

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

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

**FINAL REPORT  
VOLUME II APPENDIXES**

**JUNE 2016**

**JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)**

**NIPPON KOEI CO., LTD.**

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<b>JR</b>
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## Structure of Report

Volume I: Main Report  
Volume II: Appendixes (This Report)  
Executive Summary in Japanese

### Unit

Acre (ac)	1 ac = approx. 4,046 square meter (m <sup>2</sup> ) 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

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# **APPENDIX I**

**APPENDIX I-1**

**LIST OF COLLECTED DATA AND  
INFORMATION**

Sr.	Document Title	Document Source/ Issuing Institution	Form	Type					Remark
				Collected	Prepared by JICA Expert Team	Prepared by JICA	Text	Others	
1	Guidance Note on Land Issues Myanmar	UN HABITAT and UNHCR/Internet	Soft copy	1					
2	Housing, Land and Property Rights in Burma: the Current Legal Framework	Displacement Solution & HLP Institute/Internet	Soft copy	1					
3	Legal Review of Recently Enacted Farmland law and Vacant, Fallow and Virgin Lands Management Law: Improving the Legal & Policy Frameworks Relating to Land Management in Myanmar	Food Security Working Group's Land Core Group/Internet	Soft copy	1					
4	The Farmland Law, 2012 (Myanmar Language)	Union Parliament (Pyidaungsu Hluttaw)/Internet	Soft copy	1					
5	The Farmland Law, 2012 (Myanmar Language)	Union Parliament (Pyidaungsu Hluttaw)/Internet	Soft copy	1					
6	The Farmland Rules, 2012 (English)	Ministry of Agriculture and Irrigation/Internet	Soft copy	1					
7	The Vacant, Fallow and Virgin Land Management Law, 2012 (Myanmar Language)	Union Parliament (Pyidaungsu Hluttaw)/Internet	Soft copy	1					
8	The Vacant, Fallow and Virgin Land Management Law, 2012 (English)	Union Parliament (Pyidaungsu Hluttaw)/Internet	Soft copy	1					
9	The Vacant, Fallow and Virgin Land Management Rules, 2012 (English)	Ministry of Agriculture and Irrigation/Internet	Soft copy	1					
10	The Foreign Investment Law, 2012 (Myanmar Language)	Union Parliament (Pyidaungsu Hluttaw)/Internet	Soft copy	1					
11	The Foreign Investment Law, 2012 (English)	Union Parliament (Pyidaungsu Hluttaw)/Internet	Soft copy	1					
12	The Foreign Investment Rules, 2013 (English)	Ministry of National Planning and Economic Development/Internet	Soft copy	1					
13	The Myanmar Special Economic Zone Law, 2011 (English)	State Peace and Development Council/Internet	Soft copy	1					
14	Constitution of the Republic of the Union of Myanmar, 2008 (Myanmar Language and English)	State Peace and Development Council/Internet	Soft copy	1					
15	Development Committees Law, 1993 (English)	State Law and Order Restoration Council/Internet	Soft copy	1					
16	The Forest Law, 1992 (English)	State Law and Order Restoration	Soft copy	1					



Sr.	Document Title	Document Source/ Issuing Institution	Form	Type					Remark
				Collected	Prepared by JICA Expert Team	Prepared by JICA	Text	Others	
		Council/Internet							
17	Duties and Rights of the Central Committee for the Management of Culturable Land, Fallow Land and Waste Land, 1991 (English)	State Law and Order Restoration Council/Internet	Soft copy	1					
18	The Transfer of Immoveable Property Restriction Act, 1987 (English)	Parliament/Internet	Soft copy	1					
19	The Lower Burma Town and Village Land Act, 1899 (English)	Union Government/Internet	Softy copy	1					
20	The Land Acquisition Act, 1894 (English)	Union Government/Internet	Softy copy	1					
21	The Land and Revenue Act, 1879 (English)	Union Government/Internet	Softy copy	1					
22	Foreign Direct Investment Rules Notification, 2013 (Myanmar Language)	Myanmar Investment Commission/Internet	Hard copy	1					
22	National Land Use Policy (the Latest Policy)	FD, MOECAP	Soft Copy	1					
23	General Index of Myanmar Laws	U Sam Lwin	Hard copy	1					
24	Monthly Price Bulletin	Min. of Agriculture & Irrigation	Hard copy	1					
25	Yearly Price Bulletin	Min. of Agriculture & Irrigation	Hard copy	1					
26	Yearly statistical book in Kyauktan township (2013)	Kyauktan Township Office	Hard copy	1					
27	Yearly statistical book in Kyauktan township (2014)	Kyauktan Township Office	Hard copy	1					
28	Yearly statistical book in Kyauktan township (2015)	Kyauktan Township Office	Hard copy	1					
29	Yearly statistical book in Nyaing Wyne Vilalge Tract (2014)	Village Administration Office	Hard copy	1					

# **APPENDIX II**

## **APPENDIX II-1**

## **NATIONAL LAND USE POLICY (THE LATEST POLICY)**

National Land Use Policy is available from <<http://faolex.fao.org/docs/pdf/mya152783.pdf>>  
accessed on 1 June 2016

The Republic of the Union of Myanmar

## National Land Use Policy

January, 2016

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## Foreword

1. National land resource management shall be taken into consideration not only for the present but also for the future in order to enhance people's food security, water resource development, improvement of transportation, economic and business development, and protection of environment and cultural heritage.
2. In land resource administration, it is important to develop and apply correct and complete policy, reliable legal framework and competent land management systems that are resulted from analysis of economical, political, legal and social aspects of the country.
3. National land use policy is associated with conservation, utilization and allocation of land resources and defined as the official notification of a government's objectives and plans. In the policy, it shall be clearly described land related benefits, political choice and forms in relation to allocation of authorities, and user rights of land and related natural resources that exist between the government and original land owners i.e. people of the country.
4. National land use policy is normally laid down with various objectives including land ownership and tenure security, equitable allocation, productivity for investment, sustainable environmental conservation, and enjoyment of natural beauty.
5. In the implementation of land use policy, it is required to have systematic land management system in order to approve, record and distribute land ownership, land tenure, land value and land use information. Some of currently used land resource laws and administration are over hundred year old. It shall be reviewed in order to ensure that they are in line with current situations; possessing ability to carry out public benefits and equality.
6. The Government of the Republic of Union of Myanmar formed the National Land Resource Management Central Committee with an objective to systematically manage and utilize national land resources.
7. The Central Committee has laid down the following (3) future actions:
  - a. To formulate sustainable land resource related basic principles in all inclusive manner which will be basic foundation for the future perspective;

- b. To develop an umbrella land law that can be practically used to resolve land resource related issues, with the participation and collaborate on of all stakeholders;
  - c. To implement land management reform pilot projects in order to immediately achieve people centered development outcomes.
8. In order to fulfill the mandate that is to develop and implement national land use policy, the National Land Use Policy has been successfully developed with the active participation of Union Ministries and organizations, UN and international organizations, civil society organizations (CSOs), NGOs, and other stakeholders including rural communities. There are various suggestions and recommendations received from local, national and international expert individual and groups during the 8 months consultation process. The internal and external experts reviewed and incorporated them in the draft policy in the expert roundtable process and national workshop.
9. The Central Committee sincerely express its gratitude to members of National Land Resource Management Central Committee, Land Use Policy Review Working Committee chair and members, responsible officials from the Ministry of Environmental Conservation and Forestry as focal agency, the internal and external experts, retired persons, European Union (EU), US Agency for International Development (USAID), Swiss Agency for Development and Cooperation (SDC) and The Land Core Group (LCG) and Civil Society Organizations, and all stakeholders who provided feedback and suggestions in the consultation meetings held in Nay Pyi Taw and all States and Regions.

National Land Resource Management Central Committee

- January, 2016  
Nay Pyi Taw

## The National Land Use Policy

### Introduction

1. Myanmar is a country where the various kinds of ethnic nationalities are residing collectively and widely in 7 Regions, 7 States and Union Territory. The country is located in Southeast Asia and is important geographically, economically and politically in the region.
2. Moreover, Myanmar is a country that has rich natural resources and environment, including valuable forests, fertile planes, natural gas and mineral deposits, long coastline, mountain ranges, and rivers such as the Ayeyarwaddy, Chindwin, Thanlwin, Sittaung, which are the lifeblood of the country.
3. The land resources shall be managed, administered and used, with special attention, by adopting long-term objectives for the livelihood improvement of the citizens and sustainable development of the country. When the land resources are systematically used and well managed, the more it will be possible to fulfill the basic needs of the citizens, develop the social and economic life of the people, and develop the country harmoniously.
4. Under section 37 of the Constitution of the Republic of the Union of Myanmar, it is provided that the Union is the ultimate owner of all lands in the Union, shall enact necessary law to supervise extraction and utilization of State-owned natural resources by economic forces; shall permit citizens right of private property, right of inheritance, right of private initiative and patent in accord with the law. According to such provision, the President of the Union also guided on 19th June, 2012 to adopt a necessary, strong and precise policy for the sustainable management, administration

and use of the land resources of the country, as such, "the National Land Use Policy "has been developed.

5. This National Land Use Policy aims to implement, manage and carry out land use and tenure rights in the country systematically and successfully, including both urban and rural areas, in accordance with the objectives of the Policy and shall be the guide for the development and enactment of a National Land Law, including harmonization and implementation of the existing laws related to land, and issues to be decided by all relevant departments and organizations relating to land use and tenure rights.

## **Part ( I )**

### **Objectives and Principles**

#### **Chapter ( I )**

#### **Objectives**

6. The objectives of the National Land Use Policy are as follows:
  - (a) To promote sustainable land use management and protection of cultural heritage areas, environment, and natural resources for the interest of all people in the country;
  - (b) To strengthen land tenure security for the livelihoods improvement and food security of all people in both urban and rural areas of the country;
  - (c) To recognize and protect customary land tenure rights and procedures of the ethnic nationalities;
  - (d) To develop transparent, fair, affordable and independent dispute resolution mechanisms in accordance with rule of law;
  - (e) To promote people centered development, participatory decision making, responsible investment in land resources and accountable land use administration in order to support the equitable economic development of the country;
  - (f) To develop a National Land Law in order to implement the above objectives of National Land Use Policy.

#### **Chapter ( II )**

#### **Guiding Principles**

7. The guiding principles of the national land use policy are as follows:
  - (a) To enhance sustainable land use in development and implementation of policies and legal frameworks related to land and natural resource management;

- (b) To ensure transparency, responsibility and accountability in land and natural resource governance;
- (c) To promote people's participation and collaboration particularly ethnic nationalities, women and smallholder farmers in decision making related to land and natural resource management;
- (d) To recognize and protect private and communal property rights of citizens as included in the constitution;
- (e) To make effort promoting appropriate international good practices in land and natural resource governance.

### **Chapter ( III )**

#### **Basic Principles**

8. The basic principles of the National Land Use Policy are as follows:

- (a) To legally recognize and protect legitimate land tenure rights of people, as recognized by the local community, with particular attention to vulnerable groups such as smallholder farmers, the poor, ethnic nationalities and women;
- (b) To strengthen rule of law and good governance, including simplifying procedures, ensuring transparency, and increasing accountability and responsibility;
- (c) To promote effective land information management, including easy public access to information;
- (d) To adopt international best practices such as voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security and human rights standards;
- (e) To promote inclusive public participation and consultation in decision making processes related to land use and land resource management;
- (f) To promote effective market based solutions, such as formal recognition of land tenure rights or use of new tax mechanisms,

- to address land management issues such as discouraging land speculation;
- (g) To review and revise the National Land Use Policy to meet changing socioeconomic needs of the country as necessary;
- (h) To develop and implement fair procedures relating to land acquisition, compensation, relocation, rehabilitation, restitution, and reclaiming land tenure and housing rights of internal displaced persons and returning refugees caused by civil war, land confiscation, natural disasters and other causes;
- (i) To ensure easy access to judicial review or other dispute resolution mechanisms that are independent, fair, transparent and affordable;
- (j) To prioritize the interest of public citizens over private companies in land use decision making;
- (k) To ensure equal opportunities for men and women over land resources, tenure rights and participatory decision making;
- (l) To permit freedom of crop selection and adoption of cultivation technologies in a way that will not negatively affect the environment;
- (m) To develop law and procedures for addressing the issues of landlessness and affordable housing;
- (n) To decentralize decision making related to land;
- (o) To strictly and transparently enforce contracts related to land in compliance to the law;
- (p) To address the impacts of climate change and natural disasters.



**Part (II)**  
**Land Use Administration**  
**Chapter (I)**

**Formation of the National Land Use Council**

9. The Union Government:
  - (a) Shall establish the National Land Use Council for the implementation of the National Land Use Policy and related laws, and determine its roles and responsibilities;
  - (b) In establishing the National Land Use Council, it shall comprise a Vice-President assigned by the President of the Union as the Chairman, the relevant Union Ministers and Chief Ministers of the Regions or States as members, and a person elected and assigned by the members as the Secretary;
  - (c) May form the necessary work committees to support the roles and responsibilities of the National Land Use Council;
  - (d) Shall form a technical advisory body that includes representatives from different stakeholders groups, such as farmer associations, ethnic nationalities, civil society, academia, private sector and others.
  
10. The National Land Use Council:
  - (a) Shall establish Land Use Committee at all Regions or States or Union Territory (Nay Pyi Taw Council), to effectively and uniformly supervise the implementation of the National Land Use Policy in respective locality in the country, and determine its roles and responsibilities;
  - (b) In establishing the Land Use Committee at Region or State level, it shall comprise the Chief Minister as Chairman, Ministers for the Ministries related to land use from Region or

- State Government, responsible persons from the relevant Region or State level Government departments and organizations, representatives of farmers selected by local associations, representatives from all local ethnic nationalities, experts, women and elders as members, and a person elected and assigned by the members as the Secretary;
- (c) In establishing the Land Use Committee at Union Territory (Nay Pyi Taw Council), it shall comprise the Chairman of Union Territory (Nay Pyi Taw Council) as Chairman, member of the Union Territory (Nay Pyi Taw Council), responsible persons from the relevant Union Territory (Nay Pyi Taw Council) level Government departments and organizations, representatives of farmers selected by local associations, representatives from all local ethnic nationalities, experts, women and elders as members, and a person elected and assigned by the members as the Secretary.
11. The respective Region or State or Union Territory Government (Nay Pyi Taw Council) shall establish the Self-administered Division or Self-administered Zone Land Use Committees and District Land Use Committees, Township Land Use Committees, Village-tract or Ward Land Use Committees with appropriate persons based on the composition in paragraph 10(b), and determine the roles and responsibilities.
  12. The Union Government, National Land Use Council and Region or State or Union Territory Government (Nay Pyi Taw Council) shall, based on the following facts, determine the roles and responsibilities of relevant working committees and various local committees:

- (a) Coordination, management and information sharing for consistency of the existing land records, maps and registration systems of all relevant Union level ministries and departments;
- (b) Transparently providing precise and correct land information that the stakeholders need to use when deciding the amount of land area necessary for projects related to national development, environmental conservation, land use planning and investment;
- (c) Maintaining a system of correct boundary maps, land types and classification, in order to recognize legitimate land use and land tenure rights, reduce land conflicts, and easily resolve any and all land disputes.

### **Chapter (II)**

#### **Determination of Land Types and Land Classifications**

13. Based on the following general land types, various land classifications may be determined:
  - (a) Agricultural land (all land used primarily for agriculture production purposes, including growing annual or perennial crops, growing industrial crops, animal husbandry activities, land based aquaculture activities, and any agriculture production focused support facilities, and any agriculture production focused support facilities that are either currently cultivated or follow);
  - (b) Forest land (intended to capture those areas of the country that will be determined to be part of the permanent forest estate);
  - (c) Other land (Urban land, village land, religious land, public land, government administrated vacant, fallow, virgin land and

wasteland that are not classified as forestland and agricultural land, etc.).

14. To determine appropriate land types and land classifications to meet the current needs of the country, the relevant government departments and organizations shall transparently review and amend the existing land types and classifications in accordance with the rule of law, national land use policy and national land law.

### **Chapter (III)**

#### **Land Information Management**

15. Systematically maintaining correct and accurate land cover maps, land records and other land information is fundamental for systematic land use management, land tenure security and urban-rural economic development.
16. In carrying out land information management:
  - (a) Accurate, complete and updated Information related to land use shall be maintained;
  - (b) Respective government departments, organizations and local representatives must coordinate in drawing maps and registration in order to ensure land tenure security and accurate and complete land information. In order to do mapping and registration, human resources and budget shall be sufficiently provided;
  - (c) Access to accurate, complete and updated land use information is essential for legal decision making related to land acquisition, relocation, transfer of land use rights, change of land use types, and resolving land disputes;
  - (d) All individuals, communities and organizations with the rights to use and manage land must have equal rights to access

accurate and complete information related to land use, have secure land tenure rights, land transfer rights and freedom of crop choice;

- (e) Legitimate land tenure rights recognized by the local community, including individual, household, collective and communal, whether or not they have been registered, recorded and mapped, shall be recognized, protected, and registered in accordance with laws;
  - (f) Land tenure registration and transfer procedures shall be modernized, streamlined and simplified in order to make the process more transparent, accountable and affordable.
17. The following shall be carried out in timely manner to successfully accomplish the preparatory process for issuing land tenure rights and land information management:
- (a) Establishing transparent, accountable, affordable, clear and easy process to enable recognition and registration of rights for all stakeholders including ethnic nationalities and smallholder farmers, when their rights have not previously been recognized and registered;
  - (b) Legally recognizing and registering legitimate land tenure rights that are recognized by the local community;
  - (c) Updating and transforming land information and maps into appropriate digital formats in order to facilitate sharing and coordination among government departments and organizations, and to enable easy access and use by the public;
  - (d) Obtaining and using high quality satellite images and appropriate technologies, including Geographic Information System (GIS), when comparing actual land use on the ground, and land records including existing land use maps;

- (e) Checking accurate land use rights records when updating land use maps in timely manner;
  - (f) Using community consultation and participatory land use mapping methods when approving local land use rights;
  - (g) Including participation of well respected local individuals and associations when conducting a survey of landless people in the villages;
  - (h) Considering the elements above, timely implementing one or more pilot projects and research initiatives relating to updating maps and records, and enabling public access to land information.
18. The union government shall establish a dedicated entity for management of land information systems across the country.

**Part (III)**  
**Planning and Changing Land Use**

**Chapter (I)**  
**Planning and Drawing Land Use Map**

19. (a) Preparation of land use plan to enable the systematic management and use of land resources in the country shall be based on upon accurate, complete and updated information, and shall take into consideration potential future trends and needs;
- (b) Revise and update land use plans and maps in timely manner in order to understand potential impacts of proposed land use changes on existing livelihoods, land use, land tenure rights, existence of farmlands, protected areas and encroachment;
- (c) The process in sub-paragraph (b) shall be carried out using an inclusive participatory approach and in consultation with local stakeholders, including men and women;
- (d) Land use planning process that is participatory, transparent and accountable, as defined in this chapter, shall be incorporated in the National Land Law.
20. To make district level land use planning and decision making processes easier and effective, use advanced land use mapping techniques, zoning, planning, public consultation and individual application.
21. The following shall be included in process of preparing district level land use plans:
- (a) Transparently providing access to information on the land use plan to the public;

- (b) Integrating and implementing the Union level, Region or State level and local level land use plans;
- (c) Using "bottom-up" participatory approach when preparing urban and rural land use plans;
- (d) Deciding impartially and transparently the recognition of existing land tenure rights and changing the existing land use;
- (e) Using procedures that provide prior notice to the public and reaching consent when preparing participatory land use plans at township, town, ward, village-tract and village levels;
- (f) Using evidence based satellite images and appropriate technologies, including GIS, when preparing land use plans;
- (g) Considering historic and current land use and land tenure rights when changing land types or land classifications;
- (h) Establishing agricultural and ecological conservation zones to encourage protection of land resources and the environment;
- (i) Establishing reserved land areas for allocation to landless citizens in order to improve livelihoods, promote social stability, and manage land encroachment;
- (j) Revising land use plans as needed to reflect changing needs and priorities of society over time;
- (k) Establishing effective and beneficial processes that provide consultation opportunities to the public during land use decision-making.
22. Legitimate land use rights shall not be affected when there is a plan to change land use through zoning or individual application.
23. In areas where there is a plan for land use change, existing land users may voluntarily and independently transfer or sell their land use rights.

## Chapter ( II )

### Zoning and Changing Land Use

24. Based on land use information, the District Land Use Committee may define the following zones, and additional zones as necessary, in the proposed land use planning maps:
- (a) Urban and rural development zone;
  - (b) Agriculture zone;
  - (c) Livestock breeding and fishery zone;
  - (d) Protected area zone or national security zone;
  - (e) Commercial zone, industrial zone or mining zone;
  - (f) Grazing land zone;
  - (g) Forest zone.
25. The District Land Use Committee shall:
- (a) Propose land use changes in appropriate areas of the district based on approved and updated information from the land use planning process, in order to meet local development, environmental conservation, livelihoods improvement, food security and other needs;
  - (b) In proposing land use change, protect sustainable land use, land administration and land use rights, whether they are registered or not registered.
26. The land use committees at different levels including National Land Use Council, Union Territory (Nay Pyi Taw Council), region or state, and self-administered division or self-administered zone, shall revise respective sustainable land use plans taking into consideration the proposed land use plans and maps of the District Land Use Committees.

27. (a) After completing proposed land use planning maps and land use zoning, they shall be presented to the public including local communities and other stakeholders, for public consultation.
- (b) Information sharing must be done sufficiently in every village or ward in order to record positive or negative feedback from stakeholders in the affected areas, on any part, or entirety, of the proposed land use change.
- (c) Based on the positive and negative feedback from the stakeholder consultation in the affected areas, the Ward or Village Tract Land Use Committees will submit recommendations for revising, partially or entirely, the proposed land use change to the Township Land Use Committee for consideration.
- (d) Based on recommendations and feedback from the affected Ward or Village Tract' Land Use Committees, the Township Land Use Committees will submit recommendations for revising, partially or entirely, proposed land use change to the District Land Use Committee for consideration.
- (e) The District Land Use Committee:
  - (i) Based on the recommendations and feedback from Ward or Village Tract, and Township Land Use Committees, will review and revise the proposed zones of entire districts as necessary, in order to change land use;
  - (ii) Allowing sufficient time, will conduct a second round of information sharing and public consultation with local communities and in affected wards and villages, on the revised land use zones and maps;
  - (iii) Based on the recommendations of Ward or Village Tract and Township Land Use Committee, from the second round of information sharing and public consultations at the village

level, will review and finalize the zoning for changing the overall land use of the District;

- (iv) After finalizing zones for land use change, shall approve the new land use zones;
- (v) In order to make the public aware, the new land use zones must be demarcated on the ground and records shall be made publicly available in the respective Wards or Villages;
- (vi) Shall submit the approved land use zone records to the dedicated entity responsible for land information management systems at the national level using approved procedures, so that national, region or state, and self-administered division or self-administered zone may revise sustainable land use plans in a timely manner.

### **Chapter ( III )**

#### **Changing Land Use by Individual Application**

- 28. In order to protect the land use rights of existing land users in affected and surrounding areas, procedures will be developed on providing public notice, information sharing and right to appeal, when determining whether an individual application for land use change, that is submitted to respective ministries, government departments or agencies, is permitted or not.
- 29. To protect existing land users in the local communities from negative impacts of proposed individual land use changes, the following shall be done:
  - (a) The respective land use committee shall review, check for accuracy and approve information in relevant land use plans relating to existing livelihoods, land uses, land use rights,

existing land availability, protected areas, encroachments and other socioeconomic information;

- (b) Complete an Environmental and Social Impact Assessment (ESIA) before considering a grant for individual land use right or lease of land;
- (c) Determining the following costs and time schedule for payment by an applicant;
  - (i) Cost for scrutinizing whether information is correct, and;
  - (ii) Cost for conducting ESIA in the affected area;
- (d) Protecting lands that are under rotating and shifting cultivation and customary cultivation practices;
- (e) Protecting natural resources and ecological system that provide shared livelihood and socioeconomic development benefits to the surrounding communities;
- (f) Implementing land use plans consistently and fairly with public consent to reduce land disputes.

## Part ( IV )

### Grants and Leases of Land at the Disposal of Government

30. When granting or leasing of land at the disposal of government, the government shall provide prior notice, secure feedback from stakeholders, and conduct an ESIA in accordance with law, in order to not affect the public negatively.
31. While implementing actions in accordance with paragraph 30, the granting and leasing of land at the disposal of government shall be temporarily suspended.
32. When conducting ESIA:
  - (a) If members of the public need to be relocated for a public purpose, which is unavoidable, then there shall be public consultation, negotiation and participatory decision making;
  - (b) If the relocation is due to private purpose, then the preference of the stakeholders shall be given priority;
  - (c) If it is impossible to relocate according to the desire of the stakeholders, when the relocation is due to a private purpose, then ways will be explored to revise the project design and make changes;
  - (d) The benefits of the project shall be properly explained to those who have to be relocated, and a program for sustainable development that sufficiently meets the needs of the stakeholders shall be implemented;
  - (e) Stakeholders to be relocated shall be systematically consulted and allowed to participate directly in the design and implementation of the land relocation and rehabilitation project;
  - (f) Arrangement shall be made to allocate land to landless stakeholders;

- (g) Suitable protection measures shall be implemented in the proposed grant or lease and surrounding areas, in order to avoid the loss of land use rights and negative impacts on the socioeconomic life of existing land users;
  - (h) The existing environment and natural resources, which are beneficial to relevant local stakeholders, shall be protected and conserved;
  - (i) An impartial dispute resolution mechanism shall be established and readily available for all relevant land users;
  - (j) Land, infrastructure and housing of an equal or higher value shall be planned, constructed and provided prior to relocation from the areas where the stakeholders previously lived.
33. In order to address the problem of land monopolization and speculation, the following shall be included in the National Land Law and land administration system:
    - (a) Defining the maximum size limit for grants or leases of land that is at the disposal of government;
    - (b) Defining the limits based on the capacity of individual companies;
    - (c) Suspending the land use rights on lands that are in dispute;
    - (d) Defining prohibitions relating to land monopolization and speculation, so that the case can be taken to court;
    - (e) Allowing local communities and experts to participate in dispute resolution and prevention;
    - (f) Conducting free, prior, informed, consent and environmental social impact assessment.
  34. In piloting contract farming and Joint - Venture systems that are beneficial to smallholder farmers, the following shall be practiced before starting the agriculture related business project in order to

sustain investment at the village level and resolve potential land disputes:

- (a) Reviewing and approving the work records of companies that apply for a permit;
  - (b) Implementing an ESIA before the commencement of the project;
  - (c) Studying and analyzing the completed and ongoing pilot projects of the company, in order to understand whether the contract farming or Joint–Venture system to be implemented together with the company is appropriate or not for a local situation;
  - (d) When the company acknowledges and agrees to the regulations of a mutually beneficial contract farming or Joint-Venture agreement, entering into a temporary agreement, and if the company strictly follows the regulations, then entering into a longer-term mutually beneficial agreement;
  - (e) Consulting and agreeing on the mutually beneficial arrangements including land use, crop sharing and price;
  - (f) Accurately defining the benefits to be given by the company to the farmers in the mutually beneficial contract farming or Joint –Venture agreement.
35. Regulations related to granting and leasing of land at the disposal of government shall be defined.
  36. One or more pilot projects shall be researched and tested in order to enable implementation of environmental and social safeguards.

## **Part ( V )**

### **Procedures related to Land Acquisition, Relocation, Compensation, Rehabilitation and Restitution**

37. When land acquisition is done for social and economic development, sustainable land use for the future generations shall be taken into consideration.
38. When managing the relocation, compensation, rehabilitation and restitution related activities that result from land acquisition and allocation, unfair land confiscation or displacement due to the civil war, clear international best practices and human rights standards shall be applied, and participation by township, ward or village tract level stakeholders, civil society, representatives of ethnic nationalities and experts shall be ensured.
39. Relevant laws, rules and procedures shall be amended, repealed and newly enacted, if necessary to conform to the objectives, basic principles, practices and instructions in this policy.
40. When amending or newly enacting relevant laws, rules and procedures, they shall be in conformity with National Land Law and based on the following:
  - (a) Public participation management process and fair, equitable and systematic procedures shall be defined;
  - (b) Shall define measures to prevent and control corruption, and misuse of power, by assigning qualified persons capable of carrying out matters relating to land use in a fair and correct manner in accordance with law;
  - (c) Shall describe effective, consistent and fair valuation system when providing compensation and relocation for people affected by land acquisitions;



- (d) Shall conduct necessary rehabilitation in order to ensure maintenance of livelihoods for people affected by land acquisitions, even though compensation and relocation has already been carried under sub-paragraph (c);
- (e) Shall define the time period for conducting matters defined in sub-paragraph (c) and (d);
- (f) If the affected person wants to invest in the project, it shall be allowed.

