currently implementing IRP related activities (e.g. IRP for Phase 1/ Zone A PAPs and CSR activities by MJTD as well as observation of the Examiners) were reviewed. With respect to understand PAPs' intension, a series of participatory workshops will be considered as a sufficient method to understand and encourage PAPs intension to IRP and enhance their capabilities. It also provides a good opportunity for PAPs to consider their career plan, which will contribute for motivation up of PAPs and preparing more PAP demand driven plan. Considering current capabilities of the organizations in charge of IRP, IRP needs to be commenced with cooperative entities. In addition, IRP activities will be periodically monitored by internal and external monitoring, and monitoring results will be feedback. If necessary, further measures will be examined and applied. Figure VIII-8 summarizes overall process of individual IRP preparation and implementation of each relocation area.

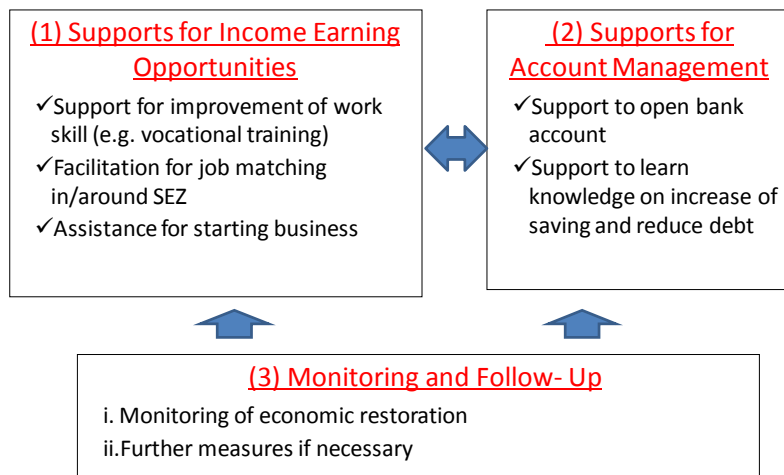


Source: JICA Expert Team

Figure VIII-8 Overall Process of IRP Preparation and Implementation

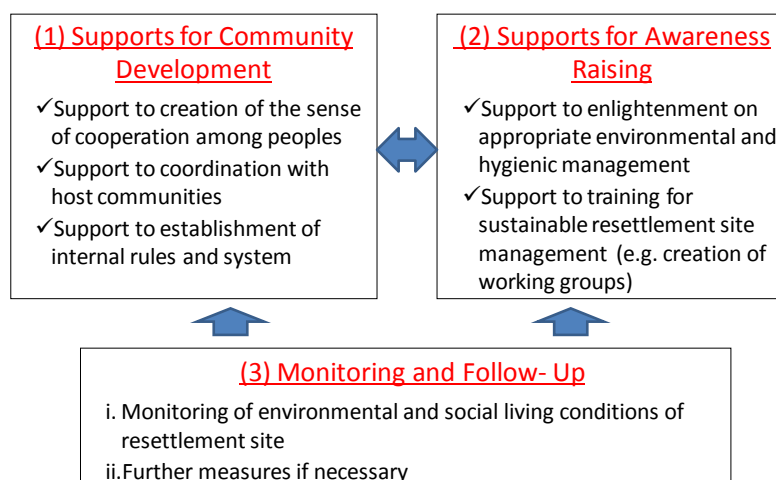
5.4 Components of IRP

It is proposed that IRP is to be composed of two main components: Component-1: Support for restoration of economic conditions through a combination of activities for enhancement of income earning opportunities and household account management, Component-2: Support for development of environmental and social living conditions through community development and awareness raising, and Monitoring and follow up (common for Components-1 and -2), as shown their basic frameworks in Figure VIII-9 and 10, respectively.



Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ

Figure VIII-9 Basic Framework of Restoration of Economic Conditions (Component-1)



Source: Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ

Figure VIII-10 Basic Framework of Development of Environmental and Social Living Conditions (Component-2)

Based on the result of workshop above, IRP activities of Component-1 will be commenced, and then, activities of Component-2 will be started when economic conditions of PAPs are settled at some extent. During implementing IRP, participatory workshop with PAPs will be held a few times as necessary. In addition, follow-up will be implemented for Components-1 and 2 commonly by using internal and external monitoring to be done by third party.

IRP is planned to be prepared at each relocation area according to the land development schedule. Number of PAPs at each relocation area is quite large, especially Area-1 and Area-2, and types of PAPs are wide-range. In this situation, one of methods is to hold an overall workshop in the target area first to explain a purpose and of IRP. Then, small-scale workshops such as by age or income by source will be organized to conduct need and capacity analysis of PAPs and to enhance understanding of PAPs to IRP. Cooperation from local experts is necessary in order to provide vocational training and another technical training. While proceeding to address the need and capacity analysis of PAPs, consultation to find capable subcontracting bodies and arrangement of necessary training will be implemented in parallel.

5.5 Target of IRP

Based on the situation of livelihood of PAPs in the 2000ha Development Area and referring to experience of Phase 1/ Zone A, TSMC considers PAPs below are entitled to participate in IRP. IRP will be implemented not only for men but also for women of working age.

- PAPs of land-based income source who need to alter income earning activity from current to another activity
- Odd job workers and other off-farming workers who desire to alter job place
- Unemployment people who desire to improve technical skill for finding job opportunity
- PAPs who do not need to change the current income earning activities but desire to improve technical skill and income level

5.6 Contents to be Included in IRPs

The following contents and timeline are proposed based on the lessons learned from Phase 1/ Zone A in the implementation. The following contents were explained to PAHs in the public consultation meeting of Area 2-1 and Area 2-2 first as introduction of IRP. It might be explained at the remaining relocation areas according to RWP preparation schedule. Following to introduction of IRP, further discussion for detailed IRP will be done in the follow up consultation.

(1) **Component-1: Support for Restoration of Economic Conditions**

(a) Support for income earning opportunities

Support for income earning opportunities is to be included as follows: i) series of technical support for improvement of work-skill, ii) facilitating job matching in and around the Thilawa SEZ area, and iii) assistance for starting business.

- ✓ The activity of item i) Series of technical support will provide vocational trainings to PAPs in order to improve their skills for enhancing job opportunities. The following steps will be included in the support.
- ✓ Preparation of the menu of vocational trainings to PAPs: The possible vocational trainings will be screened by analyzing possible job opportunities in/near SEZ area and the qualification requirements (e.g. skills, age, academic qualification, transportation and others).
- ✓ Conducting a factory visit: The SEZ factory visit is to be also arranged for PAP representatives and/or willing PAPs so that PAPs could understand the nature of available jobs clearly. It also aims to help understanding of PAPs who are less literate.
- ✓ Preparation of a job booklet: Since there was a gap regarding the offered job openings and the jobs PAP preferred, the job booklet will be prepared for PAPs so that PAPs can understand for which kind of jobs the PAPs can apply for immediately and what they can apply for after improving their skills through a certain vocational training. The booklet will be produced based on job matching experiences during Phase 1/ Zone A experiences and would cover examples of construction workers, health and safety personnel, cleaners, security guards, gardeners, electricians, manufacturing factory workers, and office workers).
- ✓ A series of IRP workshops/job counseling will be organized between PAHs and TSMC to understand the PAHs' preference, the job openings for PAHs or the general public the developers and the SEZ tenants could offer, and the qualifications for job openings and select the actual vocational trainings to be provided.
- ✓ Since some ministries provide several types of vocational training, which could be utilized as part of IRP, cooperation with these concerned ministries will be taken into consideration.

As for item ii) Facilitating job matching in and around the Thilawa SEZ area, the following training support, PAPs are expected to find job opportunities in and around the Thilawa SEZ area through item ii) Facilitating job matching. Introducing a job vacancy which is suitable for the interest and capability of PAPs will be enhanced in cooperation with the developer and the SEZ tenants, and conducted through IRP workshops and job counseling between TSMC and PAPs. This includes

cooperation and facilitation with Dept. of Labor under Ministry of Labor and Employment and relevant departments in townships.

In addition, assistance will be considered for those who wish to start their own business as part of the activity of item iii) Assistance for starting small business, namely through the microfinance program activities including business plan preparation.

(b) Supports for household account management

As for supports for household account management, two types of supports will be included in order to manage income and expenditure properly to avoid spending without proper plans: i) support to open a bank account not only to receive compensation and assistance money in a safe place but also to save money, avoid misuse, and earn interest; and ii) support to learn about increasing of savings and reduction of debt.

Although it is a common challenge of involuntary resettlement in the world, there is a tendency that PAHs misuse the compensation and assistance money in the initial stage since usually the compensation and/or assistance is provided all at once before resettlement. In Phase 1/ Zone A, the similar problem was found and many PAHs had the larger expenditure than the income for a while after relocation. Therefore, sometime between the compensation payment and relocation, household account management training will be provided so that PAHs will plan how to utilize compensation and assistance money for a longer term.

(2) Component-2: Support for Adopting Environmental and Social Living Conditions

(a) Support for community development

After resettlement, since relatively densely populated conditions are expected at the resettlement site, a sense of community needs to be built and internal rules also need to be prepared for the new resettlement site for better environmental and social living conditions. For example, environmental and hygienic management will be required such as management of common wells, private toilets, garbage, and noise from neighbors' houses. For this, raising of awareness on their life style change from the rural lifestyle to the semi-urban lifestyle at the resettlement site becomes important to maintain the resettlement site in a sustainable manner with community members. Therefore, i) support for training on appropriate environmental and hygienic management is to be included as part of the support for awareness raising. In addition, ii) support for training for sustainable resettlement site management are to be included, which include creation of working groups to address each issue so that the people will be able to deal cooperatively with the issues. In case PAHs are relocated to the existing community nearby the current residence or SEZ but not the resettlement site, necessary assistance to coordinate with the local leaders of the existing community will be provided to the respective PAHs so that PAHs are get used to the rules and systems of the existing community as early as possible.

(b) Support for social integration with host communities

Since generally PAPs have existing living standards and customs, harmonization with host communities (i.e. existing communities around/in the resettlement site) and PAHs to be resettled at the same resettlement site, is an important factor to develop good social living conditions. With

respect to functions of community after its development, establishment of appropriate rules and system is necessary. To realize these important factors, the following supports will be offered: i) support to creation of the sense of cooperation with peoples from the host communities, and ii) support to achieve coordination with host communities.

Social integration also needs to be facilitated for the resettlement site where the host community exists so that newcomer PAHs are able to understand the existing social rules and system and adopt them as early as possible.

(3) Monitoring and Follow-up

Progress and issues of both components (namely, restoration of economic conditions and adopting environmental and social living conditions) will be monitored as part of internal and external monitoring. It is planned that internal monitoring will be conducted by IRPIC assisted by the village administrator monthly and the external monitoring will be conducted bi-annually. Based on the results of the monitoring, follow-up activities including further measures will be carried out if necessary.

5.7 Multi-stakeholder Advisory Group (MSAG)

It was observed through preparation and impetration of IRP for PAHs for the Phase 1/ Zone A that opinion exchange with various stakeholders contributed to enhance awareness and understanding among PAPs and other parties interested in implementation of IRP. During Phase 1/ Zone A implementation, MSAG has been established to advise on the implementation of the Thilawa SEZ Phase 1/ Zone A from the viewpoints of environmental and social considerations. MSAG consists of representatives from TSMC, MJTD, PAPs, mediators, Paung Ku (a local NGO), Earth Rights International (an international NGO) and TSDG, and Myanmar Center for Responsible Business, a Civil Society Organization (CSO) for ensuring effective and transparent dialogue and information exchange. By using a function of MSAG, a structure enhancing participation of PAPs and involving various stakeholders will be developed.

PART IX ASSISTANCE FOR PLANNING RESETTLEMENT SITES FOR DEVELOPMENT OF THILAWA SEZ 2,000 HA

Chapter 1 Assistance for Overall Planning of Resettlement Site

The currently available resettlement site is composed of three sites: Sites-1, 2 and 3. A part of Site-1, approximately 3 acres (the Existing Resettlement Site), was already developed in November 2013 for PAHs of Phase 1/ Zone A area. The remaining approximately 21 acres (the Proposed Resettlement Site) are planned to be used as the resettlement site for PAHs of the 2000ha Development Area. Figure IX-1 shows location of the Existing and Proposed Resettlement Sites.



Note: White line means the Proposed Resettlement Sites (1 to 3) and the area in orange inside Proposed Resettlement Site-1 is the Existing Resettlement Site.

Source: JICA Expert Team

Figure IX-1 Location of Existing and Proposed Resettlement Sites

1.1 Approach to Planning Proposed Resettlement Site

Since the Proposed Resettlement Site has similar natural conditions and PAHs with similar natures are expected to be resettled, lessons-learnt from the Proposed Resettlement Site was necessary to be considered. In addition, topography and groundwater conditions were also taken into consideration for the planning. Following methods were applied to plan the Proposed Resettlement Site:

- i) Reviewing physical conditions of the resettlement site (i.e. results of topographic survey and pumping test)
- ii) Reviewing family structures of PAHs obtained through DMS to consider population in the short, middle and long-terms

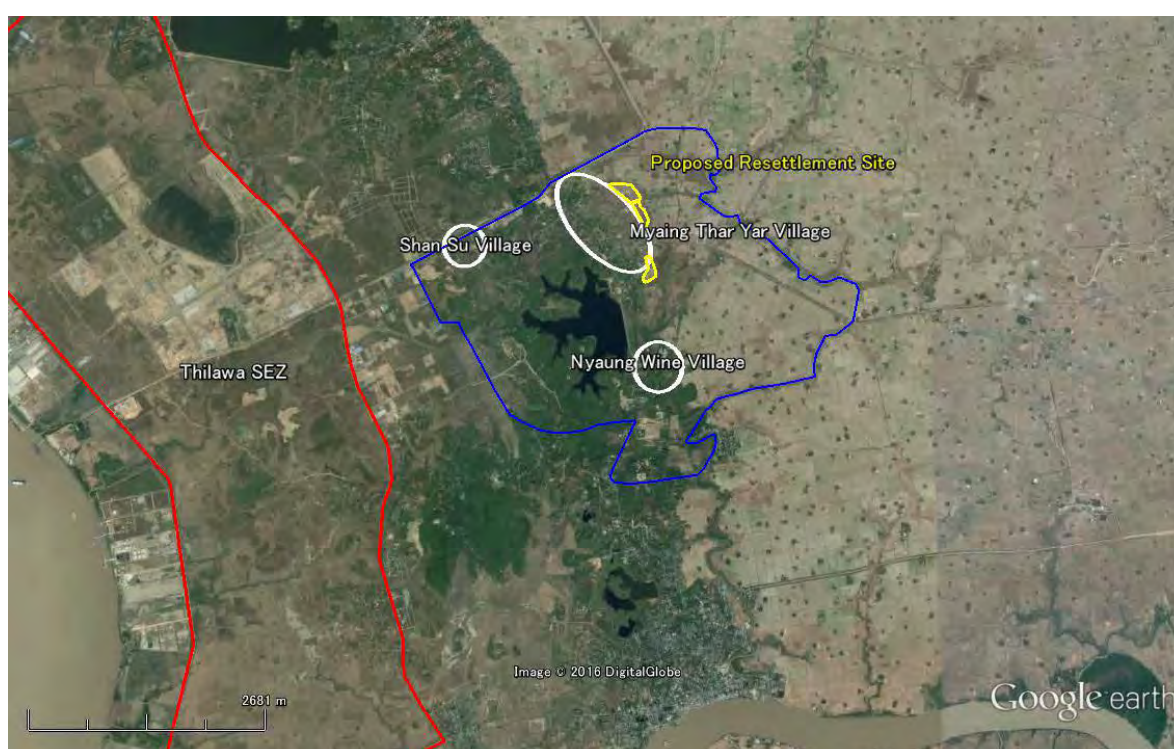
- iii) Considering future development plan at the village tract or township level to harmonize a proposed plan of resettlement sites with the village tract/ township development plan

1.2 Conditions of Proposed Resettlement Site

1.2.1 Baseline Information

(1) Location

The Proposed Resettlement Site locates in Myaing Tharyar Village of Nyaung Wyne Village Tract, Kyauktan Township, which is approximately 3 km from Thilawa SEZ. Although the official village boundary was not identified from literature review, three villages in Nyaung Wyne Village Tract were confirmed through interview to village officers as shown in Figure IX-2.



Note: The white line means the boundary of three villages confirmed through interview, the blue line means the boundary of village tract, and yellow line means the boundary of proposed resettlement site.

Source: JICA Expert Team

Figure IX-2 Village and Village Tract Boundary

(2) Demographic Information

According to the latest statistic data, Yearly Statistical Book of Nyaung Wyne Village Tract (2014), Myaing Tharyar Village has 1,093 households counting for 4,512 persons (i.e. 2,139 males and 2,373 females), and it is the most populated area in Nyaung Wyne Village Tract as of June, 2014. The population of a household is calculated about 3.9 persons per household referring to information in this statistical book. Major income sources of people in the concerned villages are casual work, factory work, sales and farming.

Table IX-1 Population

| Sr | Village | No. of Households | No. of Families | Population | | |
|----|----------------|-------------------|-----------------|------------|----------|-------|
| | | | | Over 18 | Under 18 | Total |
| 1 | Nyaung Wyne | 297 | 309 | 835 | 417 | 1,242 |
| 2 | Shan Su | 246 | 261 | 612 | 282 | 894 |
| 3 | Myaing Tharyar | 1,093 | 1,158 | 2,964 | 1,548 | 4,512 |
| | Total | 1,636 | 1,728 | 4,411 | 2,237 | 6,648 |

Source: Year statistic Book of Nyaung Wyne Village Tract (2014)

(3) Land Use

Table IX-2 shows the latest land use of Nyaung Wyne Village Tract in 2014.

Table IX-2 Existing Land Use

| | Type of Land | Area (acre) | Cultivated land Area (acre) |
|----|---------------------------------|-------------|-----------------------------|
| 1 | Farmland & vacant land | 1,090 | 1,107* |
| 2 | Nipa palm land | 14 | - |
| 3 | Grazing ground | 99 | - |
| 4 | Garden land | 357 | - |
| 5 | Village land | 319 | - |
| 6 | Graveyard land / Religious land | 84 | - |
| 7 | Dam area / Lake | 63 | - |
| 8 | Right of way | 88 | - |
| 9 | Under water land | 57 | - |
| 10 | Forest reserve | 528 | - |
| 11 | Other | 10 | - |
| | Total | 2,709 | 1,107 |

*Additional 17 acre is silted area in the riverside.

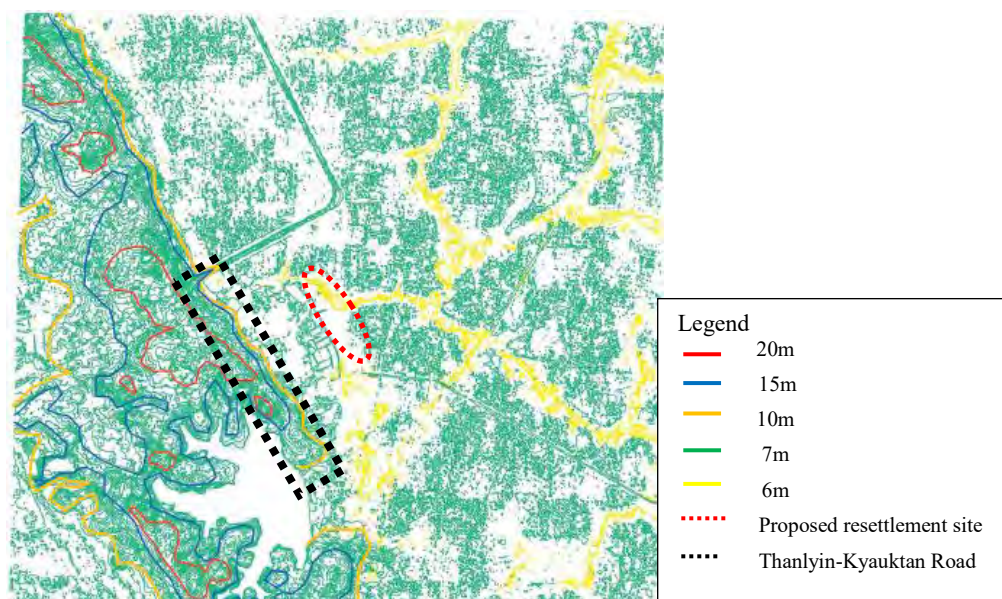
Source: Year Statistic Book of Nyaung Wyne Village Tract (2014)

There is no official record on the land use surrounding the Proposed Resettlement Site. According to the satellite image of Google Earth from 2013 to 2015, the Proposed Resettlement Site has been surrounded with residential area in the west side, which was originally developed as the resettlement area for Bant Bway Kon Dam development in 1996. The east to the south sides is covered with paddy.

1.2.2 Natural Condition

(1) Topography

Kyauktan Township locates in alluvial plain, where is a part of the Ayeyarwaddy and Sittaung deltas. The ridges exist along Thanlyin-Kyauktan road and Thilawa road and are covered by dense vegetation of forest gently sloping southward. In and around Myaing Tharyat Village, the elevation of the Proposed Resettlement Site (a part of alluvial plain) is approximately 6 m above the sea level. On the other hand, the general elevation of Thanlyin-Kyauktan road (a part of ridges) ranges from 10-15 m above the sea level. There is about 4 m difference in the elevation) between the Proposed Resettlement Site and Thanlyin-Kyauktan road.



Source: JICA Expert Team

Figure IX-3 Topography of the Proposed Resettlement Site

Topographic survey was conducted as summarized in Table IX-3 to confirm the topographic condition of the Proposed Resettlement Site.

Table IX-3 Contents and Findings of Topographic Survey

| No | Items | Description |
|----|----------------------|---|
| 1 | Survey period | 26 May to 30 June 2015 |
| 2 | Survey items | <ul style="list-style-type: none"> ➤ Installed 14 primary benchmarks ➤ Installed 25 secondary benchmarks ➤ Measuring highest of the area delineated by primary and secondary benchmarks ➤ Prepared topographic map based on the survey result |
| 3 | Findings from Survey | <p>Followings are commonly observed from Sites-1 to 3:</p> <ul style="list-style-type: none"> ➤ Elevation at the west side of the Proposed Resettlement Site (i.e. 3.5-3.8 m) is approximately 1 m higher than the east side at each site (i.e. 2.2-2.6 m) ➤ Elevation becomes gradually lower from the north to the south (i.e. from Site-1 to Site-3) up to 0.7m. |

Source: JICA Expert Team

(2) Geology

The Proposed Resettlement Site locates on the boundary between the Pegu Group in the Thanlyin-Kyauktan Ridge and the Quaternary Plain. The geological feature of the Pegu Group in the Thanlyin-Kyauktan Ridge is alternation of shales, well consolidated argillaceous and micaceous sandstone. As for the Quaternary Plain, it is composed of the Irrawaddy formation overlaid by the recent alluvium. The Irrawaddy formation is made of medium to coarse grained sand rocks though the recent alluvium is the mixture of sands and clays. It is found from these features that geological condition around the Proposed Resettlement Site is clayish and relatively soft.

Same as geological classification, the Proposed Resettlement Site is considered as classified into two hydrological categories: i) the Thanlyin-Kyauktan Ridge composed of unconfined surface aquifer and four semi-consolidated confined aquifers, and ii) the Quaternary Plain composed of four unconsolidated or weakly consolidated confirmed aquifers. The Quaternary Plain Aquifers are flat and includes fine sand, silt and clay. Thus, a possibility of land subsidence is considered as small.

(3) Groundwater

According to previous exploration boreholes around the Existing and Proposed Resettlement Sites, multiple alluvial aquifers are likely present within the Quaternary alluvial deposits and the Pliocene Irrawaddian Formation, as shown in Table IX-4.

Table IX-4 Summary of Possible Aquifer Distribution around the Proposed Resettlement Site

| Aquifer Name | Depth from Ground | Thickness of Aquifer | Geological Formation |
|----------------------|-------------------|----------------------|-----------------------|
| 1. Shallow aquifer | 0-10 m | 0 -20 m | Loose sand/gravel |
| 2. Zero aquifer | 30-40 m | 20-30 m | Irrawaddian Formation |
| 3. First aquifer | 60 m | 20-30 m | Irrawaddian Formation |
| 4. Secondary aquifer | 110-130 m | 20-40 m | Irrawaddian Formation |
| 5. Third aquifer | 170-190 m | 40-50 m | Irrawaddian Formation |
| 6. Forth aquifer | 240-260 m | 40-50 m | Irrawaddian Formation |
| 7. Fifth aquifer | 300 m | - | Irrawaddian Formation |

Source: JICA Expert Team compiled from Sanyu Consultants Inc. (2014) Data Collection Survey on Water Resources Potential for Thilawa Special Economic Zone and Adjoining Areas, Final Report. JICA.

(4) Natural Disaster

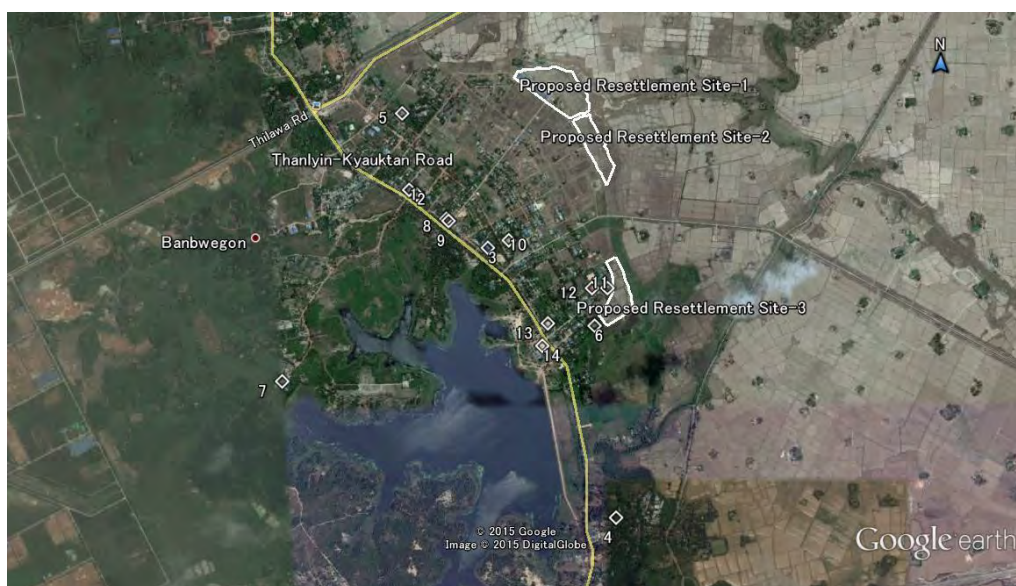
Flooding is the most frequent disaster in Myanmar between years of 1990 to 2014. It counts for 54.8% to all types of disaster confirmed according to “International Disaster Database” established by Center for Research on Epidemiology of Disaster (available from <http://www.emdat.be/database>, accessed on 5 November 2015).

Ministry of Social Welfare, Relief and Resettlement explained in the report of Myanmar Action Plan on Disaster Risk Reduction (2012) that a cyclone is generated in the Bay of Bengal, which will head for the Myanmar coast if the re-curvature is sudden. The report also shows that a cyclone in Myanmar is tend to be happen in April, May and October to December based on the record in the last 100 years. Among these months, May is the highest rate of cyclone hitting counting for 24%. As for the Proposed Resettlement Site, it was found from interview to an officer in Myaing Tharyar Village that the area around the site was flooded except Thanlyin-Kyauktan road at the time of Nargis. After Nargis, there is no large scale of natural disaster in the Proposed Resettlement Site so far.

1.2.3 Existing Infrastructure and Public Service

(1) Social Infrastructure

The area near the Proposed Resettlement Site was originally developed in 1996-1997 as the resettlement area at the time of Bant Bway Kon Dam construction, and necessary social infrastructure was arranged, which is still available to be used. Figure IX-4 and Table IX-5 summarize the existing social infrastructure around the Proposed Resettlement Site. Existing social infrastructure at the surrounding area of the Proposed Resettlement Site as of October 2013 is shown in Appendix IX-1.



Source: JICA Expert Team

Figure IX-4 Location of Existing Social Infrastructure

Table IX-5 Description of Existing Social Infrastructure

| No | Infrastructure | Location |
|----|---|------------------------|
| 1 | Myaing Tharyar Rural Health Center | Thanlyin-Kyauktan Road |
| 2 | Kindergarten | Thanlyin-Kyauktan Road |
| 3 | Middle School (Branch High School) | Thanlyin-Kyauktan Road |
| 4 | Nyaung Wyne Primary School | Thanlyin-Kyauktan Road |
| 5 | Banbwe Kone Primary School No.1 | Thanlyin-Kyauktan Road |
| 6 | Bant Bway Kone Primary School No.2 | Myaing Tharyar 1 area |
| 7 | Shansu Primary School | Thanlyin-Kyauktan Road |
| 8 | Village Administration Office | Thanlyin-Kyauktan Road |
| 9 | Ah Lin Tan Library | Thanlyin-Kyauktan Road |
| 10 | Pyi Taw Aye Monastery | Myaing Tharyar 2 area |
| 11 | Zambu Aye Monastery (Nyaung Kan Aye Monastery) | Myaing Tharyar 1 area |
| 12 | Zamby U Shaung Monastery/ Monastic Educational School for Nun | Myaing Tharyar 1 area |
| 13 | Kyeik Myat Kha Mon Pagoda | Thanlyin-Kyauktan Road |
| 14 | Pagoda | Thanlyin-Kyauktan Road |

Source: JICA Expert Team

There is approximately 3.5 acres of cemetery area where Myaing Tharyar Village currently and commonly use, which locates approximately 0.5 km from the Proposed Resettlement Site. Currently, there are approximately 50 tombs in this cemetery area. General size of one tomb is 4 ft x 6 ft.

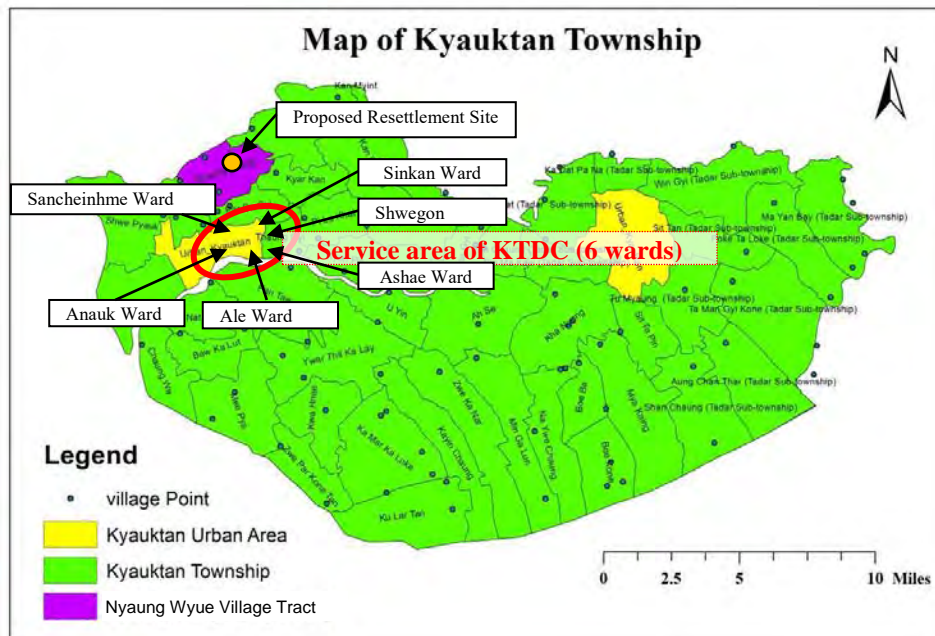


Source: JICA Expert Team

Figure IX-5 Location of Cemetery

(2) Public Service

Public service such as water supply and solid waste collection is provided by Kyauktan Township Development Committee (KTDC). Currently, only six wards in the urban area shown in Figure IX-6 are provided such services, but Myaing Tharyar Village where the Proposed Resettlement Site locates is the out of service area. As for sewage, there is no established collection service.



Source: JICA Expert Team

Figure IX-6 Public Service Area

(a) Water Supply

The six wards in the urban area of the township are only provided water supply from KTDC, but Nyaung Wyne Village Tract is out of service.

(b) Solid Waste Collection

There is an area near the cemetery used for the waste dumping site where estimated four to five tons of waste per day is disposed.

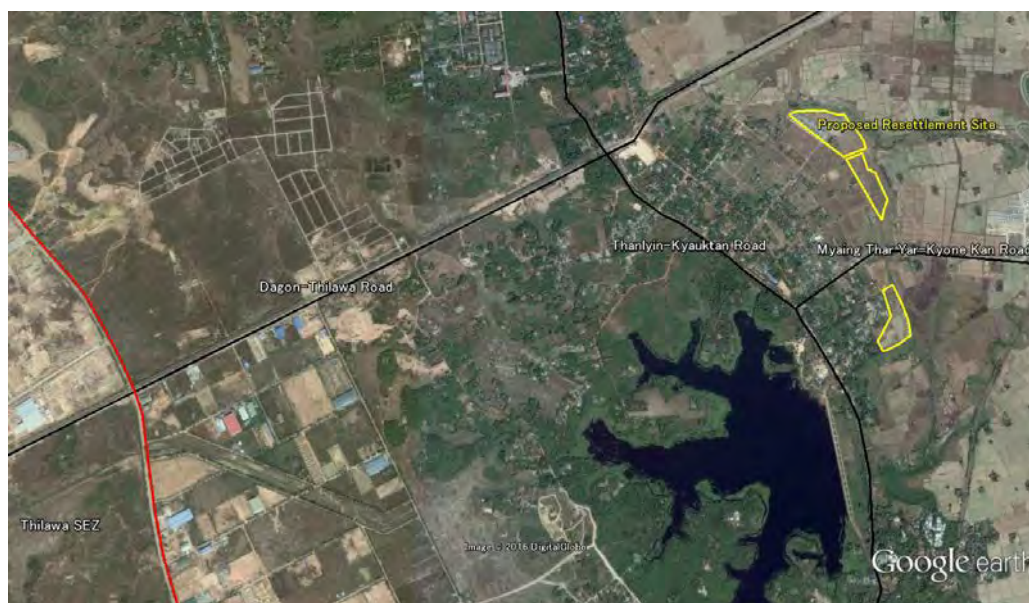
As for Myaing Tharyar Village, it was found from interview to a village administrator in Myaing Tharyar Village that wastes were just disposed in river and creek, drainage, backyard, or burned in their compound. In case of recyclable wastes such as can or bottle, they are sold to junk buyers.

(c) Sewage Collection

Households discharge raw sewage from individual offset pit latrine or discharge directly to ditches/combined culverts without proper treatment. Or otherwise, they call for KTDC to collect sewage/septage as necessary, and Thanlyin Township Development Committee (TTDC) collects sewage/septage according to KTDC request since KTDC does not have collecting equipments. The service tariff is approximately 3,500 to 4,000 MMK per tank for residential use according to the interview to villagers.

(d) Road Network and Transportation Service

There are three major roads in Nyaung Wyne Village Tract: i) Dagon-Thilawa Road connecting between Yangon and Thilawa area, ii) Thanlyin-Kyauktan Road traversing longitudinally between Thanlyin and Kyauktan townships and iii) Myaing Tharyar-Kyar Kan Road connecting to Kyar Kan Township. Dagon-Thilawa Road and Thanyin-Kyauktan Road area concrete road, but Myaing Tharyar-Kyar Kan Road is laterite road. Most of roads in Kyauktan Township are either laterite or earth road.



Source: JICA Expert Team

Figure IX-7 Existing Road Network around the Proposed Resettlement Site

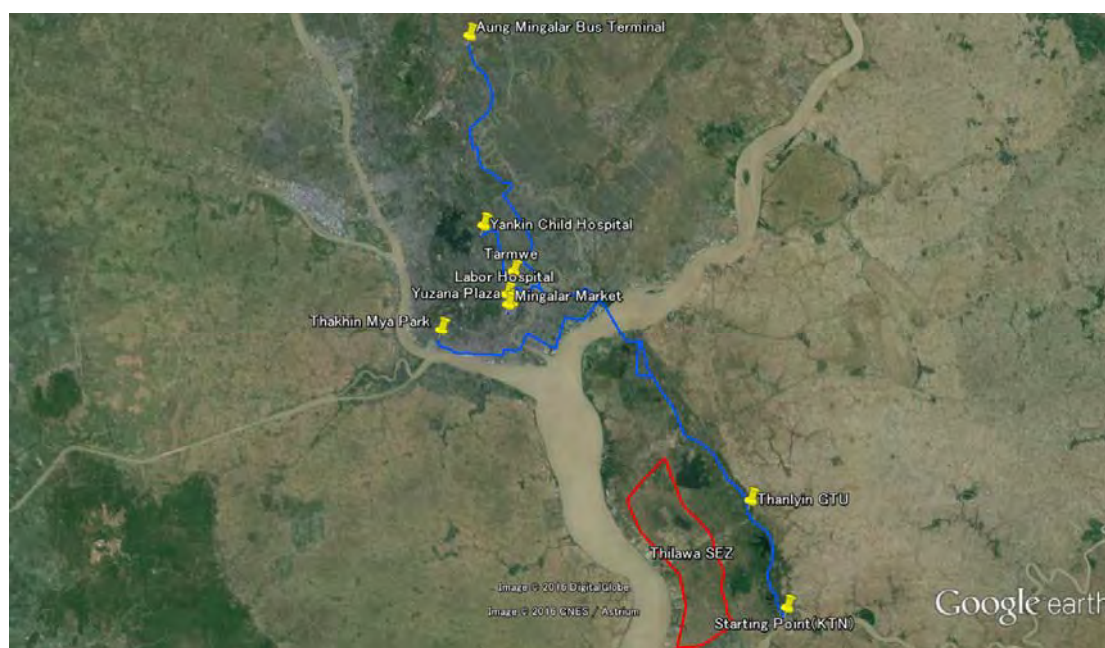
There are six routes of bus services as outlined in Table IX-6 and Figure IX-8. In addition to these buses, there are motorbike taxi and private taxi around the resettlement site. A bus is privately owned, but service in each route is provided by Yangon Region's Public Transport Regulatory Body (*Ma Hta Tha* in Myanmar Language) which is the committee organized under YRG.

Table IX-6 Existing Bus Route around the Proposed Resettlement Site

| No | Route | Bus Type | Details |
|----|---|----------|--|
| 1 | Kyauktan – Tarmwe | Mini bus | There are 30-33 buses in total per day. Frequency is every 10 minutes. |
| 2 | Kyauktan - Yuzana Plaza | Ditto | There are 20-32 buses in total per day. Frequency is every 5 minutes. |
| 3 | Kyauktan – Aung Mingalar Bus Terminal | Ditto | There are about 16 buses in total per day. Frequency is every 20 minutes. |
| 4 | Kyauktan – Mingalar Market | Ditto | There are 51 buses in total, but around 20-30 buses are operating every day. Frequency is every 5 minutes. |
| 5 | Kyauktan – Tarmwe | Ditto | There are 12 buses in total per day. Frequency is every 10 minutes. |
| 6 | Thanlyin Government Technology University -Thakhin Mya Park | City bus | There are about 30 buses in total per day. Frequency is every 10 minutes. |

Note: Capacity of mini bus is about 35 passengers per bus and city bus is about 60 passengers per bus.

Source: JICA Expert Team



Source: JICA Expert Team

Figure IX-8 Bus Route in Thanlyin-Kyauktan Road

1.2.4 Resettlement Site for PAHs in the Phase 1/ Zone A

(1) Current Conditions

1) Ground Level

Since the ground level of a housing plot was lower than the road side, rainwater was inflow into a plot side when it was heavy rain. Then, the ground level at plots was adjusted to be the same level as the road side by soil embankment, and ditches along the road was also improved. Puddles did not last after improvement although there were some houses still where puddles were found due to

slope of land. From the current conditions, elevation of each plot should not be lower than road side and each plot should be well-drained.

2) Groundwater

There were two types of wells in the Existing Resettlement Site, an open well of about 20 ft depth and a hand-pumped well of about 80 ft depth. Turbidity and iron smell was reported from some of hand-pumped wells. Two methods, installing a filtration equipment and changing a pump, were applied as measures. After the measures were taken, it was confirmed that turbidity and iron smell was improved at the site.

3) Sewage and Sludge

An offset pit latrine was installed at each household, but a pit installed underground became full in a shorter period than originally assumed. One of reasons was considered as water inflow to a pit from a pipe for ventilation due to lowness of ventilation pipe from the ground. Then, another concrete ring was installed to secure some height from the ground to avoid water inflow after heavy rain. Standing water is inevitable in case of a heavy rain in a short time such as squall in the rainy season. A combination of appropriate drainage inside each plot and distance of ventilation from the ground was important to be reflected for planning of the resettlement site.

4) Garbage

The pass way to the garbage pit was upgraded for easy access to the garbage pit. To prevent garbage scattering around a garbage pit, appropriate size of a garbage pit and land use around a garbage pit needed to be considered as lessons-learnt from the existing garbage pit.

Chapter 2 Assistance for Planning Wells

2.1 Groundwater Features in and around Proposed Resettlement Site

2.1.1 Review of Past Survey

(1) Previous Study

Following reports were available to understand the outline of geology and hydrogeology including wells distribution and water quality characteristics around the Proposed Resettlement Site:

- 1) Sanyu Consultants Inc. (2014) *Data Collection Survey on Water Resources Potential for Thilawa Special Economic Zone and Adjoining Areas, Final Report*. JICA.
- 2) Aung Aung Tin, Win Naing and Maung Maung (1991) “*Hydrogeology of Thanlyin-Kyauktan Area*” Diploma Article, Geology Department of Yangon University.
- 3) Aye Thand Bo (2001) “*Urban Geology of Thanlyin Area*” Diploma Article, Department of Engineering Geology of Yangon Technical University.

Sanyu Consultants Inc. (2014) reviewed above 2) and 3) reports, and compiled their information, topographical analysis of satellite image and site reconnaissance result into the geological map as shown in Figure IX-11.

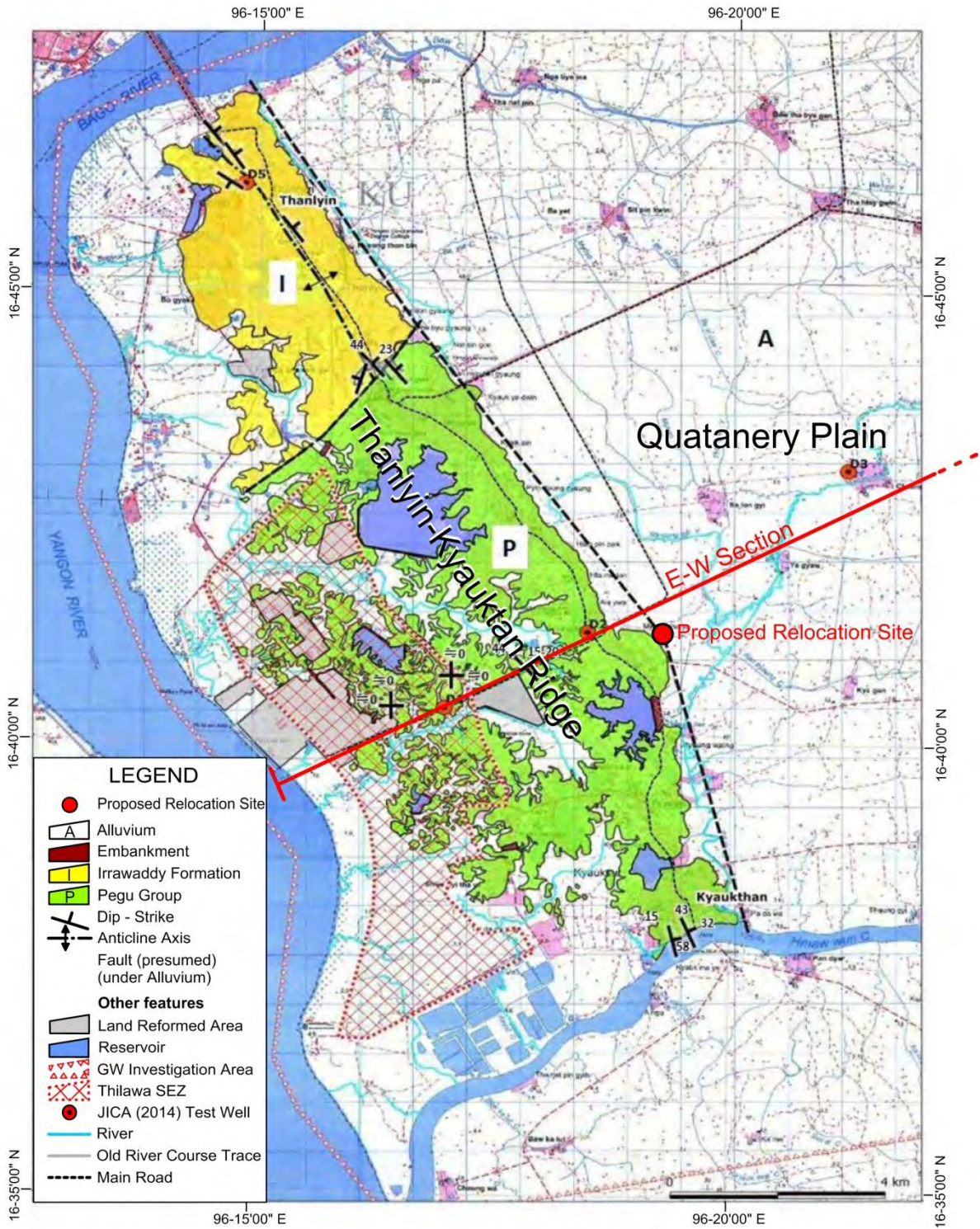
(2) Geological Features

Survey site is situated on the boundary between Thanlyin-Kyauktan Ridge and Quaternary Plain, where faults are inferred under the alluvial deposits along the boundary by previous survey as shown in Figure IX-9. The Thanlyin-Kyauktan Ridge is composed of Miocene Pegu Group and the Quaternary Plan is composed of the Irrawaddy Formation which is overlain by recent alluvial deposits. The geology of sequence exposed around the survey area is summarized in Table IX-7.

Table IX-7 Stratigraphic/Lithological Sequence around Survey Area

| Thanlyin-Kyauktan Ridge | | | Quaternary Plain | | |
|-------------------------------------|---|---|--------------------------------|---|---|
| Geologic Units (Age) | Lithology | Description | Geologic Units (Age) | Lithology | Description |
| Pegu Group (Oligocene ? to Miocene) | Alternation of shale and sandstone with ferruginous bands | Alternation of shales and well consolidated argillaceous, bluish grey to brownish grey coloured, fine to medium grained micaceous sandstone with ferruginous band | Alluvium (Recent) | Sands and Clays | Yellowish grey, bluish grey, brownish grey coloured sands and clays. |
| | | | Unconformity | | |
| | | | Irrawaddy Formation (Pliocene) | Sand rocks interbedded with Clays and Mudstones | Medium to coarse grained sand rocks interbedded with clays and mudstones. |

Source: JICA Expert Team



Compiled based on geological maps by Win Naing et al. (1991) and Aye Thanda Bo (2001), topographical analysis of satellite image and outcrop reconnaissance. Inferred faults indicated only for majors.

Source: Original-Data Collection Survey on Water Resources Potential for Thilawa Special Economic Zone and Adjoining Areas Final Report. Sanyu Consultants Inc. JICA (2014); retouched.

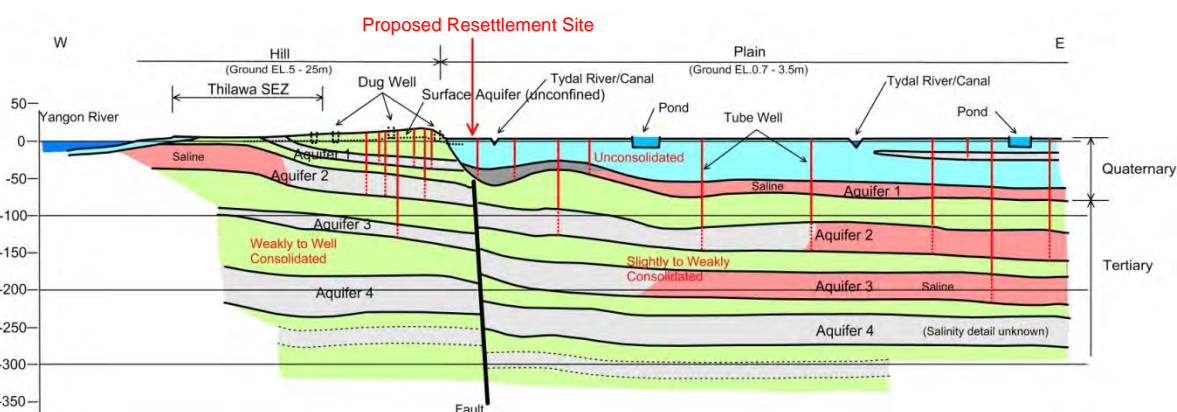
Figure IX-9 Geological Map of Thanlyin-Kyauktan Ridge and Quaternary Plain

(3) Aquifer Structure

Schematic profile of aquifer distribution around survey site is shown in Figure IX-10. The Proposed Resettlement Site is hydrogeologically divided into two areas: the hill (Thanlyin-Kyauktan Ridge) and the plain (Quaternary Plain), as well as geologically. The boundary between them is a fault which is supposed to run along the eastern edge of the hill.