## **Part ( VI )**

### **Land Dispute Resolution and Appeal**

#### **Chapter ( I )**

##### **Land Disputes Resolution**

- 41. In order to hear and decide land disputes through the use of impartial land dispute resolution mechanisms across the whole country, the following shall be defined:
  - (a) Allowing representatives from local farmer organizations to participate at every level in order to protect and develop farmers' benefits;
  - (b) Allowing local farmers organizations to resolve land disputes arising between their members, using local customary dispute resolution mechanisms, if they choose to do so;
  - (c) Allowing the rights to make a complaint, defend oneself or with representation, and appeal for land disputes;
  - (d) Allowing civil society to provide legal aid and acquire necessary information for use in land disputes;
  - (e) Resolving land disputes in public, and use appropriate local language and translation as necessary;
  - (f) Resolving land disputes transparently, fairly and free from corruption.
- 42. The following shall be carried out when resolving land disputes:
  - (a) Arranging the establishment of special courts that will hear special cases related to land law with specially trained judges and law officers if necessary;
  - (b) Establishing independent monitoring bodies with participation of all stakeholders and appointing monitors that have no direct interest, to observe settlement of land disputes;

- (c) Determining the processes to settle land disputes between businessmen and farmers, or between farmers, through independent arbitration;
  - (d) Establishing an independent tripartite arbitration process to settle land disputes, comprised of Government departments, organizations, farmers and private sector;
  - (e) Establishing accurate and clear procedural processes in relevant departments and organizations to improve easy access to, and use of, independent arbitration tribunals, courts and other dispute resolution mechanisms by farmers and other land users in accordance with existing laws.
43. One or more pilot projects shall be researched and tested in order to establish, organize, implement and monitor accurate practices, described in paragraph 42, for resolving land disputes impartially.

## **Chapter ( II )**

### **Appeal**

- 44. In order for individuals and organizations to appeal decisions in disputes related to land and land administration, conduct necessary research.
- 45. Appeal of matters relating to land shall be carried out transparently in public.
- 46. In conducting appeals related to land, assistance from individuals and civil society with ability to support systematically shall be allowed.

## **Part ( VII )**

### **Assessment and Collection of Land Tax, Land Transfer Fee and Stamp Duties**

- 47. In order to sustain land use planning, land tenure security, land market development, and protection of environmental resources, fair and equitable assessment and collection of land tax and transparent collection of land transfer fee that are the fundamental budgetary processes, shall be implemented.
- 48. Land taxation system shall be implemented as follow:
  - (a) Defining the rate of land revenue and other taxes;
  - (b) Assessment of land revenue and other taxes;
  - (c) Collection of land revenue and other taxes.
- 49. The assessment and collection of revenue relating to land shall be carried out by the following Government departments and agencies:
  - (a) Relevant Union Ministries;
  - (b) Nay Pyi Taw Development Committee;
  - (c) Yangon City Development Committee;
  - (d) Mandalay City Development Committee;
  - (e) Region or State Governments.
- 50. In line with objective and basic principles of this policy, in order to ensure the sustainable development of the country, all business and other uses of land shall exclusively pay appropriate and fair tax in accordance with the law.
- 51. Land taxes shall be equitable, fair and appropriate, and the procedures for collection and payment of these shall be clear, effective and transparent.
- 52. In order to prevent land monopolization and land speculation, a policy of increasing the rate of tax based on the amount of land

holding, use of idle land tax, and other taxation mechanisms, will be adopted.

53. Rotating and shifting cultivation shall be considered as subsistence agriculture, and the rate of land tax shall not be more than the maximum rate collected for ordinary smallholder farmer or smallholder household.
54. The factors to be considered in assessing the tax rate for land shall include land use, current market price and production value, usable land area, value of improvements to the land, exclusion of protected area, and the related costs, infrastructure and services provided by local public improvements.
55. To ensure fair and equitable land tax rates that contribute to economic development of the country and its' citizens, socioeconomic census studies shall be conducted on both net production value of agricultural land that are based on cost of agricultural production, crop yields, market access, crop prices, and net profit of other land uses.
56. When defining tax rate, two categories shall be considered, one being a rate based on subsistence livelihoods, and the other rate based on commercial agricultural production and other land use for commercial purposes.
57. In order to amend existing land tax rates and land administration systems, research shall be conducted based on the following:
  - (a) Defining the best methods for collection of land taxes with fair and equitable rates;
  - (b) Allowing suitable exemptions or credits in order to secure the livelihoods of subsistence farmers;
  - (c) Advertising the standard land valuation and tax rates published by the regional and state governments, or Union Territory

(Nay Pyi Taw Council), in all relevant departments and agencies;

- (d) Assessing and collecting land taxes from all users in an administratively transparent process;
  - (e) Establishing an easily accessible and impartial mechanism allowing all land users to submit complaints if decisions related to land tax rates are not fair and equitable;
  - (f) Decentralization of tax collection and utilization mechanisms.
58. Open and transparent methods of conducting land transactions for purchase, sale, secured credit and other transfers of land use rights at fair and reasonable cost shall be fundamental requirements for the smooth operation and orderly development of land markets that support economic development.
  59. Land transfer fees and stamp duties shall be fair, equitable and appropriate, and the procedures related to the collection and payment of revenue shall be clear, effective and transparent.
  60. To facilitate land market development, research shall be conducted on establishing a single window public services mechanism for providing affordable public access to authentic land information and for processing future land transactions.
  61. To assure timely and accurate processing of increasing volumes of land transactions, collect land information and transaction fees from all participants and deliver to the government fund. The fund will be used exclusively to finance human resources development and modernization of land records keeping infrastructure, administration and public services.

62. In order to review and revise stamp duties, and the collection of stamp duties, the following shall be done:
- (a) Stamp duties must be paid in full before registration or legal recognition of any land transaction, and no avoidance of payment will be allowed;
  - (b) Stamp duties shall be fair, equitable and reasonable;
  - (c) Revenue stamps shall be sold and registered in advance, and standard land value set by respective local governments with a transparent process and based on actual land market value and prescribed rates that are based on land value shall be posted in all relevant government departments and agencies that collect land revenue;
  - (d) Consult and negotiate with relevant ministries to amend rules and procedures, in order to exempt transfers of land use rights for purposes of adding an existing land user's spouse to registration records, for inheritance, or for a gift to any family member of the existing registered land user from stamp duty;
  - (e) Consult and negotiate with relevant ministries to amend rules and procedures, in order to exempt transfers of land from the state to land users, their spouses and family members, or organizations, that have not previously registered their legitimate land use rights, from stamp duties;
  - (f) Fees and stamp duties for leases or grants, of land at the disposal of government, for commercial purposes will be based on the actual value of the land, improvements, crops, and other natural resources located on or beneath the land.
63. Pilot projects that include one or more methodologies shall be researched and tested in order to revise, assess and collect stamp duties based on the above guidelines in paragraph 62.

## **Part (VIII)**

### **Land Use Rights of the Ethnic Nationalities**

64. Customary land use tenure systems shall be recognized in the National Land Law in order to ensure awareness, compliance and application of traditional land use practices of ethnic nationalities, formal recognition of customary land use rights, protection of these rights and application of readily available impartial dispute resolution mechanisms.
65. Duties shall be assigned for the preparation and revision of land use maps and records through public consultation processes by the ward or village tract land use committees under the supervision of the township land use committee, in order to:
- (a) Have accurate understanding of information related to land possession, land use, land availability and allocation in the area where ethnic nationalities live or traditionally use land resources for their livelihoods;
  - (b) Conduct land use planning that considers social, environmental and economic issues;
  - (c) Make correct decisions in accordance with law related to land use, settlement of disputes and encroachment.
66. When preparing and revising customary land use maps and records of ethnic nationalities, the responsible government departments and organizations shall do the following:
- (a) Consult with, and allow participation of, representatives and leaders of ethnic groups with knowledge of customary land use practices;
  - (b) Formally recognize and protect the customary land tenure rights and related local customary land management practices

of ethnic groups, whether or not existing land use is registered, recorded or mapped;

- (c) Recognize the rights of stakeholders who are members of ethnic nationality organizations, and recognize in existing laws in order to register their land use.
67. Ethnic leaders, elders and women shall be involved in decision making processes related to land tenure rights of individual stakeholders or groups practicing traditional cultivation methods on customary lands, monitoring, and dispute resolution mechanisms.
68. The customary lands of ethnic groups used traditionally that fall under current forest land or farmland or vacant, fallow and virgin land classifications shall be transparently reviewed, registered, and protected as "customary land", in accordance with the Constitution of the Republic of the Union of Myanmar, and land allocation to any land user, other than for public purposes, shall be temporarily suspended until these lands are reviewed, recognized and registered as customary lands.
69. Provision in the new National Land Law relating to reclassification of customary land and land tenure right of ethnic groups shall be the protection against grants or leasing of land at the disposal of government allowed under any existing law.
70. Reclassification, formal recognition and registration of customary land use rights relating to rotating and shifting cultivation that exists in farmland, forestland, vacant land, fallow land, or virgin land shall be recognized in the new National Land Law.
71. Technical, financial and infrastructure support shall be made available to improve the land tenure security and agricultural practices of ethnic nationalities, in order to protect the environment, increase climate change resilience, and improve their food security.

72. Civil society and other organizations shall be encouraged to provide support indicated in paragraph 71.
73. In order to resolve disputes related to land use of ethnic groups, ethnic customary land dispute resolution procedures currently used shall be defined in the new National Land Law, and the respected influential representatives from the ethnic groups shall participate in dispute resolution decision making processes.
74. For ethnic nationals who lost their land resources where they lived or worked due to civil war, land confiscation, natural disasters or other causes, that desire to resettle to their original lands, adequate land use rights and housing rights shall be systematically provided in accordance with international best practices and human rights standards.

**Part ( IX )**  
**Equal Rights of Men and Women**

75. In accordance with the Convention on the Elimination of all Forms of Discrimination Against Women, and the Constitution of the Republic of the Union of Myanmar, the new National Land Law shall provide that men and women have the following land tenure and management rights equally:
- (a) The right to hold individual or joint landholder rights and the right to own property;
  - (b) The right to land allocation and land management in accordance with law;
  - (c) The right to inherit land tenure and management rights;
  - (d) The right to land tenure and management rights when a spouse dies, when property is divided and when couples divorce;
  - (e) The right to participate and represent the community when making decisions in land disputes relating to land use, land transfer and land succession rights, including customary practices and systems of ethnic nationalities;
  - (f) The right to participate and represent the community in relation to land acquisition, compensation, relocation, rehabilitation and restitution;
  - (g) The right to participate in land information collection, land monitoring, land evaluation and land assessment;
  - (h) The right of ethnic nationality organization members to formally recognize, register and protect their customary land use rights, regardless of marital status.
76. Elders, civil society and other organizations shall be encouraged to support the realization of the rights mentioned above in paragraph 75.

**Part ( X )**  
**Harmonization of Laws and Enacting New Law**

77. (a) A new National Land Law shall be drafted and enacted, using this National Land Use Policy as a guide for the harmonization of all existing laws relating to land in the country.
- (b) When drafting the National Land Law, the public participation and consultation process contained in this Land Use Policy shall be used.
- (c) When drafting the National Land Law, the consultation process and key procedural steps shall be implemented as follows:
- (i) In order to inform the public, government departments, civil society, farmers and other stakeholders, down to the grassroots level across the country, about the purpose and process of drafting and implementing the National Land Law, public consultation events and other appropriate methods shall be used;
  - (ii) When drafting National Land Law, take into consideration experiences of countries in the region and around the world, the unique characteristics of the country, issues being faced, and the interest of those using land and natural resources in the country, then inform the stakeholders and public, including media, through consultation events and other means, so that they may provide feedback;
  - (iii) Allow participation of all stakeholders when conducting the national level workshops on the draft National Land Law;
  - (iv) Finalize the draft National Land Law and submit to the Pyi Htuang Su Hluttaw (Upper House).

**Part ( XI )**  
**Monitoring and Evaluation**

78. (a) The National Land Use Council shall periodically conduct monitoring and evaluation on implementation of, and compliance with, the National Land Use Policy and related laws across the whole country.
- (b) The National Land Use Council shall issue and ensure government compliance with reporting procedures relating to land use management, land allocation and quality control of land use planning processes, implementation of and compliance with the National Land Use Policy and other matters.
- (c) The monitoring and evaluation report shall be prepared based on accurate and firm evidence from the government administrative organizations, expert organizations, farmers, civil society and other stakeholders.
- (d) When carrying out monitoring and evaluation:
- (i) Assess and analyze whether implementation is in compliance with procedures relating to land acquisition, compensation, relocation, rehabilitation and restitution;
  - (ii) Assess and analyze whether there has been systematic adjudication of land use rights and registration claims;
  - (iii) Assess and analyze the location and underlying cause of claims for land use rights;
  - (iv) Assess and analyze whether the customary land use rights of ethnic nationality groups have been formally recognized and protected;

- (v) Assess and analyze whether land allocation maps and records have been timely reviewed and accurately updated;
- (vi) Assess and analyze whether there has been implementation of a bottom-up decentralized participatory land use planning process;
- (vii) Assess and analyze whether the status of communication and cooperation between relevant ministries;
- (viii) Assess and analyze whether environmental and social safeguards are being applied for impact assessment purposes, and to protect against illegal land confiscation;
- (ix) Assess and analyze whether grants and leases of lands at the disposal of the government are in compliance with legal regulations and procedures;
- (x) Assess and analyze whether the establishment of rates for land taxation, land transfer fees and stamp duties are fair and equitable, and whether there is good governance in the administration;
- (xi) Assess and analyze whether a multi-stakeholders participatory process has been used, as indicated in the National Land Use Policy, for development and implementation of relevant laws, regulations, procedures and other requirements;
- (xii) Assess and analyze whether the National Land Use Policy is periodically updated and revised to meet the needs of the public;
- (xiii) Assess and analyze whether existing laws relating to land are harmonized based on the National Land Law and this National Land Use Policy;

- (xiv) Assess and analyze whether the performance of the land use committees at various levels is effective;
  - (xv) Assess and analyze whether women's land rights are properly recognized and women may participate in land use decision making processes.
- ( e) The findings from monitoring and evaluation, assessments, and recommendations shall be annually reported to parliament, Union Government and relevant departments, and the public.

**Part ( XII )**  
**Research and Development**

79. In order to improve the public understanding of land use rights, strengthen implementation of the National Land Use Policy, and increase protection of citizens' land tenure rights, there shall be effective cooperation between international experts and local communities, implementation of pilot activities as indicated in the National Land Use Policy, and enactment of the National Land Law.
80. The following priorities shall be carried out when implementing research initiatives, capacity building activities, educational programs and pilot projects:
- (a) Analyze and assess current land use records, and impacts of different types of land use;
  - (b) Pilot procedures for participatory land use planning and zoning in order to determine the best methodologies;
  - (c) Determine the best methods for protection of land tenure rights of vulnerable groups, including smallholder farmers, ethnic nationalities and women;
  - (d) Determine the best methods for updating and approving land use records and maps in a timely manner;
  - (e) Determine the best dispute resolution mechanisms for resolving different types of historic and recent land disputes, and develop methods and procedures for effective implementation;
  - (f) Determining the best methods for monitoring land valuations based on accurate land transfer information and market trends;



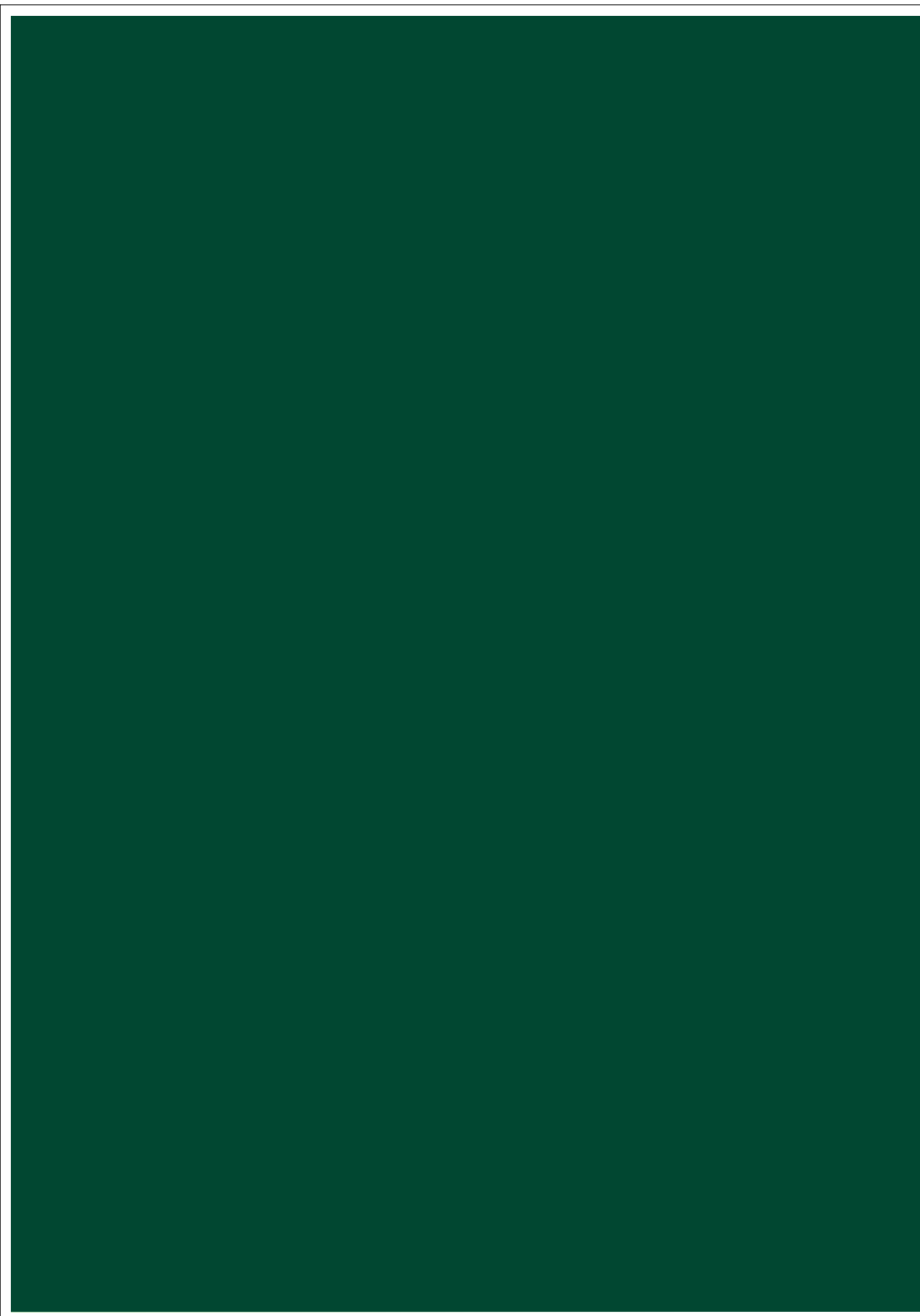
- (g) Determine the best land use management methodologies in order to promote sustainable land use for different types of land in various locations;
- (h) Determine the best methods for the construction of housing estates, and related infrastructure, for resettlement of existing residents and land users in urban areas, including their livelihood development, with the involvement of financial support from the private sector;
- (i) Determine the best procedures for accurately updating, revising, correcting and approving existing land use records and maps for forest land, agricultural land, customary tenure land, vacant land, fallow land, virgin land, urban land, rural land and other lands;
- (j) Determine appropriate procedures for the formal recognition and protection of customary tenure rights that have not been recorded, and best methods for appropriately utilizing customary law;
- (k) Determine appropriate land use practices based on soil types, land availability, and other physical and social information;
- (l) Pilot application of appropriate information technology as necessary to facilitate public participation in the development of land use maps, analyzing and approving of existing legitimate land use rights, and providing easy access to accurate and updated land information for local communities;
- (m) Research and pilot alternative land use practices other than those indicated in the National Land Use Policy;
- (n) Conduct research on best procedures for restitution of rights to land and housing of individuals, households and communities that had to abandon the area where they previously resided due

- to illegal land confiscation, civil war, natural disasters or other causes;
  - (o) Conduct research on land use change in order to understand impacts on citizen's land tenure rights and livelihoods, national food security, national economic development, social wellbeing and environment benefits in the country;
  - (p) Conduct research on collection and use of land tax;
  - (q) Conduct research on best ways to address landlessness.
81. When developing project proposals for research, capacity building, education and pilots, participation of local civil society and experts shall be allowed.
  82. Encourage and support individuals and organizations to conduct independent research initiatives, capacity building activities, educational programs and pilot projects.
  83. Research findings and results shall be incorporated when reviewing, revising and approving new or existing National Land Use Policy, National Land Law, and other related policies, laws, regulations and procedures.

**Part ( XIII )**

**Miscellaneous**

84. Based on evidence and results of research on land use management and administration, and recommendations of stakeholders recorded during transparent and inclusive public consultation processes, this National Land Use Policy will be reviewed, updated and revised at least every five years as necessary.



**APPENDIX II-2**

**MAJOR ACTS AND RULES RELATED  
TO LAND ACQUISITION AND  
RESETTLEMENT**

## THE LAND ACQUISITION ACT (1894)

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## THE LAND ACQUISITION ACT

India Act I, 1894  
1 March 1894

### PART I PRELIMINARY

1-2. [...]

3. In this Act, unless there is something repugnant in the subject or context:

(a) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(b) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(c) the expression "Collector" includes any officer specially appointed by the President of the Union to perform the functions of a Collector under this Act;

(d) the expression "Court" means a principal civil Court of original jurisdiction, unless the President of the Union has appointed (as he is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act;

(e) the expression "company" means a company constituted or registered by or under the law of the United Kingdom, the Union of Burma or India or Pakistan, and includes a society registered under the law of the Union of Burma or India or Pakistan relating to the registration of societies or co-operative societies;

(f) the expression "public purpose" includes the provision of village sites in districts in which the President of the Union shall have declared by notification in the Gazette that it is customary for the Government to make such provision; and

(g) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say) -

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted:

Provided that:

(i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(ii) in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(iii) the provisions of Order XXXI of the of the Code of Civil Procedure shall, mutatis mutandis, apply in the case of persons interested in appearing before a Collector of Court by a next friend, or by a guardian for the case, in proceedings under this Act; and

(iv) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

### PART II ACQUISITION

Preliminary Investigation.

4. (1) 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.

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by the President of the Union in this behalf, and for his servants and workmen:

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the subsoil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

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;

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:

Provided that 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.

5. The Officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be as aforesaid, and, in case of dispute as to the sufficient of the amount sp paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final.

#### Objections.

5A. (1) Any person interested in any land which has been notified under section 4, sub-section (1), 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.

(2) 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.

(3) 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.

#### Declaration of intended Acquisition.

6. (1) Subject to the provisions of Part VII of this Act, when the President of the Union is satisfied, after considering the report, if any, made under section 5A, sub-section (2), that any particular land is needed for a public purpose, or for a company, a declaration shall be made to that effect;

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

(2) The declaration shall be published in the Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a company, as the case may be; and, after making such declaration, the President of the Union may acquire the land in manner hereinafter appearing.

7. Whenever any land shall have been so declared to be needed for a public purpose or for a company, the President of the Union, or sonic officer authorized by the President of the Union in this behalf, shall direct the Collector to take order for the acquisition of the land.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and if no plan has been made thereof, a plan to be made of the same.

9. (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.

10. (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every

other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code.

Enquiry into Measurements, Value and Claims, and Award by the Collector.

11. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land at the date of the publication of the notification under section 4, sub-section (1) and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of:

(i) the true area of the land;

(ii) the compensation which in his opinion should be allowed for the land; and

(iii) 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.

12. (1) Such award shall be filed in the Collector's office and 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.

(2) 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.

13. The Collector may for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

14. For the purpose of enquiries under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a civil Court under the Code of Civil Procedure.

15. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24.

Taking possession.

16. When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the State, free from all encumbrances.

17. (1) In cases of urgency, whenever the President of the Union so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub section (1), take possession of any waste or arable land needed for public purposes, or for a company. Such land shall thereupon vest absolutely in the State, free from all encumbrances.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any railway administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, or whenever it becomes necessary for the War Office to acquire the immediate possession of any land for the use of the armed forces of the Union the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the President of the Union, enter upon and take possession of such land, which shall thereupon vest absolutely in the State, free from all encumbrances:

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.

(3) In every case under either of the preceding sub-sections the Collector shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

(4) In the case of any land to which, in the opinion of the President of the Union, the provisions of sub-section (1) or sub-section (2) are applicable, the President of the Union may direct that the provisions of section 5A shall not apply, and, if he does so direct, a declaration may be made under section 6 in respect of the land at any time after the publication of the notification under section 4, sub-section (1).



PART III  
REFERENCE TO COURT AND PROCEDURE THEREON

18. (1) 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 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.

(2) The application shall state the grounds on which objection to the award is taken;

Provided that every such application shall be made:

(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.

19. (1) In making the reference, the Collector shall state for the information of the Court, in writing under his hand:

(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.

(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:

20. The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely:

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

22. Every such proceeding shall take place in open Court, and all persons entitled to practise in any civil Court in the Union of Burma shall be entitled to appear, plead and act (as the case may be) in such proceeding.

23. (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration:

first, the market value of the land at the date of the publication of the notification under section 4, sub-section (1);

secondly, 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;

thirdly, 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;

fourthly, 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;

fifthly, 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

sixthly, 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.

(2) 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.

24. But the Court shall not take into consideration:

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or,

seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the notification under section 4, sub-section (1).

25. (1) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 11.

(2) When the applicant has refused to make such claim or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector.

(3) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Collector.

26. (1) Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause first of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment, within the meaning of section 2, clause (2), and section 2, clause (9), respectively, of the Code of Civil Procedure.

27. (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

(2) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so

extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or, that he should pay a part of the Collector's costs.

28. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

#### PART IV APPORTIONMENT OF COMPENSATION

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment

30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

#### PART V PAYMENT

31. (1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person be competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount;

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18;

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section, the Collector may, with the sanction of the President of the Union, instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

32. (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall:

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied:

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of moneys deposited to which this section applies the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Collector, namely:

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys; and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such

Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit there from as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be:

34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

#### PART VI TEMPORARY OCCUPATION OF LAND

35. (1) Subject to the provisions of Part VII of this Act, whenever it appears to the President of the Union that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a company, the President of the Union may direct the Collector to procure the occupation and use of the same for such term as the President of the Union shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken there from, pay to them such compensation either in a gross sum of money, or by monthly or other periodical payments as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

36. (1) On payment of such compensation, or on executing such agreement or on making a reference under section 35, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein.

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the President of the Union shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a company.

37. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

PART VII  
ACQUISITION OF LAND FOR COMPANIES

38. (1) The President of the Union may authorize any officer of any company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

(2) In every such case section 4 shall be construed as if for the words "for such purpose" the words "for the purposes of the company" were substituted; and section 5 shall be construed as if after the words "the officer" the words "of the company" were inserted.

38A. An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a company for the purposes of this Part, and the references to company in sections 5A, 6, 7, 17 and 50 shall be interpreted as references also to such concern.

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any company unless with the previous consent of the President of the Union, nor unless the company shall have executed the agreement hereinafter mentioned.

40. (1) Such consent shall not be given unless the President of the Union be satisfied, either on the report of the Collector under section 5A, sub-section (2), or by an enquiry held as hereinafter provided:

(a) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the company or for the provision of amenities directly connected therewith, or

(b) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public.

(2) Such enquiry shall be held by such officer and at such time and place as the President of the Union shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a civil Court.

41. If the President of the Union is satisfied, after considering the report, if any, of the Collector under section 5A, sub-section (2), or on the report of the officer making an enquiry under section 40, that the purpose of the proposed acquisition is to obtain land for the erection of dwelling houses for workmen employed by the company or for the provision of amenities directly connected therewith, or that the proposed acquisition is needed for the construction of a work and that such work is likely to prove useful to the public, he shall require the company to enter into an agreement with the Government, providing to the satisfaction of the President of the Union for the following matters, namely:-

(1) the payment to Government of the cost of the acquisition;

(2) the transfer, on such payment, of the land to the company;

(3) the terms on which the land shall be held by the company;

(4) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided; and

(5) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to use the work.

42. Every such agreement shall, as soon as may be after its execution, be published in the Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act:

43. The provisions of sections 39 to 42, both inclusive, shall not apply to the acquisition of land for any railway or other company, for the purposes of which under any agreement the Government is, or was, bound to provide land.

44. In the case of the acquisition of land for the purposes of a railway company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

PART VIII  
MISCELLANEOUS

45. (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the Courthouse, and also in some conspicuous part of the land to be acquired;

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and registered under the Burma Post Office Act, and service of it may be proved by the production of the addressee's receipt.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate and such Magistrate shall enforce the surrender of the land to the Collector.

48. (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

49. (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired;

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired:

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question

to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under section 23, sub-section (1), thirdly, by a person interested, on account of the severing of the land to be acquired from his other land, the President of the Union is of opinion that the claim is unreasonable or excessive, he may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the President of the Union to the person interested, and shall thereafter proceed to make his award under section II.

50. (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or company concerned may appear and adduce evidence for the purpose of determining the amount of compensation;

Provided that no such local authority or company shall be entitled to demand a reference under section 18.

51. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

53. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act.

54. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the

time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court, and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to the Supreme Court subject to the provisions contained in section 110 of the Code of Civil Procedure [and in Order XLV thereof].

55. (1) The President of the Union shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement.

(2) The power to make rules under sub-section (1) shall be subject to the condition of the rules being made after previous publication.

(3) All such rules shall be published in the Gazette, and shall thereupon have the force of law.

Unofficial Translation

Farmland Law

(Pyidaungsu Hluttaw Law No.11 of 2012)

Day of 8<sup>th</sup> Waxing of Tagu 1373 ME

[30th March, 2012]

The Pyidaungsu Hluttaw enacted this Law.

CHAPTER I.

NAME, ENFORCEMENT AND DEFINITIONS

1. This Law shall be called the Farmland Law.
2. This Law shall enforce on the date as the President of the Republic of the Union of Myanmar may, by notification, direct.
3. The following expressions contained in this Law shall have the meaning given here under:
  - (a) "farmland" means designated lands as; paddy land; ya land; kiang land; perennial plant land; dhani land; garden land; land for growing of vegetables and flowers; and alluvial island. In this expression, it does not include land situated within any town or village boundary used for dwelling, religious building and premises, and public-owned land which is not used for agriculture purpose;
  - (b) "paddy land" means land mainly grow for rice paddy, rain fed or irrigated.
  - (c) "alluvial island" means land has flooded yearly and it's land texture and location can vary in accord with water channel.
  - (d) "right for farming" is defined that as the State is original owner of all lands, giving permission for farming in conformity with this law and bylaw, rule and regulation of this law so that agricultural production capacity develop, excluding exploring gems, mines, petroleum, gas and natural resources below and above ground;
  - (e) "agriculturist" means any person who is in compliance with any one of the following conditions:-
    - (1) is or was engaged in agriculture (or) livestock breeding (or) both as his principal means of livelihood (or) ;
    - (2) supervises the land use for agriculture (or) livestock breeding (or) both as his principal means of livelihood during years concerned;
    - (3) invests capital and engages directly or supervises in the production of seasonal crops, orchard, perennial crops (or) commercial livestock breeding as his principal means of livelihood (or);
    - (4) engaged in agriculture (or) livestock breeding;

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- (5) using farmland for producing (or) breeding and selling of sapling, seed, and breeding in for agriculture production and livestock breeding purposes;
- (f) "agricultural household " means a group of persons related by blood or marriage, living together as a household of whose head thereof, who shall be an agriculturist;
- (g) "head of household" means any principal member of a household who leads the household activities;
- (h) "repair to gain progress by building" means raising values of land at present land owner's expense or one currently using land's expense or with his or her working power. The amendment also comprises place for one who works agricultural process or buildings, canals, dams, lakes, wells, embankments, roads and other facilities, excluding, but, land clearing works and procedures not for perpetual development;
- (i) "guardian" is defined as one who was vested with authority to keep under-age person or lunatic or their possessions by authoritative court;
- (j) "peasant organization" is the one that is formed to help rural development in conformity with law;
- (k) "Ministry" means the Ministry of Agriculture and Irrigation;
- (l) "Department" means the Settlement and Land Records Department;

CHAPTER II.

RIGHT FOR FARMING

4. A person who has the permission of right to use farmland shall have to apply for getting the Land Use Certificate to the Township Land Records Department Office passing it through the relevant Ward or Village Tract Farmland Management Body.
5. With respect to Section 4 of this law, the Office of Township Land Records Department shall scrutinize and submit the cases of right to use farmland to the relevant Township Farmland Management Body.
6. The Township Farmland Management Body shall issue the Land Use Certificate to the following person or organization with respect to existing farmland on the day of enforcement date of this law, by the approval of District Farmland Management Body, after paid the prescribed registration fees and registered at the Township Land Records Department's Office:
  - (a) if a person who has right for farming shall be;
    - i. an agricultural household (or) member of the household;
    - ii. head of the household (or) a member of the household (or) guardian who is legally holding and working the land in accordance with existing land law, before this law has been enacted;
    - iii. the legal beneficiary either in accordance with this law or rules deriving from this law after its enactment;
    - iv. completed the age of eighteen years;

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- v. a citizen or guest-citizen or naturalize-citizen  
 (b) If an organization; Government Department (or) Government Organization (or) Non Government Organizations (or) Company shall had been right for farming.
7. After this Law has enacted, the Township Farmland Management Body shall issue the Land Use Certificate to the following person or organization with respect to revoking farmland and land reclamation by the State, with the approval of District Farmland Management Body, after paid the prescribed registration fees and registered at the Township Land Records Department's Office:
- (a) If a person shall be;
- engaged in agricultural process using land
  - lived in relevant ward or village tract as a resident
  - completed the age of eighteen years;
  - a citizen or guest-citizen or naturalize-citizen
- (b) If an organization; Government Department (or) Government Organization (or) Non Government Organizations (or) Company shall be actually to work with a will for farming.
8. The Township Farmland Management Body shall issue the Land Use Certificate to a person who receive the right for farming by buying (or) exchanging (or) giving (or) inheritance in accordance with the provision of this Law (and) a person who has got the grant of right to do, (and) right to utilize the vacant, fallow and virgin land may apply in accordance with this Law whenever cultivation is completed, after paid the prescribed registration fees and registered at the Township Land Records Department's Office.

## CHAPTER III.

## RIGHTS RELATING TO PERMITTED FARMS

9. The following rights shall be enjoyed in connection with the right for farming:
- right to have such land in hand, right for farming and gain benefit of such farm;
  - right to sell, pawn, lease, exchange, or donate, in whole or in part of the right for farming in accord with prescribed disciplines;
  - disputes arising out of inheritance of farmland shall be decided upon by the law respective court in accord with existing law;
  - the duration of the right for farming shall continue so long as the stipulated conditions are not breached;
  - land development operation are to be carried out by doing joint-venture with the investment of rural cooperative association or private investors;
  - in accordance with Foreign Investment Law, foreigner or organization containing foreigner are to be carried out by doing joint-venture;
10. The provisions under the section 4, 5, 6, 7, 8 and 9 of this law shall not apply to the allocation of alluvial land.

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11. The disposal of alluvial land can be effected by means of prescribed rules.

## CHAPTER IV.

## CONDITIONS IN RESPECT OF THE RIGHT TO WORK FARMLAND

12. The following conditions shall be complied with in respect of the right to work farmland: -
- any person shall work farmland in accordance with the provisions of this law;
  - land-tax and other taxes in respect of farmland assessed by the Ministry shall be paid;
  - It is needed to register at related department with fee when the process such as selling, pawning, lending, and donation of right to work farmland is carried out, and the prescribed stamped-duty and registration of deed fees shall be paid;
  - Whenever inheriting of completely handing over of lands is carried out in accordance with existing law, it is needed to register at related department in accord with prescribed conditions;
  - "pawning" is permitted to acquire investment for agricultural production only, by means of pawning the farmland with a government bank (or) authorized bank;
  - farmland shall not be worked without the permission of the relevant farm management body;
  - farmland is prohibited using for non-agriculture purpose without permission;
  - farmland is prohibited to grow other crop from regular crop without permission;
  - farmland shall not be fallow without a sound reason;
  - during the period of before getting the right for farming or disputing the right for farming, selling, pawning, lending, exchange or donation of right for farming farmland is prohibited;
13. After this Law enacted, whenever land dispute happens, registered farmland at the department can do official solution.
14. A person who has the permission of right for farming should not be sold, pawned, leased, exchanged or donated to any foreigner or organization containing foreigner without the permission of State Government.

## CHAPTER V.

## FORMATION OF FARM MANAGEMENT BODIES

15. The Union Government may form: -
- The Central Farmland Management Body with the Union Minister for Ministry of Agriculture and Irrigation as a Chairman, Deputy Minister for Ministry of Agriculture and Irrigation as Vice Chairman, Director General for the Settlement and Land

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Records Department as Secretary and the relevant government department officials as members of the body;

- (b) The Central Farmland Management Body constituted under the above paragraph (a), can be reconstituted when necessary;

16. The Central Farmland Management Body may form:

- (a) the following farmland management bodies at various levels
- i. Region or State Farmland Management Body;
  - ii. District Farmland Management Body;
  - iii. Township Farmland Management Body;
  - iv. Ward or Village Tract Farmland Management Body;
- (b) the farmland management bodies at various levels constituted under the above paragraph (a), can be reconstituted when necessary;

#### CHAPTER VI.

##### DUTIES AND AUTHORITY OF THE CENTRAL FARMLAND MANAGEMENT BODY

17. The duties and authority of the Central Farmland Management Body are prescribed as follows:

- (a) to prescribe the duties and authority of the farmland management bodies at various levels for the Region or State, District, Township and Ward or Village Tract;
- (b) to give guidance and control in respect of registration the right for farming, issuing the Land Use Certificate, giving the right for farming and solving land dispute;
- (c) to give guidance and control in respect of selling, pawning, leasing, exchange and donation the right for farming;
- (d) revoking the right for farming in accordance with this Law under the section 19 subsection (c) and (d), section 31 and section 37;
- (e) to scrutinize and approve the submission of Region or State Farmland Management Body in respect of using the farmland to be required for human settlements and housing in rural and urban area in which population and household are increasing;
- (f) to scrutinize and approve the submission of Region or State Farmland Management Body in respect of using the farmland to be required for school, health center, hospital, clinic, library, bazaar, cemetery, and other buildings to develop social life of the rural people;
- (g) to scrutinize and approve the submission of Region or State Farmland Management Body in respect of using the farmland to be required for agricultural sector development transition from primitive farm to modernize farm mechanization in which warehouse, rice mill, silo, godown, farm road and other buildings were needed to be established;
- (h) to give guidance and control in respect of the allocation of alluvial land and prescribe the policy relating to right for farming;
- (i) to give guidance and control in respect of shifting Taungya cultivation;
- (j) to perform the duty assigned by Union Government in respect of farmland periodically;

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18. In accordance with the provisions of this law, the Central Farmland Management Body may delegate authority to the appropriate Farm Management Body for the purpose of farmland valuation in respect of local conditions and current prices related to registration of deeds, transfer of the right for farming which shall be compulsory registered at the office of relevant department in the presence of witness of the Ward or Village Tract Farm Management Body.

#### CHAPTER VII.

##### TAKING ACTION ON BREACH OF CONDITIONS

19. If the conditions prescribed in section 12 of this law are not met in all or anyone, the Farmland Management Body appointed by the Ministry in this behalf shall, after making enquiry in accordance with the rules made under this Law, decide one or more than one of the following orders:
- (a) to be paid the prescribed fine;
  - (b) to be utilized the farmland in the prescribed manner;
  - (c) to be evicted from farmland;
  - (d) to be removed the buildings which were built on farmland without permission;
20. If whosoever having the right for farming under this law, fails to obey the order issued by the Farmland Management Body in accordance with this law under section 19, shall accuse to the respective court after the deadline-date is over.
21. Whosoever who having the right for farming under this law, fails to pay revenue levied by the Ministry, recovery shall be made of such revenue under the law as if it were an arrear of land revenue.

#### CHAPTER VIII.

##### DECIDING LAND DISPUTES IN RESPECT OF THE RIGHT FOR FARMING AND APPEAL

22. Land disputes in respect of the right for farming shall be decided by the Ward or Village Tract Farmland Management Body, after opening the case file and making actions such as enquiry and hearing about the land disputes.
- 23.
- (a) Whosoever may appeal to the respective Township Farmland Management Body against within 30 days from the date of decision made by the Ward or Village Tract Farmland Management Body in accordance with the section 22 of this law;
  - (b) Township Farmland Management Body may approve (or) revise (or) cancel the decision made by the Ward or Village Tract Farmland Management Body;
- 24.

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- (a) Whosoever may appeal to the respective District Farmland Management Body against within 30 days from the date of decision made by the Township Farmland Management Body in accordance with the section 23 subsection (b) of this law;
- (b) District Farmland Management Body may approve (or) revise (or) cancel the decision made by the Township Farmland Management Body;

25.

- (a) Whosoever may appeal to the respective Region or State Farmland Management Body against within 60 days from the date of decision made by the District Farmland Management Body in accordance with the section 24 subsection (b) of this law;
- (b) Region or State Farmland Management Body may approve (or) revise (or) cancel the decision made by the District Farmland Management Body;
- (c) the decision made by the Region or State Farmland Management Body is final;

CHAPTER IX.

COMPENSATION AND INDEMNITY

- 26. Notwithstanding any provision contained in any other existing law, the Central Farmland Management Body must be coordinated with acted for suitable compensation and indemnity in the case of repossession of farmland either in the interest of the State or in the interest of the public. Confiscated farms are to be compensated without any lose. If farm is upgraded with building, it is required to compensate for such building.
- 27. Whosoever shall not be entitled forgetting compensation, if the right for farming or farmland was revoked by the Central Farmland Management Body in accordance with this Law under the section 17 subsection (d).

CHAPTER X.

UTILIZATION OF FARMLAND

- 28. In respect of application for permission to grow other crop from regular crop :-
  - (a) The Central Farmland Management Body shall give permission to grow other crop on paddy land, after scrutinize the prescribed condition while rice is the main staple crop of the State and not to diminish the rice sufficiency;
  - (b) The respective Region or State Farmland Management Body shall give permission to grow other crop on farmland except paddy land, after scrutinize the prescribed condition;
- 29. In the long-term national interest of the State, the respective implemented Ministry shall be utilized the farmland for the Project, by the permission of the Cabinet of the Union Government after getting the remarks of the Central Farmland Management Body.

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- 30. In respect of the application to utilize the farmland for other purposes in 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) The respective 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;

- 31. The Central Farmland Management Body shall confiscate the farmland if the farmland is not start to use within six months in the prescribed manner from the date of permission order in accordance with the section 30 of this law, or not completed within the prescribed period.

CHAPTER XI.

FARMLAND ADMINISTRATION

- 32. In confiscating farms in the interests of nation, it is a must to confiscate required least measurement of farm. It is necessary to implement projects within prescribed period as soon as possible. If projects are terminated, farms are to be given back to original legitimate farm owner (person/organization) who has right for farming.
- 33. Except order or summons of the Union Government or authorities appointed by the Union Government, pasture land and common village land are to remain unchanged.
- 34. In respect of right to do (or) right to utilize land of vacant, fallow and virgin land which was permitted by the Central Committee for the Management of Vacant, Fallow and Virgin land, for Agriculture purpose, and Livestock Poultry Farming and Aquaculture purposes, shall be considered as stable cultivated farmland under this law when crop production is stable.

CHAPTER XII.

CRIME AND PENALTIES

- 35. Anyone who has right for farming fails to comply with an order issued by the farm management body in accordance with the section 19, (or) decision of land dispute under this Law, shall be sentenced with imprisonment for a term which may at least six months to maximum two years with fine which may at least three hundred thousand kyat to maximum five hundred thousand kyat.
- 36. Anyone whomsoever that fails to comply with an order issued in accordance with the section 19 of this law shall be sentenced with imprisonments for maximum years states in section 35 of this law, if he/she has same punishment before.

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37. Anyone who has right for farming breach the prohibited states in section 14 of this law, shall be sentenced with imprisonment for a term which may at least one year to maximum three years with fine which may not less than under one million kyat, and then money and materials with relate to crime shall be forfeited to the State.

CHAPTER XIII.

GENERAL PROVISIONS

38. "Agriculturists associations" are allowed to organize in accordance with the laws enacted for improvement of the socio economy of farmers.
39. Every member of the Farm Management Body at various levels constituted under this law shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.
40. No suit, prosecution or other proceedings shall lie in court against any member of Farm Management Body at various levels for action carried out in conformity with this law or rules and regulations of this law.
41. Prosecution in accordance with section 37 of this law shall be deemed as Police case.
42. To undertake the provisions of this law: -
- (a) The Ministry may issue the necessary rules and regulations with approval of the Union Government;
  - (b) The Central Farmland Management Body and the Department may issue necessary notifications, orders, directives and procedures;
43. This law revoked the following laws:-
- (a) 1953 Land Nationalization Act;
  - (b) 1963 The Disposal of Tenancies Law;
  - (c) 1963 The Agriculturist's Rights Protection Law;

I hereby signed in accordance with the Constitution of the Republic of the Union of Myanmar.

U Thein Sein

The President

The Republic of the Union of Myanmar

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The Republic of the Union of Myanmar  
President Office  
Notification No 62/2012  
14 Waxing Wagaung 1374 ME  
(31, August, 2012)

**Designating the Date of Coming into Force of Farm Land Law**

The Farm Land Law has come into force on 31 August, 2012, 14 waxing wagaung 1374 ME as per section-2 of Farm Land Law.

Sd-Thein Sein  
President  
Republic of the Union of Myanmar

The Republic of the Union of Myanmar  
The Ministry of Agriculture and Irrigation  
Notification No 62/2012  
14 waxing wagaung 1374 ME  
(31, August, 2012)

The Ministry of Agriculture and Irrigation promulgated the following rules by using the power vested by the section-42, sub-section (a) of farm land law with the approval of Pyidaungsu Government.

Chapter(1)

Title And Definitions

1. These rules shall be called farm land rules.
2. The words and expressions contained in these rules shall mean as contained in Farm Land Law. And the following words shall mean as described -
  - (a) Farm land work permit means the permit certificate issued as per the Farm Land Law to give the right to work on Farm land.
  - (b) Land revenue means the land tax levied in connection with Farm land under existing laws.
  - (c) Registration fees means the fees for registration of the right of work on Farm land designated by issuing notification of the department with the approval of ministry.
  - (d) Stamp duty means the stamp duty for the deed of sedling, mortgaging, lending, exchanging and giving of the right of work on farm land designated by the department with the approval of ministry.

- (e) Document registration fees means the fees paid when registering the deed of selling, mortgaging, lending, exchanging and giving the right of work on farm and as designated by the department with the approval of ministry.
- (f) Giving, means transfer of right of work on farm land without cost from someone who get the right of work on farm land to any other person. It includes donation and release.
- (g) Citizen means citizen, associate citizen and naturalized citizens.
- (h) Foreigner means someone who is not a citizen.
- (i) organization means government department, government organization, non-government organization, company or society.
- (j) Central farm land management committee means central farm land management committee formed by Pyidaungsu Government under farm land law.
- (k) Region/State farm land management committee means reigon/state farm land management committee formed by central farm land management committee under farm land law.
- (l) District farm land management committee means district farm land management committee formed by central farm land management committee under farm land law.
- (m) Township farm land management committee means township farm land management committee formed by central farm land management committee under farm land law.
- (n) Ward/village tract farm land management committee means ward/village tract farm land management committee formed by central farm land management committee under farm land law.
- (o) Ward/village tract means a location demarcated or designated as ward/ in a concerned town boundary or as village tract of village or villages combined outside the town boundary under the ward / village tract administration law.
- (p) Form means form prescribed in these rules.

Chapter (2)

Farm Land Right to work For the Farm Land

Currently Acquired to work

3. A citizen of 18 years of age applicable with one of the following shall apply through ward/village tract farm land management committee, by getting free the application format for the right of work on farm land at the concerned ward/village tract administration office, and filled up completely -

- (a) A family or family member of the farmer who has got the right to work on farm land.
- (b) Head or family member or guardian who has got the right to work on farm land.
- (c) Being common beneficial farmer family if it is the right of work jointly owned by family member on the farm land acquired one of the family members of a farmer as a consolidated and undivided property.
- (d) Being in legal possession of inheritance as per existing law before the farm land law coming into force.
- (e) Being a legal beneficiary as per law or rules after the farm land law come into force.
- (f) Being someone recommended by ward/village tract administrator and the two witness of the adjacent farm land, to be working actually on the applied farm land.
- (g) Being someone approved by the record of the department to be someone who has got the right to work on farm land.
- (h) Being someone who can submit the evidence to get the right to work on farm land.

4. An organization having the right to work on Farming shall apply to the township department office through ward/village tract farm land management committee by getting form(1) of right to work on farm land of possession at the ward/village tract administration office and filled up completely.

5. Ward/village tract farm land management committee shall send the application of rules (3) or (4) with the recommendation to the township department office within (30) days of receiving the application.

6. Township department office -

- (a) Shall open the dossier of farm land right to work, and issue notice (form-2) for the objection with firm evidence, on the application within 15 days of receiving the application.
- (b) The notice for objection (form-2) shall be posted at the township department office and ward/village tract administration office where the farm land situated.
- (c) When notifying under sub-rule (a) it shall be mentioned to object within (30) days.

7. Township department office, when receiving the application, shall do the following within objection period -

- (a) To fill up the form (3) of application list in connection with fact of the application.
- (b) To fill up the assessment (Form-4) in connection with right to work on land with the following fact after assessment (1) whether the applicant is (18)years of age or not - (2) Whether a citizen or not. (3) Whether compliant with section-6c of farm land law or (4) If the applicant is in legal possession of inheritance before the existence of farm land law, whether it contains the recommendation of ward/village tract farm land management committee or not. (5) Whether the settlement no, lot no, area and land class mentioned in the application is compliant with the record and map of township department office or not-  
(c) If the Facts of sub-rule (b)(5) is found to be not compliant, field measurement and approval shall be made with the farmer of adjacent land and ward/village tract administrator, of the actual land position.

8. The township department office, in connection with the application of right to work on land made by more than one person for a piece of land submitted by the ward/village tract farm land management committee, it shall be conducted as follow after performing per rule-6-

- (a) To fill up the registration of application to work on farm land with the facts of application.
- (b) The following to be scrutinized other than fact of rule -7
  - (i) Whether the evidence of right to work on the applied farm land is firm or not
  - (ii) Whether work or not on the applied farm land, if any break period although worked, if any firm evidence for the break period or not.
  - (iii) Whether it is in the list of area worked by each farmer in the ward/village tract kept by the concerned ward/village tract.
  - (iv) Whether it is applied by cheating without being someone who has got the right to work.
- (c) If it is applied by cheating without being someone who has got the right to work action shall be taken as per existing law.

9. If any objection to the application for right to work on land, township department office shall send the concerned document together with the objection to concern ward/village tract farm land management committee for enquiry and submission within (7)days of the receiving objection.

- (b) When getting the letter under sub-rule (a), the ward/village tract farm land management committee shall submit the result of enquiry to the township department office within (7) days of receiving the letter from township department office.

10. Township department office, when receiving the letters under rule-9(b), shall send the dossier of right to work on farm land with recommends to the concerned township farm land management committee, within (30) days of receiving the submission.

11. The township farm land management committee, when receiving the dossier of right to work on farm land under rule-10, it shall be scribed and submitted on to the district farm land management committee within (7) days of receiving dossier.

12. The district farm land management committee, when receiving the dossier of right to work on farm land under rule-11, it shall be decided after the scrutinization, whether the application is allowed or rejected within (15)days of receiving the dossier, it shall be sent to the township department office.

13. The township department office-

(a) According to the letter of permit from district farm land management committee the person who get the right to work on farm land shall be made to pay the registration fees to the account section of the department by registering in the list of those who get the right to work on farm land, (form-5) and sent it to the township farm land management committee.

(b) After registering the objective person in the form-6 of those who are objected the right to work on farm land according to the letter of district farm land management committee and submitted to the township farm land management committee.

14. The township farm and management committee, in compliant with the letter of district farm land management committee -

(a) The form (7) of the farm land work permit certificate shall be issued to the person who has got the right to work on farm land.

(b) The letter of objecting to work on farm land in form-8 shall be sent to the person whose application to get the right to work on farm land.

15. In connection with farm land case currently being enquire as per existing law, before this law come into force these rules shall be applied to decide the concerned farm land work permit after only the said case is conclusively decided.

### Chapter (3)

#### Right to work on Farm land for the requisioned

##### Farm land in the reclaimed farm land

16. The farm land management committee delegated by the central farm land management committee shall proclaim to the public to apply for getting the right to work on farm land by those wishing to get the right to work on the farm land requisied and on the farm land reclaimed occasionally by the state.

17. When proclaiming under rule-16, anyone wishing to get right to work on farm land of the requisioned farm land and the farm land, reclaimed farm land and, the farm land, reclaimed occasionally by the government, he shall apply to the township department office by getting free the application to work, on farm land (form-1) and filling it completely at the concerned ward/village tract administration office.

18. The township department office, in connection with the application under rule-17, shall scrutinized the following facts -

(a) If it is a person -

(i) Whether he is 18 year age or not.

(ii) Whether a citizen or not.

(iii) Doing agriculture by using the farm land.

(iv) Normally domiciling in the ward/village tract unless any extra ordinary cause.

(v) Being able to followed the regulation designated by the higher farm land management committee.

(b) If it is organization -

(i) Being able to work on the farm land with objective of wishing to work agriculture.

(ii) Being circumstanhally able to work the agriculture as the essential vocation.

(iii) Being able to observe the regulation stipulated serially from the superior farm land management committee.

19. The township department office shall submit the finding under rule-18 with the recom to the township farm land management committee within (7)days of receiving the application under rule-17.

20. Township farm land management committee, shall submit the submission under rule-19 after rescrutinizing to the district farm land management committee as per the priority arrangement with recommend within (7) days of receiving the submission -

(a) If it is a person -

(i) A farm worker without farm land and without capital.

(ii) Although working agriculture, being short of farm land

(iii) Although working agriculture, requiring farm land to expand work.

(b) If it is on organization -

(i) Being able to work agriculture as major profession.

(ii) Being able to implement the modern mechanized farm land system.

(iii) Having the condition to work agriculture on farm land, and being able to support the regional development.

21. The district farm land management committee, when receiving the dossier of right to work on farm land scrutinized and submitted by the township farm land management committee, shall send the decision of permit or objection on the application of right to work on farm land after rescrutinizing to the township department office within (15) days of receiving of the said dossier of work.

22. The Township department office -

(a) According to letter of permit from district farm land management committee, the person who get the right to work on farm land shall be made to pay the registration fees to the account section of the department by registering in the list of those who get the right to work on farm land (form-5) and sent it to the township farm land management committee.

(b) The person who is denied because of the letters from district management committee, shall be registered in the registration -6 of those denied to work on farm land, and submitted to the township farm land management committee.

23. The township farm land management committee, in compliant with the letter of district farm land management committee

(a) The permit certificate of the right to work on farm land form-7 shall be issued to the person who gets the right to work on form land.

(b) The objection letter for the right to work on farm land (form-8) shall be sent to the person denied of application to get the right to work on farm land.

#### Chapter(4)

##### The Right to work on Farm land for the farm

##### Lands transferred, inherited and Reclerignated

##### From vacant, fallow and virgin land

##### The farm land received by transfer.

24. (a) If the right to work on farm land is transferred by selling, exchanging or giving, the transferer and transferee shall sign the deed by paying stamp duty in front of the concerned ward/village tract farm land management committee where the said farm land situate.

(b) The deed made under sub-rule (a) shall be registered at the concerned township department office within 120 days of so signing the deed.

25. The person receiving by selling, exchanging or giving of the right to work on farm land-

(a) For the change of name who get the right to work on farm land, application shall be put up to the township department office by filling in application form (9) to change the name of person getting the right to work on farm land.

(b) When applying under sub-rule (a) the original permit certificate of the right to work on farm land together with registered sale deed shall be submitted.

26. Township department office, after making enquiry by opening the dossier of the right to work on farm land for the application under rule-25, shall submit the dossier with recommend to township farm land management committee within (7) days of receiving the said application.

27. Township farm land management committee, by scrutinizing the dossier of right to work on farm land submitted under rule-26 shall inform the township department office of changing of the name who get the right to work on farm land within (15) days of receiving the said dossier.

28. (a) The township department office shall submit the dossier to township farm land management committee within (7) days of registration after registering in the list of person who get the right to work on farm land by paying the registration fees to the account of the department by the person who get the right to change name within 15 days of receiving the letter of name change by the person who get the right to work on farm land from township farm land management committee.

(b) When receiving submittal under sub-rule (a), the township farm land management committee shall issue the certificate of right to work on farm land to the application. It shall be reported to the district farm land law management committee of the said completed matter.

##### The inherited farm lands.

29. The inheritor of right to work on farm land shall apply to the township department office to change the name of the person who get the right to work on farm land with (form-9) by attaching the inheritance certificate and the certificate of the original right to work on farm land together with the application.

30. The Township department office -

(a) Shall issue the notice of objection (form-2(a)) for making objection by any person with the farm evidence, in connection with the application of changing the name of the person who get right to work on farm land within (15) days of receiving the said application by opening the dossier of right work on farm land together with the application as per rule (29).

- (b) The objection notice (form-2(a)) shall be posted at the township department office and the ward/village tract administration office where the farm land situde.
  - (c) When making notice under sub-rule (a), it shall be mentioned that the objection can be made within (30) days of posting the said notice.
31. The Township department office, in connection with the application to change the name of person who get the right to work on farm land, -
- (a) If there is any objection -
    - (i) If it is found to be the objection with firm evidence, the dossier shall be submitted to the township farm land management committee with the recommend that the application to change the name of person who get the right to work on farm land, should be rejected.
    - (ii) If it is found that the objection is without firm evidence, the dossier shall be submitted to the township farm land management committee with the remark that the application of name change should be allowed.
  - (b) If there is no objection the dossier should be allowed with the remark that the application of name change should be allowed.
32. Township farm land management committee shall inform to the township department office within (15) days of receiving dossier to allow the name of person who get the right to work on farm land or to be objective in connection with the submittal under rule-31.
33. Township department office in connection with the application to change name, under rule-32
- (a) Shall submit the dossier to township farm land management committee within (7)days after registering in the list of person who get the right to work on farm land (form-5) by making the applicant to pay the registration fees to the department account within (15)days of receiving the letter.
  - (b) If receiving letter of objection the dossier shall be submitted to township farm land management committee within (7)days of registering in the list of person objective to get the right to work on farm land (form-6).
34. Township farm land management committee
- (a) When receiving the submitt under rule (33-(a)) the permit certificate of work on farm land (form-7) shall be issued to the applicant the district farm land management committee shall be reported of the completion of thus.
  - (b) When receiving the submittal under rule (33-(b)) the applicant shall be informed with the letter of objection to the application of right to work on farm land (form-8). The said metterof completion shall be reported to district farm land management committee.