According to Sanyu Consultants Inc. (2014), it is considered that an unconfined surface aquifer and 4 semi-consolidated confined aquifers distribute in the hill. They are slightly folded or tilting to the east.

In the plain area, 4 unconsolidated or weakly consolidated confined aquifers lie under the plain. The uppermost confined aquifer is the basal coarse-grained materials composed of Quaternary deposits. The surface unconfined aquifer does not develop well. The aquifer layers are mostly flat. There is an unconsolidated clayey layer between the surface unconfined aquifer and the 1st confined aquifer, which consists of a fine alternation of very fine sand, silt and clay. The organic and very soft clays are little included. Therefore, land subsidence by consolidation per a unit thickness is considered to be small. However, the subsidence by excessive pumping associated with development of groundwater should be cared because the total thickness of clayey layer (light blue unconsolidated layer in Figure IX-10) is more than 50 m at a maximum and the total amount of subsidence may be large even if consolidations in each aquifer sub-layers in alternation are small.



Source: Original - Original-Data Collection Survey on Water Resources Potential for Thilawa Special Economic Zone and Adjoining Areas Final Report. Sanyu Consultants Inc. JICA (2014); excerpt and retouched.

Figure IX-10 Schematic Profile of Aquifer Distribution around Proposed Resettlement Site

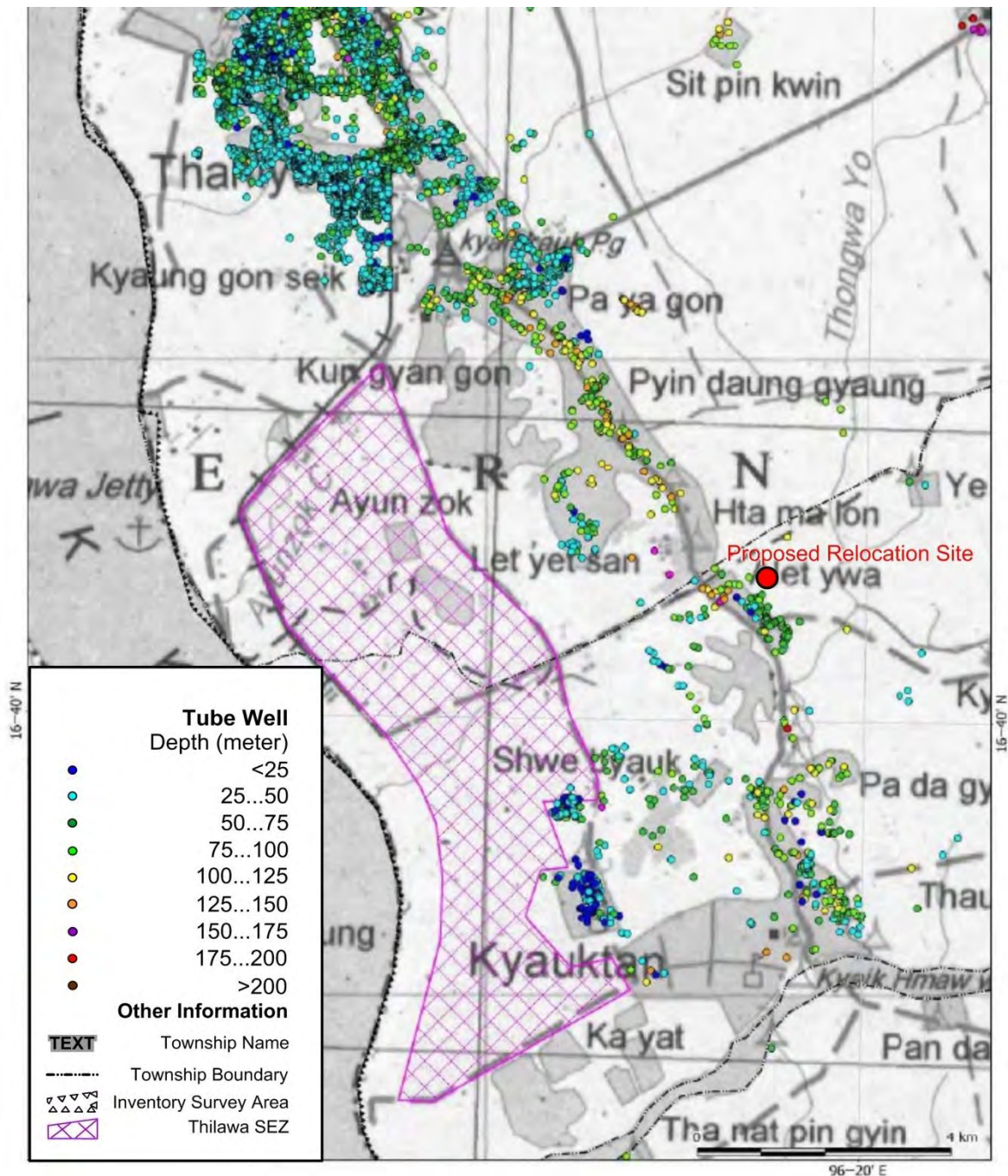
2.1.2 Situation of Existing Wells in and around the Proposed Resettlement Site

(1) Existing Water Wells Condition

Many of water wells (tube and hand dug wells) exist around Thanlyin-Kyauktan area. Spatial distribution of tube wells and their depth is shown in Figure IX-11. Tube wells are concentrated in the hilly area and on the boundary between the hill and the plain.

According to Sanyu Consultants Inc. (2014), the daily pumping hours of the tube wells are mostly less than 1 hour and rarely exceed 3 hours. The capacity of the tube wells has peaks of frequency around intervals of 20 - 40 L/min, 60 - 70 L/min and 200 - 300 L/min.

Several wells can be found in and around the Proposed Resettlement Site. However, some of them have been abandoned due to various reasons such as turbidity, salinity, iron taste and hand pump malfunction. These problems appear to result from improper well design and construction.



Source: Original - Original-Data Collection Survey on Water Resources Potential for Thilawa Special Economic Zone and Adjoining Areas Final Report. Sanyu Consultants Inc. JICA (2014); excerpt and retouched

Figure IX-11 Spatial Distribution of Tube Well Depth (in and near the Hill)

(2) Possible Distribution of Aquifers around the Proposed Resettlement Site

According to the existing water well information on the basis of previous survey, visual observation and interview with local residents, multiple aquifers are likely present within the Quaternary alluvial deposits and the Pliocene Irrawaddy Formation, as shown in Table IX-8.

Shallow aquifer is the surface unconfined aquifer less than 10m in depth, which consists of alluvial loose sand and gravel. The depth of hand dug wells in and around the Proposed Resettlement Site is about 6 m (20 ft) and the most of them are abandoned because of poor water quality.

Zero aquifer and 1st aquifer are confined aquifer in alluvial deposits. The depths of these aquifers are presumed 30-40 m and 60 m respectively. Tube wells which are main water sources in the Proposed Resettlement Site have depth between 48 m (160 ft) and 60 m (200 ft). Most of the screens at the site appear to be installed in the zero or 1st aquifer in alluvial deposits.

Confined aquifers below 2nd aquifer belong to Irrawaddy Formation.

Table IX-8 Summary of Possible Aquifer Distribution in and around the Proposed Resettlement Site

| Aquifer Name | Depth from Ground Surface | Thickness of Aquifer | Geological Formation |
|---------------------|----------------------------------|-----------------------------|--|
| Shallow Aquifer | 0 - 10 m | 0 -20 m | Loose sand/gravel (Alluvial Deposits) |
| Zero Aquifer | 30 - 40 m | 20 - 30 m | Alluvial Deposits |
| First Aquifer | 60m | 20 - 30 m | |
| Second Aquifer | 110 - 130 m | 20 - 40 m | Irrawaddy Formation |
| Third Aquifer | 170 - 190 m | 40 - 50 m | |
| Forth Aquifer | 240 - 260 m | 40 - 50 m | |
| Fifth Aquifer | 300 m - | - | |

Source: JICA Expert Team

2.2 Well Construction and Pumping Test

2.2.1 Method of the Survey

(1) Objectives and Work Items

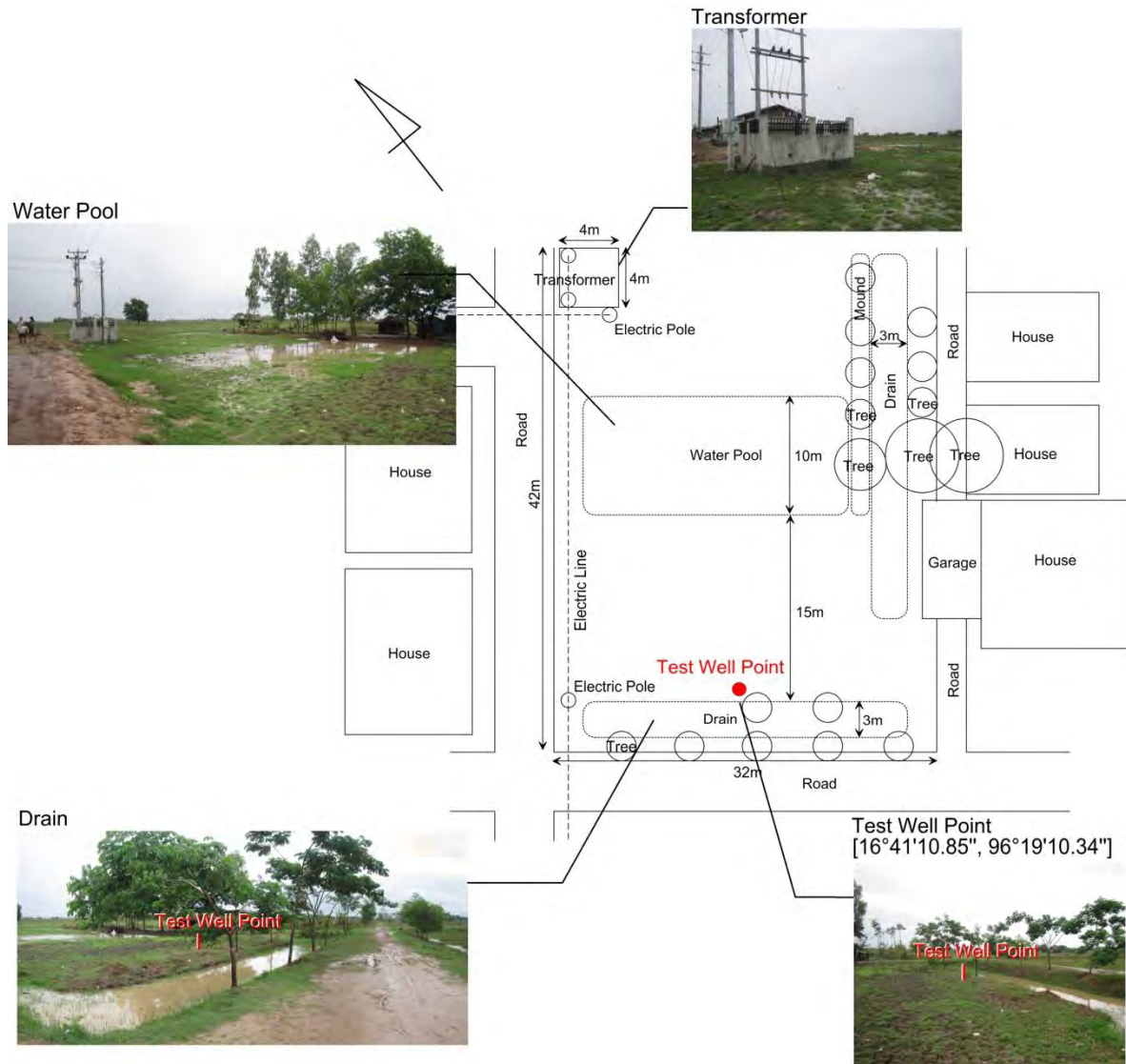
The objectives of the well construction works are to drill a test well with installation of casing, conduct pumping test in order to understand local hydrogeological setting as well aquifer distribution, and examine availability of groundwater for domestic use at the Proposed Resettlement Site from the viewpoint of water quantity and quality.

The works include the following items:

- Test well drilling
- Installation of casings and screen pipes with gravel packing
- Borehole development
- Pumping test
- Water quality analysis

(2) Drilling Site

Drilling point with features of the site is shown in Figure IX-12. The site is located at south border of the Existing Resettlement Site and the point is about 4m from the road which passes through the southwest side of the Proposed Resettlement Site. The surface of the site is covered with clayey soil originated form paddy field.



Source: JICA Expert Team

Figure IX-12 Drilling Point with Features of the Site

(3) Drilling Method and Target Aquifer

The rotary drilling method using mud water was applied to the drilling work. The diameter of borehole has 220 mm taking into account the installation of uPVC casings and screen pipes with 150 mm in diameter. Annular space between the drilled hole and screen pipes was filled with well rounded river gravel sufficiently washed as gravel packing. The space above the target aquifer was sealed to prevent any contamination from penetrating downward. Cement and slime composed of clay were used as impervious materials for sealing.

The 1st aquifer is approximately 60 m below the present ground surface in alluvial sand formation, but the groundwater may be iron-rich because some existing tube wells in the Existing Resettlement Site have iron taste. Therefore, target of this drilling survey was set to 2nd aquifer in the Irrawaddy Formation.

(4) Pumping Test

The purpose of pumping test is to provide data from which aquifer properties, such as transmissivity and hydraulic conductivity, can be calculated. Pumping test also is used to assess the impacts to surrounding area on well production. The results of pumping test provide fundamental input data that can be used in calculation which predicts drawdown in the area due to pumping.

The pumping test procedures are as follows:

- Preliminary pumping test
- Step drawdown test
- Continuous pumping test, and
- Water recovery measurement

(5) Water Quality Analysis

Water samples were collected after the well has been pumped long enough to remove standing water, mud and other foreign materials, during the continuous pumping test. The temperature, pH and electrical conductivity (EC) of water were measured at the sampling time. 19 parameters of water quality shown in Table IX-9 were analyzed on site and in the laboratory having official certification on water analysis.

Table IX-9 Water Quality Analysis Parameter

| No | Parameter | No | Parameter |
|----|----------------|----|-----------|
| 1 | pH | 11 | Iron |
| 2 | EC | 12 | Manganese |
| 3 | TDS | 13 | Chloride |
| 4 | Color | 14 | Sulphate |
| 5 | Turbidity | 15 | Sodium |
| 6 | Temperature | 16 | Arsenic |
| 7 | Fluoride | 17 | Copper |
| 8 | Nitrate | 18 | Lead |
| 9 | Nitrite | 19 | Zinc |
| 10 | Total Hardness | | |

Source: JICA Expert Team

2.2.2 Results of Well Construction and Pumping Test

(1) Drilling Works

Drilling works was started from 6 June 2015. Formation was soft and easy to drill and the depth of drilling has reached 130 m after three days where is supposed to be in Irrawaddy Formation. Therefore, drilling works was stopped to install screen casings.

(2) Distributions of Aquifers at the Proposed Resettlement Site

Aquifer positions and installed screen position are summarized in Table IX-10. It is difficult to detect appropriate depth of aquifers because the judgment of aquifers should be relied upon the slime coming from the bottom of borehole with mud water. The formation changes gradually and there are no thick unconsolidated clayey layers to divide among aquifers.

Although it was known that there are 2 shallow aquifers above the 1st aquifer, those aquifer were not confirmed clearly in this survey. 1st aquifer in Alluvial Deposits, as described in 2.1.2, was

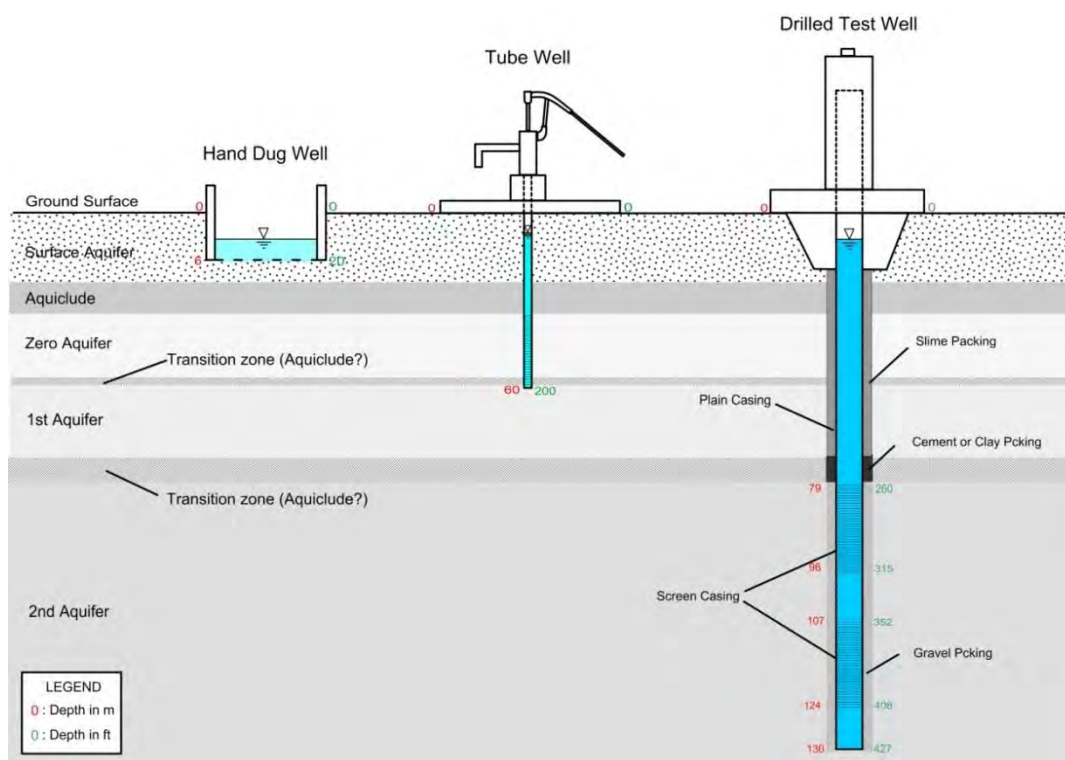
located approximately 61 m below present ground surface up to around 79 m at the site and continue on 2nd aquifer in Irrawaddy Formation starts from around 79 m without clayey layer which functions as aquiclude.

Table IX-10 Presumed Aquifers and Screen Position to be Installed

| Aquifer Name | Depth from Ground Surface | Description | Installed Screen Positions |
|-----------------|---------------------------|---|------------------------------------|
| Shallow Aquifer | 0 - 15 m (around) | Loose clay, partially sand/gravel | - |
| Zero Aquifer | 33 – 61 m (around) | Unconsolidated clayey/silty sand | - |
| First Aquifer | 61 - 79 m | Unconsolidated clayey/silty sand 68 – 79m: Transition zone (clayey/silty sand) | - |
| Second Aquifer | 79 - 110 m | 79 - 110m: Slightly consolidated clayey/silty sand 110m-: Slightly to semi-consolidated alternation of clay/silt and fine sand | 79.15 – 96.10m 107.40 – 124.35m |

Source: JICA Expert Team

Schematic view of relationship among aquifers, well depths and screen positions in and around the Proposed Resettlement Site is shown in Figure IX-13. The screens were installed in 2nd aquifer which should have relatively good quantity and quality. The wall of hole was soft and easy to collapse at shallow layer and it has been struggling to fill annular space with gravel. Although there is no clayey layer between 1st aquifer and 2nd aquifer which functions as aquiclude, cement was injected into the top of the screen (79 m) and slime was filled in the remaining space up to the mouth of the hole to prevent groundwater in both aquifers from mixing through annular space around the casings and to collect water sample for quality analysis from 2nd aquifer. Well development took 3 days because grain size of the sand composed of 2nd aquifer is fine and a large amount of the sand was penetrated into the well through gravel packed screen area.



Source: JICA Expert Team

Figure IX-13 Schematic View of Relationship among Aquifers, Well Depths and Screen Positions in and around the Proposed Resettlement Site

(3) Pumping Test

Pumping test was started from the morning of 24 June 2015. The four different discharge rates for step drawdown were decided referring to the result of the preliminary pumping test: 5.0 m³/hr, 7.5 m³/hr, 10.0 m³/hr and 12.5 m³/hr. Timing and interval of water level checking during pumping test is shown in Table IX-11. Detailed results of pumping test are enclosed in Appendix IX-2.

Table IX-11 Timing and Interval of Water Level Checking during Pumping Test

| Time from Beginning | Interval of Measurement |
|---------------------|-------------------------|
| 0 - 10 min | 1 min |
| 10 - 20 min | 2 min |
| 20 - 60 min | 5 min |
| 1 to 2 hr | 10 min |
| 2 to 3 hr | 15 min |
| 3 to 4 hr | 20 min |
| 4 to 5 hr | 30 min |
| 5 to 24 hr | 60 min |

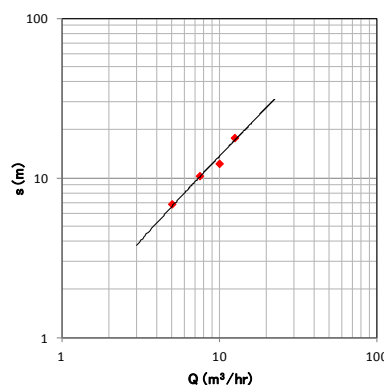
Source: JICA Expert Team

Result of step drawdown test is summarized in Figure IX-14. It shows the aquifer has enough water and appears to be able to pump up more than 12.5 m³/hr. After step drawdown test, 24 hr continuous pumping test and recovery test (8 hr) were carried out based on the result of step drawdown test. Continuous discharge rate was set at 10.0 m³/hr. The reasons of the decision for continuous pumping rate are as follows:

- 2nd aquifer may have capacity to supply a sufficient amount of water. However, the amount of fine sand coming into the well from the aquifer was increased in proportion to pumping rate during step drawdown test.
- Although the aquifer used for hand pump wells is zero or 1st aquifer which is different from the aquifer test well uses, nearest hand pump well is located at a distance of only about 30m from the test well and it is necessary to set safe side pumping rate for the impact to the wells.
- Because the geological formation at the drilled site contains many clayey and silty layers, it cannot be denied the possibility of land subsidence.

The aquifer properties calculated from pumping test and recovery test is shown in Table IX-12.

| Step | Discharge Q (m ³ /hr) | Drawdown s (m) |
|------|----------------------------------|----------------|
| 1st | 5.00 | 6.87 |
| 2nd | 7.50 | 10.31 |
| 3rd | 10.00 | 12.32 |
| 4th | 12.50 | 17.87 |



Source: JICA Expert Team

Figure IX-14 Result of Step Drawdown Test

Table IX-12 Aquifer Properties Calculated from Pumping Test and Recovery Test

| Item | Unit | Value | Note |
|------------------------|------------------------|----------------------------------|-------------------------------|
| Screen Position | (m) | 79.15 – 96.10 107.40 – 124.35 | 2nd aquifer |
| Total Length of Screen | L (m) | 33.9 | Assumed aquifer thickness |
| Static Water Level | SWL (GL-m) | 1.60 | Before step drawdown test |
| Pumping Rate | Q (m ³ /hr) | 10.0 | 24hr continuous drawdown test |
| Pumping Duration | T (hr) | 24 | 8 hr for recovery test |
| Dynamic Water Level | DWL (GL-m) | 16.75 | After 24 hr |
| Drawdown | s (m) | 15.15 | DWL - SWL |
| Unit Drawdown | Δs (m) | 2.23 | Continuous discharge test |
| Residual Unit Drawdown | Δs' (m) | 2.47 | Recovery test |
| Transmissivity | T (m ² /s) | 2.3E-04 | Continuous discharge test |
| | | 2.1E-04 | Recovery test |
| Hydraulic Conductivity | K (m/s) | 6.7E-06 | Continuous discharge test |
| | | 6.1E-06 | Recovery test |

Source: JICA Expert Team

Transmissivity and hydraulic conductivity were calculated using following formula:

$$T = \frac{0.183 \times Q}{\Delta s}, K = \frac{T}{H} \quad (\text{For continuous drawdown test})$$

$$T = \frac{0.183 \times Q}{\Delta s'}, K = \frac{T}{H} \quad (\text{For recovery test})$$

Where:

T: Transmissibility

Q: Pumping Rate

Δs, Δs': Unit drawdown and residual unit drawdown

H: Aquifer thickness (assumed the same as total length of the screens)

K: Hydraulic Conductivity

Although the value of hydraulic conductivity (6.1E-06 and 6.7E-06 m/s) indicates typical value of silty sand or fine sand and is not enough higher, sufficient amount water is expected from the test well for the people living in the Proposed Resettlement Site. Assuming that pumping rate is 10 m³/d, operating time is 8 hr, and the domestic water usage per day per person inhabitants is 10 L/d, available number of the test well is estimated 1,600. If one family is composed of five persons, it is calculated that the test well can cover the 320 households.