- (c) In connection with the issue of the permit certificate to work on farm land under sub-rule (a), and the letter of objection to the right of work farm land under sub-rule(b), it shall be performed by the township department office within (15) days of receiving submittal under rule (33).
- Redesignated farm land from vacant, fallow and virgin land**
35. Any person who get the right to work on vacant, fallow and virgin land from the vacant, fallow and virgin land central management committee may apply to the central farm land management committee to designate the as farm land from vacant, fallow and virgin land (form-10) with the photos showing the stable working condition after the crop wise plantation and harvest as per the regulation stipulated under vacaunt, fallow and virgin land management law, or vacant, fallow and virgin land worked or used by him.
36. When applying under rule-35 it shall be submitted the recommend of scrutinization of vacant, fallow, virgin land management support team of Naypyitaw council or region/state, together with the information that the reclamation process have been completed as per the said rules.
37. The central farm land management committee shall inform the application for redesignating the vacant, fallow, virgin land as the property of person who get the right to work or use after scrutinizing and allows as applied to the Nay Pyi Taw Council or region/ State farm land management committee.
38. The Nay Pyi Taw Council or region/State farm land management committee/when receiving information under rule-37 shall inform to township department office through district/ township farm land management committee.
39. The Township department office -
- (a) When receiving letter under rule-38 the dossier Shall be opened for the reclamation of farm land from, vacant, fallow, virgin soil.
  - (b) After opening the dossier under sub-rule (a) shall submit to township farm land management committee after making the applicant to pay document registration fees to the department account the department account and registering fees to the department account the department account and registering in the list of person who get right to work on farm Land.
40. Township farm land management committee, when receiving submittal under rule-39 (b) shall issue farm land work permit (form -7) to the applicant after reclaiming the farm land from vacant, fallow, and virgin land.
41. A rural farmer family who get the right to work plantation, after completion of reclamation perios of vacant, fallow virgin area work, shall apply to Nay Pyi Taw council or region/state farm land management committee to designate the vacant, fallow and virgin as farm land application (form-10)by attaching the photos describing the condition of crop wise plantation in harvest completion.



42. When applying under rule-41 the scrutinizing recommend of Nay Pyi Taw Council or region/state vacant, fallow and virgin land management support committee together with for the reclamation as farm land under the provision of rule with the completion report 43.

43. Nya Pyi Taw Council or region/State farm land management committee shall inform to the township department office through concerned district and township farm land management committee district and township farm land management committee that the application for reclamation of vacant, fallow, and virgin land as that of the applicant has been scrutinized and permitted.

44. Township department office -

- (a) When receiving the letter under rule-43 shall open the dossier for reclamation of vacant, fallow and virgin land as farm land.
- (b) After opening the dossier under sub-rule (a) shall make the applicant to reclaiming vacant, virgin land to pay registration fees to the department account and registered in the list of person who get right to work on farm land (form-5), in submitted to township farm land management committee.

45. Township farm land management committee when receiving submittal under rule-44(b) shall issue permit certificate of right to work on farm land (form-7) to the applicant after reclaiming vacant, fallow and virgin land as farm land.

46. When the stable condition plantation of vacant, follow and virgin land of the investor or the organization included investment permitted to work land to use under the law of foreign investment, the central farm land management committee may reclaim the said vacant, fallow, and virgin land with the approval of Pyidaungsu Government.

**Chapter (5)**

**Leasing And Mortgaging Of the Right to work farm land**

47. When leasing the right to work on farm land-

- (a) The least farm land shall be used for plantation
- (b) The lesser and lessee shall sign lease agreement for the right to work farm land by paying stamp duty in front of the concerned ward/village tract farm land management committee wherein the farm land situate.
- (c) The duration of lease period shall be mentioned in the agreement made under sub-rule (b)
- (d) The deed make under sub-rule (b) shall be registered at the concerned township department office within (120) days of making the agreement.

48. When mortgaging the right to work farm land -

- (a) The person who gets the right to work farm land shall mortgage to get investment for plantation on the said farm land.
- (b) The person who get the right to work farm land shall mortgage by entrusting the organial farm land work permit at the government bank or any bank designated by the government for this.
- (c) Mortgagee and the responsible person of the bank receiving mortgage shall sign the deed of mortgage by paying stamp duty in front of concerned ward/village tract management committee wherein the farm land situate.
- (d) Duration of redemption shall be mentioned in the deed made under sub-rule(c).
- (e) The deed made under sub-rule(c) shall be registered at the concerned township department office within (120) days of signing the deed.
- (f) The mortgagor shall have the right to continue plantation on the farm land during the mortgage period.

49. Unless redeemed during the period of redemption designated under rule-48(d), the bank or any bank designated by the government receiving mortgage may manage the right to work on farm land as per procedure of the bank.

50. Government bank or any bank designated by the government for this matter getting management right on the farm land or anybody who get the right to work farm land transferred from any of the said bank, may apply at the township department office to change the name of person who get the right to work farm land under rule - 25.

51. In connection with the application under rule-50, township department office and township farm land management committee shall perform as designated under rule-26,27 and 287.

**Chapter - 6**

**Supervision And Facilitation**

52. Ward/village tract farm land management committee, shall keep register (form-11) os ward/village tract wise farm land right to work to keep those who get the right to work farm land and those who are allowed to work farm land for the farm land within the ward/village tract.

53. Ward/village tract farm land management committee

- (a) Shall supervise whether the conditions for those who get the right to work farm land under farm law chapter (4) are abided by or not.
- (b) During the duration of appeal to supervise the decision made by the farm land management committee in connection with disputes on right to work farm land, is to be supervised to follow them.
- (c) To supervise the land not to be kept follows without reasonable cause.

54. Ward/Village tract farmland management committee when supervising under rule-53(a)-

- (a) If it is found that the person who get the right to work farm land farm to follow all or any of the condition contained in section -12 of farmland law it shall be submitted to the farm land management committee appointed by the ministry for the said matter under farm land law-19.
- (b) If it is found that the person who get the right to work farm land violately submitted to township farm land law management committee to take action under section-37.

55. Every level of farm land management committee, shall supervise not to sell, mortgage, lease, exchange or give all or part of the farm land by the person who get the right to work farm land, to Foreigner or organization comprising foreigner without the approval of government.

56. If it is found the person who get the right to use other means on the form land, not to be starting to use the farm land as designated within six months of receiving permit certificate or not to be completing work within 37 of farm land law, the township farm land management committee shall submit to central farm land management committee through district and NayPysTaw Council or region/state farm land management committee for confiscating the concerned farm land.

57. After making inquiry in connection with violation of all or any of confer decision of administration punishment under section-19(c)(d) shall submit serially to the central farm land management committee for confiscation of the concerned.

58. Every level of farm land management committee-

- (a) Shall conduct for those working on farm land to get fair wages and job opportunity.
- (b) To coordinate the necessary facilitation for transforming from manual farming system to mechanized farming system.
- (c) To facilitate for getting agri loan capital as per type of crop as designated.
- (d) To facilitate for getting high yields strains of seeds and modern agri techniques.

**Chapter 7**

**Solving And Appealing of Disputer**

**On the Right on farm land**

59. The disputes arising in connection with the right on farm land shall be inquired and heard by the ward/village tract farm land management committee by opening the original case.

60. When the disputes in connection with right to work farm land under the provisions of chapter-8 of farm land law-

- (a) Ward/village tract farm land management committee, after hearing the original case shall award order or decision within (15)days of opening the case.
- (b) Someone who is not satisfied with the order or decision made as per sub-rule (a), may appeal to the township farm land management committee within (30)days of order or decision so made, and the township farm land management committee shall approve, revise or reject the order or decision of ward/village tract farm land management committee within (30)days of receiving the said appeal.
- (c) Someone who is not satisfied with the order or decision made under sub-rule (b) shall put up appeal to the district farm land management committee within (30) days of order or decision so made, and district farm land management committee shall approve, revise in reject the order or decision of township/village tract farm land management committee within (30)days receiving the appeal.
- (d) Someone Who is not Satisfied With the order or decision mode under sub-rule (c), shall appeal to the region /state form land management committee Within (60)days of the order or decision so made, and region /state form land management committee shall approve, revise or reject the order or decision of district form land management committee within (60)days of receiving the appeal.

61. When putting up the appeal by the person who is not satisfied with the order or decision made by all level of form land management committee shall submit the following documents attached -

- (a) The order or decision copy of the decision on form land disputes signed and certified to be true and correct.
- (b) Relied evidential documents and other paper.

62. The region/state form land management committee shall submit monthly statement to the central farm land management committee after compiling and scrutinizing or step by step dwelling of disputed appeal and completed trial in balance cases of the level of farm land management committee.

63. Central farm land management committee shall take effective action after scrutinizing the cause of delay described by the concerned farm land management committee without being able to process within the designated period under rule (60) (a) (b) (c) (d) by the farm land management committee.

**Chapter (8)**

**Grievance And Compensation**

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 improvement made by the original person who get the right to work farm land, without delay from the concern, the central farm land management committee shall conduct as necessary.
65. If the right for farming or the farmland is revoke by the one of the following reasons, whosoever shall not be entitled for getting the compensation and indemnity –
- a) According to the Section 19 of Farmland Law, expelling from the farmland or removing the structures unofficially built on the farmland without permission, because of violating one of the disciplines in Farmland Law
  - b) Revoking the farmland because of neither utilizing as per permitted mean nor finishing the activity during the specified period, within six months after getting approval to utilized the farmland with other mean in line with Farmland Law
  - c) Revoking for farming because of selling, mortgaging, lending, changing or gifting the whole or partial right for farming to the local organization or foreign organization without the permission of the government.
66. In confiscating farms in the in the interests of nation, the central government shall pay indemnity and compensation to the person interested.
67. Township Farmland Management Body shall calculate the indemnity and compensation under the Rule 66, using the indemnity and compensation calculation form 12, as following and forward it to the Central Farmland Management Body through the District Farmland Management Body and Nay Pyi Taw Council or Region/State Farmland Management Body-
- (a) Indemnity for Crop and Structure
    - 1) 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
    - 2) Three times of the value calculated based on the current price of the tree and current market price of the trees in that area
    - 3) Two times of the value calculated based on the current market price of the other activities including buildings built on the farmland to modify
  - (b) Compensation for Land
    - 1) Value calculated based on the current market price of the farmland of that area, in confiscating farms in the long term interests of nation for the non-profitable construction activities and national security
    - 2) In confiscating lands in the long term interests of nation for the purpose of utilizing the profitable business, amount agreed by the person interested or amount which is not lower than the amount calculated based on the current market price of that area, according to the type of the business, by Compensation Calculation

Body organized by the Central Farmland Management Body

68. Regarding the managing to give indemnity, compensation and other suitable mean, to avoid any indemnity of the person whose land is confiscated-

- 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.

**Chapter (9)**

**Use of farm land**

**Crop change cultivation on farm land**

69. For food sufficiency of the country, the country, the concerned Naypyitaw council or region/state farm land management committee shall have a constant supervision on the crop change cultivation.
70. Naypyitaw Council or region/state farm land management committee shall submit the actual figures sown acre to the central farm land management committee after confirming step by step in connection with the crop change cultivation in the region.
71. Anyone who get the right to work farm land shall apply to change cultivation of the perenial type from a orgimo szason crops on the farm land if he wants to do so.
72. The township department office shall open the dossier of changing farm seasonal crop to the perenial type on the farm land an the application under rule-71.
73. The Township department office shall scrutinize the following
- (a) The profile of applicant.
  - (b) The land type and class as per settlement of the land applied.
  - (c) The present land class and the of water.
  - (d) The present sown name of crops.
  - (e) The name of crops to be changed and the condition of crop yield.
  - (f) Cause of crop change.
  - (g) Condition of work.
  - (h) The condition of other crops on other land.
  - (i) The commentary remark of the ward/village tract farm land management committee.

74. The Township department office shall submit the application to change from the organial aeasonal crop to the perennial plantation with the recommend to the township farm land management committee.

75. Township Farm land management committee shall send the submittal under rule - 74 after rechecking to Nay Pyi Taw Council or region / state farm land management committee through district farm land management committee.

76. Nay Pyi Taw Council or region / state farm land management committee, in connection with the submission under rule-75 -

- (a) If it is applying change from paddy crop to perennial plantation, the dossier with recommend shall be sent to central farm land management committee.
- (b) If it is applying to get permit to change from the organial non-paddy seasonal crop to the perennial type, after checking the submission facts, and if allowed to change crop cultivation the permit certificate ( form-13 ) shall be issued.

77. The central farm land management committee shall issue the permit certificate (form-13) of crop change, if allowed after checking the facts submitted serially, not to affect the sufficiency of paddy crop which is the staple crop of the country when getting the submission under rule-76 (a).

**Use of farm land by other means:**

78. 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.

- (a) It shall be submitted to the Union Government with the approval of central farm land management committee.
- (b) When getting the approval of Union Government, the planting may be implemented.

79. The rural development project or urban for the urban development project drown by Nay Pyi Taw Council or region / state government experts and approved by concerned Union ministry and sent to central farm land management committee in advance to establish the housing complex for the increasing population in families in the rural in urban locations the farm land is to be used by other means.

80. According to the projects to be completed for the rural and urban development for the rural living standard development hospital, dispensary, library, street, bridge, rural market, religious, building, cemetery and other necessary building, it is to be used if compliant with the following facts -

- (a) If it is school the approval of Union education ministry and availability of fund.
- (b) If it is for health unit, hospital in dispensary, the approval of union health ministry and availability of fund.
- (c) If it is for religious building, the approval of union ministry of religious affairs, and availability of fund.
- (d) If it is for other matters the approval of concerned union ministry and availability fund.

81. When transforming from manual farming to mechanized modern farming for the development of agriculture sector, necessary building for keeping farming machinery, construction of rice mills, silo and ware house for storage crop for the construction of necessary infrastructure, farm land is to be used by other mean.

82. Anyone who wants to use farm land by other mean, if it is to use farm land by other mean including the matters described in rule ( 79 ), ( 80 ) ( 81 ), the application ( form-14 ) to use farm land by other mean shall be sent to township department office.

83. Township department office shall open the dossier of using farm land by other mean on the application under rule-82.

84. The township department office ( 30 ) days of receiving application under rule-82, shall scrutinize the following -

- (a) The condition of land applied.
- (b) Title ship.
- (c) Condition of plantation.
- (d) Location of building to be built.
- (e) Submission of date and method of using the applied land.
- (f) The recommend of concerned ward / village tract farm land management committee regarding the applied land.
- (g) Whether it is attached with the approval of concerned government / organization for the application using land by other mean by department and work units.
- (h) Whether it is submitted with the conditon of using the adjacent land together with the location site plan map of the applied land and adjacent land.
- (i) The scrutinized remark of the ward / village tract farm land management committee.

85. Township department office, in connection with the application, for using farm land by other mean shall submit the dossier of application to use farm land by other means with recommend to the township farm land management committee.

86. Township farm land management committee, when getting submittal under rule-85 shall submit the dossier with the following scrutinization to the Nay Pyi Taw Council or region / state farm land management committee through district farm land management committee within (15) days of receiving the said submittal.

- (a) Whether the applied land area to be used by other means is the least necessity of land area for the ward to be used.
- (b) Whether it can affect the plantation presently worked adjacent to the applied land area under sub-rule (a).
- (c) Whether it can affect the drainage of water way used for plantation work.
- (d) Whether it can affect street, agri products work used by the public.
- (e) Whether the applied work can be completed within the applied method in period.
- (f) Whether it contain the admission made by the applicant himself that it may be used in the method applied.

87. Nay Pyi Taw council region / state farm land management committee, regarding the submittal under rule-86 -

- (a) Regarding the application to use paddy and by other means be dossier together with recommend shall be submitted to the central farm land management committee within ( 30 ) days of receiving the submittal.
- (b) If it is applying to use farm land except paddy land by other means shall submit the dossier with recommend to the Nay Pyi Taw Council or Region / State government within ( 30 ) days of receiving scrutinized facts submitted by serially.

88. Nay Pyi Taw Council, region / state farm land management committee, regarding the submittal under rule-86 -

- (a) Regarding the application to use paddy land by other means be dossier together with recommend shall be submitted to the central farm land management committee within ( 30 ) days of receiving the submittal.
- (b) If it is applying to use farm land except paddy land by other means shall submit the dossier with recommend to the Nay Pyi Taw Council or Region / State government within ( 30 ) days of receiving scrutinized facts submitted by serially.

88. Central farm land management committee, regarding the submittal under rule (87) (a), if so allowed, the permit order (form-15) to use the paddy land by other means shall be issued.

89. The Nay Pyi Taw Council or Region / State government committee, if allowed regarding the submittal under rule (86) (b) the permit order ( form-15 (a) ) to use land except paddy land by other means shall be issued.

90. Nay Pyi Taw Council or Region / State farm land management committee, regarding the condition of work on farm land used by other means shall make district and township farm land management committee to conduct field inspection, shall submit every (6) months the findings of inspection on using by other means ( farm-16 ) together with photos of findings of inspection on using by other means ( farm-16 ) together with photos of findings of inspection to the central farm land management committee.

91. When conducting field inspection by district and township farm land management committee, it is found that the person who get the right to use farm land by other means has not started as per designated way within (6) months or the work is not completed within designated period, the separate dossier opened and submitted to the Nay Pyi Taw Council or Region / State farm land management committee together with photos records.

92. Nay Pyi Taw Council or Region / State farm land management committee, when receiving submittal under rule ( 91 ), shall submit to the central farm land management committee to take action under farm land law section ( 31 ).

93. Central farm land management committee, when receiving submittal under rule (92), if necessary after scrutinizing -

- (a) Shall revoke the permit order to use paddy land by other means.
- (b) Regarding farm land except paddy land it shall inform to revoke the permit order issued by Nay Pyi Taw Council or Region / State government.

94. The Central farm land management committee shall confiscate the land revoke under rule (93) (a) or the land revoked by Nay Pyi Taw Council or Region/State government is inform under sub rule (b).

**Chapter ( 10 ) Management  
of Farm Land**

95. When transforming farm land as modern model mechanized farm by the state or local program, if the boundary and increase / decrease of the said farm land is affected, the Township farm land management committee shall conduct field inspection, Fair and correct decision and re-designation of right to work farm land within (15) days or transforming the farm land so that the plantation can be completed by the person who get right to work farm land within the agri-season.

96. The concerned ministry implementing the planning for the long term interest of the state shall submit to the central farm land management committee for requisitioning the least actual necessary area to implement the planning.

97. Central farm land management committee not to make an necessary waste of farm land or not to affect the sufficiency of paddy crop shall submit to the Union Government with recommends the least area of farm land to be requisitioned by the concerned ministry for implementation the project after scrutinization.

98. The Union Government shall requisition the necessary area of farm land after scrutinizing the submittal of recommend put up by the Central farm land management committee under rule (97).

99. Except the matter to be sued by other means 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 pasture land and common village land.

**Chapter (11)**  
**Prosecution**

100. The farm land management committee appointed by the ministry to award order section (19) to the person who get right to work farm land, due to violation of all or any condition of section (12) of farm land law-

- (a) Any one not obeying the said order until the designated day of order so awarded, shall be prosecuted by applying to the concerned court to take action under section (35) of farm land law.
- (b) When so prosecuting it shall be immediately submit to the superior farm land management committee.

101. The township department office shall record regarding the order awarded by concerned court in the case prosecuted under rule (100) (a).

102. The township farm land management committee if it is found that the person who get the right to work farm land has sold, mortgaged, leaset, exchanged and given all or part of the farm land without permission of government to the foreigner or organization constituted with foreigner and or the submittal under rule-54 (b). If accepted or known by itsel the first information report (FIR) may be opened at the concerned police station to take action under section 36 of farm land law.

**Chapter (12)**  
**Granting of right of work alluvial land**

103. The area, location and the shape form of alluvial land, alluvial land of the alluvial land adjacent to the coastal line, are yearly used to change, the right to work alluvial land shall be annually granted.

104. It shall be pre arrange to grant the right to work alluvial land for one season of a year before the flooding cover than in time to meet the annual summer plough work.

105. The Township management committee when managing for the granting of alluvial land-

- (a) The nearest village to the alluvial land shall be designated with the approval of district farm land management committee by coordinating with the ward/village tract farm land management committee.
- (b) The Shortest of the fencing of the village nearest to the alluvial land the perimeter line of the land on the alluvial land shall be comparatively considered. The boundary line of the village tract shall not be compared.
- (c) The alluvial land with permanent boundary uncultivable sand banks, reed groves and the forest of elephant grass shall not be included.
- (d) Mapping and calculating after measuring the cultivable land boundary and it shall be based on the calculated area.

106. The township farm land management committee, when granting the right to work alluvial land -

- (a) The previous year grant of permit shall be considered. Bat this facts shall not be deemed as basic.
- (b) The landless farmer, land laborers and farm workers who can work agricultural according to the economic revenue inquest from the village designated to be nearest to the alluvial land shall be selected to grant.
- (c) The person selected under sub rule (b), it granted to work the alluvial land, grant area per number of people, with the intension of getting profit enjoy by the ordinary farmer of the surrounding area, shall be allocated.
- (d) If the right to work is granted under sub rule (c), and the profit enjoyed more than the ordinary farmer of the surrounding area the land less person land laborers and farm workers who can cultivate from the nearest village of the lesser job opportunity shall be supplemented with the area to work.
- (e) The designated area shall be blocked and numbered for a family of farmers.
- (f) The selected family of farmers shall be granted ballot system to the block nearest to their village.

107. The township farm land management committee, regarding to the grant of right to work alluvial land shall compile the registration ( form-17 ) of those who get the right to work alluvial land as per and alluvial land.

108. Regarding the right to work alluvial land -

- (a) If any dispute arise between ward / village tract in the township, township farm land management committee shall conduct field inspection and coordinate with the ward / village tract management committee and the accepted decision from region/state farm land management committee through district farm land management committee.
- (b) If any dispute arise between township in a district, the district farm land management committee shall conduct field inspection and coordinate with the township farm land management committee, and submit to and accept decision from A Region/State farm land management committee.

- (c) If any disputes arise between district in a Region / State farm land management committee shall conduct field inspection and coordinate and decide.
- (d) The decision of Region / State farm land management committee shall be final and conclusive.

109. Regarding the dispute on alluvial land between Region / State, the concerned Region/State farm land management committee shall submit to an accept decision from the central farm land management committee.

110. To be able to allocate be boundary of alluvial land without disputes the administration jurisdiction of shall be measured and recorded by modern ( GPS ) Global Positioning System and the land mark Pillars shall be erected within the jurisdiction designated as per township ward or village tract. If any difficulties arise it shall be demarcated along the guiding line measured and described according to permanent land mark formerly designated.

111. Region / State farm land management committee when managing the right to work alluvial land, if regarding security of the region and rule of law it shall be submitted and conducted by submitting to region / state government.

112. Anyone who get the right to work alluvial land -

- (a) Shall pay only land tax without paying registration fees as he get the right to work for one season within a year.
- (b) Regarding the right to work alluvial land, notification, order, directive and procedure stipulated by the central farm land management committee and department office shall be followed.

**Chapter (13)**

**General**

113. With the expectation of upgrading the social economic life of farmer to formation of the farmer organization may be formed as per existing law.

114. Anyone who get the right to use farm land if he has not applied to get the permit certificate to work farm land as he is not designated as someone who get the right to work farm land, he shall not enjoy the benefits acquired by the person who get the right to work farm land.

115. The central farm land management committee shall designate the method to be performed regarding the spoilage and loss of permit certificate of the right to work farm land.

116. The central farm land management committee shall encourage effectively for the vanishing of slash and burn cultivation and to introduce terrace cultivation on high land for the environment conservation, not to spoil the watershed area the forest, not to spoil top soil, and to regulate the climate.

117. The following rules are revoked by these rules -

- (a) Nationalization of farm land and rules of 1954.
- (b) The land rent rules of 1963.

sd - Myint Hlaing  
 Union Minister  
 Ministry of Agriculture and  
 Irrigation

**Articles (65-68) of Farmland Rules (2012)**

65. If the right for farming or the farmland is revoked by the one of the following reasons, whosoever shall not be entitled for getting the compensation and indemnity -

- (a) According to the Section 19 of Farmland Law, expelling from the farmland or removing the structures unofficially built on the farmland without permission, because of violating one of the disciplines in Farmland Law
- (b) Revoking the farmland because of neither utilizing as per permitted mean nor finishing the activity during the specified period, within six months after getting approval to utilize the farmland with other mean in line with Farmland Law
- (c) Revoking for farming because of selling, mortgaging, lending, changing or gifting the whole or partial right for farming to the local organization or foreign organization without the permission of the government

66. In confiscating farms in the interests of nation, the central government shall pay indemnity and compensation to the person interested.

67. Township Farmland Management Body shall calculate the indemnity and compensation under the Rule 66, using the indemnity and compensation calculation form 12, as following and forward it to the Central Farmland Management Body through the District Farmland Management Body and Nay Pyi Taw Council or Region/State Farmland Management Body -

- (a) Indemnity for Crop and Structure
  - 1) 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
  - 2) Three times of the value calculated based on the current price of the tree and current market price of the trees in that area
  - 3) Two times of the value calculated based on the current market price of the other activities including the buildings which the farmland is upgraded
- (b) Compensation for Land
  - 1) Value calculated based on the current market price of the farmland of that area, in confiscating farms in the long term interests of nation for the non-profitable construction activities and national security
  - 2) In confiscating lands in the long term interests of nation for the purpose of utilizing the profitable business, amount agreed by the person interested or amount which is not lower than the amount calculated based on the current market price of that area, according to the type of the business, by Compensation Calculation Body organized by the Central Farmland Management Body

68. Regarding the managing to give indemnity, compensation and other suitable mean, to avoid any indemnity of the person whose land is confiscated-

- (a) If the complaints 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.

Articles 65 to 68 were unofficially translated by JICA Expert Team.





Township Farmland Management Body  
Calculation for Indemnity and Compensation

Form 12

..... Region/State, ..... District, ..... Township, ..... Ward/Village Tract  
Block/Plot No. and Name ..... Name of the person who has right to do .....

Sr.	Farmland			Confiscated Area (acre)	Indemnity Amount						Compensation Amount						Grand Total	
	Holding No.	Area (acre)	Type of Land		Name of Crop	Cultivated acre/No. of trees	Yield	Total Yield	Price/Tin, Price/Tree	Total	Land Price/acre	Land Price	Type of Building and Quantity	Price for Building	Modification with Building	Cost of Modification with Building		Total
1	2(a)	2(b)	2(c)	3	4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	5(a)	5(b)	5(c)	5(d)	5(e)	5(f)	5(g)	6

Grand Total for Indemnity and Compensation- (       ) kyats  
(in word).....

Explanation: column 5(g) = column 5(b) + column 5(d) + column 5(f)  
Column 6 = column 4(f) + column 5(g)

Prepared by:

Checked by:

Counter Checked by:

Confirmed by:

Chairperson/Secretary  
District Farmland Management Body  
.....Township

Chairperson/Secretary  
Farmland Management Body  
.....District

Chairperson/Secretary  
Region/State Farmland Management Body  
.....Region/State

Chairperson/Secretary  
Central Farmland Management Body  
Nay Pyi Taw

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**The Vacant, Fallow and Virgin Lands Management Law**

(Pyidaungsu Hluttaw Law No.10 of 2012)

Day of 8<sup>th</sup> Waxing of Tagu 1373 ME

(30th March, 2012)

The Pyidaungsu Hluttaw enacted this Law.

CHAPTER I.