(4) Water Quality Analysis

Two additional items, Total Coliform Bacteria and Escherichia Coli (E.Coli), and Manganese whose accuracy of the value is suspect were performed at laboratory in Thailand. Finally, four of parameters, pH, Color, Turbidity and Iron, exceeded the WHO standards. Result of water quality analysis is summarized in Table IX-13.

The Ministerial Ordinance on Water Quality issued on 2 March 2015 by the Ministry of Health, Labour and Welfare in Japan (the Ministerial Ordinance), pH value in drinking water is determined to be pH 5.8 - 8.6 (from weak acid to weak alkaline). Therefore, the value of pH 5.9 meets the requirement in the Ministerial Ordinance, and it is not likely that the water is immediately detrimental to health.

Iron concentration (1.68mg/L) shows more than five times than the WHO standard (0.3mg/L), nevertheless, Iron smell and taste have not been detected onsite at the time of sampling during the pumping test. Color and Turbidity may be affected by Iron concentration.

Table IX-13 Result of Water Quality Analysis¹

| No | Parameter | Result | WHO Standard |
|----|---------------------------|---------------------------|--------------|
| 1 | pH | - | 6.5 – 8.5 |
| 2 | EC | μS/cm | - |
| 3 | TDS | mg/L | 1,000 |
| 4 | Color | TCU | 15 |
| 5 | Turbidity | NTU | 5 |
| 6 | Temperature | °C | - |
| 7 | Fluoride | mg/L | 1.5 |
| 8 | Nitrate | mg/L | 50 |
| 9 | Total Hardness | mg/L as CaCO ₃ | 500 |
| 10 | Iron | mg/L | 0.3 |
| 11 | Manganese | mg/L | 0.041* |
| 12 | Chloride | mg/L | 250 |
| 13 | Sulphate | mg/L | ND |
| 14 | Arsenic | mg/L | ND |
| 15 | Copper | mg/L | 2 |
| 16 | Lead | mg/L | 0.01 |
| 17 | Zinc | mg/L | 3 |
| 18 | Total Coliform Bacteria | MPN/100mL | <1.1* |
| 19 | Escherichia Coli (E.Coli) | MPN/100mL | <1.1* |

Note: *: Analyzed in Thailand laboratory

“ND” means “not detected”. It means that analytical results of the parameters were under detection limit.

“TCU” means “true color unit”, a unit of color of water. With using the unit, color of water sample is measured by comparing with color of standard solution including potassium chloroplatinate (K₂PtCl₆), and cobaltous chloride (CoCl₂ · 6H₂O).

“NTU” means “nephelometric turbidity unit”, a unit of turbidity of water. With using the unit, turbidity of water sample is measured by comparing with turbidity of Formazin standard solution.

“MPN” means “most probable number”. Number of coliform cannot be counted directly, so coliform is cultured to make visible colony in laboratory, and number of cultured colonies is counted. However, 1 visible colony may be formulated by multiple coliform, or some coliform may not form visible colonies. Therefore, number of cultured colonies itself is always not equal to number of coliform itself, so the word, “most probable number”, is used as unit of coliform.

Source: JICA Expert Team

2.2.3 Recommendations for Groundwater Development for the Proposed Resettlement Site

(1) Location for Drilling

Recommended areas for drilling are on the boundary between Thanlyin-Kyauktan Ridge and Quaternary Plain, where faults are inferred under the alluvial deposits along the boundary by previous survey. Groundwater in hilly area consisting of Pegu Group cannot be expected too much in quantity, as it has been reported in Sanyu Consultants Inc. (2014). In addition, it is not suitable for development of groundwater because salinization of aquifer has been in progress at central area in lowlands.

¹ Analysis of Nitrite and Sodium have excluded from the items specified in TOR because there is no equipment to analyze in Myanmar laboratory and Nitrite has also not been detected in previous water quality analysis results from the wells in the Existing Resettlement Site.

(2) Target Aquifer

Recommend target aquifer is confined 2nd aquifer. Almost all hand dug wells and tube wells in and around the Proposed Resettlement Site is installed their screen into zero or 1st aquifer. A large amount of pumping by additional newly constructed wells from upper 2 aquifers can lead to capacity degradation or exhaustion of existing wells.

Many existing wells installed upper 2 aquifers are not suitable for drinking because of Iron smell and taste. Groundwater in 2nd aquifer has been reported that Iron ion concentration is relatively low according to Sanyu Consultants Inc. (2014). Water quality may be better than upper 2 aquifers.

(3) Drilling Works

Recommended drilling method is rotary boring because characteristic of formation should be checked carefully in terms of hydrogeology to identify aquifers, make a decision for stop digging, and determine screen positions while drilling. Formation in and around the Proposed Resettlement Site is relatively soft and easy to drill.

Saline groundwater may exist in and around the Proposed Resettlement Site. Screen casing for the well should be made of PVC. 2nd aquifer is composed of fine sand and the sand may flow into the well through screen. If necessary, a nylon mesh should be wrapped around the screen section of casing pipe to prevent sand from coming inside the well.

(4) Securing Water Quality for Drinking Purpose

Comparing the water quality analytical results with the WHO Drinking Water Guidelines (WHO Guidelines) as shown in Table IX-13, the groundwater taken from the test well was not contaminated by toxic heavy metals such as arsenic or lead, and coliform. Therefore, the groundwater did not have characteristics causing health impact and was considered to be able to use for drinking purpose without anxiousness about health impacts. On the other hand, the analytical results of color, turbidity, and iron showed that the groundwater had several issues for usage of drinking purpose from sensuous viewpoints. The figure of color showed 30 TCU, which exceeded threshold value that people can observe color, 15 TCU. The figure of turbidity was 58 NTU, which was more than the recommendable value of the WHO Guidelines, 5 NTU. The analytical result of the iron was 1.68 mg/L, which was the concentration level that the that water may have iron taste and caused coloring clothes by washing. These water quality characteristics relayed on the condition of developing well. For example, after developing, groundwater tends to move faster in the aquifer and iron ion in the formation may melt in groundwater easier than ever. Therefore, the groundwater quality may improve after continuous pumping in long term. However, these characteristics may be stable one, so it is recommended to check water quality before starting usage, and to equip apparatus for removing iron and clay or silt increasing chromaticity and turbidity as necessary. At the Existing Resettlement Site, efficiency of the iron removal apparatus consisting of filtration and sedimentation tank, so similar type of apparatus are recommendable for the test well or other wells which will be drilled in the resettlement site.

Additionally, it is recommended to continue groundwater quality monitoring whether taste and smell change or not along with pH, EC, water level and temperature. Changes in water quality provide early warning of unsuitable water for drinking and need for water treatment.

Water level measurement is also suggested to make a regular record of the depth to water table from a reference point such as the top of the well casing or well cap. The measurements will provide an early warning of water supply problems relating to water use and water quantity in the subject aquifer.

PART X CASE STUDY ON PREPARATION OF RESETTLEMENT WORK PLAN FOR THE INITIAL DEVELOPMENT AREA (AREA 2-1) IN ZONE B

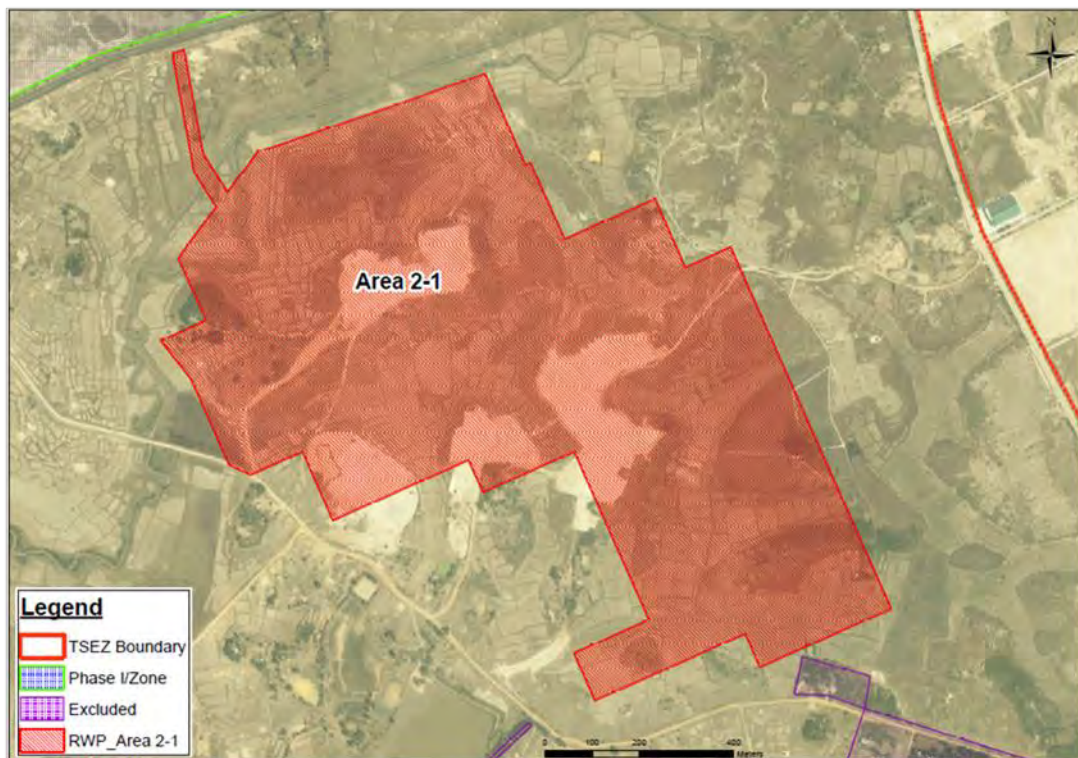
Chapter 1 Outline of Assistance by JICA Expert Team

1.1 Outline of Initial Development Area (Area 2-1) in Zone B

Following the development of Phase 1/ Zone A including its expansion of approximately 9 ha, the development of the 2000ha Development Area is now in the planning stage based on the land use plan of the 2000ha Development Area finalized by TSMC. Even though the measures to minimize relocation impacts have been taken into consideration, physical and economic displacement is unavoidable for the development of the 2000ha Development Area. Thus, the Framework was prepared in February 2016 with the purpose of establishing a common assistance policy in the entire area.

Based on the current land use plan, the next development area is identified for an industrial area of approximately 262 ha, and the development plan is also being prepared. Additionally, out of 262 ha, approximately 100 ha is identified as the Initial Development Area of the Industrial Area (Area 2-1).

The provisional boundary of Area 2-1 as of 12 February 2016 was shown in Figure X-1. The boundary will be finalized through fine-tuning in accordance with the land development plan and field measurement including one by National Survey Team.

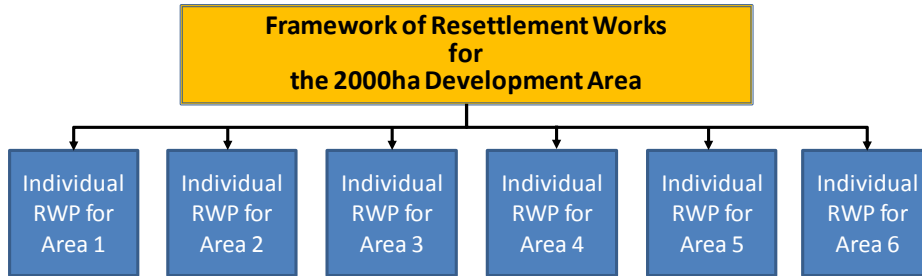


Source: Compiled by JICA Expert Team based on Draft Resettlement Work Plan (RWP) for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Figure X-1 Provisional Boundary of Area 2-1 of Thilawa SEZ

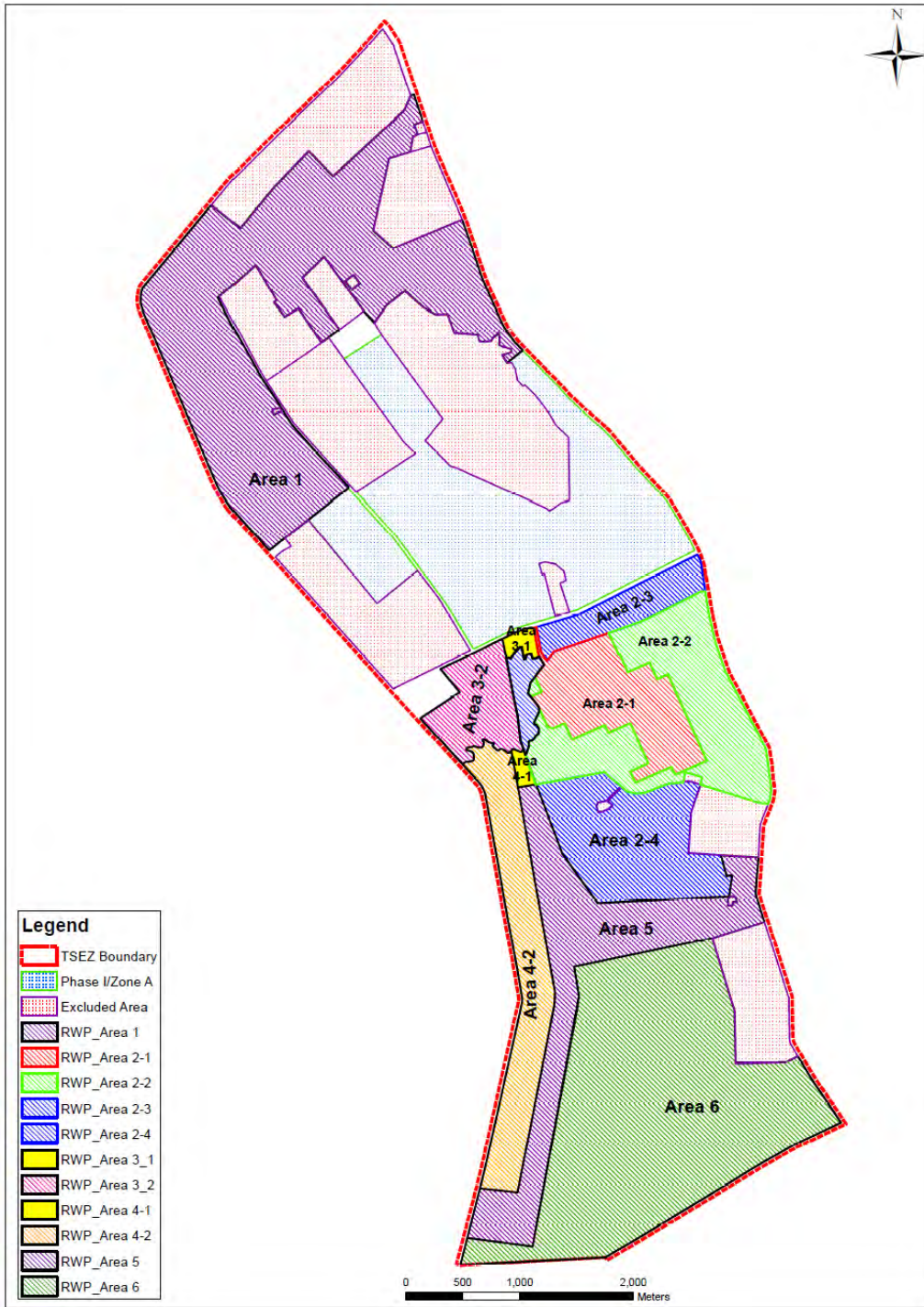
1.2 Resettlement Scope

According to the structure planned in the Framework, more detailed structure of preparing individual RWPs was developed as indicated in Figure X-2 to the provisional area of resettlement works as shown in Figure X-3.



Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Figure X-2 Structure of Framework and Individual RWPs



Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Figure X-3 Provisional Areas for Resettlement Works¹

The Draft RWP for Area 2-1 was prepared based on DMS, and the result of the eligibility confirmation meeting at each village to the provisional boundary of Area 2-1 as shown in Figure X-

¹ The areas may be divided further in accordance with development schedule of the area etc. As of February 2016, Area 2 is divided into four i.e. Area 2-1 (the Initial Development Area), Area 2-2, Area 2-3 and Area 2-4.

1. Table X-1 outlines the provisional relocation scope as per the Draft RWP for Area 2-1. A household in the Draft RWP was defined as a group of people living together in a living structure regardless of relationship among them.

Table X-1 Provisional Relocation Scope

| Category | No. of Project Affected Households (PAHs) | No. of Project Affected Persons (PAPs) |
|--|---|--|
| Households living inside the Initial Development Area (Household Living Inside Area 2-1) | 5 | 21 |
| Households cultivating inside the Initial Development Area but living in another area (Household Just Cultivating Inside Area 2-1) | 13 | 60 |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

1.3 Contents of Technical Assistance Provided by JICA Expert Team

Table X-2 summarizes contents of technical assistance provided by JICA Expert Team in the course of preparing RWP for Area 2-1. Detailed contents are explained at the respective chapters.

Table X-2 Contents of Technical Assistance Provided by JICA Expert Team

| Work Procedure | Contents of Technical Assistance |
|--|--|
| Fixing the boundary of Area 2-1 | <ul style="list-style-type: none"> - Identifying affected structures and paddy for delineating the planned project boundary - Facilitating relevant authorities for conducting site survey for fixing the boundary |
| Identifying Eligible Households | <ul style="list-style-type: none"> - Setting criteria to define eligible households and definition of structures - Methodology to confirm eligible households using criteria - Facilitating to organize meetings to confirm eligible households including preparing necessary materials |
| Supplemental Meetings with Entitled People for Land Compensation | <ul style="list-style-type: none"> - Reviewing the list/map of entitled people for land compensation provided by SLRD - Identifying people who were not included any list of eligible confirmation - Supporting YRG and TSMC to hold meetings with identified entitled people |
| Preparing RWP for Area 2-1 | <ul style="list-style-type: none"> - Reviewing DMS results and preparing the form for calculation of assistance amount including proposing the draft unit price to be used for assistance calculation - Examining assistance policy based on the Framework for 2000ha Development Area - Preparing the assistance policy into the report form |
| Organizing Consultation Meetings | <ul style="list-style-type: none"> - Examine contents to be explained to PAHs - Preparing handouts and presentation materials - Logistic arrangement |
| Information Disclosure | <ul style="list-style-type: none"> - Preparing the list of draft eligible households - Arranging for disclosing the Draft RWP for Area 2-1 |

Source: JICA Expert Team

Chapter 2 Assistance for Supplemental Socio-Economic Survey (Detailed Measurement Survey: DMS)

2.1 Criteria of Eligibility for Assistance Package for Households Conducted DMS

Criteria of eligibility already established for the 2000ha Development Area explained in Part VIII were also applied for the assistance package for Area 2-1 since the policy stipulated in the Framework is basically applied for the all 2000ha Development Area including Area 2-1.

- (1) Households living inside Area 2-1 on the day of COD.
- (2) Households occupying some area inside Area 2-1 on the day of COD by doing income generation activities or holding structures though living outside Area 2-1.
- (3) Households whose land is under the official land acquisition procedure.

2.2 Confirmation of Eligibility for Land Compensation

Area 2-1 locates inside the area where official land acquisition process is currently on-going. The area includes not only persons entitled for the assistance package but also entitled persons of land compensation in the official land acquisition procedure. People potentially entitled for land compensation was listed by SLRD. However, there were many cases where land title was unofficially transferred from the households listed in the SLRD record to other persons. In this concern, JICA Expert Team assisted YRG and TSMC to identify difference between the title holders listed by SLRD and current users confirmed by DMS. However, it was found confirmation between the list prepared by SLRD and the results of DMS was difficult due to difference of information level. Thus, YRG and TSMC held meetings to confirm land ownership by inviting the land owners as per the SLRD records, the current owners and interested persons (if any) to confirm the latest land ownership from both/all the concerned parties. The landowners were requested to bring the evidence which shows the land ownership and explained the current status to Southern District. The summary of the meetings is presented in Table X-3, and Table X-4 shows the provisional entitled households as of 14 March 2016 confirmed by the title holder confirmation meetings as per Table X-3. Additional follow up discussion will be held as necessary.

Table X-3 Summary of Village Meetings for Land Ownership Confirmation

| Date | Outcomes |
|------------------|--|
| 28 February 2016 | Land owners and interested persons attended for 25 land plots. |
| 1 March 2016 | Land owners and interested persons attended for 13 plots. |
| 7 March 2016 | Land owner attended for 1 plot. |
| 14 March 2016 | Land owner and interested person attended for 2 plots. |

Source: JICA Expert Team

Table X-4 Provisional Eligible Households

| Category | No. of Household |
|---|------------------|
| Entitled for farmland compensation | 32 households |
| Entitled for garden land compensation | 14 households |
| Entitled for N-land compensation | 5 households |
| Entitled only for living structure (no compensation for land) | 5 households |
| Entitled only for agriculture products and trees | 1 household |
| Total | 57 households |

Note: Several households cultivating someone else's land in Area 2-1 but also owns other land in Area 2-1 are not counted in this category.

Source: JICA Expert Team

2.3 Outline of DMS Results

DMS was conducted to the entire 2000ha Development Area as explained in Part VIII, and its result was used for preparing Draft RWP for Area 2-1. Summary of DMS results for Area 2-1 is shown below:

(1) Profile of Project Affected Households/ Persons of Area 2-1

Profile of PAHs and PAPs in Area 2-1 is outlined in Table X-5 to Table X-7.

Table X-5 Ethnicity of PAHs

Unit: Households

| Category | Burma | Hindu | Others |
|---|-------|-------|--------|
| Households Living inside Area 2-1 | 5 | 0 | 0 |
| Households Just Cultivating inside Area 2-1 | 11 | 1 | 1 |
| Total | 16 | 1 | 1 |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Table X-6 Religion of PAHs

Unit: Households

| Category | Buddhist | Hindu | Others |
|---|----------|-------|--------|
| Households Living inside Area 2-1 | 5 | 0 | 0 |
| Households Just Cultivating inside Area 2-1 | 12 | 1 | 0 |
| Total | 17 | 1 | 0 |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Table X-7 Literacy of PAHs

Unit: Households

| Category | Not able to speak, read and write | Able to speak, but not to read and write | Able to speak, but read and write little | Speak, read and write fluently |
|---|-----------------------------------|--|--|--------------------------------|
| Households Living inside Area 2-1 | 0 | 1 | 2 | 2 |
| Households Just Cultivating inside Area 2-1 | 0 | 2 | 4 | 7 |
| Total | 0 | 3 | 6 | 9 |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

(2) Inventory of Assets of PAHs (Livestock, Crops and Trees)

Type and number of large-size livestock raised by PAHs are shown in Table X-8.

Table X-8 Type and Number of Large Size Livestock¹ Raised by PAHs

Unit: Number

| Category | Raising for Milk | Raising for Agriculture | Raising for Other Use |
|---|------------------|-------------------------|-----------------------|
| Households Living inside Area 2-1 | 1 | 0 | 2 |
| Households Just Cultivating inside Area 2-1 | 6 ² | 86 | 0 |
| Total | 7 | 86 | 2 |

Note: 1. Large size livestock means cow and buffalo.

2. 6 cows are counted as cows for milking but they are also used for cultivating

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Types and amount of paddy, other crops and trees are explained in Table X-9.

Table X-9 Types and Amount of Paddy, Vegetable and Tree Grown by PAHs

| Category | Paddy (basket) | Vegetable | | | | Tree (no.) |
|---|----------------|-------------------|------------------|--------------|-----------------|------------|
| | | Betel Leaf (pole) | Cucumber (plant) | Bean (plant) | Roselle (plant) | |
| Households Living inside Area 2-1 | 0 | 12,000 | 0 | 0 | 0 | 4,886 |
| Households Just Cultivating inside Area 2-1 | 8,390 | 6,000 | 375 | 120 | 160 | 11,214 |
| Total | 8,390 | 18,000 | 375 | 120 | 160 | 16,100 |

Note: 1. No. of tree is according to the interview result.

2. No. of tree is the total amount of both fruit trees and non-fruit trees.

3. In case no. of trees is not available, it is estimated based on the number of fruits.

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Inventory of movable assets of PAHs is also summarized by PAH category as shown in Table X-10 to Table X-12. Basically most movable assets can be relocated or used even after resettlement, except for some agricultural equipment in case PAH cannot continue farming.