NAME AND DEFINITIONS

1. This Law shall be called the Vacant, Fallow and Virgin Lands Management Law.
2. The following expressions contained in this Law shall have the meaning given hereunder:-
  - (a) "Central Committee" means the Central Committee for the Management of Vacant, Fallow and Virgin Lands;
  - (b) "Ministry" means the Ministry of Agriculture and Irrigation;
  - (c) "Department" means the Settlement and Land Records Department;
  - (d) "Task Force" means the Task Force for the Management of Vacant, Fallow and Virgin Lands, has been formed by this Law;
  - (e) "Vacant land and Fallow land" means land which was done by the tenant before, and then that land was abandoned by the tenant in any reason, not only the State designated land but also for agriculture or livestock breeding purposes;
  - (f) "Virgin land" means land which may be new land or other wood land in which cultivation was never done before. It may have or not with forest, bamboo or bushes, even though ground feature may be plane 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;
  - (g) "Security Fees" mean fees prescribed by this law, advance payable to one of the Union Government authorized bank in credit or collateral by persons who are granted the right to do land, right to utilize land in accordance with the type of enterprise;
  - (h) "Land Revenue" means land tax rate prescribed by the rule made under this law payable to the State by persons who are granted the right to do land, right to utilize land in accordance with the type of enterprise;
  - (i) "Perennial Plant" means plants grow in compact plantation to gain the benefit from plantation crop (or) perennial plant within a period of time in accordance with the type of the plant;

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- (j) Orchard" means plants grow in either compact plantation or mixed cropping whether it's no need for replanting as per harvest frequently until the plant is dead;
- (k) "Seasonal Crops" means crops grow within the growing season period, after harvest and getting income, It must be newly tillage operation and sown for further production;
- (l) "Mines Exploitation Enterprise" means as same as define in Section2, Sub-section (j) of the Myanmar Mine Law;
- (m) "Permission Order" means the order of permission has been granted by Central Committee in respect of application for granting right to do land, right to utilize land on Vacant, Fallow and Virgin Lands;

CHAPTER II

FORMATION OF VACANT, FALLOW AND VIRGIN LANDS MANAGEMENT CENTRAL COMMITTEE

3. The President may form:-
  - (a) the Central Committee for the Management of Vacant, Fallow and Virgin Lands, with the Union Minister for Agriculture and Irrigation appointed as a Chairman, Director-General of the Settlement and Land Records as Secretary and suitable persons of the concern government department and organizations, and other suitable persons as members, in order to ensure the management task concerning the use of Vacant, Fallow and Virgin Lands for State Economic Development in relation to commercial agriculture, livestock breeding, mining, and government allowable other purposes in line with law;
  - (b) the Central Committee constituted under the above paragraph (a), can be reconstituted when necessary;

CHAPTER III

RIGHT TO DO LAND, RIGHT TO UTILIZE LAND ON VACANT, FALLOW AND VIRGIN LANDS

4. The Central Committee shall permit the right to do, (and) right to utilize land of vacant, fallow and virgin land in the country, for the following purposes:-
  - (a) Agriculture;
  - (b) Livestock Poultry Farming and Aquaculture;
  - (c) Mining;
  - (d) Government allowable other purposes in line with law;
5. The following persons and organizations may apply to Central Committee in accordance with the prescribed conditions for carry out the purposes which are stated in Section 4:-

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- (a) Myanmar citizen investors;
  - (b) Department, Government Organization, and Non Government Organizations;
  - (c) Exemption persons who are eligible in accordance with Section 4 of the Transfer of Immovable Property Restriction Law, 1987;
  - (d) Joint-Venture of Investors who have right to carry out with Department (and) Government' Organization in accordance with Foreign Investment Law;
  - (e) Joint-Venture of Investors who have right to carry out with Myanmar Citizen Investors , in accordance with Foreign Investment Law;
6. The Central Committee shall take the following necessary action in respect of on application matters which are in accordance with Section 5:-
- (a) to get the recommendation of the concern Region or State Government;
  - (b) to get the recommendation of the Ministry of Mines for mining, and other concern Ministry for other purposes prescribe in Section4, Sub-section (d);
  - (c) to coordinate with the Ministry of Environmental Conservation and Forestry, and other concern Ministries for the prevention of damage and destruction to the Forest land which are Reserved Forest, and Protected Public Forest; and for conservation of natural regions, watershed area and natural fisheries;
  - (d) to submit the necessary suggestion relate to explore the National Land Use Policy to the Union Government;
7. The Central Committee shall permit the grant on application for granting right to do, right to utilize land of Vacant, Fallow and Virgin Lands with the agreement of Myanmar Investment Commission for foreign investment.
8. The Central Committee shall make permission or rejection of the systematic application in order to ensure the management task concerning the use of Vacant, Fallow and Virgin Lands.
9. In accordance with the Section 8,the Central Committee Shall issue the permission order, granting the right to do, right to utilize land of vacant, fallow and virgin lands, after security fees has been paid.

## CHAPTER IV

## CONDITIONS IN ACCORDANCE WITH RIGHT TO DO, RIGHT TO UTILIZE LAND OF VACANT, FALLOW AND VIRGIN LANDS

10. The Central committee shall permit the following land area of Vacant, Fallow and Virgin Lands in relation to commercial agriculture, and livestock breeding purposes:-
- (a) Agriculture
    - (1) In the case of Perennial Plant, not more than 5000 acres at a time and whenever cultivation is completed on 75 percent of the permitted acres, an additional not more than 5000 acres at a time up to a total of 50000 acres shall be permitted frequently.

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- Actual cultivable acre more than 5000 acres at a time shall be permitted for the state interest with the agreement of the Cabinet of the Union Government;
- (2) In the case of Orchard, not exceed 3000 acres;
  - (3) In the case of Industrial Crop, not more than 5000 acres at a time and whenever cultivation is completed on 75 percent of the permitted acres, an additional not more than 5000 acres at a time up to a total of 50000 acres shall be permitted frequently. More than 5000 acres at a time shall be permitted for the state interest with the agreement of the Cabinet of the Union Government;
  - (4) In the case of rural farmer and a family who want to run manageable farm shall be allowed to use not exceed 50 acres by the permission of one of the respective local organization may be managed;
- (b) Livestock, Poultry Farming and Aquaculture
    - (1) In case of Aquaculture, not exceed 1000 acres;
    - (2) In case of Livestock breeding and Poultry Farming
      - (aa) Livestock breeding for buffalo, cattle, horse, not exceed 2000 acres;
      - (bb) Livestock breeding for sheep, goat, not exceed 500 acres;
      - (cc) Poultry farming, pig, not exceed 300 acres;
    - (3) Animal husbandry not include in sub-section (1)and (2), suitable acres;
  - (c) Mining purpose shall be permitted with the agreement and coordination with the Union Government of the Ministry of Mine;
  - (d) Government allowable other purposes in line with law shall be permitted with the agreement and coordination with the Union Government of the relevant Ministry;
11. The Central Committee shall permit the following duration for right to use of Vacant, Fallow and Virgin Lands in relation to commercial agriculture, and livestock breeding purposes:-
- (a) Agriculture
    - (1) For perennial plants and orchard, the duration for right to use land is not exceed 30 years from the year of grant;
    - (2) For seasonal crops, the duration for right to use land shall continue so long as there is no breach of condition;
  - (b) For Livestock, Poultry Farming and Aquaculture, the duration for right to use land is not exceed 30 years from the year of grant;
  - (c) After expire the duration of right to use land in accordance with the above sub-section(a)(1) and sub-section(b), shall continue permission the duration base on type of work ,an additional years frequently up to a total of not exceed 30 years;
  - (d) For Mining purpose the duration of right to use land shall be permitted with the agreement and coordination with the Union Government of the Ministry of Mine;
  - (e) For Government allowable other purposes in line with law the duration of right to use land shall be permitted with the agreement and coordination with the Union Government of the relevant Ministry;

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12. The Central Committee shall permit the right to use land in a case where application is made by Investors who have been permitted in accordance with Foreign Investment Law, or by Organizations consisting of Investors who have been permitted in accordance with Foreign Investment Law in areas in which land development operation are unable to be carried out by the citizens.

## CHAPTER V

## SECURITY FEES AND LAND REVENUE

13. The Central Committee may fix the security fees rate to the payable person who will get the permission right to use the vacant, fallow and virgin lands, depending upon the type of enterprise.
14. The Central Committee may fix the land revenue rate to be assessed and suitable period of tax-exemption for granting right to use the vacant, fallow and virgin lands, depending upon the type of enterprise and crop.
15. The Department shall be made in the following manner:-
- Assessment and collection of land revenue shall be made start from the expire date of tax-exemption period to the person who got the permission for granting right to use the vacant, fallow and virgin land depending upon the type of enterprise and crop;
  - Supervision shall be made on payment of land revenue of person who got the permission for granting right to use the vacant, fallow and virgin lands;

## CHAPTER VI

## CONDITIONS SHALL BE COMPLIED BY PERSON WHO IS GRANTED THE RIGHT TO USE THE VACANT, FALLOW AND VIRGIN LANDS

16. Person who is granted the right to use the vacant, fallow and virgin lands shall be complied the following conditions:-
- The land granted shall be used for the purpose granted and in relation to economic enterprise;
  - The enterprise shall carry out to be completed within four years from the date of grant according to the purpose granted. The prescribed period may be revised by the Central Committee for losing time due to natural disaster and unstable security conditions;
  - Land granted shall not be mortgaged, giving, sold, leasing or otherwise transferred or divided without the permission of the Cabinet of the Union Government;
  - Land revenue shall be paid fully for the land granted;

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- With respect to land granted the conditions prescribed by the Central Committee, shall be complied;
- Expect the purpose granted enterprise, exploring other natural resources below and above ground is prohibited;
- If natural resources are found in the authorized land and the Government being desirous of extracting the same on a commercial basis resumes the area required therefrom, it shall be surrendered as directed by the Union Government;

## CHAPTER VII

## SUPERVISION

17. The Central Committee shall constitute and prescribed duties of the Task Force and Special Group in respective Region or State, for scrutinizing and co-ordinations with respect to submitted cases of right to use the vacant, fallow and virgin lands.
18. The Central Committee may form occasionally and appoint the Special Board with relevant Departments, to inspect whether the person who is granted right to use vacant, fallow and virgin land shall comply with or not the prescribed conditions to carry out the purpose granted.
19. The Central Committee shall resume the area required in the authorized land, if one of the following situation arises:-
- ancient culture heritage are found in the authorized land;
  - if infrastructure project or Special project are desired to be constructed on the authorized land, in the interest of the State;
  - Except the permitted minerals, if other natural resources are found in the authorized land which are permitted for production of mining;
  - If natural resources are found in the authorized land which are permitted for the purposes described in Section4, Sub-section (a),(b), and (d);
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.
21. If the Central Committee found that the person who is granted right to use vacant, fallow and virgin lands, breach any condition of this law; the security fees deposited shall be forfeited to the State and, shall be revoked the right of land use.
22. The person and organizations who have granted the authorized land before this law is enacted, by the permission of the Central Committee for the Management of Vacant, Fallow and Virgin Lands shall be complied the following conditions:-
- Submit the complete record file to the Central Committee, attach with granted area, order issue date and serial number, the statement of actual cultivated area and remaining un-cultivate area with photo and document evidence;

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- (b) Comply this law with respect to cultivated area of vacant, fallow and virgin lands;
- (c) It deem as the authorized lands which never reclaimed beyond the prescribed duration, have been revoked by the State;
- (d) If the Central Committee found that those persons who are granted such rights fail to adhere or violate the prescribed conditions or fail to fulfill their commitments during the prescribed time, the security fees deposited shall be forfeited to the State and, shall be revoked the right of land use;

## CHAPTER VIII

## GIVING HELP TO PERSONS WHO ARE GRANTED RIGHT TO USE OF VACANT, FALLOW AND VIRGIN LANDS

23. The Central Committee shall make the following matter:-
- (a) If the persons who are granted right to use vacant, fallow and virgin lands, contact and request for technical, good quality seeds and other assistance for carry out agriculture or Livestock breeding purposes, then the Central Committee shall take necessary action to help them;
  - (b) If the persons who are granted right to use vacant, fallow and virgin lands, request for getting loan of investment capital or the assistance of materials and services, then the Central Committee shall make necessary recommendation to the concern department and organization;
  - (c) If the persons who are granted right to use vacant, fallow and virgin lands, faced with huge amount of damage and loss by natural disaster like as cyclone, request for getting special loan to the State, then the Central Committee shall make necessary recommendation to the relevant Ministry;
24. The Central Committee shall refund the security fees to the persons who are granted right to use vacant, fallow and virgin lands, when the enterprise completed within the prescribed time and conditions.
25. The Central Committee shall make the following matter :-
- (a) When the person who is granted right to use of vacant, fallow and virgin land submit his suffering of dispute, disturbance, encroachment and destroying the benefits with the local farmers, in carrying out the work, the Central Committee shall make co-ordination with relevant department and organization at first, and if unable to coordinate it shall make in accordance with Law;
  - (b) The Central Committee shall make co-ordination depend on their desire of the local farmers, not to be lost. whether the existing farmland are included in the authorized area of which are not permitted officially, and ever since before growing by the local farmers;
  - (c) The Central Committee shall make in accordance with Law with the agreement of the both sides, if there is an authorized farmers in the authorized area before;

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## CHAPTER IX

## OFFENCE AND PENALTIES

- 26. Anyone whomsoever that destroy the benefit with respect to immovable property on the authorized land, shall be sentenced with imprisonment for a term which may not exceeding three years or with fine which may not exceed one million kyats or with both.
- 27. Anyone whomsoever that encroach on the authorized land without the permission of the legitimate owner or his representative, shall be sentenced with imprisonment for a term which may not exceeding two years or with fine which may not exceed five hundred thousand kyats or with both.
- 28. Anyone whomsoever that obstructs the legitimate owner or the person who is working with the agreement of the legitimate owner in the course of their duties on the authorized land, shall be sentenced with imprisonment for a term which may not exceeding one year or with fine which may not exceed three hundred thousand kyats or with both.
- 29. Anyone whomsoever that fail to comply with an eviction-order on revoking the authorized land, shall be sentenced with imprisonment for a term which may not exceeding one year or with fine which may not exceed three hundred thousand kyats or with both.

## CHAPTER X

## GENERAL PROVISIONS

- 30. Offences in Chapter IX are cognizable offences.
- 31. The Central Committee have right to call for submitting the situation reports and work completion reports from those persons who are granted the right to use vacant, fallow and virgin lands, to be in line with prescribe conditions.
- 32. The Central Committee shall submit Half-Yearly Report to the Cabinet of the Union Government on matters concerning the Management of Vacant, Fallow and Virgin Lands. If policy matter happens, submitted systematically to the President for guidance.
- 33. The Central Committee is formed by this Law, shall handle and carry out the duties and rights of the Central Committee for the management of culturable land, fallow land and waste land which have been formed before this Law is enacted.
- 34. To undertake the provisions of this law:-

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- (a) The Ministry may issue the necessary rules and regulations, with the approval of the Union Government;
- (b) The Ministry and the Central Committee may issue the necessary notifications, orders, directives and procedures;

I hereby signed in accordance with the Constitution of the Republic of the Union of Myanmar.

U Thein Sein

The President

The Republic of the Union of Myanmar

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The Republic of the Union of Myanmar  
Ministry of Agriculture and Irrigation

Notification No. 1/2012

August 31, 2012

**Vacant, Fallow and Virgin Lands Management Rules.**

The Ministry of Agriculture and Irrigation, exercising its given rights, and with the approval of the Union Government, has issued the following rules in accordance with Section 34, Sub-section (a) of the Vacant, Fallow and Virgin Lands Management Law.

**CHAPTER I**

**TERMS AND DEFINITIONS**

1. These rules shall be called the Vacant, Fallow and Virgin Lands Management Rules.
2. The terms and expressions used in these rules shall have the same meaning as used in the Vacant, Fallow and Virgin Lands Management Law. In addition, the following expressions shall have the meanings as stated below:
  - (a) **Separate Board** means the board formed by the Central Committee to inspect cases and matters relating to the rights to work on and utilize vacant, fallow and virgin lands submitted by the Naypyidaw Council or respective Region or State.
  - (b) **Special Board** means the board formed by the Central Committee on occasion to inspect the situation regarding implementation of projects on vacant, fallow and virgin lands.
  - (c) **Form** means the prescribed form used in these rules.

**CHAPTER II**

**RIGHTS TO WORK ON AND UTILIZE VACANT, FALLOW AND VIRGIN LANDS**

3. The following 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:

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- (a) Myanmar citizen investors
- (b) Government departments, government organizations and non-government organizations
- (c) Those who have been exempted by the relevant ministry in accordance with Section 14 of the 1987 Transfer of Immovable Property Restriction Law, such as foreign diplomatic missions that have diplomatic ties with the government, UN organizations, other organizations or individuals
- (d) Investors with the rights to carry out joint-ventures with a government department or any government organization according to the Foreign Investment Law
- (e) Investors with the rights to carry out joint-ventures with Myanmar citizen investors according to the Foreign Investment Law
- (f) Rural farmers and families who wish to carry out manageable agricultural projects.

4. When submitting an application according to Section 3, the following forms must be used:

- (a) application form for the right to cultivate seasonal crops, industrial plants, perennial plants, and orchard produce (Form - 1)
- (b) application form for the right to utilize land to carry out livestock farming (Form - 2)
- (c) application form for the right to utilize land to carry out mining projects (Form - 3)
- (d) application form for the right to utilize land to carry out other government approved legal projects (Form - 4)

5. When submitting an application in accordance with Section 4, one of the following maps issued by the relevant Township Department Office must be attached:

- (a) if located in a region where a field map is available, 2 copies of a map drawn from the field map according to the scale used in the current year: 16 inches = 1 mile
- (b) if a field map is unavailable, 2 copies of a temporary sketch map drawn according to the scale of 1 inch = 1 mile (or) 1: 50000

6. Upon receiving applications for the rights to work on and utilize vacant, fallow and virgin lands, 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), and transfer them to the respective Naypyidaw Council or Regional or State task force for inspection and further action.

7. The Naypyidaw Council or Regional or State task force shall forward the applications for the rights to work on and utilize vacant, fallow and virgin lands submitted in accordance with

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Section 6, to the respective Naypyidaw Department Office or Regional or State Department Office.

8. The Naypyidaw Department Office or Regional or State Department Office, shall through the respective District Department Office, forward the applications for the rights to work on and utilize vacant, fallow and virgin lands submitted in accordance with Section 7, to the respective Township Department Office for necessary action.

9. The Township Department Office, upon receiving an application submitted in accordance with Section 8, shall –

(a) record details concerning the application in the Register for Applications for the Rights to Work on and Utilize Vacant, Fallow and Virgin lands (Form - 5).

(b) open a case file for the application regarding the right to work on and utilize vacant, fallow and virgin lands, and 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 for the right to work on and utilize vacant, fallow and virgin lands according to the Notification for Objection form (Form – 6).

(c) The Notification for Objection form (Form – 6) must be placed on the notice boards of the relevant Naypyidaw 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.

(d) In the notification in accordance with Sub-section (b), it must be stated that objections can be made within 30 days from the date of notification.

10. During the period of notification in accordance with Section 9, Sub-section (b), the Township Department Office shall examine the following points and fill in the Inspection Form for the Right to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 7):

(a) whether the applicant is eligible in accordance with one of the criteria in Section 3

(b) regarding the applied vacant, fallow and virgin lands –

- (1) whether the lands are in fact vacant, fallow and virgin lands
- (2) whether there is a holder currently utilizing the land
- (3) whether there is any encroachment on the land
- (4) whether the right to work on or utilize the land had been granted in the past

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(5) whether more than one applicant has applied for the vacant, fallow and virgin land or a part of the land.

(c) whether the applicant has the means to work on or utilize the vacant, fallow and virgin lands

(d) whether the vacant, fallow and virgin lands are suitable for the purpose mentioned in the application

(e) whether the environment will be affected

(f) whether the applied vacant, fallow and virgin lands are free from involvement with the lands managed by respective enterprises, departments or organizations, and whether the projects of these enterprises, departments or organizations will be affected.

11. In handling the applications submitted in accordance with Sect 8, if there is more than one applicant for the vacant, fallow and virgin lands, the Township Department Office shall issue a notification using the Notification for Objection form (Form – 6) for any objections with sound evidence, and carry out the following:

(a) Record the facts concerning the application in the Register for Applications for the Rights to Work on and Utilize Vacant, Fallow and Virgin lands (Form - 5)

(b) In addition to the points in Section 10, examine the following points and fill in the Inspection Form for the Right to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 7):

- (1) the conditions regarding the means for investment
- (2) the conditions for implementation of the proposed project
- (3) the conditions with respect to the work plan
- (4) the situation regarding supply of materials used for the project

12. With respect to the application for the rights to work on and utilize vacant, fallow and virgin lands:

(a) If there is any objection -

- (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 Naypyidaw Council or Regional or State task force through the respective District Department Office and Regional or State Department Office.



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(2) upon receiving the case file and objection submitted according to Sub-section (1), the Naypyidaw 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 in accordance with Sub-section (2), the Separate Board shall within 7 days from receipt of the instructions, make a field trip to the location of the vacant, fallow and virgin lands to carry out an inspection, and submit a report with findings, together with photo records as evidence, to the respective Naypyidaw Council or Regional or State task force.

(b) If there is no objection:

(1) 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.

(2) the District Department Office shall submit the case file together with remarks to the respective Naypyidaw Department Office or Regional or State Department Office within 7 days from the date of receipt of the case file submitted in accordance with Sub-section (1).

(3) the Naypyidaw Department Office or Regional or State Department Office shall submit the case file together with remarks to the respective Naypyidaw Council or Regional or State task force within 7 days from the date of receipt of the case file submitted in accordance with Sub-section (2).

13. Upon receiving the case file concerning the right to work on and utilize vacant, fallow and virgin lands submitted in accordance with Section 12, Sub-section (a) and (b), the Naypyidaw Council or Regional or State task force shall examine the following points and record the findings in the Inspection Report (Form – 8):

(a) details concerning the applicant

(b) details concerning the applied vacant, fallow and virgin lands

(c) findings upon inspection of the applied vacant, fallow and virgin lands

(d) findings regarding investments

(e) findings regarding work plan

(f) findings regarding preparation and utilization of materials for the project

(g) findings regarding ability to complete projects within the prescribed period

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(h) other facts or findings

(i) observations or conclusions with regard to the applied vacant, fallow and virgin lands and the subject of application

14. 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 Naypyidaw Council or Regional or State government for consideration and remarks.

15. 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 Naypyidaw Council or Regional or State task force shall –

(a) with the exception of applications for the right to work on vacant, fallow and virgin lands not exceeding 50 acres by rural farmers and families wishing to carry out manageable agricultural projects, submit all remaining case files regarding applications for the rights to work on and utilize vacant, fallow and virgin lands to the Central Committee with remarks by the Naypyidaw Council or Regional or State government.

(b) with regard to applications for the right to work on vacant, fallow and virgin lands not 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 Naypyidaw Council or Regional or State government.

16. Upon receiving the case file submitted in accordance with Section 15, the Central Committee shall –

(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.

17. Upon obtaining the views of the relevant ministry in accordance with Section 16, Sub-section

(a) and (b), 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.

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18. After taking action according to Section 17, the Central Committee shall –

(a) direct the person who has been granted the rights to work on and utilize vacant, fallow and virgin lands to deposit fees as guarantee in the Myanmar Agricultural Development Bank and record details in the Register for Persons Granted Rights to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 9).

(b) direct the person whose application for the rights to work on and utilize vacant, fallow and virgin lands has been rejected, to record details in the Register for Persons Denied the Rights to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 10)

19. After taking action in accordance with Section 15, Sub-section (b), the Naypyidaw Council or Regional or State task force shall –

(a) direct the person who has been granted the rights to work on and utilize vacant, fallow and virgin lands to deposit fees as guarantee in the Myanmar Agricultural Development Bank and record details in the Register for Persons Granted Rights to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 9).

(b) direct the person whose application for the rights to work on and utilize vacant, fallow and virgin lands has been rejected, to record details in the Register for Persons Denied the Rights to Work on and Utilize Vacant, Fallow and Virgin Lands (Form – 10)

20. The Central Committee shall issue a notification using the following relevant form to the person being granted the rights to work on or utilize vacant, fallow and virgin lands:

(a) permission granting the rights to cultivate seasonal crops and industrial seasonal plants  
(Form – 11)

(b) permission granting the rights to cultivate perennial plants and orchard produce (Form – 12)

(c) permission granting rights to utilize land for livestock farming (Form - 13)

(d) permission granting rights to utilize land for mining projects (Form – 14)

(e) permission granting rights to carry out other government approved legal projects (Form - 15)

21. The Naypyidaw Council or Regional or State task force shall issue a notification using the following relevant form to the person being granted rights in accordance with Section 15, sub-section (b), in order to carry out agricultural projects:

(a) permission granting rights to cultivate seasonal crops and industrial seasonal plants in a manageable project  
(Form – 11 a)

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(b) permission granting rights to cultivate perennial plants or orchard produce in a manageable project  
(Form – 12 a)

22. The Central Committee shall inform the person whose application to work on or utilize vacant, fallow and virgin lands has been rejected in accordance with Section 18, Sub-section (b), using the form for Notification of Rejection of the Application for the Rights to Work on or Utilize Vacant, Fallow and Virgin Lands (Form – 16).

23. The Naypyidaw Council or Regional or State task force shall inform the person whose application to work on or utilize vacant, fallow and virgin lands has been rejected in accordance with Section 19, Sub-section (b), using the form for Notification of Rejection of the Application for the Rights to Work on or Utilize Vacant, Fallow and Virgin Lands (Form – 16).

24. With regard to the application by an investor for the rights to work on or utilize vacant, fallow and virgin lands in accordance with the Foreign Investment Law, the Central Committee shall, after receiving agreement from the Myanmar Investment Commission in accordance with Section 16, Sub-section (c), open a case file and take action according to these rules.

25. The Central Committee shall submit copies of the permission notification granting the rights to work on or utilize vacant, fallow and virgin lands according to Section 20, to the relevant Union Ministry, Regional or State Government, and Naypyidaw Council or Regional or State task force.

26. The Naypyidaw Council or Regional or State task force shall submit copies of the permission notification granting the rights to work on or utilize vacant, fallow and virgin lands according to Section 21, to the Central Committee and Regional or State government.

27. If the person granted rights to work on and utilize 75 per cent of the vacant, fallow and virgin lands approved by the Central Committee in accordance with Section 29, Sub-section (a) and (d) wishes to extend agricultural activities after completing the actual implementation of the project, shall submit an application using the Form for the Rights to Extend Cultivation of Perennial Plants, Seasonal Crops or Industrial Seasonal Plants (Form -1A) to the Central Committee.

28. With regard to the applications submitted in accordance with Section 27, the Central Committee shall take action according to Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, Section 15, Sub-section (a), Section 16, Sub-section (b) and (c), Sections 17, 18, 20 and 22.

## CHAPTER III

CONDITIONS WITH RESPECT TO THE RIGHTS TO WORK ON OR UTILIZE  
VACANT, FALLOW AND VIRGIN LANDS

29. With a view to developing business opportunities and development of the country's economy through the utilization of vacant, fallow and virgin lands, with regard to the area of land allowed to work on or utilize vacant, fallow and virgin lands for cultivation of perennial plants, orchard produce, seasonal crops, and industrial seasonal plants and to do other related business projects, the Central Committee can do the following:

## (a) if perennial plants –

(1) allow an area not exceeding 5000 acres each time.

(2) if after actual implementation of the project on 75 per cent of the area permitted in accordance with Sub-section (1), an application according to Section 27 is submitted, based on a field visit and endorsement by the task force, a further extension of land not exceeding 5000 acres can be allowed each time, with up to a total of 50,000 acres in successive extensions.

(3) if the project should be allowed in the interests of the state, and if the person applying for the rights to work on or utilize vacant, fallow and virgin lands submits an application in accordance with Section 27 together with a pledge to carry out actual cultivation according to the prescribed rules, an area exceeding 5000 acres can be allowed at one time with the approval of the Union Government.

## (b) if orchard produce, an area not exceeding 3000 acres can be allowed.

## (c) if seasonal crops or industrial seasonal plants –

(1) allow an area not exceeding 5000 acres each time.

(2) if after actual implementation of the project on 75 per cent of the area permitted in accordance with Sub-section (1), an application according to Section 27 is submitted, based on a field visit and endorsement by the task force, a further extension of land not exceeding 5000 acres can be allowed each time, with up to a total of 50,000 acres in successive extensions.

(3) if the project should be allowed in the interests of the state, and if the person applying for the rights to work on or utilize vacant, fallow and virgin lands submits an application in accordance with Section 27 together with a pledge to carry out actual cultivation

according to the prescribed rules, an area exceeding 5000 acres can be allowed at one time with the approval of the Union Government.

## 30. The Naypyidaw Council or Regional or State task force can do the following:

(a) for a farmer or peasant living in a rural area and for a family wishing to carry out a manageable agricultural project, if the application is submitted with the recommendation of the Administrative Officer of the relevant ward or village tract, rights to cultivate an area not exceeding 10 acres of vacant, fallow and virgin lands can be granted with the approval of the relevant Regional or State Government and in accordance with standard procedures.

(b) if an application according to Section 27 is submitted, with sound evidence to confirm actual implementation of the project on 75 per cent of the vacant, fallow and virgin lands permitted in accordance with Sub-section (a), and together with the recommendation of the Administrative Officer of the relevant ward or village tract, with the approval of the Regional or State Government, a further extension not exceeding 10 acres can be allowed each time, with up to a total of 50 acres in successive extensions.

31. The Central Committee, with regard to the area allowed to utilize vacant, fallow and virgin lands for the purposes of farming fish, shrimp, and crab, raising buffaloes, cows, horses, sheep, goats, pigs, chicken, ducks, quails, and raising other animals not used as pets, and other related businesses, can–

## (a) allow an area not exceeding 1000 acres for farming fish, shrimp and crab

## (b) if livestock breeding–

(1) allow an area not exceeding 2000 acres for raising buffaloes, cows, and horses

(2) allow an area not exceeding 500 acres for raising sheep and goats

(3) allow an area not exceeding 300 acres for raising chickens, ducks, pigs, quails

(c) if the project is not relevant to Sub-section (a) and (b), allow a suitable area of land according to similar kinds of stock or breeds.