Table X-10 Movable Assets of PAHs (1)

Unit: Number

| Category | Electric fan | Fridge | Inverter | Small generator | Battery |
|---|--------------|--------|----------|-----------------|---------|
| Households Living inside Area 2-1 | 0 | 1 | 1 | 2 | 0 |
| Households Just Cultivating inside Area 2-1 | 4 | 4 | 3 | 7 | 3 |
| Total | 4 | 5 | 4 | 9 | 3 |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Table X-11 Movable Assets of PAHs (2)

Unit: Number

| Category | Car | Bicycle | Motor-cycle | Gondow (handy tractor) | Tractor | Water Pump |
|---|-----|---------|-------------|------------------------|---------|------------|
| Households Living inside Area 2-1 | 1 | 6 | 3 | 0 | 0 | 1 |
| Households Just Cultivating inside Area 2-1 | 4 | 7 | 10 | 0 | 0 | 2 |
| Total | 5 | 13 | 13 | 0 | 0 | 3 |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Table X-12 Movable Assets of PAHs (3)

Unit: Number

| Category | Mobile Phone | TV | VCD | Solar | Radio | Sewing Machine | Washing Machine |
|---|--------------|----|-----|-------|-------|----------------|-----------------|
| Households Living inside Area 2-1 | 7 | 4 | 3 | 0 | 0 | 0 | 0 |
| Households Just Cultivating inside Area 2-1 | 22 | 7 | 7 | 1 | 0 | 0 | 0 |
| Total | 29 | 11 | 10 | 1 | 0 | 0 | 0 |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

(3) Impacts on Livelihood and Income Sources

(3-1) Income Source

Main income source of household head varied depending on the current location. However, it is observed that farming paddy is the most common income source and consists of 44%, followed by self-employed (22%) and odd job worker (17%). Table X-13 summarizes main income source of household heads.

Table X-13 Major Income Source of Household Head

Unit: Person

| Category | Paddy Farmer | Vegetable Farmer | Odd Job Worker | Wage Worker | Self-Employed | Others | Total |
|---|--------------|------------------|----------------|-------------|---------------|--------|-------|
| Households Living inside Area 2-1 | 0 | 1 | 2 | 1 | 1 | 0 | 5 |
| Households Just Cultivating inside Area 2-1 | 8 | 0 | 1 | 1 | 3 | 0 | 13 |
| Total (No. of Workers) | 8 | 1 | 3 | 2 | 4 | 0 | 18 |
| Average (%) | 44 | 6 | 17 | 11 | 22 | 0 | 100 |

Note: Average percentage is calculated by dividing the total number of workers for respective category by the total number of responded PAHs (18 PAHs).

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Wage worker, self-employed and odd job worker are the major income types of other working family members in a household.

Table X-14 Major Income Source of Other Working Family Members

Unit: Person

| Category | Paddy Farmer | Vegetable Farmer | Odd Job Worker | Wage Worker | Self-Employed | Others | Total |
|---|--------------|------------------|----------------|-------------|---------------|--------|-------|
| Households Living inside Area 2-1 | 0 | 0 | 1 | 0 | 3 | 0 | 4 |
| Households Just Cultivating inside Area 2-1 | 2 | 0 | 3 | 6 | 3 | 0 | 14 |
| Total (No. of Workers) | 2 | 0 | 4 | 6 | 6 | 0 | 18 |
| Average (%) | 11 | 0 | 22 | 33 | 33 | 0 | 100 |

Note: Average percentage is calculated by dividing the total number of workers for respective category by the total number of responded PAHs (18 PAHs).

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

(3-2) Household Income

The average annual income of PAHs is about 5,500,000 MMK/year for the household living inside Area 2-1 and about 6,100,000 MMK/year for the households just cultivating in Area 2-1 as shown in Table X-15.

Table X-15 Average Annual Income of PAHs

Unit: MMK/year

| Category | Average Annual Main Income | Average Annual Secondary Income |
|---|----------------------------|---------------------------------|
| Households Living inside Area 2-1 | 5,500,000 | 16,200,000 |
| Households Just Cultivating inside Area 2-1 | 6,100,000 | 3,700,000 |
| Average | 5,900,000 | 2,800,000 |

Note:

1. Amount of main and secondary income is according to the interview results.
 2. Annual average of the main income is calculated by dividing the total amount of the main income from all working members by the number of responded PAHs.
 3. Annual average of the secondary income is calculated by dividing the total amount of secondary income from all working members by the number of responded PAHs which have the secondary income source, but it does not include the third or fourth incomes.
 4. Average is calculated by dividing the total amount of the main or secondary incomes by the total number of PAHs who has the respective incomes.
 5. 11 PAHs had the secondary income out of 18 PAHs, but 2 PAHs did not respond on the income amount.
- Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

(3-3) Household Expenditure

The annual expenditure and pattern at households gives an indication for assessing standard of living of a household. The ratio of expenditure items to the entire expenditure amount is shown in Table X-16.

Table X-16 Average Annual Expenditure of Major Items

Unit: %

| Category | Food | Health | Education | Commuting | Others |
|---|------|--------|-----------|-----------|--------|
| Households Living inside Area 2-1 | 51 | 14 | 7 | 1 | 27 |
| Households Just Cultivating inside Area 2-1 | 19 | 6 | 6 | 1 | 68 |
| Average | 22 | 6 | 6 | 1 | 65 |

Note:

1. Average is calculated by dividing the total expenditure amount by the number of the PAHs for the respective expenditure type.
2. One household of "Household Just Cultivating" did not respond to this question.
3. "Others" includes the expenditures for cultivating rice, fruit/non-fruit trees and other crops and activities other than agriculture such as livestock, aquaculture, shop and transportation.

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

(4) Vulnerable Households

Since there is no official definition of vulnerable groups in Myanmar, Draft RWP for Area 2-1 defines a household headed by woman, disabled person or elderly person (over 61 years old), a household including a disabled person or a household below the poverty line² as vulnerable

² Integrated Household Living Conditions and Survey in Myanmar (2009-2010) was conducted by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development, and survey result was publicized as Poverty Profile in June 2011. Poverty line as of 2010 was defined as 376,151 MMK per adult equivalent per year in Poverty Profile, and this amount is referred as poverty line in many reports. This RWP also regards 376,151 MMK per adult equivalent per year as the poverty line.

households by referring international practices as also defined in the Framework. Table X-17 outlines vulnerable households for Area 2-1.

Table X-17 Summary of Vulnerable Households

| Category | No. of Households |
|--|-------------------|
| Households headed by woman | 0 |
| Households headed by disabled person | 0 |
| Households headed by elderly | 3 |
| Households below the poverty line | 1 |
| Households including a member of disabled person | 0 |
| Total | 4 |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Chapter 3 Assistance for Preparing Resettlement Work Plan

3.1 Principle of Compensation and Assistance Package

3.1.1 Principle of Compensation and Assistance Package

In accordance with the established policy on resettlement works in the Framework, assistance for Area 2-1 is planned as a combination of: i) assistance for loss of assets, income sources (livelihoods) and relocation, ii) assistance for vulnerable groups, and iii) special arrangement (arrangement of resettlement site and IRP for applicable PAHs/PAPs).

3.1.2 Eligibility Confirmation

It is preferable to proceed land acquisition under Land Acquisition Act 1894 and assistance package in accordance with international standards in the same timing as explained in Section 5.4 of Part II since these procedures should be synchronized. To harmonize each procedure, a regular meeting with concerned authorities, Southern District, SLRD of Kyauktan Township, TSMC and JICA Expert Team, was held since February 2016 to confirm progress and issues of each procedure.

3.2 Assistance Contents

Based on the fundamental principles for eligibility, overall framework of assistance package, impact identified through DMS, the assistance policy established in the Framework, and experience of the Phase 1/ Zone A relocation/resettlement, YRG/ TSMC with technical support from the JICA Expert Team developed the contents of the assistances in Table X-18.

Table X-18 Draft Entitlement Matrix of Area 2-1

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|--|--|--|--|--|
| 1. Assistance for Loss of Assets | | | | |
| 1-1. Fixed Assets | | | | |
| (1) Land (Paddy, Garden) | Paddy or garden land inside Area 2-1 | Owners of land identified by YRG | - Cash compensation at full replacement cost | - Land compensation amount is calculated based on the market price and agreed with target households through consultations |
| (2) House | House at own garden area inside Area 2-1 | Owners of a structure in own garden area | - Cash assistance at full replacement cost | - Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS. |
| | House previously existed inside Area 2-1 but demolished due to notices | Owners of the house upon submission of the sufficient evidence | - A substitute house with necessary infrastructure in a resettlement site, AND - Cash assistance to difference in floor area if it is smaller in a substitute house than a previously living house. | - If it is on other's land, YRG arranges a resettlement site, constructs houses and necessary infrastructure. - Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS |
| | House at other areas inside Area 2-1 | Owners of a structure in pasture land or other's land | - A substitute house with necessary infrastructure in a resettlement site, AND - Cash assistance to difference in floor area if it is smaller in a substitute house than a previously living house. | - YRG arranges a resettlement site, constructs houses and necessary infrastructure. - Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS |
| (3) Hut | Structures defined as huts and confirmed by DMS inside Area 2-1 | Owners of a hut | - Cash assistance two (2) times of the current market price | - Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS. |
| (4) Other Structure (Kitchen or Toilet) | Other structures confirmed by DMS inside Area 2-1 | Owners of a structure | - Cash assistance two (2) times of the current market price in case of garden land or in kind assistance at the resettlement site in case of pasture land and others' land | - Cash assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS. |

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|--|---|--|--|---|
| (5) Standing Rice/Vegetable/Trees | Rice/vegetable/trees grown inside Area 2-1 | Those who cultivating rice/vegetable/trees inside Area 2-1 | - To be assisted as a part of assistance for loss of income sources | — |
| 1-2. Movable Assets | | | | |
| (1) Livestock (cow/buffalo for agriculture or milk) | Livestock (cow/buffalo for agriculture or milk) farmed inside Area 2-1 | Those who farming livestock (cow/buffalo for agriculture or milk) inside Area 2-1 | - Cash assistance per animal | — |
| (2) Agriculture Machines or Other Assets | Agriculture machines or other assets which are not able to be used after relocation | Owners of agriculture machines or other assets | - Cash assistance in the current market price | - Assistance amount is calculated based on the number and type of agriculture machines confirmed at DMS |
| 2. Assistance for Loss of Income Sources/Livelihood(regardless of main or secondary income) | | | | |
| 2-1. Land-Based Income | | | | |
| (1) Paddy Farmer | Income obtained from rice cultivated inside Area 2-1 | Those who obtain income from cultivating rice inside Area 2-1 | - Cash assistance for three (3) times of yield amount in total in the current market price, AND - Participate in IRP | - Assistance amount is calculated based on yield amount recorded in SLRD or confirmed at DMS |
| (2) Vegetable/ Tree Farmer | Income obtained from vegetable and/or tree cultivated inside Area 2-1 | Those who obtain income from cultivating vegetable and/or tree inside Area 2-1 | - Cash assistance for three (3) times of yield amount and/or number of trees in total in the current market price, AND - Participate in IRP | - Assistance amount is calculated based on yield amount and/or number of trees confirmed at DMS |
| (3) Livestock Farmer (cow and buffalo for milk) | Income obtained from livestock (cow and buffalo for milk) farmed inside Area 2-1 | Those who obtain income from livestock (cow and buffalo for milk) farmed inside Area 2-1 | - Cash assistance for three (3) times of income from cow and buffalo for milk, AND - Participate in IRP | - Assistance amount is calculated based on income from livestock confirmed at DMS |
| 2-2. Non Land-Based Income | | | | |
| (1) Contracted worker, daily worker, self-employed person (e.g. carpenter, taxi-driver) | Assistance for non-working days as the duration for disrupting income-generation activities | Those who obtain salary and their working places remain unchanged by relocation | - Cash assistance for seven (7) working days, AND - Participate in IRP if interested | — |

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|--|---|---|---|--|
| (2) Owner of business | Income obtained from business owned inside Area 2-1 | Those who run business inside Area 2-1 | - Cash assistance equivalent to three (3) years of income from running business | — |
| 3. Resettlement Assistance | | | | |
| (1) Moving Cost | — | All households living inside Area 2-1 | - One-time cash assistance (lump-sum) per household | — |
| (2) Commuting Assistance | — | All persons whose work place become farer due to relocation | - One-time cash assistance (lump-sum) per wage worker | — |
| | — | All school students whose study place become farer due to relocation | - One-time cash assistance (lump-sum) per school student | — |
| (3) Cooperation Allowance | — | All households who cooperate on-time relocation | - One-time cash assistance (lump-sum) per household | — |
| (4) Income Restoration Program (IRP) | Losing or decreasing income due to development of the Initial Development Area | Those who are defined as eligible persons to participate in IRP | - In-kind assistance | — |
| 3. Assistance for Vulnerable Groups | | | | |
| Vulnerable Groups | All household headed by woman, disabled person, elderly (over 61 years old), poor household (below poverty line of 2010 in Poverty Profile), or household including disabled member is defined as vulnerable groups in this project | The following persons of vulnerable groups in Area 2-1: ➤ Disabled person and one support person in a family (total two persons), ➤ Elderly person and one support person in a family (total two persons), ➤ Unemployed persons ¹ in a woman-headed household, AND ➤ Unemployed persons in a household below poverty line of 2010 ² | ➤ One-time cash assistance (lump-sum) per person (equivalent to one big bag, about 50kg, of rice per person), AND ➤ Participate in IRP | 50kg of rice is based on calculation at about 15kg of rice per person for 3 months |

Note

1: Unemployed persons are defined in this project as the persons at workable age but not employed.

2: 376,151 kyats per adult equivalent per year in Poverty Profile in June 2011 prepared by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development.

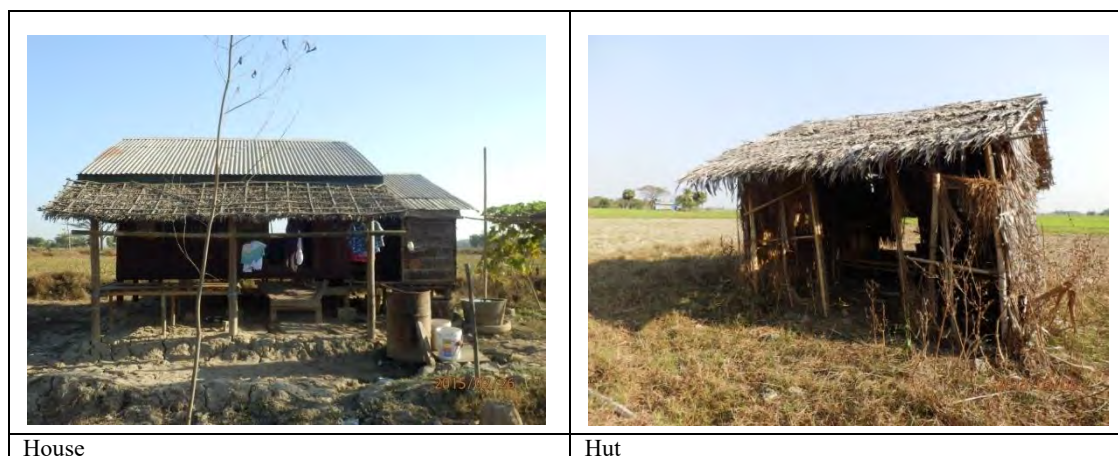
Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

The house and the hut were defined in the Framework as shown in Table X-19 and Photo X-1, which was also used for Area 2-1.

Table X-19 Definition of A Structure

| Structure | Definition |
|-----------|---|
| House | A living structure with an appropriate form such as pier, roof, floor, door and kitchen and possession of sufficient equipment in a structure for continuous living |
| Hut | A rest place during agricultural activities or placing livestock and agriculture equipment namely <i>Lel Sank Tae</i> in Myanmar language |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)



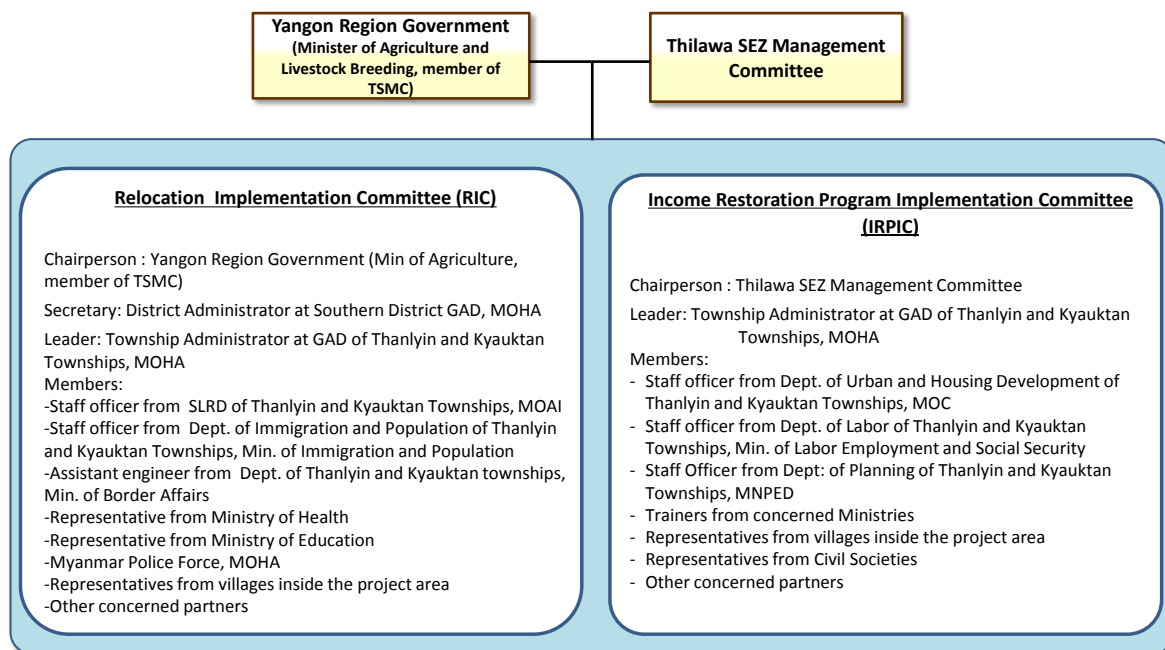
Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Photo X-1 Example of House and Hut

3.3 Consideration of Institutional Arrangement

3.3.1 Official Implementation Committee

2 committees namely RIC and IRPIC were established as the supporting organizations for implementing resettlement works, including IRP activities, of the entire Thilawa SEZ (2,400 ha) according to the decisions issued by YRG. These organizations will also be in-charge of actual resettlements works for the Area 2-1. Figure X-4 shows the structure on two committees.



Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Figure X-4 Structure of Implementing Resettlement Works for the 2000ha Development Area

3.3.2 Multi-Stakeholder Advisory Group (MSAG)

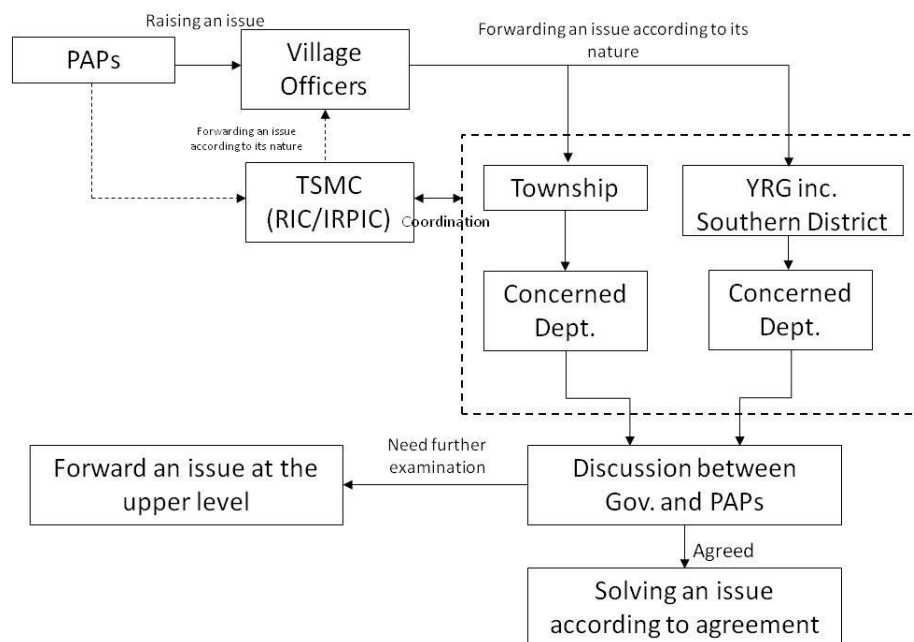
During Phase 1/Zone A implementation, MSAG was established with technical support from T/A for IRP with the aim to advise on the implementation of the Thilawa SEZ Phase 1/ Zone A and to respond to the recommendations from external monitoring and evaluation conducted for the Phase 1/ Zone A resettlement works, civil society interest and concern about IRP. MSAG consists of representatives from TSMC, IRPIC, developer, PAPs, mediators, local and international NGOs such as Paung Ku and Earth Rights International, and TSDG, and Myanmar Center for Responsible Business (a CSO) for ensuring effective and transparent dialogue. In two official committees and MSAG, representatives from villages who are selected among villagers are involved as members to reflect the public opinion into the resettlement process. MSAG is expected to provide advice on resettlement works of Area 2-1 based on experience of Phase 1/ Zone A.

3.4 Consideration of Grievance Redress Mechanism

There are currently 2 possible channels of the grievance redress mechanism depending on the types of grievances; namely the RWP grievance redress mechanism and the community-based grievance redress mechanism which is under discussion.

For the RWP issues such as more official issues on compensation and assistance package, as well as relocation and assistance after relocation, the following existing mechanism which has been applied in practice in the RWP for Phase 1 will be used for Area 2-1 as well (see Figure X-5). First of all, village officers i.e. a village administrator, 100-households heads and 10-households heads are regarded as customary leaders in a community in Myanmar, and generally they are the focal point between administrative side and residents. In a customary way, any grievance from residents is

conveyed to village officers first, mainly village administrator. If village administrator is not able to manage the raised issues, it will be forwarded to the upper administrative level such as townships or YRG. Then, it will be forwarded up to the union level or the district court step by step if it is not solved. This grievance mechanism has been put into practice in Phase 1/ Zone A RWP.



Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Figure X-5 Structure of Grievance Redress Mechanism as of February 2016

Supplementary, for community-related grievances, such as issues of the social facility in the resettlement site or any other daily issues, the following community based grievance management has been used as per PAHs' customary practices. This alternative channel emerged and was developed during the resettlement works of the Phase 1 / Zone A since there were many cases that PAPs contacted TSMC, development partners, developers and CSOs for the grievance, and these parties had the direct dialogs and made the support at community level.

Firstly, the issue is commonly received by the community grievance procedure, which attempts to solve the issue at the community level as much as possible with assistance from the village administrator, RIC, IRPIC or TSMC. Secondly, if the issue is not solved at the community level, it will be discussed at MSAG and prepare a recommendation. Alternatively, if appropriate, it will go to the judicial process. Additionally, if the issue which relates to the government procedure or action is received by the community grievance procedure, it will pass to the respective government by TSMC and YRG.

Lastly, more active participation of community in the grievance mechanism has been also discussed among stakeholders such as MSAG and is to be reviewed and integrated in the current community-based grievance redress mechanism.

3.5 Consideration of Monitoring

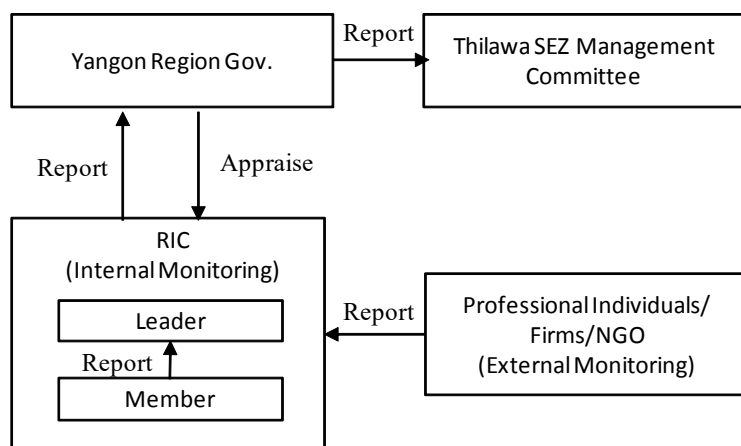
Referring to general international practices and Phase 1/ Zone A experience, YRG/ TSMC plans to conduct internal and external monitoring to confirm the progress and issues on relocation and resettlement including IRP. The internal and external monitoring during relocation and after relocation (resettlement including IPR) will be implemented by RIC or IRPIC together with YRG/ TSMC. The outline of each type of monitoring to be applied for Area 2-1 is presented in Table X-20. Details will be examined further when each monitoring will be implemented.