32. With regard to the area permitted for mining minerals on vacant, fallow and virgin lands, the Central Committee can obtain remarks from the Regional or State Government based on the inspections and recommendations of the relevant Naypyidaw Council or Regional or State task force and coordinate with the Union Government Ministry of Mining for the permitted area.

33. When granting permission for utilizing vacant, fallow and virgin lands for other government approved legal projects and related projects, with regard to the land area, the Central Committee

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can grant permission according to the kind of project, and in collaboration with the relevant Ministry of the Union Government.

34. When granting permission to carry out special projects in the interests of the state, the Central Committee can allow an area of land which exceeds that allowed in Section 29, Sub-section (a) and (c), with the official approval of the Union Government.

35. With regard to the period of time for carrying out agricultural projects, livestock farming, mining, other government approved legal projects and business projects related to them, the Central Committee can do the following:

(a) For agricultural projects –

- (1) if perennial plants and orchard produce, allow a period not exceeding 30 years from the date of granting permission.
- (2) if seasonal crops or industrial seasonal plants, allow an indefinite period as long as prescribed rules are observed.

(b) For livestock breeding projects, allow a period not exceeding 30 years from the date of granting permission.

(c) Upon expiry of the period allowed in accordance with Sub-section (a), Sub-sub-section (1) and Sub-section (b), based on the kind of project, successive extensions can be allowed not exceeding a total of 30 years, for the project that needs to be continued.

(d) For mining projects, a period stipulated by the Myanmar Mining Law can be allowed, in coordination with the Union Government Mining Ministry.

(e) For other government approved legal projects, permission can be granted through coordination with the relevant Ministry of the Union Government.

## CHAPTER IV

## GUARANTEE AND LAND TAX

36. The Central Committee shall pay special attention to the following points while prescribing guarantee fees and land tax:

(a) Prevention of situations in the country where large areas are taken as a privilege without actual implementation or utilization of the vacant, fallow and virgin lands;

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(b) Through the requirement of those who have been granted rights to work on or utilize vacant, fallow and virgin lands to deposit appropriate guarantee fees, ensuring correct implementation of projects on the vacant, fallow and virgin lands for which rights have been granted to work on or utilize.

(c) Contributing as much as possible to state revenues, through the land taxes collected from utilization of vacant, fallow and virgin lands.

37. In order to reimburse or pay back the deposited guarantee fees to the person who has the rights to work on or utilize vacant, fallow and virgin lands and who has completed full utilization of the land area in accordance with the prescribed rules, the Central Committee shall conduct constant supervision of the land utilization or cultivation by the person granted rights.

38. In order to take action according to Section 37, the person who has the rights to work on or utilize vacant, fallow and virgin lands, shall deposit the guarantee fees in accordance with the following rules, in the Myanmar Agricultural Development Bank in the township located nearest to the vacant, fallow and virgin lands:

(a) For agricultural projects –

- (1) K 3000 (three thousand kyats) per acre if the rural farmer or family wishes to implement a manageable project on less than 50 acres or less.
- (2) K 10000 (ten thousand kyats) per acre if the land for the business project exceeds 50 acres.

(b) For livestock breeding projects according to Section 31, K 10000 (ten thousand kyats) per acre.

(c) For mining projects, K 10000 (ten thousand kyats) per acre.

(d) For other government approved legal projects, K 10000 (ten thousand kyats) per acre.

39. The Central Committee may specify the period of land tax exemption for the vacant, fallow and virgin lands for which rights to work on or utilize have been given, starting from the date of granting rights, and according to the kind of project or crops, in accordance with the following:

(a) For agricultural projects –

- |   |          |
|---|----------|
| (1) if the land is for perennial plants                             | 5 years; |
| (2) if the land is for orchard produce                              | 3 years; |
| (3) if the land is for seasonal crops or industrial seasonal plants | 2 years. |

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- (b) For livestock breeding –
- (1) if farming fish, shrimps and crab 2 years;
  - (2) if raising animals –
    - (aa) if the land is used for raising buffaloes, cows, horses 2 years;
    - (bb) if the land is used for raising sheep and goats 2 years;
    - (cc) if the land is used for raising chickens, pigs, ducks, and quails 1 year.
  - (3) if the livestock breeding project is not relevant to Sub-section (b), Sub-sub-sections (1) and (2), an appropriate period for livestock breeding of similar stocks or breeds.
- (c) For mining projects, a period specified in co-ordination with the Union Government Ministry of Mining, in accordance with the Myanmar Mining Law.
- (d) For other government approved legal projects, a period specified in co-ordination with the relevant Ministry of the Union Government.
40. In order to effectively collect taxes or revenues for the state through the utilization of vacant, fallow and virgin lands, the Central Committee shall instruct the person given the rights to work on or utilize vacant, fallow and virgin lands to pay land tax according to the rates below, and according to the kind of crops or projects, for the utilization of the said lands and arrange for the relevant department to supervise and collect the tax:
- (a) For agricultural projects –
- (1) if the land is for perennial plants, K 3000 (three thousand kyats) per actual cultivated acre;
  - (2) if the land is for orchard produce, K 2000 (two thousand kyats) per actual cultivated acre;
  - (3) if the land is for seasonal crops or industrial seasonal plants, K 1000 (one thousand kyats) per actual cultivated acre.
- (b) For livestock breeding –
- (1) if the land is utilized for farming fish, shrimps and crab, K 3000 (three thousand kyats) per acre;
  - (2) if the land is utilized for raising animals, K 1000 (one thousand kyats) per acre.
- (c) For land utilized for mining projects, K 5000 (five thousand kyats) per acre.

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- (d) For other government approved legal projects, tax rates prescribed in co-ordination with the relevant Ministry of the Union Government.
- (c) Tax rates resulting from a revision of the above rates, if necessary, based on changes in currency value, with the approval of the Union Government.
41. With regard to the supervision and collection of the prescribed taxes, the Department shall –
- (a) in good time, inform the person granted rights to work on or utilize vacant, fallow and virgin lands to pay tax according to the kind of project, or the kind of crop, within the financial year relevant to the date on which land tax exemption expires.
  - (b) deposit the land tax submitted according to Sub-section (a) as state funds in Myanmar Commercial Bank every year before March 31, which marks the end of the financial year.
  - (c) supervise and inspect the payment of land tax by the person granted the rights to work on and utilize vacant, fallow and virgin lands.
  - (d) arrange for the person or organization who was granted the rights to work on or utilize vacant, fallow and virgin lands according to the permission notice by the Vacant, Fallow and Virgin Lands Management Central Organization prior to the enactment of the Vacant, Fallow and Virgin Lands Law, to pay land taxes regarding the utilized vacant, fallow and virgin lands as state funds, in accordance with the land tax rates prescribed by the above central organization.
  - (e) submit a report on the collected land taxes annually to the Central Committee, during April after the end of the financial year.
42. The Central Committee shall upon receiving the report submitted in accordance with Section 41, Sub-section (e), submit a report to the Union Government on the state governed tax collection situation.
43. The Ministry, with respect to the rights to work on or utilize vacant, fallow and virgin lands, shall give responsibility to the Township Department Officer as the official for collecting land taxes.
44. Upon finding that a person has failed to pay land tax and is avoiding or violating rules, the Township Department Officer shall take action according to existing laws to ensure tax is collected from the person avoiding or failing to pay land tax and in addition, take effective legal action.

## CHAPTER V

## RULES AND REGULATIONS TO BE OBSERVED BY THOSE GRANTED RIGHTS TO WORK ON AND UTILIZE VACANT, FALLOW AND VIRGIN LANDS

45. Those who are granted rights to work on and utilize vacant, fallow and virgin lands shall
- (a) carry out their project on the vacant, fallow and virgin lands within four years from the date rights are granted, with 15 per cent completed in the first year, 30 percent in the second year, another 30 percent in the third year, and 25 per cent in the fourth year, completing 100 percent of the project within that year.
  - (b) if they are rural farmers or a family carrying out a manageable agricultural project, complete each agricultural project in the allowed area within two years.
  - (c) only carry out the approved project, and business activities related to it.
  - (d) not extract or mine any other natural resources found above and below the surface of the vacant, fallow and virgin lands which they have obtained the rights to utilize.
  - (e) pay land tax in full for the vacant, fallow and virgin lands that they have gained the right to work on or utilize.
  - (f) comply with the rules regarding the right to work on and utilize vacant, fallow and virgin lands set out by the Central Committee.
46. If the person holding the right to work on and utilize vacant, fallow and virgin lands wishes to extend the stipulated period for working on or utilizing the land, for reasons such as delays caused by natural hazards or lack of security due to other causes, he /she must submit an application which is endorsed by the Naypyidaw Council or respective Regional or State task force, to the Central Committee.
47. Those who are granted rights to work on and utilize vacant, fallow and virgin lands shall-
- (a) upon discovering mineral resources different from the resources originally approved for mining in the vacant, fallow and virgin lands for which they have been granted the right to carry out mining activities, report to the Central Committee immediately.
  - (b) return the minimum required area from the granted area as instructed by the Union Government upon repossession for economical and conservation purposes due to discovery of natural resources and artifacts related to cultural heritage.

(c) return the minimum required area from the granted area as instructed by the Union Government upon repossession, in the interests of the state, for the purposes of carrying out basic infrastructure projects such as air fields, highways, railroads and special projects.

(d) return the vacant, fallow and virgin lands to the Central Committee upon failure to continue or complete projects after being granted rights to utilize the land.

48. If a person who was granted rights to work on and utilize vacant, fallow and virgin lands prior to the enactment of the Vacant, Fallow and Virgin Lands Management Law fails to comply with or violates the prescribed rules during the original permitted period, the fees deposited as guarantee will be confiscated and the right to work on and utilize the land will be revoked.

CHAPTER VI  
MONITORING

49. Those who were granted the right to work on and utilize land through the authority of the Vacant, Fallow and Virgin Lands Management Central Organization before the enactment of the Vacant, Fallow and Virgin Lands Management Law, must submit a report to the Central Committee regarding the practical implementation of the project, with the date and document number of the document granting the rights to utilize the land, together with supporting documents such as photo records of the actual area of land utilized, and of the remaining areas.

50. The Central Committee, in accordance with Section 49, shall scrutinize each case submitted and do the following:

(a) the Naypyidaw Council or Regional or State task force or a special force designated to monitor each project, shall be sent on a field trip to the relevant vacant, fallow and virgin lands, accompanied by the person holding the rights to utilize the land, or a legal representative, together with the chairman of the relevant ward or village tract, to inspect and monitor the actual progress of the permitted project on the granted land and to report its situation.

(b) contact the people working in the environment of the relevant vacant, fallow and virgin lands and question them.

(c) instruct the Naypyidaw Council or Regional or State task force or a special force designated to monitor each project, to report their findings, together with notes and photos for evidence, and remarks to the Central Committee as soon as possible.

51. For each case submitted in accordance with Section 50, the Central Committee shall carry out the following:

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(a) check whether the person holding the right to utilize the land has acted in accordance with the rules set out by the Vacant, Fallow and Virgin Lands Management Law with regard to the utilized vacant, fallow and virgin lands.

(b) repossess, according to the Vacant, Fallow and Virgin Lands Management Law, vacant, fallow and virgin lands which have not been utilized upon expiration of the prescribed period and put out an official announcement as to the repossession of the land in order to legally inform the original holder of the land utilization rights.

(c) in the case where the holder of the land utilization rights can provide evidence of having utilized the land within the original prescribed period, a decision regarding the currently unutilized vacant, fallow and virgin lands will be made based on the report and findings of the Naypyidaw Council or Regional or State task force or a special force designated to monitor each project.

(d) manage, according to relevant rules, the vacant, fallow and virgin lands which have been repossessed due to evident failure in utilizing the land within the permitted period according to prescribed rules, or due to evident violation of the rules.

(e) if it is found that work has not been carried out within the permitted period according to the prescribed rules or if there has been violation of any rule, the fees deposited as guarantee will be confiscated as state funds and deposited in a designated bank as the department's earnings, and the right to work on and utilize the land will be revoked.

(f) if it is reported that 100 percent utilization of the vacant, fallow and virgin lands has been completed within the prescribed period, the case shall be reviewed and submitted by the Regional or State task force or a specially formed task force.

52. The Central Committee shall –

(a) if the person who has obtained the rights to work on and utilize vacant, fallow and virgin lands, in implementing his projects, reports that he is affected by a dispute, or obstruction and disturbance or encroachment on the land by local peasants, find out and disclose the true nature of events and take effective legal action.

(b) if it is reported, together with sound evidence, that the land areas of the vacant, fallow and virgin lands which have been granted the rights to work on and utilize, had long been the cultivated lands of the local peasants currently doing agricultural work, negotiate with the said peasants and take action to ensure that they are not unfairly or unjustly dealt with.

(c) if there are peasants who had from the past, been given the rights to work on and utilize the land area of the vacant, fallow and virgin lands for which rights to work on and utilize are

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granted, carry out negotiations with the said peasants and take action according to the Vacant, Fallow and Virgin Lands Management Law.

53. The Central Committee shall give responsibility to the Nyapyidaw Council or Regional or State task force or a special force to take a field trip to inspect whether the person granted the rights to work on and utilize the vacant, fallow and virgin lands have implemented projects in accordance with the prescribed rules.

54. The Central Committee shall form a special task force to inspect whether the person granted the rights to work on and utilize the vacant, fallow and virgin lands has, according to the contract terms regarding rights to shares of products from agricultural work, given or paid the relevant quantity of goods or the relevant amount of money to the government, and take action as needed.

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:

(a) discovery of historical and cultural artefacts 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.

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.

57. If the Central Committee finds that the person granted the rights to work on and utilize the vacant, fallow and virgin lands has violated any of the rules in the Vacant, Fallow and Virgin Lands Management Law, the originally deposited guarantee fees will be confiscated as state funds and in addition, the rights to work on and utilize the vacant, fallow and virgin lands will be revoked.

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## CHAPTER VII

## PROTECTION AND ASSISTANCE TO THOSE WHO HAVE BEEN GRANTED RIGHTS TO WORK ON AND UTILIZE VACANT, FALLOW AND VIRGIN LANDS

58. The Central Committee may –

- (a) upon being requested assistance by the person granted the rights to work on and utilize vacant, fallow and virgin lands, with regard to modern technology, healthy seeds and other kinds of assistance for agricultural projects, contact respective departments working under the ministry and co-ordinate with the relevant department or organization nearest in location to the vacant, fallow and virgin lands, to give protection and assistance.
- (b) upon being requested assistance by the person granted the rights to work on and utilize vacant, fallow and virgin lands, regarding modern technology, healthy breeds and other kinds of assistance for livestock farming or aquaculture, contact the Union Government's Ministry of Livestock Farming and Aquaculture and co-ordinate with the relevant department or organization nearest in location to the vacant, fallow and virgin lands, to give protection and assistance.
- (c) upon being requested assistance by the person granted the rights to work on and utilize vacant, fallow and virgin lands with regard to investment loans or working materials or services, based on the findings of a field visit by the Naypyidaw Council or Regional or State task force or a special force, and the recommendations of a relevant department or organization, give a recommendation for the applicant.
- (d) if, after implementation of a project, the person granted the rights to work on and utilize vacant, fallow and virgin lands suffers heavy damage or loss caused by natural hazards such as storms, based on the findings of a field visit by the Naypyidaw Council or Regional or State task force or a special force, and the recommendations of a relevant department or organization, submit a recommendation to the relevant ministry for special loans from the government.

## CHAPTER VIII

## REIMBURSEMENT OF GUARANTEE FEES

59. The Central Committee shall arrange for the reimbursement of the fees deposited as guarantee to the person who has the right to work on and utilize vacant, fallow and virgin lands if implementation of the projects approved by the Vacant, Fallow and Virgin Lands Management Central Organization is completed within the prescribed period in accordance with the rules.

60. In order to withdraw or reclaim the deposited guarantee fees, the person who has been granted the rights to work on and utilize vacant, fallow and virgin lands shall –

(a) submit an application to the Central Committee or the Naypyidaw Council or Regional or State task force for permission to withdraw the fees deposited as guarantee as work has been completed in accordance with prescribed rules.

(b) in applying according to Sub-section (a) –

(1) With regard to the rights to work on and utilize vacant, fallow and virgin lands for which rights have been granted by the authority of the Vacant, Fallow and Virgin Lands Management Central Organization, a copy of the permit authorized by the Central Organization must be attached.

(2) With regard to the rights to work on and utilize vacant, fallow and virgin lands for which rights have been granted by the authority of the Central Committee, a copy of the permit authorized by the Central Committee must be attached; with regard to the rights to work on or utilize vacant, fallow and virgin lands for which rights have been granted by the authority of the Naypyidaw Council or Regional or State task force, a copy of the permit authorized by the Naypyidaw Council or Regional or State task force must be attached.

(3) A copy of the receipt for the deposited guarantee must be attached.

61. The Central Committee shall forward the application submitted in accordance with Section 60, to the Naypyidaw Council or Regional or State task force for review or examination.

62. When the Naypyidaw Council or Regional or State task force receives the application submitted in accordance with Section 60, or the application forwarded by the Central Committee in accordance with Section 61, it must be sent to the Naypyidaw Department Office or Regional or State Department Office and the following shall be carried out:

(a) The Naypyidaw Department Office or Regional or State Department Office shall, through the District Department Office, forward the application to the Township Department Office and give the Township Department Office (where the vacant, fallow and virgin lands referred to in the application are located), the responsibility of carrying out a field visit for inspection.

(b) The Township Department Office shall take a field trip to inspect the relevant vacant, fallow and virgin lands within 21 days from the date the application is received, and after taking photos recording work progress, and carrying out inspection work, resubmit the application.

63. The Township Department Office shall check the following points when inspecting the land according to Section 62, Sub-section (b) :



- (a) whether work has been completed according to prescribed rules in all areas of the vacant, fallow and virgin lands where rights have been granted to work on or utilize.
  - (b) whether the approved or permitted agricultural projects, livestock breeding or other approved projects have been carried out.
  - (c) whether the work is consistent with the original project submitted in the application.
  - (d) whether the guarantee fees requested to be withdrawn is consistent with the guarantee fees originally deposited.
64. The Township Department Office shall, after carrying out an inspection according to Section 63, prepare a complete report with findings and photo records, adding remarks as to whether reimbursement of the guarantee fees is recommended, or whether because of not meeting the stated criteria, reimbursement of the guarantee fees is objected to, and resubmit the application together with the case file through the respective District Department Office to the Naypyidaw Department Office or Regional or State Department Office.
65. Upon receiving the resubmitted case file, the Naypyidaw Department Office or Regional or State Department Office can, if deemed necessary, visit the vacant, fallow and virgin lands and carry out inspection during the field trip. If the report by the Township Department Office is regarded as complete and accurate, a recommendation to reimburse the guarantee fees, or in the event the report is considered incomplete or inaccurate, an objection to the reimbursement of guarantee fees should be added as remarks, and the case file submitted to the Naypyidaw Council or Regional or State task force.
66. Upon receiving the case file submitted according to Section 65, the Naypyidaw Council or Regional or State task force shall forward it together with remarks to the Central Committee.
67. The Central Committee shall –
- (a) inspect the rights granted by the Naypyidaw Council or Regional or State task force to work on and utilize the vacant, fallow and virgin lands, and if the facts in the case file are considered complete and accurate, give instructions for the guarantee fees to be reimbursed.
  - (b) upon observing failure to carry out work in accordance with prescribed rules or violation of rules, give orders to confiscate the fees as state funds.
68. The Central Committee shall forward the order to reimburse the guarantee fees or the order to confiscate the guarantee fees as state funds, together with the case file, to the Naypyidaw Council or Regional or State task force.

69. The Naypyidaw Council or Regional or State task force shall in turn forward the order to reimburse the guarantee fees or the order to confiscate the guarantee fees as state funds, together with the case file submitted in accordance with Section 68, to the Naypyidaw Department Office or Regional or State Department Office.
70. The Naypyidaw Department Office or Regional or State Department Office shall through the District Department Office, forward the case file submitted in accordance with Section 69, to the Township Department Office.
71. The Township Department office shall –
- (a) immediately inform and arrange for the speedy reimbursement of the guarantee fees by the respective bank branch according to instructions given in accordance with Section 67 Sub-section (a).
  - (b) carry out standard procedures for the transfer of the originally deposited guarantee fees to state funds to comply with the order to confiscate the fees as state funds in accordance with Section 67, Sub-section (b).
72. Regarding the reimbursement of the guarantee fees, the various steps for submitting the case and taking action must be carried out to ensure that the fees are reimbursed to the applicant within 60 days from the date the application is first submitted.

**CHAPTER IX**  
**TAKING LEGAL ACTION**

73. Legal action can be taken according to the Vacant, Fallow and Virgin Lands Management Law, Sections 26, 27 and 28 against any individual found to cause harm to the property on the vacant, fallow and virgin lands where rights have been granted to work on and utilize, or against those found to encroach on the granted land without permission from the person granted rights to utilize the vacant, fallow and virgin land or from his representative, or those found to obstruct or disturb either the person who has the rights to utilize the vacant, fallow and virgin land or a person working with the permission of the former, or the work being done on the granted land.
74. Legal action can be taken according to the Vacant, Fallow and Virgin Lands Management Law, Section 29 against any individual if it is found that the person has failed to vacate the vacant, fallow and virgin lands for which the right to work on or utilize has been revoked.

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**CHAPTER X**

**GENERAL**

75. The Central Committee shall submit necessary recommendations to the Union Government for the effective implementation of the government's land management policy.

76. The Central Committee can instruct the person granted the right to work on and utilize vacant, fallow and virgin lands to submit, according to prescribed rules, the conditions and progress in implementation of the work on vacant, fallow and virgin lands, to the Central Committee or the Naypyidaw Council or Regional or State task forces.

77. The Naypyidaw Council or Regional or State task forces shall submit a tri-monthly report with complete details on the conditions and progress in work implementation, and an annual report covering up to the end of the financial year on March 31, to the Central Committee.

78. The Central Committee shall submit a six-monthly report with complete details on the situation regarding management and implementation of work on the vacant, fallow and virgin lands, and an annual report covering up to the end of the financial year on March 31, to the Union Government.

79. The Central Committee formed according to the Vacant, Fallow and Virgin Lands Management Law shall continue to perform the duties and rights of the Vacant, Fallow and Virgin Lands Management Central Organization which was formed before the enactment of the above law.

Myint Hlaing

Union Minister

Ministry of Agriculture and Irrigation

# **APPENDIX III**

**APPENDIX III-1**

**COLLECTED INFORMATION ON  
ASSISTANCE PACKAGE AT  
NEIGHBORING COUNTRIES**

### Example of Assistant Polices at the Neighboring Countries

### 1. List of Reviewed Projects

- Resettlement plans disclosed at the website of funding agencies are reviewed.
- Description in “Compensation/Assistance Contents” are general view of applied policies, which is not necessarily applied for all listed projects.

### 1-1. Cambodia

	Reviewed Projects	RAP Preparation	Funding Agency
1	North Irrigation Sector Project	Feb., 2009	ADB
2	Rural Road Improvement Project	Feb. 2010	- ditto-
3	Northern Provincial Road Improvement Project	Nov., 2013	- ditto-
4	Medium-Voltage Sub-Transmission Expansion Sector Project	Sep., 2012	- ditto-
5	Provincial Road Improvement Project	Nov., 2011	- ditto-
6	Greater Mekong Subregion Corridor Towns Development Project	Aug., 2012	- ditto-
7	Rural Energy Project	Aug., 2012	Australian Agency for International Development (AusAID)

### 1-1. Cambodia

	Reviewed Projects	RAP Preparation	Funding Agency
8	Northwest Irrigation Sector Project for Po Pi Deum, Anlong Svay, Krouch Saeuch, Tram Mneash and Kouch Noup Subprojects	Jan., 2010	ADB
9	Rehabilitation of Railways in Cambodia (Updated Resettlement Plan for the Phnom Penh Section)	Jun., 2010	- ditto-
10	National Road No. 5 Improvement Project	Aug., 2013	JICA

## 1-2. Indonesia

Reviewed Projects	RAP Preparation	Funding Agency
1. Integrated Cikarang Water Resources Management Investment Program	Aug., 2008	ADB
2. Java-Bali 500 kV Power Transmission Crossing Project	Aug., 2012	ADB
3. Regional Roads Development Project (East Java (Dremadio - Sendangharjo Road Section))	Oct., 2011	ADB
4. Upper Cihokan Pumped Storage Project	Dec., 2010	World Bank (WB)
5. The Project for West Java Regional Solid Waste Treatment and Final Disposal <sup>1</sup>	Mar., 2012	JICA

1: The Preparatory Survey on the Project for West Java Regional Solid Waste Treatment and Final Disposal (Mar., 2012) is reviewed since RAP is not disclosed.