Table X-20 Outline of Internal and External Monitoring

| Stage | Monitoring | Major Objectives | Monitoring Item | Frequency | Implementation |
|--------------------------------------|------------|--|--|---|---|
| During relocation | Internal | - Confirmation of progress and issue of relocation | - Progress of payment of assistance amount - Progress of relocation - Grievance raised by PAPs and other concerned parties | Every month up to completion of relocation and payment of assistance amount | RIC together with TSMC |
| | External | - Examination of procedure and effectiveness of RWP | - Contents and process of preparing RWP - Effectiveness of relocation - Effectiveness of grievance redress mechanism - Necessity of further measures | Twice a year | External monitoring experts (individual or firm/NGO) |
| After relocation (resettlement, IRP) | Internal | - Confirmation of progress and issues of IRP and management of resettlement site | - Progress of IRP - Issues on management of resettlement site - Grievance raised by PAPs and other concerned parties | Every month up to completion of IRP | IRPIC together with TSMC |
| | External | - Examination of procedure and effectiveness of IRP | - Restoration of socio-economic condition of PAPs - Effectiveness of IRP - Effectiveness of grievance redress mechanism - Necessity of further measures | Twice a year | External monitoring experts (individual or firm/NGO) |
| Evaluation | External | - Examination of procedure and effectiveness of RWP including IRP | - Overall effectiveness of RWP and IRP - Any identified issues and emerging challenges - Lessons learned and recommendations | Once a year | External monitoring experts (individual or firm/NGO) If appropriate, it can be done together with the external monitoring. |

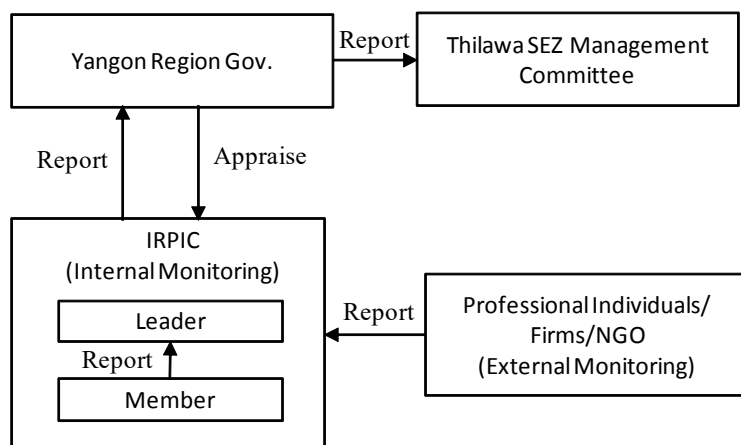
Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

During the relocation phase, RIC will compile the result of internal and external monitoring into a report, and submits it to YRG. YRG will share the monitoring report with TSMC. After the relocation phase, IRPIC will compile internal and external monitoring results into a report, and reports it to YRG. YRG will share the monitoring report with TSMC. Figures X-6 and X-7 show the procedure of monitoring and reporting.



Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Figure X-6 Monitoring and Reporting Procedure during Relocation Phase



Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Figure X-7 Monitoring and Reporting Procedure after Relocation Phase

The procedure of monitoring and reporting in Figure X-6 and Figure X-7 was applied at the time of Phase 1/ Zone A relocation time, but reporting was not proceeded according to the plan at that time since relocation was implemented and completed quickly. Detailed structure and methods will be examined further when each monitoring and reporting will be implemented.

3.6 Consideration of Evaluation

The methodology for evaluation is based mainly on a comparison of socio-economic status of PAHs/PAPs prior to and after relocation taking into consideration external conditions. Socio-economic status will be surveyed through interview with PAPs and others at each period of external monitoring. If the findings indicate that the objectives of resettlement have not been achieved, concerned parties will propose appropriate measures to support PAPs to rehabilitate themselves to at least to their pre-project situation.

Chapter 4 Assistance for Public Participation and Accountability

4.1 Approach of Public Consultation Meeting and Information Disclosure

Public participation is an important activity to secure transparency of the procedures for preparing the RWP including IRP by disseminating relevant information to public as well as PAPs in timely manner. Effective public participation in planning of resettlement works helps to reflect PAPs' opinions concerning the impacts and benefits of the project into the RWP. It also enhances mutual understandings among peoples/organizations concerned on compensation and assistance package, timing of relocation, and contents of IRP.

In the course of development of the RWP for Area 2-1, the following approaches were taken for securing meaningful public participation. In the following approaches, JICA Expert Team provided technical assistance for examining what YRG/ TSMC needed to explain to public at each meeting, preparing handouts and presentation, preparing minutes of meeting, and logistic arrangements.

- (a) Held a series of consultation meetings at respective timings at the time of field survey (DMS) between May 2014 and October 2015.
- (b) Held a series of village level meetings at each village to enhance dialogue among peoples/organizations concerned on eligibility and assistance package after disclosing the eligibility list prepared from the DMS results between March 2015 and September 2015.
- (c) Held a series of village level workshop at each village to feedback the outcomes of the comments on the Framework between December 2015 and January 2016 including Area 2-1.
- (d) Held a public consultation meeting (PCM) with PAHs and other stakeholders regarding contents of the Draft RWP on 14th February 2016 and a follow up PCM on 27 March 2016.
- (e) Held 2 village level meetings with PAHs to follow up discussions on the Draft RWP in the PCM on 14 February 2015. Initially, it was organized on 15 March 2016, and upon request form participated PAHs, it was again organized on 20 March 2016.
- (f) Disclosing the Draft RWP from 29 February 2016 until 8 April 2016 for 40 days to receive comments from the public and reflect them in the final RWP.

4.2 Method of Public Consultation Meetings (PCMs)

The PCM for Area 2-1 was held to explain the project brief, the expected scope of relocation, the proposed entitlement matrix on the compensation and assistance package, possible resettlement sites, and the planned schedule. Since the estimated number of the participants was relatively smaller (less than 100), one meeting was held at Ordination Hall, Aye Myar Thida Ward (Phalan), Kyauktan Township. The venue was selected in terms of easy accessibility from villages in Area 2-1 and around Thilawa SEZ area and the meeting room capacity of the building.

PAHs of Area 2-1, relevant governmental organizations, and anyone, including Civil Society Organizations (CSOs), who are interested were invited by sending the invitation letter to each PAH identified by DMS and posting the notice on the PCM at the village tract offices etc. The invitation letter was delivered to each PAH and posted in each village tract one week in advance.

The presentation and handout were prepared and explained in Myanmar language. The opinions from the participants were received in the question and answer session of the PCM, and feedback forms were additionally provided to the participants so that the people who hesitate to speak out in public can share their views and comments. As the special arrangement for the vulnerable group, assistants were available to fill out the form in case the participant needs assistance in writing/reading and female assistants were also available for the female participants who need any assistance.

4.3 Results of Public Consultation Meetings (PCMs)

The PCM for the Draft RWP was held on 14 February 2016 and 27 March 2016 at Ordination Hall, Aye Myar Thida Ward (Phalan), Kyauktan Township. The summary of the PCM is presented in Table X-21 and Table X-22 respectively.

Table X-21 Summary of Public Consultation Meeting for Draft RWP on 14 February 2016

| Items | Contents |
|---|---|
| 1. Date and Time | 14:00 – 16: 30, Sunday, 14 February 2016 |
| 2. Venue | Ordination Hall, Aye Myar Thida Ward (Phalan), Kyauktan Township |
| 3. Invitee | PAHs |
| 4. Participant | 15 PAHs and 76 other participants; 91 persons as a total |
| 5. Main invitees/participants from government/others | <ol style="list-style-type: none"> 1. Administrator, General Administration Department, Thanlyin Township 2. Administrator, General Administration Department, Kyauktan Township 3. Village Administrator, Shwe Pyi Thar Yar Village Tract 4. Village Administrator, Aye Mya Thida Ward 5. 100 /10-households head leader, Shwe Pyi Thar Yar Village Tract 6. 100 /10-households head leader, Aye Mya Thida Ward 7. Villagers from Shwe Pyi Thar Yar Village Tract 8. Villagers from Aye Mya Thida Ward 9. Other organizations and individuals who are interested in the project |
| 6. Main Agenda | <ol style="list-style-type: none"> 1. Background and RWP activities 2. Area of 100ha Initial Development Area (Area 2-1) 3. Eligible households for Area 2-1 4. Proposed compensation and assistance package 5. Planned implementation organization 6. Planned grievance redress mechanism 7. Possible resettlement sites 8. Further steps 9. Q & A session |
| 7. Major opinions and comments from the participants and responds | <p>Q-1: How will a cemetery in Area 2-1 be affected? A-1: The boundary will be fixed on the ground. If the cemetery will be inside the boundary, the issues will be discussed with concerned persons/ authorities.</p> <p>Q-2: How will cows on pasture land be affected? A-2: Since pasture land is government land, please farm your cows at your home.</p> <p>Q-3: Since La Na(39) mentions 700 ha, please clarify why it is different from 500 ha area which is currently in the land acquisition procedure. A-3: La Na(39) was issued for the area which was already acquired and compensated and is not for the land which is currently in the land acquisition procedure.</p> <p>Q-4: Why do we need to pay the tax after La Na(39) was issued? A-4: The tax you mentioned is the tax on crops.</p> <p>Q-5: We have sent a letter on our comments about three month ago; however, there is no reply so far. A-5: It will be checked, and we (TSMC) will update you soon.</p> |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

During the consultation meeting, feedback forms were distributed to the participants to receive frank comments and opinions from participants, especially vulnerable groups. However, no comments and opinions were submitted in the collected feedback forms.

Table X-22 Summary of Public Consultation Meeting for Draft RWP on 27 March 2016

| Items | Contents |
|---|--|
| 1. Date and Time | 9:00AM– 10:30AM, Sunday, 27 March 2016 |
| 2. Venue | Ordination Hall, Aye Myar Thida Ward (Phalan), Kyauktan Township |
| 3. Invitee | PAHs |
| 4. Participant | 30 PAH and 41 other participants; 71 persons as a total |
| 5. Main invitees/participants from government/others | <ol style="list-style-type: none"> 1. Administrator, General Administration Department, Thanlyin Township 2. Administrator, General Administration Department, Kyauktan Township 3. Village Administrator, Shwe Pyi Thar Yar Village Tract 4. Village Administrator, Aye Mya Thida Ward 5. 100 /10 household head leader, Shwe Pyi Thar Yar Village Tract 6. 100 /10 household head leader, Aye Mya Thida Ward 7. Villagers from Shwe Pyi Thar Yar Village Tract 8. Villagers from Aye Mya Thida Ward 9. Other organizations and individuals who are interested in the project |
| 6. Main Agenda | <ol style="list-style-type: none"> 1. Background and RWP activities 2. Summary of the past consultation meetings incl. village level meetings 3. Eligible households for Area 2-1 4. Proposed compensation and assistance package with detailed assistance allowances 5. Possible resettlement sites 6. Planned IRP activities 7. Planned implementation organization 8. Proposed grievance redress mechanism 9. Further steps and expected timeline for Area 2-1 10. Other activities for Area 2-1 in the near future 11. Q & A session |
| 7. Major opinions and comments from the participants and responds | <p>Q-1: A male participant from Aye Mya Thida ward, Phalan explained that public consultation meetings should not be held without arranging anything exactly about resettlement. If only the new minister can make the exact decision about these issues, they would like to discuss with that new minister. The entire 700ha should be implemented together. Separating only 100ha out of 700ha is not acceptable.</p> <p>A-1: TSMC responded that if 100ha development is successful, the entire 700ha will be developed in a short period, like 400ha.</p> <p>Q-2: A male participant from the 2000 ha of Thilawa SEZ (from Area 6) said that his idea is same as that separating only 100ha cannot be accepted. Where people will be relocated and how much land compensation local people will get should be explained to local people.</p> <p>A-2: regarding the land compensation, TSMC responded that that Southern District will start the negotiation with land owners after the Water Festival, since Southern District has the responsibility for land acquisition and compensation. Regarding the resettlement site, actually TSMC is trying to get the areas that local people proposed. TSMC submitted the letter to concerned departments for that matter. However, TSMC didn't receive any reply yet and would like to request local people to wait for a moment.</p> <p>Q-3: A Male participant from Aye Mya Thida ward, Phalan would like to know why his name is mentioned together with another person in the invitation letter.</p> <p>A-3: JICA Expert Team explained that there are ownership conflicts over the land observed since the time of DMS. Since the conflict is not solved and final decision is not made yet, both households are invited mentioning their name in the invitation letter together. Ownership conflict must be solved at Village Farmland Management Body first. If someone doesn't satisfy the decision of Village Farmland Management Body, they can proceed to Township Farmland Management Body, District Farmland Management Body and Regional Farmland Management Body, step by step.</p> <p>Q-4: A Male participant from Aye Mya Thida ward, Phalan said that regarding the cemetery, local people cannot accept, if cemetery is relocated which is far from their location, and there are big trees over 30 or 40 years near the cemetery. These trees should be relocated as they are too.</p> <p>A-4: TSMC said that cemetery issue will be discussed with local people including GAD, Municipal Department and religious leader. A representative from YRG added that to relocate the big trees as well together with the cemetery is not the right thing to say like that,</p> |

| Items | Contents |
|-------|--|
| | <p>and the new cemetery had been identified, and since Aye Mya Thida became ward and part of urban area of Kyauktan Township, it was decided to use the cemetery with incinerator in Kyauktan.</p> <p>Q-5: A male participant from the 2000 ha of Thilawa SEZ (from Area 6) said that it was mentioned in the Draft RWP that IRP activities are planned to restore their livelihood conditions to at least pre-project level. He thinks that was wrong, because TSMC replied, when they claim about 600 to 800 lakhs MMK per acre for land compensation, that was impossible, and they heard that land compensation will be around 100 lakhs MMK. And six years of crop compensation will be provided for farmers whose lands had been compensated in 1996-97 with 20,000 MMK per acre. To restore their pre-project level is impossible in that situation.</p> <p>Q-6: A male participant from Aye Mya Thida Ward, Phalan said that he asked TSMC about whether the unit price for farmland and garden land will be same or not, and he answered that the price will be same. In this regard, one garden land has been sold with 1500 lakhs MMK per acre near TSEZ. If necessary, they can show that land. That's why, they are demanding 1500 lakhs MMK per acre.</p> <p>A-5 & 6: A venerable monk said that he would like to discuss about misunderstandings in both sides. According to the idea of developer and current government, the land has been already acquired and compensated. But local people are saying that they cannot accept the compensation of 1996-97 and they want to get more. It will be difficult to proceed the activities unless that issue is solved. He thinks that before this kind of consultation meetings that issue needs to be figured out among the developers, community representatives, TSMC, and other concerned social organizations.</p> <p>According to the explanation of TSMC, there are some activities to be conducted before Water Festival. New government will be changed within a few days. Not only the developer side, but also the community side need to explain the current situations to the new Yangon Regional Government. Instead of arguing here, people should find out to get the best solution and to proceed the activities in line with that solution.</p> <p>In a male participant from the 2000 ha of Thilawa SEZ's question, he mixed up IRP activities and land compensation. Land compensation is not related to IRP. Compensation and assistance must be negotiated with the government who will provide compensation and assistance. IRP activities provide the alternative ways to substitute the loss of jobs and livelihood activities, technical skills.</p> <p>He heard that land compensation will be about 100 lakhs, which is calculated in accordance with the international standards. Calculation method should be transparently explained to local people. Other experts or organizations, who know about the international standards very well, should be invited to convince local people, in case people don't accept the amount calculated in line with the international standards.</p> <p>Q-7: A participants from Shwe Pyi Thar Yar (Thilawa) said that he would like to suggest IRP should be planned before resettlement.</p> <p>A-7: TSMC said that IRP will be started immediately after the resettlement. Nine training has been provided at that time of 400ha, out of 15 trainings proposed. IRP program will be planned in parallel with negotiation. Local people are getting jobs in the factories in Thilawa SEZ. Community Relation Officer (CRO), MJTD is introducing job opportunities to local people as priority. If anyone wants to get the job, CV form should be sent to CRO and CRO will introduce the suitable one.</p> <p>Q-8: A male participant from the 2000 ha of Thilawa SEZ (from Area 6) said that they don't know about the international standards and they don't know whether these international standards can suit with the local people or not. Since the project is in Myanmar, they would like the project to be implemented in accordance with 2012 Farmland Law enacted by Myanmar Government. They don't want different rules or policies for each different implementation phase. Same rules or policies should be applied for the entire project area. If the project is to be implemented in accordance with international standards, it will be difficult to proceed.</p> <p>A-8: A representative of YRG said that same participants always ask the questions and she encouraged other participants to ask the questions as well. TSMC already explained that the project will be implemented in accordance with the international standards. In Myanmar, 1894 Land Acquisition Act is still active until now. Since this Act was enacted since British Imperialist and may have some weaknesses, it was decided to implement the project in accordance with the international standards. If local people don't know about these international standards, they can learn. Myanmar government agreed to implement the project in accordance with international standards, because it will be better for people. Since people can get more assistances under the international standards, it was decided to implement in accordance with international standards.</p> <p>In 2012 Farmland Law, resettlement and assistance are not mentioned in that Law, but to</p> |

| Items | Contents |
|-------|---|
| | <p>compensate the land with current market price. At that time, whether current market price is reasonable or not will be taken into consideration. That can be negatively impact to local people.</p> <p>According to 2012 Farmland Law, people who are cultivating have the right to sell, mortgage, inherit and transfer the land officially. Before that Law, people didn't have the right to do these activities officially, but the right to cultivate only. Even in the 2012 Farmland Law, people don't have the ownership right. Before that law, only person who is cultivating has the right to cultivate. At that time, if father can't cultivate, his eldest son cultivates and only his eldest son has the right to cultivate and other sons and daughters didn't have. It is not fair for other sons and daughters. Therefore, the right to inherit the land is officially allowed in 2012 Farmland Law. It was also mentioned in that Law that the ultimate owner of the land is Government. Therefore, implementing the project in accordance with the international standards will be better for people. At that time, there might be some points that people don't agree, these can be proceeded by negotiation. In the negotiation, there must be flexible from both sides.</p> <p>Q-9: A male participant from the 2000 ha of Thilawa SEZ (from Area 6) said that he cannot accept the explanation that constructing living structures inside the farmland area is not allowed. Some people are living inside the farmland with fine houses since their ancestors. And according to TSMC's explanation, investors don't have sufficient money to invest for 700ha. If they don't have money, they don't have to come.</p> <p>A-9: TSMC said that it didn't mean investors don't have sufficient money. What TSMC means is that the investors also have limitation and several things to be considered. To proceed the other areas depends on the success of 100ha. Therefore, people are requested to consider for both sides, not one-sidedly.</p> <p>A representative of YRG explained that if the law is strictly followed, people don't have the right to construct the living structure inside the farmland area, except agricultural hut. If people are scattering over the farmlands, it is difficult for the administration side for security reason. Since activities should be proceeded by negotiation, if people are sticking in their point of view, without having flexible, it will be difficult to do the activities.</p> |

Source: JICA Expert Team

During the consultation meeting, feedback forms were distributed to the participants to receive frank comments and opinions from participants, As a results, 4 feedback forms were submitted to TSMC as summarized in Table X-23.

Table X-23 Summary of Feedback Forms on 27 March 2016

| No. | Contents |
|-----|---|
| 1 | I suggest that compensation should be provided in accordance with 2012 farmland law. Since U Set Aung said that compensation will be provided in accordance with 2012 farmland law, I want to get compensation at current market price. (Male, a resident from Thida Myaing Village Tract, around Area 6) |
| 2 | I would like to request to consider for the farmers to be better than current situation and to have sustainable development. (Female, a resident from Shwe Pyi Thar Yar Village Tract) |
| 3 | I think that trying to relocate the local people before the relocation site is confirmed is wrong. There are many laws stipulated to the project implementation. These laws might be for the developers and companies. (Male, a resident from Thilawa) |
| 4 | Resettlement, compensation and assistance should be discussed and negotiated among TSMC, local people's organizations, and NGOs. (Remarks) - To negotiate the land compensation should be prioritized and to confirm the relocation site. (Male, a resident from Alwansut Ward, around Area 1) |

Source: JICA Expert Team

4.4 Results of Follow-up Village Meetings

In order to follow up the PCM held on 14 February 2016, village level meeting was held on 15 and 20 March 2016. The provisional summary of the village meeting is presented in Table X-24.

Table X-24 Summary of Village Meeting for Draft RWP

| Items | Contents |
|--|--|
| 1. Date and Time | (1) 10:00 - 12: 00, Sunday, 15 March 2016 (2) 10:30- 11:30, Sunday, 20 March 2016 |
| 2. Venue | (1) DUHD Temporary Office (2) DUHD Temporary Office |
| 3.Participants | 1. PAHs 2. Officer, Thilawa SEZ Management Committee 3. Observer: JICA Expert Team |
| 4. Agenda | 1. Follow-up Explanation on the Draft RWP 2. Discussion on the Draft RWP 3. Q&A |
| 5. Major opinions and comments from the participants | <p><u>Comments from PAHs:</u> 1: It is better for only people affected in Area 2-1 to be invited for discussion on RWP and compensation from now on. In the case that there are other villagers at the meeting such as Public Consultation Meeting on 14 February 2016, PAHs at Area 2-1 are difficult to speak out opinion freely. Other villagers who are not PAHs at Area 2-1 tend to dominate the discussion and make the relocation process delayed and complicated, which is not what we want. 2: When I get the house plot at resettlement site, I prefer to build house by myself with my own design and material (not built by Myanmar Government).</p> <p><u>Q &A:</u> Q. Farmers who live in area 2-1 would like to know whether those people should start preparation of their farm for the monsoon paddy this year. A: At the Public Consultation Meeting to be held on 27 March, the answer will be given. Q: When the field marking will be done? Since it is difficult for PAHs to understand the area to be affected with the map, PAHs would like to see the boundary on the ground. A: The field marking is planned to be conducted before water festival. Q: We not read such a document (i.e. RWP) but would like to know when the individual negotiation can be started. A: RWP is a important plan for PAHs to understand the resettlement program. After PAHs understand RWP, the compensation and assistance unit rates would be discussed and negotiated between the Government of Myanmar and PAH group. Then, the individual negotiation can be started.</p> |

Source: JICA Expert Team

4.5 Disclosure of the Draft RWP

The Draft RWP was planned to be disclosed from 29 February 2016 to 28 March 2016 at first, but it was extended up to 8 April 2016. The Draft RWP was disclosed at the places listed in Table X-25. In addition, the Draft RWP both in English and Myanmar language was uploaded on the website of TSMC. Draft RWP is enclosed in Appendix X-1.

Table X-25 Draft RWP Disclosure Places

| |
|--|
| 1. Office of Thilawa SEZ Management Committee (temp) |
| 2. Office of Thilawa SEZ Management Committee, Thilawa SEZ |
| 3. Office of DUHD of MOC in Yangon |
| 4. Administrative office of Kyauktan Township |
| 5. Administrative office of Thanlyin Township |
| 6. Administrative office of Aye Mya Thida |
| 7. Administrative office of Shwe Pyi Thar Yar |

Source: Draft RWP for Area 2-1 (The 100ha Initial Development Area of Zone B) of Thilawa SEZ (Feb. 2016)

Comments on the Draft RWP received at the disclosure place or by e-mail during the disclosure period are summarized in Table X-26.

Table X-26 Summary of Comments on the Draft RWP for Area 2-1

| No. | Major Public Comments |
|-----|---|
| 1 | <p><u>Chapter 2 Relocation Scope, Section 2.1 Status of Thilawa SEZ Development Area</u> We found in draft RWP that approximately 77 % of land inside the Thilawa SEZ Development Area was acquired by the Myanmar Government in 1997, in accordance with Land Acquisition Act 1894. The 1997 land acquisition was for the Thanlyin-Kyauktan Industrial Zone Development (1,230 ha), which was planned to be developed and managed by Thanlyin-Kyauktan Development Company (TKDC), a joint venture between DHSHD of MOC and SMD International Pte Ltd of Singapore. We also found that the Thanlyin-Kyauktan Industrial Zone Development did not happen. In accordance with Farmland Law 2012, Section 32, if the project is not implemented over the land acquired within six months from the date of acquisition, the lands have to be returned to owners before the land acquisition. Since RWP for Area 2-1 (draft) is not correct, I request you to correct this.</p> |
| 2 | <p><u>Chapter 2 Relocation Scope, Section 2.1 Status of Thilawa SEZ Development Area</u> Although we found out in the draft RWP that there is approximately 550 ha where administrative procedures of land acquisition was not conducted, there are only 760 acres left to be compensated in the official announcement by TSMC. Therefore, this announcement should be correct and more accurate. Actually, 550 ha meant to be over 1,300 acres.</p> |
| 3 | <p><u>Chapter 3 Socio-Economic Profile, Section 3.1 Previous Census and Socio-Economic Survey</u> It describes that land ownership conflicts of PAHs would be solved by SLRD of Thanlyin and Kyauktan townships. We suggest that this solution should be correct and accurate. We also offer you to survey and provide information. We are ready to accompany with you if necessary.</p> |
| 4 | <p><u>Chapter 3 Socio-Economic Profile, Section 3.2 Detailed Measurement Survey (DMS)</u> In profile of PAHs, we request to describe resettlement of separate families as well.</p> |
| 5 | <p><u>Chapter 3 Socio-Economic Profile, Section 3.2 Detailed Measurement Survey (DMS)</u> Table 3.2 shows that there are 16 HHs. We suggest to implement measurement and marking in more specific manner.</p> |
| 6 | <p><u>Chapter 4 Legal Framework, Section 4.3 JICA Policies on Relocation and Resettlement</u> Although the draft RWP describes that people who need to be resettled involuntary and people whose measures of livelihood will be hindered, or involves losses which must be sufficiently compensated and supported, we do not find these information in the draft RWP. So, please describe specific amount of compensation in RWP.</p> |
| 7 | <p><u>Chapter 4 Legal Framework, Section 4.3 JICA Policies on Relocation and Resettlement</u> In addition to the above policies, JICA also applies the policies stipulated in WB OP 4.12. Among these policies, (b) Eligibility of benefits cover the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets, and the PAPs who have no recognizable legal right to the land they are occupying. So, all households living in the 2000ha Development area are entitled households and please describe the specific land compensation. (d) Provide support for the transition period (between displacement and livelihood restoration). But, this program is not mentioned in RWP. So, please include this program with exact procedure.</p> |
| 8 | <p><u>Chapter 5, Compensation and Assistance Package for the PAPs, Section 5.2 Principle of Compensation and Assistance</u> Section 5.2.2 describes that physical and economic displacement may bring life-change to PAPs to some extent, and such changes need to restore at least to the pre-displacement level. If so, a plan for mental hurt would be liked to request to restore at better condition mainly.</p> |
| 9 | <p><u>Chapter 5, Compensation and Assistance Package for the PAPs, Section 5.2 Principle of Compensation and Assistance Package</u> Regarding income not concerning with land use, although "The Resettlement Framework for 2000ha Development Area" describes details to understand easily, the draft RWP for Area (2-1) didn't show clearly. Therefore, clear description for RWP for Area (2-1) is suggested.</p> |
| 10 | <p><u>Chapter 5 Compensation and Assistance Package for the PAPs, Section 5.3 Entitlement Matrix</u> Table 5.1 describes the followings: (1) One-time cash assistance (lump-sum) per household for moving cost (2) One-time cash assistance (lump-sum) per wage worker and per school student for commuting assistance (3) One-time cash assistance (lump-sum) per household for cooperation allowance For these above three descriptions, please show the exact amount of cash assistance.</p> |
| 11 | <p><u>Chapter 6 Resettlement Site Plan, Section 6.2 Location and Specification of Resettlement Site</u> So far PAH's general preference for alternative resettlement sites were discussed by various PAHs in the past PCMs. Relocation should be done after discussing and confirming with corresponding households only. But also basic social infrastructures (playgrounds, schools, rural health centers and clinic, library, administration office, parks, markets) are to be included in resettlement site plan.</p> |

| No. | Major Public Comments |
|-----|---|
| 12 | <u>Chapter 7 Income Restoration Program (IRP), Section 7.2 Past and Planned Vocational Training under the IRP for Zone A</u> Resettlement should be started only after planning agenda and exact time of IRP with PAH's preference. |
| 13 | <u>Chapter 9, Institutional Arrangement, Section 9.1 Official Implementing Committees</u> Though RIC and IRPIC are organized by many concerned government authorities, there area only few representatives from villages in the project area. So, organizing committees with equal ratio would be requested. |
| 14 | <u>Chapter 10, Grievance Redress Mechanism</u> As the natives are really affected persons, the constitution of grievance redress mechanism should be organized with a role with community representatives who have authority to make decision. |
| 15 | <u>Chapter 12, Monitoring and Evaluation, Section 12.1 Purpose and Outline of Monitoring and Evaluation</u> To describe experiences for the strength and weakness of monitoring and evaluation from Zone A. |
| 16 | <u>Others</u> When will the development of Thilawa SEZ Zone B start? How can I buy share of Thilawa SEZ? What is the smallest amount of share to buy? How many percent of profit will I get if I buy a share? |

Source: Received comments were in Myanmar language. Translated and summarized by JICA Expert Team.

4.6 Disclosure of the Final RWP

YRG/TSMC will finalize RWP for Area 2-1 by considering the received comments. The Final RWP will be disclosed at the same disclosure places where the Draft RWP was disclosed.

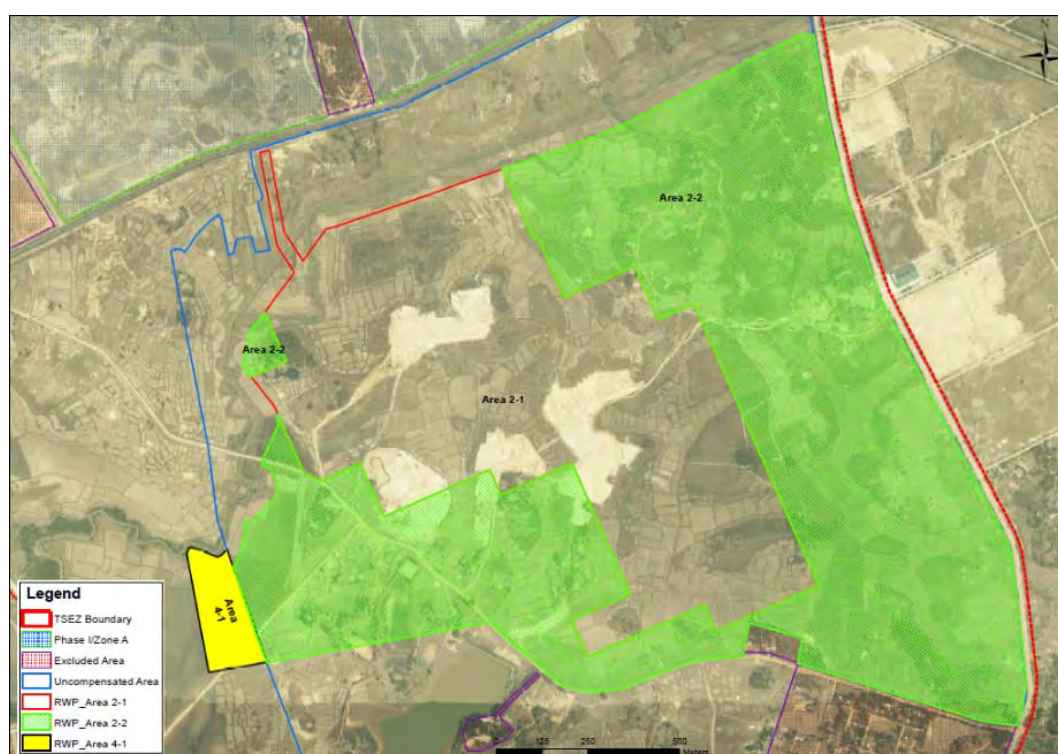
PART XI CASE STUDY ON PREPARATION OF RESETTLEMENT WORK PLAN FOR THE SECOND DEVELOPMENT AREA (AREA 2-2) IN ZONE B

Chapter 1 Outline of Assistance by JICA Expert Team

1.1 Outline of Second Development Area (Area 2-2) in Zone B Development

Based on the current plan, the next development area is identified for an industrial area of approximately 262 ha as explained in Part X. Approximately 100ha out of 262 ha is identified as the Initial Development Area of the Industrial Area (Area 2-1), while the remaining approximately 162 area is also planned to be developed as the Second Development Area (Area 2-2).

The provisional boundary of Area 2-2 as of the end of March 2016 is shown in Figure XI-1.

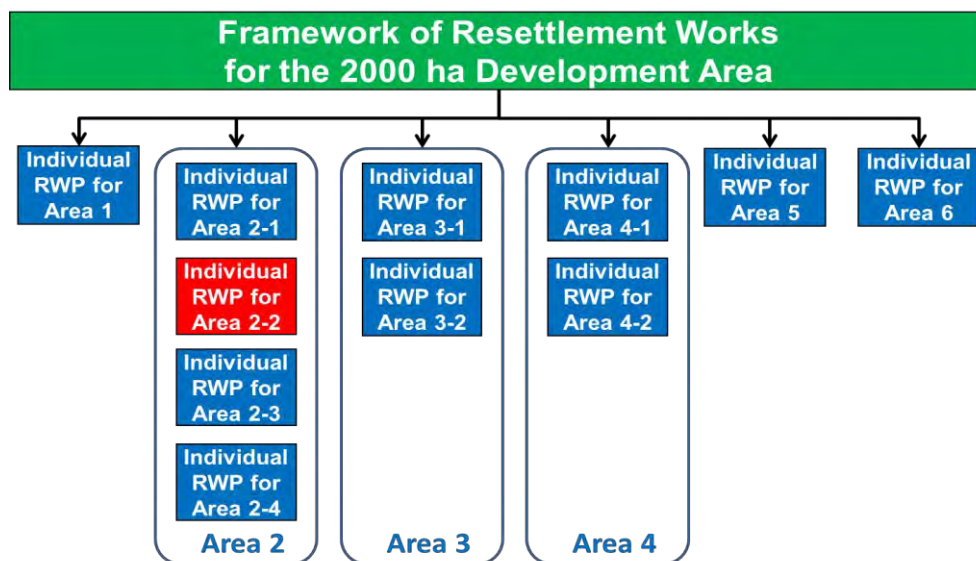


Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Figure XI-1 Provisional Boundary of Area 2-2 of Thilawa SEZ

1.2 Resettlement Scope

According to the structure planned in the Framework, more detailed structure of preparing individual RWPs was developed as indicated in Figure XI-2 to the provisional area shown in Part X.



Source: Draft Resettlement Work Plan (RWP) for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Figure XI-2 Structure of Framework and Individual RWPs

The Draft RWP for Area 2-2 was prepared based on DMS, and the result of the eligibility confirmation meeting at each village to the provisional boundary of Area 2-2 as of 14 March 2016. Table XI-1 outlines the provisional relocation scope.

Table XI-1 Provisional Relocation Scope

| Category | No. of Project Affected Households(PAHs) | No. of Project Affected Persons (PAPs) |
|--|--|--|
| Households living inside Area 2-2 (Household Living Inside Area 2-2) | 136 | 513 |
| Households cultivating inside Area 2-2 but living in another area (Household Just Cultivating Inside Area 2-2) | 18 | 68 |

Note: 1. “Households Living Inside Area 2-2” includes 10 households living inside Area 2-2 but cultivating Area 2-1 and another area except Area 2 (i.e. Area 2-1, Area 2-2, Area 2-3 and Area 2-4) or just cultivating another area.
2. Information of number of family members from three households in “Household Living inside Area 2-2” and one household in “Households Just Cultivating inside Area 2-2” was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

1.3 Contents of Technical Assistance Provided by JICA Expert Team

Table XI-2 summarizes contents of technical assistance provided by JICA Expert Team in the course of preparing RWP for Area 2-2. Detailed contents are explained at the respective chapters.

Table XI-2 Contents of Assistance Provided by JICA Expert Team

| Work Procedure | Contents of Technical Assistance |
|---------------------------------|--|
| Fixing the boundary of Area 2-2 | - Identifying affected structures and paddy for delineating the planned project boundary - Facilitating relevant authorities for conducting site survey for fixing the boundary |
| Identifying Eligible Households | - Setting criteria to define eligible households and definition of structures - Methodology to confirm eligible households using criteria - Facilitating to organize meetings to confirm eligible households including preparing necessary materials |
| Preparing RWP for Area 2-2 | - Reviewing DMS results and preparing the form for calculation of assistance amount including proposing the draft unit price to be used for assistance calculation - Examining assistance policy based on the Framework for the 2000ha Development Area |

| Work Procedure | Contents of Technical Assistance |
|----------------------------------|---|
| | - Preparing the assistance policy into the report form |
| Organizing Consultation Meetings | - Examine contents to be explained to PAHs - Preparing handouts and presentation materials - Logistic arrangement |
| Information Disclosure | - Preparing the list of draft eligible households - Arranging for disclosing the draft RWP for Area 2-2 |

Source: JICA Expert Team

Chapter 2 Assistance for Supplemental Socio-Economic Survey (Detailed Measurement Survey: DMS)

2.1 Criteria of Eligibility for Assistance Package for Households Conducted DMS

Criteria of eligibility already established for the 2000ha Development Area explained in Part VIII were also applied for the assistance package for Area 2-2 since the policy stipulated in the Framework is basically applied for the all 2000ha Development Area including Area 2-2.

- (1) Households living inside Area 2-2 on the day of COD.
- (2) Households occupying some area inside Area 2-2 on the day of COD by doing income generation activities or holding structures though living outside the Initial Development Area.
- (3) Households whose land is under the official land acquisition procedure.

2.2 Confirmation of Eligibility for Land Compensation

Area 2-2 locates inside the area where official land acquisition process is currently on-going. The area includes not only persons entitled for the assistance package but also entitled persons of land compensation in this official land acquisition procedure. People potentially entitled for land compensation was listed by SLRD. However, there were many cases where land title was unofficially transferred from the households listed in SLRD record to other persons. Thus, YRG and TSMC are planning to hold meetings to confirm land ownership same as Area 2-1.

2.3 Outline of DMS Results

DMS was conducted to the entire 2000ha Development Area as explained in Part VIII, and its result was used for preparing RWP for Area 2-2. Summary of DMS results for Area 2-2 is shown below:

(1) Profile of Project Affected Households/ Persons of Area 2-2

PAHs and PAPs in Area 2-2 is outlined Table XI-3 to Table XI-5.

Table XI-3 Ethnicity of PAHs

Unit: Households

| Category | Burma | Hindu | Others |
|---|-------|-------|--------|
| Households Living inside Area 2-2 | 111 | 8 | 16 |
| Households Just Cultivating inside Area 2-2 | 14 | 1 | 2 |
| Total | 125 | 9 | 18 |

Note: Information of ethnicity from one household in “Household Living inside Area 2-2” and one household in “Households Just Cultivating inside Area 2-2” was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Table XI-4 Religion of PAHs

Unit: Households

| Category | Buddhist | Hindu | Others |
|---|----------|-------|--------|
| Households Living inside Area 2-2 | 120 | 15 | 0 |
| Households Just Cultivating inside Area 2-2 | 16 | 1 | 0 |
| Total | 136 | 16 | 0 |

Note: Information of ethnicity from one household in “Household Living inside Area 2-2” and one household in “Households Just Cultivating inside Area 2-2” was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Table XI-5 Literacy of PAHs

Unit: Households

| Category | Not able to speak, read and write | Able to speak, but not to read and write | Able to speak, but read and write little | Speak, read and write fluently |
|---|-----------------------------------|--|--|--------------------------------|
| Households Living inside Area 2-2 | 3 | 20 | 53 | 59 |
| Households Just Cultivating inside Area 2-2 | 0 | 1 | 3 | 12 |
| Total | 3 | 21 | 56 | 71 |

Note: Information of literacy from one household in “Household Living inside Area 2-2” and two households in “Households Just Cultivating inside Area 2-2” was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

(2) Inventory of Assets of PAHs (Livestock, Crops and Trees)

Type and number of large-size livestock raised by PAHs are shown in Table XI-6.

Table XI-6 Type and Number of Large Size Livestock¹ Raised by PAHs

Unit: Number

| Category | Raising for Milk | Raising for Agriculture | Raising for Other Use |
|---|------------------|-------------------------|-----------------------|
| Households Living inside Area 2-2 | 43 | 176 | 25 |
| Households Just Cultivating inside Area 2-2 | 0 | 16 | 3 |
| Total | 43 | 192 | 28 |

Note: Information of literacy from one household in “Household Living inside Area 2-2” and two households in “Households Just Cultivating inside Area 2-2” was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (Apr. 2016)

Type and amount of paddy, vegetable and tree are shown in Table XI-7.

Table XI-7 Types and Amount of Paddy, Vegetables and Trees Grown by PAHs

| Category | Paddy (basket) | Vegetables | | | | | |
|---|----------------|---------------|-----------------------|----------------------|---------------------|------------------|------------------|
| | | Bean (plant) | Betel Leaf (pole) | Bitter Gourd (plant) | Chilli (plant) | Cucumber (plant) | Drumstick (tree) |
| Households Living inside Area 2-2 | 11,920 | 1,690 | 59,895 | 42 | 1,805 | 93 | 9 |
| Households Just Cultivating inside Area 2-2 | 3,474 | - | 600 | - | - | - | - |
| Total | 15,394 | 1,690 | 60,495 | 42 | 1,805 | 93 | 9 |
| Category | Flower (plant) | Gourd (plant) | Vegetables | | | | |
| | | | Indian Wormwood (row) | Lady Finger (plant) | Lemon Grass (group) | Pumpkin (plant) | Radish (plant) |
| Households Living inside Area 2-2 | 40,993 | 2,172 | 5 | 2,073 | 4 | 1 | 3,315 |
| Households Just Cultivating inside | - | - | - | - | - | - | - |

| Area 2-2 | | | | | | | |
|---|-----------------|---------------------|--------------|---------------------|---------------------|-------------|-------------|
| Total | 40,993 | 2,172 | 5 | 2,073 | 4 | 1 | 3,315 |
| Category | Vegetables | | | | | | Trees (no.) |
| | Roselle (plant) | String Bean (plant) | Taro (plant) | Water Cress (plant) | Water Melon (plant) | Yam (plant) | |
| Households Living inside Area 2-2 | 6,484 | 1,226 | 120 | 16,300 | 25,810 | 2 | 22,974 |
| Households Just Cultivating inside Area 2-2 | - | - | - | - | - | - | 3,531 |
| Total | 6,484 | 1,226 | 120 | 16,300 | 25,810 | 2 | 26,505 |

Note: 1. Basket of paddy is according to the interview result.

2. No. of tree is according to the interview result.

3. No. of tree is the total amount of both fruit trees and non-fruit trees.

4. Information from one household in "Households Just Cultivating inside area 2-2" was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Inventory of movable assets of PAHs is also summarized by PAH category as shown in Table XI-8 to Table XI-10. Basically most movable assets can be relocated or used even after resettlement, except for some agricultural equipment in case PAH cannot continue farming.

Table XI-8 Movable Assets of PAHs (1)

Unit: Number

| Category | Electric fan | Fridge | Inverter | Small generator | Battery |
|---|--------------|--------|----------|-----------------|---------|
| Households Living inside Area 2-2 | 10 | 3 | 9 | 30 | 12 |
| Households Just Cultivating inside Area 2-2 | 4 | 9 | 1 | 3 | 1 |
| Total | 14 | 12 | 10 | 33 | 13 |

Note: Information from one household in "Households Just Cultivating inside Area 2-2" was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Table XI-9 Movable Assets of PAHs (2)

Unit: Number

| Category | Car | Bicycle | Motor-cycle | Gondow (handy tractor) | Trolargy (agricultural vehicle) | Water Pump |
|---|-----|---------|-------------|------------------------|---------------------------------|------------|
| Households Living inside Area 2-2 | 3 | 87 | 75 | 2 | 1 | 11 |
| Households Just Cultivating inside Area 2-2 | 4 | 4 | 11 | - | - | 7 |
| Total | 7 | 91 | 86 | 2 | 1 | 18 |

Note: Information from one household in "Households Just Cultivating inside Area 2-2" was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Table XI-10 Movable Assets of PAHs (3)

Unit: Number

| Category | Mobile Phone | TV | VCD | Solar | Radio | Sound box |
|---|--------------|----|-----|-------|-------|-----------|
| Households Living inside Area 2-2 | 142 | 47 | 45 | 4 | 1 | 10 |
| Households Just Cultivating inside Area 2-2 | 35 | 9 | 9 | - | - | - |
| Total | 177 | 56 | 54 | 4 | 1 | 10 |

Note: Information from one household in "Households Just Cultivating inside Area 2-2" was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

(3) Impacts on Livelihood and Income Sources

(3-1) Income Source

Main income source of household head varied depending on the current location. However, it is observed that odd job worker is the most common income source and totals 35%, followed by others (24%) and self-employed (18%). Table XI-11 summarizes income information of household heads.

Table XI-11 Major Income Source of Household Head

Unit: Person

| Category | Paddy Farmer | Vegetable Farmer | Odd Job Worker | Wage Worker | Self-Employed | Others | Total |
|---|--------------|------------------|----------------|-------------|---------------|--------|-------|
| Households Living inside Area 2-2 | 16 | 6 | 52 | 5 | 18 | 35 | 132 |
| Households Just Cultivating inside Area 2-2 | 5 | - | - | 2 | 9 | - | 16 |
| Total (No. of Workers) | 21 | 6 | 52 | 7 | 27 | 35 | 148 |
| Average (%) | 14 | 4 | 35 | 5 | 18 | 24 | 100 |

Note: Average percentage is calculated by dividing the total number of workers for respective category by the total number of responded PAHs.

Main income source of household heads from three household in living inside Area 2-2 was not available.

Main income source of household heads from two households just cultivating inside Area 2-2 was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Wage worker, self-employed and odd job worker are the major income types of other working family members in a household.

Table XI-12 Major Income Source of Other Working Family Members

Unit: Person

| Category | Paddy Farmer | Vegetable Farmer | Odd Job Worker | Wage Worker | Self-Employed | Others | Total |
|---|--------------|------------------|----------------|-------------|---------------|--------|-------|
| Households Living inside Area 2-2 | 7 | 2 | 56 | 35 | 22 | 8 | 130 |
| Households Just Cultivating inside Area 2-2 | - | - | 5 | 6 | 5 | - | 16 |
| Total (No. of Workers) | 7 | 2 | 61 | 41 | 27 | 8 | 146 |
| Average (%) | 5 | 1 | 42 | 28 | 18 | 6 | 100 |

Note: Average percentage is calculated by dividing the total number of workers for respective category by the total number of responded PAHs.

One person living in households living inside Area 2-2 answered two jobs as main income sources, which were counted separately.

Main income source of other mem from two households just cultivating inside Area 2-2 was not available.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

(3-2) Household Income

The average annual main income of PAHs is about 2,177,000 MMK/year for the household living inside Area 2-2 and about 5,288,000 MMK/year for the households just cultivating in Area 2-2 as shown in Table XI-13.

Table XI-13 Average Annual Income of PAHs

Unit: MMK/year

| Category | Average Annual Main Income | Average Annual Secondary Income |
|---|----------------------------|---------------------------------|
| Households Living inside Area 2-2 | 2,190,000 | 1,870,000 |
| Households Just Cultivating inside Area 2-2 | 5,288,000 | 7,907,000 |
| Average | 2,534,000 | 2,483,000 |

Note:

1. Amount of main and secondary income is according to the interview results.
 2. Annual average of the main income is calculated by dividing the total amount of the main income from all working members by the number of responded PAHs.
 3. Annual average of the secondary income is calculated by dividing the total amount of secondary income from all working members by the number of responded PAHs which have the secondary income source, but it does not include the third or fourth incomes.
 4. Average is calculated by dividing the total amount of the main or secondary incomes by the total number of PAHs who has the respective incomes.
 5. Income information from one household in “Households Living inside Area 2-2” and two households in “Households Just Cultivating inside Area 2-2” was not available.
- Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

(3-3) Household Expenditure

The annual expenditure and pattern at households gives an indication for assessing standard of living of a household. The ratio of expenditure items to the entire expenditure amount is shown in Table XI-14.

Table XI-14 Average Annual Expenditure of Major Items

Unit: %

| Category | Food | Health | Education | Commuting | Others |
|---|------|--------|-----------|-----------|--------|
| Households Living inside Area 2-2 | 34 | 14 | 3 | 29 | 20 |
| Households Just Cultivating inside Area 2-2 | 19 | 3 | 24 | 10 | 43 |
| Average | 30 | 12 | 8 | 25 | 25 |

Note: 1. Average is calculated by dividing the total expenditure amount by the number of the responded PAHs for the respective expenditure type.

2. Three households in “Households Living inside Area 2-2” and two households in “Household Just Cultivating inside Area 2-2” did not respond to this question.
3. “Others” includes the expenditures for cultivating rice, fruit/non-fruit trees and other crops and activities other than agriculture such as livestock, aquaculture, shop and transportation.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

(4) Vulnerable Households

Since there is no official definition of vulnerable groups in Myanmar, Draft RWP for Area 2-2 defines a household headed by woman, disabled person or elderly person (over 61 years old), a household including a disabled person or a household below the poverty line¹ as vulnerable

¹ Integrated Household Living Conditions and Survey in Myanmar (2009-2010) was conducted by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development, and survey result was publicized as Poverty Profile in June 2011. Poverty line as of 2010 was defined as 376,151 MMK per adult equivalent per year in Poverty Profile, and this amount is referred as poverty line in many reports. This RWP also regards 376,151 MMK per adult equivalent per year as the poverty line.

households by referring international practices as also defined in the Framework. Table XI-15 outlines vulnerable households for Area 2-2.