## 1-3. LAO PDR

Reviewed Projects	RAP Preparation	Funding Agency
1. North and Central Regions Water Supply and Sanitation Sector Project, Namkeung District Town, Bokeo Province Short Resettlement Plan Update	Oct., 2009	ADB
2. Flood Protection and Drought Mitigation Project in Vientiane Capital	Jun., 2012	ADB
3. Second Northern Greater Mekong Subregion Transport Network Improvement	Nov., 2010	ADB

## 1-4. Vietnam

Reviewed Projects	RAP Preparation	Funding Agency
1. Hanoi Pilot Metro Line, Section Nhon - Hanoi Station	Feb., 2011	ADB
2. Northern Power Transmission Expansion Sector Project	Sep., 2009	- ditto -
3. Thanh Hoa City Comprehensive Socioeconomic Development Project	Dec., 2012	ADB/Korea Export Import Bank
4. Strengthening Water Management and Irrigation Systems Rehabilitation Project	Jul., 2012	ADB/French Development Agency
5. Central Mekong Delta Connectivity Project (Can Tho City)	Feb., 2013	ADB

## 1-4. Vietnam

Reviewed Projects	RAP Preparation	Funding Agency
6. Mekong Integrated Water Resource Management Project Phase 2 for Vietnam	Feb., 2013	WB
7. Vietnam Urban Upgrading Project Nam Dinh City Sub Project	Feb., 2012	WB
8. Ben Luc - Long Thanh Expressway Project	Jul., 2010	ADB/JICA

## 2. Country Profile

	Myanmar	Cambodia	Indonesia	Lao PDR	Vietnam
Per capita GDP in 2010 <sup>*1</sup> (USD)	876.2	797.3	2,949.3	1,047.6	1,182.7
Per capita rice consumption in 2007 <sup>**</sup> (kg/year)	157 (13 kg per month)	152 (12.7kg per month)	125 (10.5kg per month)	163 (13.6kg per month)	166 (13.8kg per month)

\*1 Source: United Nation Data

\*\*2 Source: International Rice Research Institute

## 3. Assistance Policies Listed Projects Generally Applied

### 3-1. Cambodia

Assistant Category	Assistant Policies
Impact on Assets	<ol style="list-style-type: none"> <li>1. Structure                             <ul style="list-style-type: none"> <li>➢ Compensation in replacement cost (i.e. market price at that time) without depreciation</li> </ul> </li> <li>2. Agriculture Products                             <ul style="list-style-type: none"> <li>➢ Crops: Compensation in replacement cost</li> <li>➢ Trees: Compensation in replacement cost</li> </ul> </li> </ol>
Impact on Land (any kinds)	<ol style="list-style-type: none"> <li>1. Providing alternative land or cash in replacement cost</li> <li>2. 1-3 months of advance notice prior to construction in the case of impact to agriculture land</li> </ol>
Support for Moving	<ol style="list-style-type: none"> <li>1. USD 60-70 of transportation cost</li> </ol>

Assistant Category		Assistant Policies	
Support for Livelihood Rehabilitation	<ol style="list-style-type: none"> <li>Household of Land Based Income (losing more than 10% of land)                             <ul style="list-style-type: none"> <li>➢ USD100-200 per household (one time payment only)</li> </ul> </li> <li>Household of Non-Land Based Income                             <ul style="list-style-type: none"> <li>➢ Registered/Non-Registered Business: Compensation of income for the period of business disruption</li> <li>➢ Movable Vendors: Monetary support of USD10 per vendor</li> </ul> </li> <li>Household requested Relocation                             <ul style="list-style-type: none"> <li>➢ Food support of 20kg of rice per person per month for 3 – 6 months or equivalent cash (e.g. USD 100 – 200 per household in maximum)</li> </ul> </li> </ol>		
Support for Vulnerable Groups (i.e. woman, elderly or disabled person-headed family, ethnic minority groups)	<ol style="list-style-type: none"> <li>Additional support of 20kg of rice per person for 6 months or equivalent cash</li> <li>Participation to Income Restoration Program</li> </ol>		
Income Restoration Program (targeting of severely affected households and vulnerable groups)	<ol style="list-style-type: none"> <li>Opportunity of temporary employment during construction</li> <li>Implementing livelihood improvement activities with NGO</li> </ol>		

Assistant Category		Assistant Policies	
Impact on Assets	<ol style="list-style-type: none"> <li>Structure                             <ul style="list-style-type: none"> <li>➢ Cash compensation in replacement cost without depreciation, or providing alternative residence</li> </ul> </li> <li>Agriculture Products                             <ul style="list-style-type: none"> <li>➢ Annual Crops: Compensation in replacement cost</li> <li>➢ Perennial Crops: Compensation in replacement cost by taking productivity into account</li> <li>➢ Compensate one time harvest income of not harvest standing crops</li> <li>➢ 2-4 months of advance notice prior to construction</li> </ul> </li> </ol>		
Impact to Land	<ol style="list-style-type: none"> <li>Cash in replacement cost or in kind</li> </ol>		
Support for Moving	<ol style="list-style-type: none"> <li>Transportation allowance for moving</li> </ol>		

### 3-2. Indonesia

Assistant Category		Assistant Policies	
Support for Livelihood Rehabilitation	<ol style="list-style-type: none"> <li>Household of land based income                             <ul style="list-style-type: none"> <li>➢ Assistance of transition cost per household</li> <li>➢ Household and shop owner requested relocation</li> <li>➢ Equivalent to 10kg of rice per person per month for 3 months</li> </ul> </li> </ol>		
Support for Vulnerable Groups (i.e. woman, elderly, or disabled person-headed household, ethnic minority groups, landless)	<ol style="list-style-type: none"> <li>Entitled to participate in Income Restoration Program</li> </ol>		
Income Restoration Program (targeting severely affected households and vulnerable groups)	<ol style="list-style-type: none"> <li>Training of agriculture or animal husbandry intensification activities for PAPs whose primary income source is agriculture</li> <li>Training/facilitating for micro business development</li> <li>Socio-economic improvement program including clean water access</li> <li>Training of production/processing techniques</li> </ol>		



### 3-3. Lao PDR

Assistant Category	Assistant Policies
Impact on Assets	<ol style="list-style-type: none"> <li>Structure                             <ul style="list-style-type: none"> <li>➢ Cash compensation in replacement cost without depreciation</li> </ul> </li> <li>Agriculture Products                             <ul style="list-style-type: none"> <li>➢ Standing crops: 1.5 times of annual gross harvest value</li> <li>➢ Trees: Cash compensation in replacement cost at the current market price</li> </ul> </li> </ol>
Impact on Land	<ol style="list-style-type: none"> <li>Providing alternative land or cash in replacement cost</li> </ol>
Support for Moving	<ol style="list-style-type: none"> <li>USD 120-125 for transportation of materials for moving</li> </ol>

Assistant Category	Assistant Policies
Support for Livelihood Rehabilitation	<ol style="list-style-type: none"> <li>Severely affected household with relocation: 16-20kg of rice per person per month for 6 months</li> <li>Marginally affected household with relocation (impact to income source is marginal): 16-20kg of rice per person per month for 3 months</li> </ol>
Support for Vulnerable Groups (i.e. woman, elderly, or disabled person-headed household, ethnic minority groups, landless)	<ol style="list-style-type: none"> <li>Additional support of 16kg of rice per person for 1 month or equivalent cash</li> <li>Participation to Income Restoration Program</li> </ol>
Income Restoration Program (targeting severely affected households and vulnerable groups)	<ol style="list-style-type: none"> <li>Employing project affected persons as project staff at the construction and operation phases</li> <li>Supporting job changing (e.g. providing vocational training or conducting a pilot project)</li> </ol>

### 3-4. Vietnam

Assistant Category	Assistant Policies
Impact on Asset	<ol style="list-style-type: none"> <li>Structure                             <ul style="list-style-type: none"> <li>➢ Cash compensation in replacement cost without depreciation</li> </ul> </li> <li>Agriculture Products                             <ul style="list-style-type: none"> <li>➢ Annual Crops/Trees: Cash compensation at the current market price</li> <li>➢ Perennial Crops/Trees: Cash compensation at the current market price based on type, age and productive value</li> <li>➢ If standing crops are not harvested, cash compensation at the current market price</li> </ul> </li> </ol>
Impact on Land	<ol style="list-style-type: none"> <li>Providing alternative land or cash in replacement cost</li> </ol>
Support for Moving	<ol style="list-style-type: none"> <li>USD 140-170 for relocation within a same administrative area and USD 200-280 for relocation to another administrative area</li> </ol>

Assistant Category	Assistant Policies
Support for Livelihood Rehabilitation	<ol style="list-style-type: none"> <li>Household of Land Based Income                             <ul style="list-style-type: none"> <li>➢ Losing less than 30% of agriculture land: 30kg of rice per person per month for 3 months without relocation and 6 months with relocation</li> <li>➢ Losing 30-70% of agriculture land: 30kg of rice per person per month for 6 months without relocation and 12 months with relocation</li> <li>➢ Losing more than 70% of agriculture land: 30kg of rice for each HH member for 12 months without relocation and 24 months with relocation in case of losing more than 70% of agriculture land</li> <li>➢ 1.5-3 times of compensation amount for agriculture land compensation as supporting for job changing</li> </ul> </li> <li>Household of Non-Land Based Income                             <ul style="list-style-type: none"> <li>➢ Registered/Non-Registered Business: Compensation 30-50% of annual income not including tax</li> </ul> </li> </ol>

Assistant Category	Assistant Policies
Support for Vulnerable Groups (i.e. woman, elderly, or disabled person-headed household, ethnic minority groups, landless, social policy households, heroic mothers, wounded, dead soldiers)	<ol style="list-style-type: none"> <li>Additional support of USD 150-200 per household</li> <li>Participation to Income Restoration Program</li> </ol>
Income Restoration Program (targeting severely affected households and vulnerable groups)	<ol style="list-style-type: none"> <li>Opportunity of temporary employment during construction</li> <li>Implementing livelihood improvement activities with HQ</li> </ol>

#### 4. Other Useful Policies

### Useful Polices Some of Listed Projects Applied

#### **[Support for Livelihood Stabilization]**

- Crops: Compensation 1.5 times of annual productive value
- Fruit trees: Compensation 3-5 times of annual productive value
- Fruit trees: annual productive amount in market price multiplying the number of years to mature
- Business disruption: Compensation of net income for the period of business disruption

#### **[Other Assistance]**

- Bonus for cooperating on-time relocation: USD100-300 per household
- Provide full title of allocated plot under the name of husband and wife in a new relocation site if relocation households stay there for 5 consecutive years

# **APPENDIX IV**

**APPENDIX IV-1 NOTICE OF CUT-OFF DATE**

## Notification on Cut-Off Date on Thilawa SEZ Development

Yangon Regional Government, as the administration authority of the Thilawa SEZ area conducting the preliminary land acquisition and relocation activities, hereby officially declares 4th April, 2013 as the cut-off date for eligibility for relocation assistance for development of the Thilawa SEZ.

The cut-off date was established on the first day of a census conducted from 4th April to 26th April 2013 for the entire Thilawa SEZ area in accordance with international practices on eligibility setting followed by the World Bank Environment and Social Safeguard Policies and other major international funding organizations. Persons who encroach on the SEZ area after the cut-off date are not entitled to any form of assistance package for development of Thilawa SEZ.

Those who have any inquiry on this notification are able to lodge their comments below:

Thilawa SEZ Management Committee

Tel: 09-420737476, 09-43015669

E-mail: [thilawaygn@gmail.com](mailto:thilawaygn@gmail.com)



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U Hein Thu Win  
District Deputy Administrator  
Southern District General Administration Department  
Yangon Regional Government  
Date: 7<sup>th</sup> July 2013

သီလဝါအထူးစီးပွားရေးဇုန်တည်ဆောက်ရေးအတွက် Cut-off Date (အကျုံးဝင်သည့်နောက်ဆုံးရက်စွဲ)  
ထုတ်ပြန်ကြေညာခြင်း

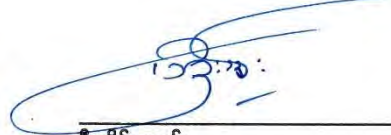
ရန်ကုန်တိုင်း သန်လျင်မြို့နယ်နှင့် ကျောက်တန်းမြို့နယ်အတွင်း ဟက်တာ ၂၄၀၀ ခန့်ရှိသော မြေနေရာ၌ သီလဝါ အထူးစီးပွားရေးဇုန် တည်ဆောက်ရာတွင် ကနဦးမြေသိမ်းရေးနှင့် ပြန်လည်နေရာချထားရေး လုပ်ငန်းများကို အကောင်အထည်ဖော် ဆောင်ရွက်မည့် ရန်ကုန်တိုင်းဒေသကြီး အစိုးရအဖွဲ့အနေနှင့် ပြန်လည် နေရာချထားရေး ပံ့ပိုးမှုများ ပေးအပ်နိုင်ရန် အတွက် ၂၀၁၃ခုနှစ် ဧပြီလ(၄)ရက်နေ့အား Cut-off Date (အကျုံးဝင်သည့်နောက်ဆုံးရက်စွဲ)အဖြစ် တရားဝင်ထုတ်ပြန်ကြေညာလိုက်သည်။

ယင်း Cut-off Date (အကျုံးဝင်သည့်နောက်ဆုံးရက်စွဲ)သည် ကမ္ဘာ့ဘဏ် သဘာဝပတ်ဝန်းကျင်နှင့် လူမှု ရေးဆိုင်ရာ ကာကွယ်တားဆီးရေးပေါ်လစီနှင့် အခြားနိုင်ငံတကာ ငွေကြေး ထောက်ပံ့သည့် အဖွဲ့အစည်း ကြီးများမှ လိုက်နာကျင့်သုံးနေသည့် နည်းများနှင့်အညီ ၂၀၁၃ခုနှစ် ဧပြီလ (၄)ရက်မှ (၂၆)ရက်နေ့ အထိ ဆောင်ရွက်ခဲ့သည့် သီလဝါ အထူးစီးပွားရေးဇုန် တစ်ခုလုံးအား စစ်တမ်း ကောက်ယူသည့်ကာလ၏ ပထမဆုံးနေ့ရက်အား သတ်မှတ်ထားခြင်းဖြစ်ပါသည်။ ယင်းရက်နောက်ပိုင်းမှ ကျူးကျော် ဝင်ရောက် နေထိုင်သူများမှာ ကရုဏာကြေးပံ့ပိုးမည့် အစီအစဉ်များ ရရှိခံစားနိုင်မည်မဟုတ်ပါ။

ဤကြေညာချက်နှင့်ပတ်သက်၍ မေးမြန်းစုံစမ်းလိုပါက အောက်ဖော်ပြပါအတိုင်း ဆက်သွယ်မေးမြန်းစုံစမ်း နိုင်ပါသည်-

သီလဝါအထူးစီးပွားရေးဇုန်စီမံခန့်ခွဲမှုကော်မတီ  
ဖုန်း - ၀၉ ၄၂၀၇၃၇၄၇၆, ၀၉ ၄၃၀၀၅၆၆၉  
အီးမေးလ် - thilawaygn@gmail.com



  
ဦးဟိန်းသူဝင်း  
ဒုတိယ ခရိုင်အုပ်ချုပ်ရေးမှူး  
တောင်ပိုင်းခရိုင် အထွေထွေအုပ်ချုပ်ရေးဦးစီးဌာန  
ရန်ကုန်တိုင်းဒေသကြီးအစိုးရအဖွဲ့  
ရက်စွဲ- ၇.၇.၂၀၁၃

**APPENDIX IV-2      QUESTIONNAIRE FORM USED FOR  
PHASE 1/ ZONE A**



**DMS Form**

**[Procedure of Part 1: Socio-Economic Survey]**  
 1. Households already interviewed in April 2013: Ask all questions in Part 1 and also confirm of interview results of April 2013 Census.  
 2. Households not interviewed in April 2013: Ask all questions in Part 1

**[Procedure of Part 2: Inventory of Asset Loss]**  
 1. Boundary of one occupied area shall be preliminary delineated and measured its size on the aerial photo.  
 2. The result of No.1 above shall be confirmed at the site.  
 3. As for structure, each floor size shall actually be measured at the site.  
 4. Site confirmation/measurement shall be done by a household head using land/structure, representative from Thilawa SEZ Management Committee, MOC or MNPED, representative from the township and survey team jointly. As evidence of joint measurement, aforementioned four parties shall sign the DMS form together.  
 5. The result of site confirmation/measurement and coordinate shall be entered into GIS base map to be provided by JICA Survey Team.

**PART 1: Socio-Economic Survey**

**A. Profiles of the Project Affected Household**

	Items	April 2013 Census Result	Supplemental Survey
1	Survey Date		
2	Household Number		
3	Name of Household Head		
4	Name of Farther		
5	NRC No.		
6	Address/Tel		
7	Status of Compensation in 1997		
8	Recipient of Compensation in 1997	(0) not received (1) myself (2) father (3) mother (4) wife (5) other	(0) not received (1) myself (2) father (3) mother (4) wife (5) other (please specify)
9	Year living there started If in case the HH head answered that their HH received 1997 compensation, but answered that they started living after 1997, reconfirm from when actually their HHs started living there. (vice versa as well)		In addition to year, please specify the date of living started if possible.
10	Moving out from Class A	No information	Year of moving out (0) staying from the year of starting stay (1) moving out (please specify year of moving out)
11	Returning to Class A	No information	(0) not returning (1) returning (please specify year of returning)

## B. Socio-Economic Condition of Household

	Items	April 2013 Census Result	Supplemental Survey
1	Age of Household Head	No information	(1) from 20 to 30 years old (2) from 31 to 40 years old (3) from 41 to 50 years old (4) from 51 to 60 years old (5) from 61 to 70 years old (6) over 71 years old
2	Number of Family in a Household	Husband ( ) persons Wife ( ) Son ( ) Daughter ( ) Other ( ) Total ( )	Husband ( ) persons Wife ( ) Son ( ) Daughter ( ) Father ( ) Mother ( ) Others ( ) Total ( )
3	Vulnerability	No information	Husband ( ) Wife ( ) Son ( ) Daughter ( ) Father ( ) Mother ( ) Others ( ) (1) Disabled (2) Orphan (3) Widow (4) Divorced-woman (5) Other (please specify)
4	Occupation of Household Head	(0) No job (1) Odd job (2) Skill job (3) Farming rice (4) Farming other crop (5) Government employee (6) Farming vegetables (7) Others	(0) No job (1) Odd job (2) Wage worker (long term contract) (3) Farming rice (summer rice) (4) Farming rice (monsoon rice) (5) Farming other crop (6) Farming vegetables (7) Handicraft (8) Government employee (9) Shop owner (10) Retired or over working age (11) Others (please specify)
5	Religion	No information	Please specify
6	Ethnic Groups	No information	Please specify
7	Using language in daily communication	No information	Please specify
8	Ability in Myanmar language	No information	(0) Illiterate (1) Speak, read and write fluently (2) Speak, read and write a little (3) speak only
9	Whose income is the main income source in a household	No information	(1) myself (2) father (3) mother (4) wife (5) son (6) daughter (7) other (please specify)
10	Income source of the main income in a household	No information	(0) No job (1) Odd job (2) Wage worker (long term contract) (3) Farming rice (summer rice) (4) Farming rice (monsoon rice)

	Items	April 2013 Census Result	Supplemental Survey
			(5) Farming other crop (6) Farming vegetables (7) Handicraft (8) Government employee (9) Shop owner (10) Retired or over working age (11) Other (please specify)
11	Whose income is the secondary income source in a household		(1) myself (2) father (3) mother (4) wife (5) son (6) daughter (7) other (please specify)
12	Income source of the secondary income in a household	No information	(0) No job (1) Odd job (2) Wage worker (long term contract) (3) Farming rice (summer rice) (4) Farming rice (monsoon rice) (5) Farming other crop (6) Farming vegetables (7) Handicraft (8) Government employee (9) Shop owner (10) Retired or over working age (11) Other (please specify)
13	Work place of main income source	No information	Please name the work place of main income source
14	Commuting mode to the work place of main income source	No information	(1) Walk (2) Bicycle (3) Motor bike (4) Bus provided by an employer (5) Ferry bus (6) Taxi (7) Others (please specify)
15	Annual income from main income	No information	( ) kyats in total
16	Annual income from secondary income	No information	( ) kyats in total
17	Monthly livelihood aids	No information	Source of livelihood aids (please specify) Kinds of livelihood aids (Please specify) Amount of livelihood aids (please specify)
18	Number of workers in a household	No information	(1) No job ( ) persons (2) Odd job ( ) (3) Wage worker (long term contract) ( ) (4) Farming rice (summer rice) ( ) (5) Farming rice (monsoon rice) ( ) (6) Farming other crop ( ) (7) Farming vegetables ( ) (8) Handicraft ( ) (9) Government employee ( ) (10) Shop owner ( ) (11) Retired or over working age ( ) (12) Other (please specify) ( )
19	Origin of household food consumption	No information	(1) Mostly home grown (2) More than half home grown (3) Less than half home grown (4) Mostly buy (5) Others (please specify)

	Items	April 2013 Census Result	Supplemental Survey
20	Monthly expenditure	( ) kyats in total	Food ( ) Kyats Agriculture ( ) Transportation ( ) Education ( ) Health ( ) Social Function ( ) Loan repayment ( ) Others (please specify)
21	Household Possession	Livestock	Livestock
		Cow ( ) Goat ( ) Chicken/Duck ( )	Cow ( ) Goat ( ) Chicken/Duck ( )
	Other Assets	Other Assets	
		Electric fan ( ) Fridge ( ) Inverter ( ) Small generator ( ) TV 14 inch ( ) TV 21 inch ( ) TV over 21 inch ( ) VCD ( ) Bicycle ( ) Motorcycle ( ) Car ( ) Gondow ( ) Tructor ( ) Phone ( ) Water pump ( )	Electric fan ( ) Fridge ( ) Inverter ( ) Small generator ( ) TV 14 inch ( ) TV 21 inch ( ) TV over 21 inch ( ) VCD ( ) Bicycle ( ) Motorcycle ( ) Car ( ) Gondow ( ) Tructor ( ) Phone ( ) Water pump ( ) Others (please spesify)

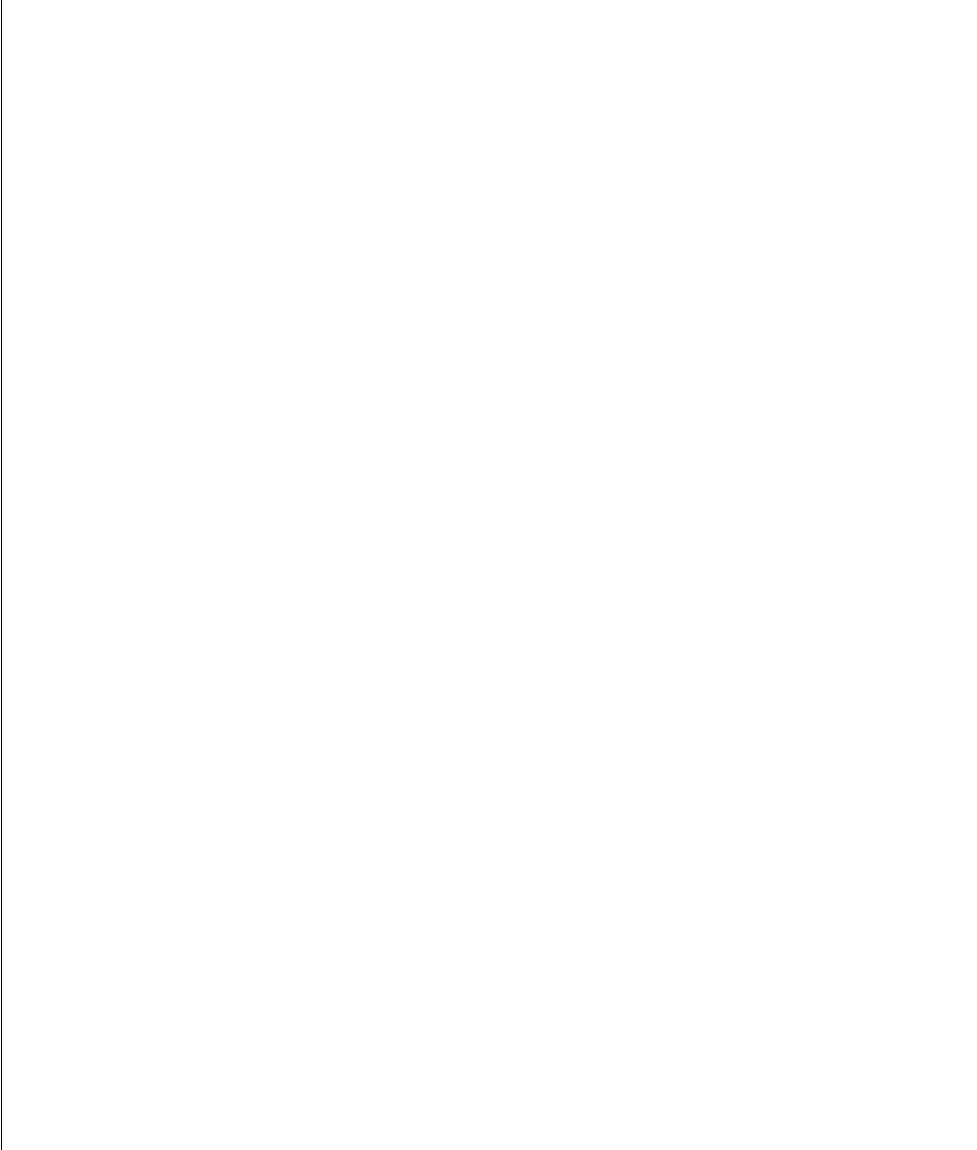
## PART 2: Inventory of Asset Loss

### (1) Confirmation Land Size in Occupied Area

- a) Before the actual field survey pre-demarcate boundaries of occupeid area in the aerial photos  
b) During the survey, please check period of cultivation/ usage at each land use of one occupied area.  
c) In case one occupied area includes more than two types of land use, land use shall be recorded respectively (i.e. occupied area-1, 2, 3...).
- d) For farmlands, delineate boundary on the aerial photos (no need to do the direct measurements at site). For residential areas and our usages do the direct measurements at site to get dimensions and areas of such lands.
- e) After the field survey past copy of aerial photos indicating boundaries and area information of respective occupied areas.

	Measurement Items <sup>1</sup>	Measurement Results
1	Land Use of Occupied Area-1 (period of cultivation /usage : months/years)	(1) Residential land (2) Paddy field (summer rice) (3) Paddy field (monson rice) (4) Other crops (5) Pasture land (6) Trees (7) Vacant (not using) (8) Others (please specify)
	Land Use of Occupied Area-2 (period of cultivation / usage: months/years)	(1) Residential land (2) Paddy field (summer rice) (3) Paddy field (monsoon rice) (4) Other crops (5) Pasture land (6) Trees (7) Vacant (not using) (8) Others (please specify)
	Land Use of Occupied Area-3 (period of cultivation / usage: months/years)	(1) Residential land (2) Paddy field (summer rice) (3) Paddy field (monsoon rice) (4) Other crops (5) Pasture land (6) Trees (7) Vacant (not using) (8) Others (please specify)
2	Total Size of Occupied Area-1	Length (feet) x Width (feet) or Acerage (unit: ) :
	Total Size of Occupied Area-2 (ditto)	Length (feet) x Width (feet) or Acerage (unit: ) :
	Total Size of Occupied Area-3 (ditto)	Length (feet) x Width (feet) or Acerage (unit: ) :
	Total of Entire Occupied Area (occupied area 1+2+3)	Length (feet) x Width (feet) or Acerage (unit: ) :

Aerial Photo Indicating Occupied Area (boundary, type and area information)



### Confirmation Result of Crops and Trees

#### (1) Rice

- a) Yield area shall be basically calculated on the aerial photo.
- b) Total yield amount shall be confirmed through interview to a household head.
- c) Estimated yield amount within project area shall be calculated below: (Will be done after field survey)  

$$\text{Estimated amount within the project area} = \text{total yield amount} \times \frac{\text{yield area within project area}}{\text{total yield area}}$$

Paddy Type	Total Yield Area (acre)			Unit (please specify)	Total Yield Amount			Unit (please specify)	Affected Yield Amount (Later filled)			Unit (please specify)
	2013 April	Tax	Supplemental		2013 April	Tax	Supplemental		2013 April	Tax	Supplemental	

Remarks: 2013 April means 2013 April Census, Tax means land revenue records, Supplemental means this survey.

#### (2) Other Crops

- i) Yield area shall be basically calculated on the aerial photo.
- ii) Total yield amount shall be confirmed through interview to a household head.
- iii) Estimated yield amount within project area shall be calculated below: (Will be done after field survey)  

$$\text{Estimated amount within the project area (d)} = \text{total yield amount (c)} \times \frac{\text{yield area within project area (b)}}{\text{total yield area (a)}}$$

Crop Name	Yield Area (acre)		Unit (please specify)	Yield Amount	
	Total (a)	Within Project Area (b)		Total Amount (c)	Estimated Amount within Project Area (d)

(3) Annual or Perennial Crop Trees

- a) In case there are annual or perennial crop trees, the number of total trees at the site shall be counted.
- b) In case occupied area locates at the border of the project area, yield area and amount within the project area shall be estimated at the following methods. (Will be done after field survey)
  - i) Yield area (both of total and within the project area) shall be calculated by aerial photo.
  - ii) Estimated yield amount within the project area shall be calculated below:  
 Estimated amount within the project area (d) = total yield amount (c) x yield area within project area (b)/total yield area (a)

Tree Name	Purpose of Use	Yield Area (acre)		Unit (please specify)	No. of Trees		Age of Trees
		Total (a)	Within Project Area (b)		Total No. of Trees (c)	Estimated Number within Project Area (d)	

(4) Trees for Timber and Wood (count the number of total trees and measure the diameter at the site)

- a) In case there are trees for timber and wood, count the number of total trees and measure the diameter at the site.
- b) In case occupied area locates at the border of the project area, yield area and amount within the project area shall be estimated at the following methods. (Will be done after field survey)
  - i) Yield area (both of total and within the project area) shall be calculated by aerial photo.
  - ii) Estimated yield amount within the project area shall be calculated below:  
 Estimated amount within the project area (d) = total yield amount (c) x yield area within project area (b)/total yield area (a)

Tree Name	Purpose of Use	Yield Area (acre)		Unit (please specify)	No. of Trees		Tree Hight	Tree Diameter	Age of Trees
		Total (a)	Within Project Area (b)		Total No. of Trees (c)	Estimated Number within Project Area (d)			

(5) Other Trees (count the number of total at the site)

- In case there are non-crop trees in one occupied boundary, please proceed as follows:
- a) Confirm with household head whether the non-crop trees are plannted by him/her or not.
  - b) In case the non-crop tree is plannted by him/her, please check the items listed in the following table.

Tree Name	Purpose of Use	Unit (No.)	Total No. of Trees	No. of Trees within Project Area	Age of Trees

### Measurement Result of Affected House and Shop

If there are more than two structures in one occupied area, please measure each structure using separate form. If there are more than three structures in one occupied area, please add a form for the 3rd structure.