Table XI- 15 Summary of Vulnerable Households

| Category | No. of Households |
|--|-------------------|
| Households headed by woman | 25 |
| Households headed by disabled person | 2 |
| Households headed by elderly | 18 |
| Households below the poverty line | 2 |
| Households including a member of disabled person | 1 |
| Total | 48 |

Note:

1. Households below the poverty line is calculated by dividing total expenditure by the number of adults in a household.
2. Three households in “Households Living inside Area 2-2” and two households in “Household Just Cultivating inside Area 2-2” did not respond expenditure. Thus, they are not calculated in the category of “Households below the poverty line”.
3. A person of 18 and older is regarded as an adult for calculation of “Households below the poverty line”.
4. There are households that their expenditure was more than their total income amount according to the interview result. However, these households are also calculated based on the method mentioned in No. 1 in this Note.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Chapter 3 Assistance for Preparing the Resettlement Work Plan

3.1 Principle of Compensation and Assistance Package

3.1.1 Principle of Compensation and Assistance Package

In accordance with the established policy on resettlement works in the Framework, the assistance package for Area 2-2 is planned as a combination of: i) assistance for loss of assets, income sources (livelihoods) and relocation, ii) assistance for vulnerable groups, and iii) special arrangement (arrangement of resettlement site and IRP for applicable PAHs/PAPs) same as Area 2-1.

3.1.2 Eligibility Confirmation

The procedure of eligibility confirmation for households entitled for land compensation applied for Area 2-1 will be applied for Area 2-2 since Area 2-2 has a same complicated land title issue.

3.2 Assistance Contents

Based on the fundamental principles for eligibility, overall framework of assistance package, experience of the Phase 1/ Zone A relocation/resettlement and impact identified through DMS, YRG/ TSMC with technical support from the JICA Expert Team provisionally developed the contents of the assistances shown in Table XI-16.

Table XI-16 Draft Entitlement Matrix of Area 2-2

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|---|---|---|--|---|
| 1. Assistance for Loss of Assets | | | | |
| 1-1. Fixed Assets | | | | |
| (1) Land (Paddy, Garden) | Paddy or garden land inside Area 2-2 | Households whose entitlement was confirmed by YRG | - Cash compensation at full replacement cost | - Land compensation amount is calculated based on the land area recorded in SRLD and the market price and agreed with target households through consultations |
| (2) House | House at own garden land inside Area 2-2 | Owners of the house at own garden land upon submission of the sufficient evidence or confirmed their habitation through village meetings | - Cash assistance at full replacement cost | - Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS. |
| | House at other than own garden land inside Area 2-2 including house previously existed inside but demolished due to notices | Owners of the house at other than own garden land upon submission of the sufficient evidence or confirmed their habitation through village meetings | - A substitute house with necessary infrastructure in a resettlement site, AND - Cash assistance to difference in floor area if it is smaller in a substitute house than a previously living house. | - Assistance amount for difference in floor area is calculated based on the difference in floor area and materials of a structure confirmed at DMS |
| (3) Hut | Structures defined as huts and confirmed by DMS inside Area 2-2 | Owners of a hut | - Cash assistance two (2) times of the current market price | - Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS. |
| (4) Other Structure (Kitchen or Toilet) | Other structures confirmed by DMS inside Area 2-2 | Owners of a structure | - Cash assistance two (2) times of the current market price in case of own garden land, OR in kind assistance at a resettlement site in case of other than own garden land | - Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS. |
| (5) Standing Rice/Vegetable/Trees | Rice/vegetable/trees grown inside Area 2-2 which is affected by the project implementation | Those who cultivating rice/vegetable/trees inside Area 2-2 | - Cash assistance per yield amount | - Assistance amount is calculated based on yield amount confirmed at site |
| 1-2. Movable Assets | | | | |
| (1) Livestock (cow/buffalo for agriculture or milk) | Livestock (cow/buffalo for agriculture or milk) farmed inside Area 2-2 | Those who farming livestock (cow/buffalo for agriculture or milk) inside Area 2-2 | - Cash assistance per animal | - Assistance amount is calculated based on the number and type of livestock confirmed at DMS |
| (2) Agriculture Machines or Other Assets | Agriculture machines or other assets which are not able to be used after relocation | Owners of agriculture machines or other assets | - Cash assistance per asset in the current market price | - Assistance amount is calculated based on the number and type of agriculture machines confirmed at DMS |

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|---|---|--|--|--|
| 2. Assistance for Loss of Income Sources/Livelihood (regardless of main or secondary income) | | | | |
| 2-1. Land-Based Income | | | | |
| (1) Paddy Farmer | Income obtained from rice cultivated inside Area 2-2 | Those who obtain income from cultivating rice inside Area 2-2 | <ul style="list-style-type: none"> - Cash assistance for three (3) years of yield amount in total in the current market price for those who obtain income from cultivating rice at own paddy, OR for six (6) years of yield amount in total in the current market price for those who obtain income from cultivating rice at other than own paddy, AND - Participate in IRP | - Assistance amount is calculated based on yield amount recorded in SLRD or confirmed at DMS |
| (2) Vegetable/ Tree Farmer | Income obtained from vegetable and/or tree cultivated inside Area 2-2 | Those who obtain income from cultivating vegetable and/or tree inside Area 2-2 | <ul style="list-style-type: none"> - Cash assistance for three (3) years of yield amount and/or number of trees in total in the current market price for those who obtain income from vegetable and/or tree at own garden land, OR for four (4) years of yield amount and/or number of trees in total in the current market price for those who obtain income from vegetable and/or tree at other than own garden land, AND - Participate in IRP | - Assistance amount is calculated based on yield amount and/or number of trees confirmed at DMS |
| (3) Livestock Farmer (cow and buffalo for milk) | Income obtained from livestock (cow and buffalo for milk) farmed inside Area 2-2 | Those who obtain income from livestock (cow and buffalo for milk) farmed inside Area 2-2 | <ul style="list-style-type: none"> - Cash assistance for three (3) years of income from cow and buffalo for milk, AND - Participate in IRP | - Assistance amount is calculated based on income from livestock confirmed at DMS |
| 2-2. Non Land-Based Income | | | | |
| (1) Contracted worker, daily worker, self-employed person (e.g. carpenter, taxi-driver) | Income obtained from non-working days as the duration for disrupting income-generation activities | Those who obtain salary and their working places remain unchanged by relocation | <ul style="list-style-type: none"> - Cash assistance equivalent to seven (7) working days of income from income generating activities, AND - Participate in IRP if interested | - Assistance amount is calculated based on income from income generating activities confirmed at DMS |
| (2) Owner of business | Income obtained from business owned inside Area 2-2 | Those who run business inside Area 2-2 | <ul style="list-style-type: none"> - Cash assistance equivalent to three (3) years of income from running business - Participate in IRP if interested | - Assistance amount is calculated based on income from income generating activities confirmed at DMS |
| 3. Assistance for Relocation | | | | |
| (1) Moving Cost | — | All households living inside Area 2-2 | - One-time cash assistance (lump-sum) per household | - Assistance amount is calculated based on the market price survey on general |

| Category for Assistance | Application | Entitled Person | Assistance Policy | Consideration for Implementation |
|--|---|---|---|---|
| (2) Commuting Assistance | — | All persons whose work place become farer due to relocation | - One-time cash assistance (lump-sum) per wage worker | - Assistance amount is calculated based on the number of wage workers confirmed at DMS and the market price survey on commuting cost |
| | — | All school students whose study place become farer due to relocation | - One-time cash assistance (lump-sum) per school student | - Assistance amount is calculated based on the number of students confirmed at DMS, the market price survey on commuting cost and the timing of relocation. |
| (3) Cooperation Allowance | — | All households who cooperate on-time relocation | - One-time cash assistance (lump-sum) per household | - Assistance amount is provided per household regardless of size of a household |
| 4. Assistance for Vulnerable Groups | | | | |
| Vulnerable Groups | All household headed by woman, disabled person, elderly (over 61 years old), household including disabled member or household below poverty line of 2010 in Poverty Profile ¹ which are defined as vulnerable households | The following persons of vulnerable groups in Area 2-2: ➢ Disabled person and one support person in a family (total two persons), ➢ Elderly person and one support person in a family (total two persons), ➢ Unemployed persons ² in a woman-headed household, AND ➢ Unemployed persons in a household below poverty line of 2010 in Poverty Profile | ➢ One-time cash assistance (lump-sum) per person (equivalent to one big bag, about 50kg, of rice per person), AND ➢ Participate in IRP | - 50kg of rice is based on calculation at about 15kg of rice per person for three (3) months |
| 5. Special Arrangement | | | | |
| (1) Arrangement of resettlement site | (see 1, Assistance for Loss of Assets (2) House) | (see 1, Assistance for Loss of Assets (2) House) | ➢ To be arranged as part of assistance for loss of asset | ➢ In kind assistance as a plot at resettlement site with necessary infrastructure |
| (2) Income Restoration Program (IRP) | Loosing or decreasing income due to relocation | Those who are entitled for assistance for loss of income sources (livelihood) and assistance for vulnerable groups | ➢ To be arranged as part of assistance for loss of income sources (livelihood) and assistance for vulnerable groups | ➢ In kind assistance |

Note

1: Poverty line was defined as 376,151 kyats per adult equivalent per year in Poverty Profile in June 2011 prepared by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development.

2: Unemployed persons are defined in this project as the persons at workable age but not employed.

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Same as Area 2-1, the definition of the house and the hut defined in the Framework for the 2000ha Development Area was applied for Area 2-2.

Table XI-17 Definition of A Structure

| Structure | Definition |
|-----------|---|
| House | A living structure with an appropriate form such as pier, roof, floor, door and kitchen and possession of sufficient equipment in a structure for continuous living |
| Hut | A rest place during agricultural activities or placing livestock and agriculture equipment namely <i>Lel Sank Tae</i> in Myanmar language |

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)



Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

Photo XI-1 Example of House and Hut

3.3 Consideration of Institutional Arrangement

The official implementation committees, RIC and IRPIC, established as the supporting organizations for implementing resettlement works of the entire Thilawa SEZ (2,400ha) will support YRG for official land acquisition procedure and will implement assistance in coordinated with MSAG as the advisory group for resettlement activities. This is the same structure applied for Area 2-1, and will be modified based on experience of Area 2-1 relocation and resettlement.

3.4 Consideration of Grievance Redress Mechanism

Combination of the formal mechanism and the community-based mechanism applied for Area 2-1 will also be applied for Area 2-2 with modification if necessary based on experience of Area 2-1.

3.5 Consideration of Monitoring and Evaluation

Monitoring items and method and reporting structure examined in the RWP for Area 2-1 will also be applied for Area 2-2 with modification if necessary based on experience of Area 2-1.

Chapter 4 Assistance for Public Participation and Accountability

4.1 Approach of Public Consultation Meeting and Information Disclosure

Public participation is an important activity to secure transparency of the procedures for preparing the RWP including IRPs by disseminating relevant information to public as well as PAPs in timely manner. Effective public participation in planning of resettlement works helps to reflect PAPs' opinions concerning the impacts and benefits of the project into the RWP. It also enhances mutual understandings among peoples/organizations concerned on compensation and assistance package, timing of relocation, and contents of IRP.

In the course of development of the RWP for Area 2-2, the following approaches were taken for securing meaningful public participation. In the following approaches, JICA Expert Team provided technical assistance for examining what YRG/ TSMC needed to explain to public at each meeting, preparing handouts and presentation, preparing minutes of meeting, and logistic arrangements.

- a) Held a series of consultation meetings at respective timings at the time of field survey (DMS) between May 2014 and October 2015.
- b) Held a series of village level meetings at each village to enhance dialogue among peoples/organizations concerned on eligibility and assistance package after disclosing the eligibility list prepared from the DMS results between March 2015 and September 2015.
- c) Held a series of village level workshop at each village to feedback the outcomes of the comments on the Framework between December 2015 and January 2016 including Area 2-2.
- d) Held PCM with PAPs and other stakeholders on 3rd April 2016.
- e) Disclosure the Draft RWP from April 2016 for one month to receive comments from the public and reflect them in the final RWP.

4.2 Method of Public Consultation Meetings (PCMs)

The PCM for Area 2-2 was held to explain the project brief, the expected scope of relocation, the proposed entitlement matrix on the compensation and assistance package, possible resettlement sites, and the planned schedule. Since the estimated number of the participants was relatively larger, meetings were held to PAHs per each village tract/ward. One meeting (session) for each village tract/ward, i.e. total two sessions, was held at DUHD Temporary Office of MOC in Kyauktan Township on weekend to ensure the participation of the PAPs who are not available during weekdays. The venue was selected at around Thilawa SEZ area and the meeting room capacity of the building. Considering accessibility of the participants, ferry buses were arranged for transportation of the meetings.

PAHs of Area 2-2, relevant governmental organizations, and anyone, including CSOs, who are interested were invited by sending the invitation letters to each PAH identified by DMS and posting the notice on the PCMs at the village tract/ward offices etc. The invitation letter on the meeting was delivered to each PAH and posted in each village tract/ward one week in advance.

The presentation and handout were prepared and explained in Myanmar language. The opinions from the participants were received in the question and answer session of the PCM, and feedback forms were additionally provided to the participants so that the people who hesitate to speak out in public can share their views and comments. As the special arrangement for the vulnerable group, assistants were available to fill out the form in case the participant needs assistance in writing/reading and, female assistants were also available for the female participants who need any assistance.

4.3 Results of Public Consultation Meetings (PCMs)

The PCM for the Draft RWP was held on 3 April 2016 at DUHD Temporary Office in Kyauktan Township. The summary of the PCM is presented in Table XI-18.

Table XI-18 Summary of Public Consultation Meeting for Draft RWP

| Items | Contents |
|---|--|
| 1. Date and Time | Date: 3 April, 2016 (Sunday) Time: 1st session 8:30-10:00, 2nd session 11:30-13:00 |
| 2. Venue | DUHD Temporary Office |
| 3. Invitee | PAHs of Area 2-2 (1st session: PAHs in Shwe Pyauk Village Tract, 2nd session: PAHs in Aye Mya Thida Ward) |
| 4. Participant | 1st session: Approximately 60 persons, 2nd session: Approximately 99 persons |
| 5. Main invitees/participants from government/others | 1. Administrator, General Administration Department, Thanlyin Township 2. Administrator, General Administration Department, Kyauktan Township 3. Village Administrator, Shwe Pyauk Village Tract 4. Village Administrator, Aye Mya Thida Ward 5. 100 /10 household head (HH), Shwe Pyauk Village Tract 6. 100 /10 household head (HH), Aye Mya Thida Ward 7. Villagers from Shwe Pyauk Village Tract 8. Villagers from Aye Mya Thida Ward Other organizations and individuals who are interested in the meetings |
| 6. Main Agenda | 1. Background and RWP activities 2. Area of 162ha Second Development Area (Area 2-2) 3. Eligible households for Area 2-2 4. Proposed compensation and assistance package 5. Planned implementation organization 6. Planned grievance redress mechanism 7. Possible resettlement sites 8. Further steps 9. Q & A |
| 7. Major opinions and comments from the participants and responds | 1st session Q-1: PAHs in Area 2-2 only should be invited to the meetings. A-1: PAHs in Area 2-2 were invited, but if the interested persons come to the meetings, we are accepting their participation. Q-2: Please re-check my eligibility. A-2: It will be confirmed again. 2nd session Q-1: I would like to know compensation and assistance amount and resettlement site. A-1: We would like to explain resettlement issues step by step in accordance with international practices. All relating activities will be also done step by step. Q-2: I would like to clarify the difference between two notices (31st January 2013 and 30th June 2014). A-2: The former notice was to evict the people, but the latter notice was for official land acquisition procedures. Q-3: I would like to know situation of my eligibility which I requested to re-check. A-3: Eligibility was confirmed through village meetings (inquiry sessions). But if you still inquiry, you can send a letter to TSMC. Q-4: I would like to know how Land Acquisition Act 1894 was applied. A-4: Land Acquisition Act 1894 is still active and land acquisition activities should be done |

| Items | Contents |
|-------|---|
| | under this act. Q-5: Shall I repair the structure for the coming rainy season? A-5: Yes, you can repair it. |

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

During the consultation meetings, feedback forms were distributed to the participants to receive frank comments and opinions from them. The major comments and opinions written in the collected feedback forms (total seven feedback forms were collected) are as follows:

- Please invite and meet the PAHs who have eligibility to the target area (Area 2-2) only for further public consultation meetings.
- Please check my eligibility again with my neighbors.
- Although I have farmlands, I want to have compensation and move to the resettlement site as soon as possible. My neighbors also want to move to the relocation site.
- Please start resettlement works and give us compensation as soon as possible so that we will start our family business earlier.
- I would like to know the location and area of the resettlement site, and amount of compensation.
- Since my farmland was acquired in 1997 and I have had a hard time making a living, please provide compensation.

4.4 Disclosure of the Draft RWP

The Draft RWP for Area 2-2 was disclosed from 25 May 2016 to 24 June 2016 (expected) at the places listed in Table XI-19. In addition, the Draft RWP both in English and Myanmar language is uploaded on the website of TSMC. Draft RWP is enclosed in Appendix XI-1.

Table XI-19 Draft RWP Disclosure Places

| |
|---|
| 1. Temporary Office of DUHD of MOC in Kyauktan Township |
| 2. Office of TSMC, Thilawa SEZ |
| 3. Office of DUHD of MOC in Yangon |
| 4. Administrative office of Southern District |
| 5. Administrative office of Kyauktan Township |
| 6. Administrative office of Thanlyin Township |
| 7. Administrative office of Shwe Pyauk Village Tract |
| 8. Administrative office of Aye Mya Thida Ward |

Source: Draft RWP for Area 2-2 (the 162ha Second Development Area of Zone B) of Thilawa SEZ (May 2016)

By examining the received comments to the Draft RWP for Area 2-2, YRG/ TSMC will finalize the RWP and disclose it at the same place where the Draft RWP is disclosed.

PART XII OTHER ASSISTANCE

(1) Assistance for Advisory Committee for Environmental and Social Considerations

According to the JICA Guidelines, the Advisory Committee consisted of external experts including academics, researchers and NGOs gives advices on environmental and social aspects to a project mainly categorized as Category A in the phases of preparatory survey, environmental review and monitoring. A Working Group (WG) is held first at each project classified as Category A to confirm environmental and social issues, and then, the Advisory Committee is held periodically to review the confirmation results of each project.

As for the development of Phase 1/ Zone A, the WG of the Advisory Committee was held at the phase of environmental review on 25 November 2013. Environmental and social issues were confirmed through EIA and RWP for Phase 1/ Zone A in this WG. JICA Expert Team provided the WG with necessary information and supplemental explanations on the resettlement works for Phase 1/Zone A though the Operational Department of JICA.

Regarding the development of Zone B, the WG was held total 2 times on 25 December 2015 (the 1st WG) and 22 April 2016 (the 2nd WG). In the 1st WG, draft scoping report for EIA on the entire development of Zone B (about 700 ha) and draft Framework of Resettlement Works for the 2000ha Development Area were reviewed and discussed. Taking into consideration the advice from the Advisory Committee which is finalized based on the proposal from 1st WG, the Framework was finalized in parallel with the scoping report. The 2nd WG was held on 22 April 2016 to review and discuss the Draft EIA report of the Industrial Area of Zone B (about 262 ha¹), and the Draft RWPs for Area 2-1 and Area 2-2 (equivalent to the area of Industrial Area in total). As with case of 1st WG, RWPs for Area 2-1 and Area 2-2 will be finalized taking into consideration the advice from the Advisory Committee which is proposed from 2nd WG. In the course of the WGs preparation, JICA Expert Team provided necessary information and supplemental explanations on the resettlement works for the 2000ha Development Area as well as Area 2-1 and Area 2-2 through the Operational Department of JICA.

(2) Assistance for Environmental Impact Assessment (EIA) for Zone B Development Area

The EIAs on Zone B development (both for industrial Area and for Logistic, Residence and Commercial Areas) discussed both environmental and social impacts anticipated by the development of the areas. In particular, social impacts in the EIA were closely related to relocation and resettlement works. JICA Expert Team provided socio-economic information of PAHs necessary for the EIA studies such as data collected through DMS, common assets located in the Zone B development area, boundary maps of RWP areas and exclude areas from SEZ according to instructions from JICA.

¹ After the 1st WG, EIA on Zone B development was decided to be conducted separately, for Industrial Area (about 262 ha) and for Logistic, Residence and Commercial Areas (about 438 ha), in accordance with development schedule and project proponents. The EIA for Industrial Area only was reviewed and discussed at the 2nd WG.

(3) Others

In addition to the above, JICA Expert Team provided various assistance in the field such as confirming on-site situation according to requests from JICA or facilitating concerned parties for field survey on boundary and obtaining PAHs confirmation.

PART XIII RECOMMENDATIONS

Based on lessons learnt from the assistances for preparation of RWP for Phase 1/Zone A and its implementation, preparation of IRP and its implementation at the initial stage of the IRP, preparation of the Framework for the 2000ha Development Area, the following are recommendations to GOM, especially to YRG and TSMC for the implementation of resettlement for the remaining areas in the 2000ha Development Area.

(1) Prepare and Implement the Remaining Individual RWPs under Common Assistance Policy of the Framework

The Framework was prepared with the purpose of establishing a common assistance policy covering the entire 2000ha Development Area in accordance with international practices through a series of consultations with PAPs and other stakeholders. Currently the RWPs for Area 2-1 and Area 2-2 are being prepared, with the support from JICA Expert Team, following the common assistance policy described in the Framework. It is recommended that RWPs for other remaining areas should be prepared in line with common assistance policy in the Framework, and once these RWPs are finalized, actual resettlement works and IRP activities at these areas should be implemented as per finalized RWPs. In addition, when an individual RWP is prepared, it is also recommended that the information of the RWP should be shared with the PAPs in other areas during its preparation process.

(2) Arrange Resettlement Site under Mutual Agreement between GOM and PAHs

Based on experiences of arrangement of the resettlement site for PAHs of Phase 1/ Zone A, continuous consultations with applicable PAHs (Area 2-1, Area 2-2) on resettlement site from the selection of location, are on-going. However, it is of concern that the area where PAHs prefer to move may not be able to be arranged as the resettlement site. It is recommended that the location of resettlement site and its arrangement should be decided under mutual agreement between GOM and PAHs through continuous consultations.

On the other hand, considering resettlement for the 2000ha Development Area, currently available land for the resettlement site is not sufficient size to accept all applicable PAHs of the 2000ha Development Area. Thus, it is necessary to secure sufficient space of the land, in addition to the currently available land, for the resettlement site. However, it is not easy to secure sufficient space of the land around the Thilawa SEZ development area and it may require another land acquisition. Thus, if it is necessary, various options should be considered instead of the arrangement of resettlement site.

(3) Arrange Appropriate Administrative Services, Infrastructure, Self-Management System and Resident's Awareness for Resettlement Site

As for management of the resettlement sites, if all applicable PAHs/PAPs from the 2000ha Development Area relocate to the currently available resettlement sites, it is necessary to arrange appropriate administration services and infrastructure to handle increased population there. Actually, not only at the resettlement site but also in Kyauktan Township, significant urbanization is expected upon the increase of population around the Thilawa SEZ development area according to its

development. It is therefore recommended that enhancement of administrative services as well as arrangement of necessary infrastructure should be planned and implemented according to the increase of population and number of households, not only for the currently available resettlement sites but also the whole Kyauktan Township.

On the other hand, as it has been practiced at the resettlement site for Phase 1/Zone A, for effective management, it is also recommended to establish a community for establishment of self-management system of the area so that the community will be able to manage the resettlement site by themselves in addition to the management by the local government. In order to formulate the community and encourage their involvement in the resettlement site management, continuous awareness raising activities are also necessary.

(4) Enhance Cooperation for Stabilizing Implementation Structure and Facilitating Communication

For implementing relocation and resettlement, it is inevitable to establish and enhance cooperation, not only among governmental agencies, but also with external organizations such as NGOs and CSOs, and to cooperate with PAPs. MSAG has been established with the support from the T/A for IRP on Phase 1/ Zone A with the purpose of opinion exchanging with concerned parties on Phase 1/ Zone A development. By using this kind of opportunity, it is necessary to establish cooperation mechanism among stakeholders for appropriate implementation of resettlement works for the 2000ha Development Area.

As for communication with PAPs, in addition to holding public consultation meetings, even formal or informal, having regular dialog between the administrative side and representatives of PAPs and also more casual communication such as using a public board and/or through website or social networking service for announcing and updating progress or any news of relocation and resettlement are considered as useful tools for enhancing understanding of the peoples on relocation and resettlement.

(5) Compile and Share Knowledge and Experience of Resettlement Obtained Through This T/A

In Myanmar, those who have sufficient knowledge of relocation and resettlement at the international standards are limited. In addition, there is a possibility that responsible personnel on relocation and resettlement will be changing from time to times mainly due to personnel changes. Knowledge and experiences of relocation and resettlement based on the international standards have been accumulating in the GOM through a series of resettlement related activities in Phase 1/ Zone A, preparation of the Framework for the 2000ha Development Area and individual RWPs for Area 2-1 and Area 2-2 as case studies. In the light of this concern, it is recommended to compile knowledge and experiences on the procedure, methods and structure to implementing relocation and resettlement obtained through this T/A is compiled in a guideline for sharing concerned organizations in Myanmar.