For 1st Structure in One Boundary

Measurement Items		Measurement Results	
1	Year of Structure Construction	Specify	
2	Structure Use Purpose	Census Result in April 2013	Confirmation in Supplemental Survey
		(1) Demolished (specify demolishing year)	(1) Demolished (specify demolishing year)
		(2) House	(2) House
		(3) Shop	(3) Shop
		(4) Barn for agriculture	(4) Barn for agriculture
		(5) Barn for livestock	(5) Barn for livestock
		(6) Others (specify) <input type="text"/>	(6) Others (please specify) <input type="text"/>
3	Number of Floors		
4	Material of Structure	Results of Census in April 2013	Confirming by Supplemental Survey
		(1) Roof	
		(2) Frame	
		(3) Wall	
		(4) Ceiling	
		(5) Door	
		5	Drinking Water Source
(2) From neighborhood lake	(2) Well commonly shared with neighborhood		
(3) From neighborhood river	(3) From rain barrel		
(4) From monastery	(4) From neighborhood lake		
(5) From factory	(5) From neighborhood river		
(6) Buy	(6) From monastery		
	(7) From well in a factory (free of charge)		
	(8) From well in a factory (charged) <input type="text"/>		
	(9) Buy bottle of water <input type="text"/>		
	(10) Others (please specify)		
6	Toilet	(1) No toilet	(1) No individual toilet/shared toilet
		(2) Hole type toilet	(2) Hole type toilet
		(3) Pest control toilet	(3) Pest control toilet
		(4) Others (please specify) <input type="text"/>	
7	Kitchen	No information	(1) No kitchen/shared kitchen with neighbors
			(2) Kitchen inside house (gas oven)
			(3) Kitchen inside house (kerosen

			oven) (4) Kitchen inside house (charcoal oven) (5) Kitch inside house (wood oven) (6) Kitchen inside house (other energy, specify) (7) Kitchen outside house (kerosen oven) (8) Kitchen outside house (charcoal oven) (9) Kitchen outside house (wood oven) (10)Kitchen outside house (other energy, specify) <input type="text"/> (11)Others (please specify)
8	Floor Size of Structure	1st floor: Length (feet) x width (feet) 2nd floor: Length (feet) x width (feet) 3rd floor: Length (feet) x width (feet)	

Draw location of structure and GPS recorded

For 2nd Structure in One Boundary

Measurement Items		Measurement Results	
1	Year of Structure Construction	Specify	
2	Structure Use Purpose	Census Result in April 2013	Confirmation in Supplemental Survey
		(1) Demolished (specify demolishing year)	(1) Demolished (specify demolishing year)
		(2) House	(2) House
		(3) Shop	(3) Shop
		(4) Barn for agriculture	(4) Barn for agriculture
		(5) Barn for livestock	(5) Barn for livestock
	(6) Others (specify) <input type="text"/>	(6) Others (please specify) <input type="text"/>	
3	Number of Floor		
4	Material of Structure	Results of Census in April 2013	Confirming by Supplemental Survey
		(1) Roof	
		(2) Frame	
		(3) Wall	
		(4) Ceiling	
		(5) Door	
5	Drinking Water Source	(1) Well	(1) Well privately owned
		(2) From neighborhood lake	(2) Well commonly shared with neighborhood
		(3) From neighborhood river	(3) From rain barrel
		(4) From monastery	(4) From neighborhood lake
		(5) From factory	(5) From neighborhood river
		(6) Buy	(6) From monastery
			(7) From well in a factory (free of charge)
			(8) From well in a factory (charged)
			(9) Buy bottle of water <input type="text"/>
			(10)Others (please specify)
6	Toilet	(1) No toilet	(1) No individual toilet/shared toilet
		(2) Hole type toilet	(2) Hole type toilet
		(3) Pest control toilet	(3) Pest control toilet
			(4) Others (please specify) <input type="text"/>
7	Kitchen	No information	(1) No kitchen/shared kitchen with neighbors
			(2) Kitchen inside house (gas oven)
			(3) Kitchen inside house (kerosen oven)
			(4) Kitchen inside house (charcoal oven)
			(5) Kitch inside house (wood oven)

			(6) Kitchen inside house (other energy, specify)
			(7) Kitchen outside house (kerosen oven)
			(8) Kitchen outside house (charcoal oven)
			(9) Kitchen outside house (wood oven)
			(10)Kitchen outside house (other energy, specify) <input type="text"/>
			(11)Others (please specify)
8	Floor Size of Structure	1st floor: Length (feet) x width (feet)	(feet)
		2nd floor: Length (feet) x width (feet)	(feet)
		3rd floor: Length (feet) x width (feet)	(feet)

Draw location of structure and GPS recorded

**Head of Household**  
(Sign, Full name)

**Leader of Survey Team**  
(Sign, Full name)

**Representative from SEZ Management Committee, MOC or MNPED**  
(Sign, Full name)

**Township Representative**  
(Sign, Full name)

Signed Date:

**Photo of Household Head and Structure**

1	Household Head	
2	Affected Structure	

**Additional DMS Form**

**PART 1: Socio-Economic Survey**

**B. Profiles of the Project Affected Household**

	Items	April 2013 Census Result	Supplemental Survey
1	Survey Date		
2	Household Number		
3	Name of Household Head		
4	Name of Farther		
5	NRC No.		
6	Address/Tel		

**C. Livelihood Condition of Household**

	Items	April 2013 Census Result	Supplemental Survey
1	Number of Family in a Household	Husband ( ) persons Wife ( ) Son ( ) Daughter ( ) Other ( ) Total ( )	Husband ( ) persons Wife ( ) Son ( ) Daughter ( ) Father ( ) Mother ( ) Others ( ) Total ( )
2	Number of Household Member Working or Gaining Income	/	(13) No job ( ) persons (14) Odd job ( ) (15) Wage worker (long term contract) ( ) (16) Farming rice (summer rice) ( ) (17) Farming rice (monsoon rice) ( ) (18) Farming other crop ( ) (19) Farming vegetables ( ) (20) Handicraft ( ) (21) Government employee ( ) (22) Shop owner ( ) (23) Retired or over working age ( ) (24) Other (please specify)
3	Occupation and Commute Mode Category	<u>Occupation Category</u> (12) No job (13) Odd job (14) Wage worker (long term contract) (15) Farming rice (summer rice) (16) Farming rice (monsoon rice) (17) Farming other crop (18) Farming vegetables	<u>Commuting mode</u> (8) Walk (9) Bicycle (10) Motor bike (11) Bus provided by an employer (12) Ferry bus (13) Taxi Others (please specify)



	Items	April 2013 Census Result	Supplemental Survey
		(19) Handicraft (20) Government employee (21) Shop owner (22) Retired or over working age (23) Others (please specify)	
3a	Worker 1 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3b	Worker 2 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3c	Worker 3 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3d	Worker 4 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3e	Worker 5 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3f	Worker 6 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
36	(add form if there are more than 6 members working or gaining income)		

#### D. Confirmation of Farm Land

##### (6) Farmland in SEZ Class A area

Kwin No	U-pine No	Area (acre)		Product Name	Total Yield/ Year		Remarks
		Interview	SLRD		Amount	Unit	

##### (7) Farmland Outside SEZ Class A area

Township	Kwin No	U-pine No	Area (acre)		Product Name	Total Yield/ Year		Remarks
			Interview	SLRD		Amount	Unit	

Draw location of Farmlands or Map indicating farmlands

**PART 2: Inventory of Asset Loss**

**Measurement Result of Affected House and Shop**

If there are more than two structures in one occupied area, please measure each structure using separate form. If there are more than three structures in one occupied area, please add a form for the 3rd structure.

Measurement Items <sup>1</sup>		Measurement Results	
1	Land Used / Occupied Area-1 (period of usage : months/years)	(9) Residential land (10)Paddy field (summer rice) (11)Paddy field (monsoon rice) (12)Other crops (13)Pasture land (14)Trees (15)Vacant (not using) (16)Others (please specify)	1
2	Total Size of Used / Occupied Area--1	Length (feet) x Width (feet) or Acreage (unit: acre) :	

For 1st Structure in One Boundary

Measurement Items		Measurement Results	
1	Year of Structure Construction		
2	Structure Use Purpose	Census Result in April 2013	Confirmation in Supplemental Survey
		(7) Demolished (specify demolishing year) (8) House (9) Shop (10)Barn for agriculture (11)Barn for livestock (12)Others (spesify)	(7) Demolished (specify demolishing year) (8) House (9) Shop (10)Barn for agriculture (11)Barn for livestock (12)Others(please specify)
3	Number of Floor	1	
4	Material of Structure	Results of Census in April 2013	Confirming by Supplemental Survey
		(1) Roof	
		(2) Frame	
		(3) Wall	
		(4) Ceiling	
		(5) Door	
5	Drinking Water Source	(7) Well (8) From neighborhood lake (9) From neighborhood river (10)From monastery (11)From factory (12)Buy	(11)Well privately owned (12)Well commonly shared with neighborhood (13)From rain barrel (14)From neighborhood lake (15)From neighborhood river (16)From monastery (17)From well in a factory (free of charge) (18)From well in a factory (charged) (19)Buy bottle of water (20)Others (please specify)
6	Toilet	(4) No toilet (5) Hole type toilet (6) Pest control toilet	(5) No individual toilet/shared toilet (6) Hole type toilet (7) Pest control toilet (8) Others (please specify)

7	Kitchen	No information	(12)No kitchen/shared kitchen with neighbors (13)Kitchen inside house (gas oven) (14)Kitchen inside house (kerosene oven) (15)Kitchen inside house (charcoal oven) (16)Kitchen inside house (wood oven) (17)Kitchen inside house (other energy, specify) (18)Kitchen outside house (kerosene oven) (19)Kitchen outside house (charcoal oven) (20)Kitchen outside house (wood oven) (21)Kitchen outside house (other energy, specify) (22)Others (please specify)
8	Floor Size of Structure	1st floor: Length 2nd floor: Length (feet) x width (feet) 3rd floor: Length (feet) x width (feet)	

Draw location of structure and GPS recorded

For 2nd Structure in One Boundary

Measurement Items		Measurement Results	
1	Year of Structure Construction		
2	Structure Use Purpose	Census Result in April 2013	Confirmation in Supplemental Survey
		(7) Demolished (specify demolishing year) (8) House (9) Shop (10)Barn for agriculture (11)Barn for livestock (12)Others (specify) <input type="text"/>	(7) Demolished (specify demolishing year) (8) House (9) Shop (10)Barn for agriculture (11)Barn for livestock (12)Others (Cow Shed) <input type="text"/>
3	Number of Floor		
4	Material of Structure	Results of Census in April 2013	Confirming by Supplemental Survey
		(1) Roof (2) Frame (3) Wall (4) Ceiling (5) Door	No data No data No data No data No data
5	Drinking Water Source	(7) Well (8) From neighborhood lake (9) From neighborhood river (10)From monastery (11)From factory (12)Buy <input type="text"/>	(11)Well privately owned (12)Well commonly shared with neighborhood (13)From rain barrel (14)From neighborhood lake (15)From neighborhood river (16)From monastery (17)From well in a factory (free of charge) (18)From well in a factory (charged) (19)Buy bottle of water (20)Others (please specify) <input type="text"/>
		(4) No toilet (5) Hole type toilet (6) Pest control toilet <input type="text"/>	(5) No individual toilet/shared toilet (6) Hole type toilet (7) Pest control toilet (8) Others (please specify) <input type="text"/>
7	Kitchen	No information	(12)No kitchen/shared kitchen with neighbors (13)Kitchen inside house (gas oven) (14)Kitchen inside house (kerosene oven) (15)Kitchen inside house (charcoal oven) (16)Kitchen inside house (wood oven) (17)Kitchen inside house (other energy, specify) (18)Kitchen outside house (kerosene oven) (19)Kitchen outside house (charcoal oven) (20)Kitchen outside house (wood oven) (21)Kitchen outside house (other energy, specify) (22)Others (please specify) <input type="text"/>
8	Floor Size of Structure	1st floor: Length 2nd floor: Length (feet) x width (feet) 3rd floor: Length (feet) x width (feet)	

--	--	--

Draw location of structure and GPS recorded

**Crops and Trees in Housing Area**

**(1) Crops**

Crop Name	Yield Area (acre)		Unit (please specify)	Yield Amount	
	Total (a)	Within Project Area (b)		Total Amount (c)	Estimated Amount within Project Area (d)

**(2) Annual or Perennial Crop Trees**

Tree Name	Purpose of Use	Yield Area (acre)		Unit (please specify)	No. of Trees		Age of Trees
		Total (a)	Within Project Area (b)		Total No. of Trees (c)	Estimated Number within Project Area (d)	

**(3) Trees for Timber and Wood (count the number of total trees and measure the diameter at the site)**

Tree Name	Purpose of Use	Yield Area (acre)		Unit (please specify)	No. of Trees		Tree High	Tree Diameter	Age of Trees
		Total (a)	Within Project Area (b)		Total No. of Trees (c)	Estimated Number within Project Area (d)			

**(4) Other Trees (count the number of total at the site)**

Tree Name	Purpose of Use	Unit (No.)	Total No. of Trees	No. of Trees within Project Area	Age of Trees

**Photo of Household Head and Structure**

1	Household Head	
2	Affected Structure	

Head of Household  
(Sign, Full name)

Leader of Survey Team  
(Sign, Full name)

**Representative from SEZ  
Management Committee,  
MOC or MNPED**  
(Sign, Full name)

Township Representative  
(Sign, Full name)

Signed Date:

**APPENDIX IV-3      RESETTLEMENT WORK PLAN FOR  
PHASE 1/ ZONE A**

**Resettlement Work Plan (RWP)**  
**for**  
**Development of Phase 1 Area**  
**Thilawa Special Economic Zone (SEZ)**

**November 2013**

**Yangon Region Government**

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### List of Abbreviations

ADB	Asian Development Bank
COD	Cut-off Date
DHSHD	Department of Human Settlement and Housing Development
DMS	Detailed Measurement Survey
EIA	Environmental Impact Assessment
FDI	Foreign Direct Investment
FY	Fiscal Year
GAD	General Administration Department
GIS	Geographic Information System
GOM	The Government of the Republic of the Union of Myanmar
GPS	Global Positioning System
HH	Household
IRP	Income Restoration Program
IRPISC	Income Restoration Program Implementation Sub-Committee
ILO	International Labor Organization
IOL	Inventory of Loss
JETRO	Japan External Trade Organization
JICA	Japan International Cooperation Agency
JV	Joint Venture
MITT	Myanmar International Terminals Thilawa
MMK	Myanmar Kyat
MOAI	Ministry of Agriculture and Irrigation
MOC	Ministry of Construction
MOECFAF	Ministry of Environmental Conservation and Forestry
MOI	Ministry of Industry
MOLF	Ministry of Livestock and Fishery
MONPED	Ministry of National Planning and Economic Development
NGO	Non Governmental Organization
ODA	Official Development Assistance
OP	World Bank Operational Policy
PAHs	Project Affected Households
PAPs	Project Affected Persons
RISC	Relocation Implementation Sub-Committee
RWP	Resettlement Work Plan
SEZ	Special Economic Zone
SLRD	Settlement and Land Record Department

TOR	Terms of Reference
TKDC	Thanlyin-Kyauktan Development Company
TSMC	Thilawa SEZ Management Committee
YRG	Yangon Region Government
WB	The World Bank



## Acronyms

<b>Project Affected Persons (or Households)</b>	Persons (or households) affected by the project (Phase 1)
<b>Cut-Off Date</b>	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.
<b>Detailed Measurement Survey (DMS)</b>	The detailed survey of affected assets in order to examine impact to be caused due to project implementation
<b>Entitlement</b>	Range of assistance measures including: i) assistance for loss of assets, income source and resettlement, ii) assistance for vulnerable groups, and iii) special arrangement of relocation site and income restoration program, in accordance with the nature of loss, to restore their economic and social base
<b>Relocation</b>	Physical displacement from the original location to the relocation site
<b>Replacement Cost</b>	Cost of replacing loss of assets without considering depreciation
<b>Resettlement</b>	Comprehensive social and economic activities to restore livelihood at the relocation site including payment of assistance amount, relocation activity (i.e. physical displacement from the original location to the relocation site), income restoration program and monitoring
<b>Vulnerable Groups</b>	Distinct groups of people who might suffer disproportionately from resettlement effects. A household headed by woman, disabled person and elderly (over 61 years old) and a household including a member of disabled person are regarded as the vulnerable group in this project.

## CHAPTER 1 INTRODUCTION

### 1.1 Background

Myanmar has been showing rapid progress towards democratization and market economy since new administration led by President H.E. Thien President was established in November 2011. With the target of achieving sustainable economic development, Myanmar government is considering the necessity of economic restructuring from the current structure that mainly depends on agriculture, forestry, and fishery like many other countries, to a new structure that focuses on labor-intensive industries such as manufacturing and services. To boost such economic restructuring, it has been proposed to attract direct investment and a market entry by companies from developed countries that have important resources such as technology, capital, management skills, and sales skills. Under the circumstances, Myanmar government places a priority on attracting Foreign Direct Investment (FDI) in order to achieve an economic development, especially in Thilawa, Dawei, and Kyaukphyu as Special Economic Zone (SEZ). SEZ is expected to play an important role which promotes the investment environment for private investors. The Union Government of Myanmar is now promoting the development project of Thilawa SEZ as one of its priority policies for inviting direct investment to the country. The Thilawa SEZ development has been proposed to provide foreign investors with land for factories, promoting the country's industrialization as well as generating jobs for the Myanmar people. Through this project, it is expected that the whole country will achieve sustainable economic development with improved people living standards and expanded industries meeting domestic demand represented by retail and service industries.

### 1.2 Location of Thilawa SEZ

Thilawa SEZ is located in Yangon Region and about 20 km southeast side of Yangon city as shown in Figure 1-1. Thilawa SEZ covers an area with about 2,400 ha along the Thilawa port.

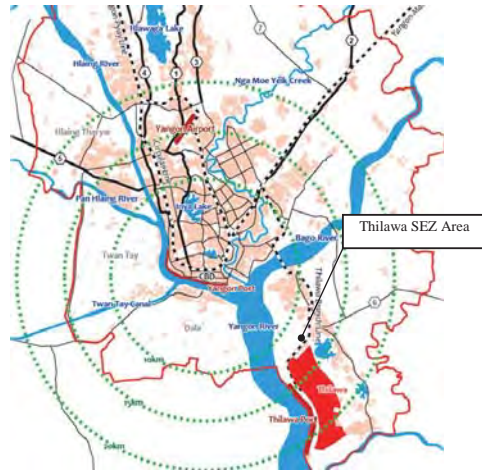


Figure 1-1 Location of Thilawa SEZ Development Area

### 1.3 Outline of the Project (Phase 1)

The land use plan for the entire development area of Thilawa SEZ has been prepared based on the development concept and development frame. The development area is classified into Phase 1 (Class A) and Phase 2 (Class B) areas. These areas differ in development priority and investment attraction.

The Phase 1 area has been selected to be developed with priority. This is because this area is relatively nearer to Yangon city and continuous and relatively good shaped land to prepare efficient infrastructure could be secured. In addition, this area has higher ground elevation with a low risk of flood, as a result, the land filling costs could be minimized. The location of Phase 1 development areas is shown in Figure 1-2.

The target development of the Phase 1 area will be in 2015 as advanced development area. The Phase 1 area is planned to be developed as a base in receiving aggressive investment from the Japanese companies. This area also aims to attract international brand companies (anchor tenants), which will become the core of Thilawa SEZ. With a view of Myanmar's future economic development, by attracting anchor tenants, SEZ is expected to progress the development of supporting industries integrated in the supply chain of the factories. It is also expected that these activities will comprehensively produce great labor demand that could lead to economic attraction and efficiency.

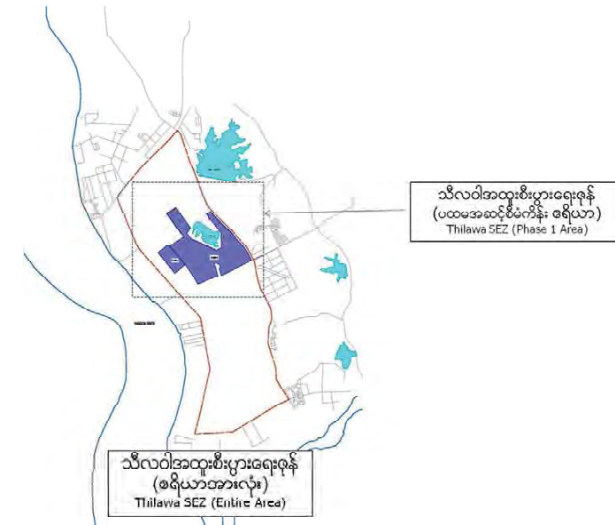


Figure 1-2 Location of Phase 1 Development Area

### 1.4 Measures Considered to Minimize Resettlement

In order to mitigate impacts incorporating appropriate environmental and social mitigation measures, Phase 1 area is selected to be developed as a priority. In addition, Phase 1 area is taken account to minimize Project Affected Persons (PAPs). The finalized development area of Phase 1 is shown in Figure 1-3.

Besides the Phase 1 area, there are the areas possessed by Ministry of Industry (MOI). Since these areas are not included in Thilawa SEZ, the households and cultivating areas in these areas are expected to remain in the future.

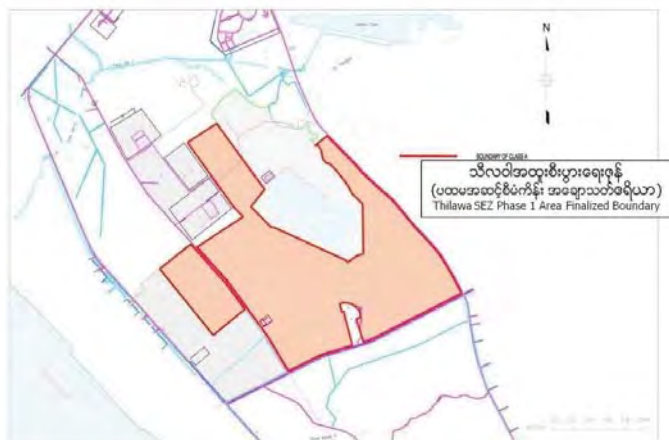


Figure 1-3 Finalized Development Area of Phase 1

### 1.5 Necessity of Resettlement

Although the above measures have been taken into consideration in the project area planning, resettlement of 65 households is unavoidable for the development of Phase 1 area. In addition, 16 households, which are located outside of the Phase 1 area, are cultivating in the Phase 1 development area. These areas will be also affected by the development of the Phase 1 area.

## CHAPTER 2 RESETTLEMENT SCOPE

### 2.1 Status of the Project Area

Basically, all of lands inside the Project Area (Phase 1) were acquired by the Myanmar Government in 1997, in accordance with the Land Acquisition Act 1894<sup>1</sup>. Therefore, current legal ownership of the land is within the hand of the Myanmar Government.

This 1997 land acquisition was aimed for the Thanlyin-Kyauktan Industrial Zone Development (1,230 ha), which was planned to be developed and managed by the Thanlyin-Kyauktan Development Company (TKDC), a joint venture between the Department of Human Settlement and Housing Development (DHSHD), Ministry of Construction (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 the DHSHD, MOC between 1998 and 1999<sup>2</sup>. The land was then transferred to the Thilawa SEZ Management Committee in March 2013<sup>3</sup>.

During the 1997 land acquisition, farmers and residents inside the proposed Thanlyin-Kyauktan Industrial Zone Development received compensation for the farmland, resettlement assistance, and provided relocation sites for their residences. 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, households migrated inside the acquired land.

### 2.2 Resettlement Scope

In consideration of the past and current prevalent situations surrounding the Project and the Project Area the resettlement principle of the Project is summarized as follows:

- In principle, compensation of land in the Project Area (Phase 1) had been completed in 1997 and compensation of Phase 1 land area will not be covered in the assistance package for PAPs.
- Persons and households either that lived or utilized the land inside the Project Area (Phase 1) on the cut-off date are eligible for entitlement of assistance (refer 5.1 for details).
- 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 (refer 5.2 for details).

<sup>1</sup> Notices for acquisition were issued in accordance with Land Acquisition Act 1894, Article 9 (1), (3).

<sup>2</sup> Based on Letters issued by Yangon South District General Administration Department Land Acquisition Collector's Office (letter No.:4/6-3/Oo1, dated 11 June, 1998; letter no.:4/6-3/Oo1, dated 4 April, 1999; and other letters)

<sup>3</sup> Based on Letters issued by Yangon South District General Administration Department Administrator's Office (letter No.:4/2-32/Oo1(52), dated 14 March, 2013; letter No.:4/2-32/Oo1(53), dated 14 March, 2013)

Taking in to account of the above resettlement principles and results of the detail measurement survey (refer 3.2 for details), the resettlement scope of the Project, in terms of Project Affected Households (PAHs)/PAPs is summarized in Table 2-1:

**Table 2-1 Project Resettlement Scope**

Category	No. of Households (PHAs)	No. of Persons (PAPs)
A: Households living inside Phase 1 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 area (but living inside SEZ area) (Basically paddy farmers)	5	22
C: Household cultivating inside Phase 1 area but living outside Phase 1 area (and living outside SEZ area) (Basically paddy farmers)	11 <sup>1</sup>	68 <sup>2</sup>
Total	81	382

Remarks

- 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.

## CHAPTER 3 SOCIO-ECONOMIC PROFILE

### 3.1 Census and Socio-economic Survey (April, 2013)

From 4 to 26 April, 2013, field surveys of census and socio-economic survey (April Census) for all of households living inside Thilawa SEZ development area (approximately 2,400 ha) was conducted by a survey team consisted of representatives from MOC, Ministry of National Planning and Economic Development, township level General Administration Department, Development Affairs, Land Record Department, Immigration Department, Police, and Ward/ Village Tract Administrators. All of households observed inside SEZ area during the eight days of field survey were surveyed and recorded based on pre-determined questionnaire form. According to the April Census, 1,066 households (HHs) were identified in the entire SEZ area. However, houses already demolished and houses which were vacant were not full surveyed during the April Census.



**Figure 3-1 Household Distributions of April Census**

Breakdown and locations of households surveyed in the April Census and households which are inside Phase 1 area (90: indicative as of April Census) are described in Table 3-1 and Figure 3-1.

**Table 3-1 Number of Households (HHs) Surveyed in April Census and Assumed Phase 1 HHs**

Group	HH Number	Existing HH Number	Assumed Phase 1 HH <sup>1</sup>	Remarks
A	A1- A269	257	1	
B	B1- B345	307	9	
C	C1- C61	56	59	3 un-surveyed HHs 7 demolished HHs were confirmed
KC	KC1- KC25	19	21	2 un-surveyed HHs and 2 demolished HHs were confirmed
D	D1- D48	39		
E	E1- E167	152		
LE	LE1- LE6	6 <sup>c</sup>		all demolished <sup>d</sup>
F	F1 – F143	93		
G	G 1- G110	107		
H	H1- H55	30		
Total		1,066	90	

Remark 1: The number of households assumed living inside Phase 1 boundary at the time of 4 April 2013.

### 3.2 Detail Measurement Survey (June, July and August 2013)

Detail Measurement Survey (DMS), aimed to supplement the April Census's socio-economic survey (Census) and to confirm assets of PAHs, was conducted between June and August 2013 to the final Phase 1 boundary determined in early July 2013. A framework of the DMS is summarized in Table 3-2. DMS forms are enclosed in Annex 1.

**Table 3-2 Summary of Detail Measurement Survey**

Items	Description
1 Survey period	June 18 to July 26, 2013 and August 20 and 21, 2013
2 Survey area	Final Phase 1 boundary
3 Survey methodology	Conduct by household head, Township representatives, SEZ Management Committee representatives and survey team jointly (Four Parties Measurement)
4 Survey contents	Confirmation of location of each HH (with coordinate), house/hut and other structures Confirmation of inventory of eligible people Detail survey of income and its earning source(s) or production levels

#### 3.2.1 Number of Project Affected Households and Persons

Based on conditions for cut-off date of eligibility (refer 5.1) and results of the DMS, PAHs are broadly divided into following three PAH categories.

A: Living Inside Phase 1 (relocation required)

B: Living Outside Phase 1 (but inside SEZ) & Cultivating Inside Phase 1

C: Living Outside Phase 1 (and outside SEZ) & Cultivating Inside Phase 1

As of the end of September 2013, a total of 81 households are regarded as eligible PAHs, with total population of 382. Out of 81 households, 28 households cultivate farmland, total of approximately 202 acres, inside the Project Area. A PAH category-wise outline of PAHs is described in Table 3-3.

**Table 3-3 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	65	292	99	14	132.67
B: Living Outside Phase 1 (but inside SEZ) & Cultivating Inside Phase 1	5	22	8	5	34.41
C: Living Outside Phase 1 (and outside SEZ) & Cultivating Inside Phase 1	11	68	23	9	35.10
Total	81	382	130	28	202.18

Remark: 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 April Census, number of affected households and area of affected farmland were modified accordingly.

### 3.2.2 Profile of Project Affected Households

Profiles of project affected households (PAHs) identified through DMS are shown in Tables 3-4 to 3-7.

**Table 3-4 Ethnicity of PAHs**

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

**Table 3-5 Religion of PAHs**

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

**Table 3-6 Daily Language used by PAHs**

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

**Table 3-7 Education Level of PAHs**

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

Remark: Information of education is based on Census 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.

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

Table 3-8 shows total house-floor size including earth floor of PAHs living inside Phase 1 and SEZ (outside of Phase 1 but inside SEZ) separately. According to DMS results, range of floor size inside Phase 1 is from around 45 ft<sup>2</sup> to 627ft<sup>2</sup> with an average of around 200ft<sup>2</sup>.

**Table 3-8 Type and Average Floor Size of Structures of PAHs**

Category	House (ft2)	Other Housing Structure (ft2)	Agriculture Structure (ft2)
A: Living Inside Phase 1	200	58	227
B: Living Outside Phase 1 (but inside SEZ) & Cultivating Inside Phase 1	215	0	228
C: Living Outside Phase 1 & Cultivating Inside Phase 1	184 <sup>1</sup>	n.a.	110 <sup>2</sup>

Remark 1: Information from 2 households is available.  
2: Information from 2 households is available.

Type and number of livestock raised by PAHs are outlined in Table 3-9.

**Table 3-9 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	146	35	66	923	1
B: Living Outside Phase 1 (but inside SEZ) & Cultivating Inside Phase 1	21	0	10	93	0
C: Living Outside Phase 1 & Cultivating Inside Phase 1	23	0	18	62	1

Total	190	35	94	1,078	2
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The types and quantities of trees/ crops were identified during DMS. Table 3-10 summarizes PAH category-wise crop and tree quantities.

**Table 3-10 Crop and Tree Grown by PAHs**

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

Inventory of movable assets of PAHs were also made and summarized by PAH category in Tables 3-11 to 3-13. Basically most of movable assets can be relocated or used even after resettlement, except for some agricultural equipment in case PAH cannot continue farming.

**Table 3-11 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	0	0	4	6	11	6	1
B: Living Outside Phase 1 (but inside SEZ) & Cultivating Inside Phase 1	1	0	0	1	1	2	1
C: Living Outside Phase 1 & Cultivating Inside Phase 1	2	1	1	1	1	5	0
Total	3	1	5	8	13	13	2

**Table 3-12 Movable Assets of PAHs (2)**

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

**Table 3-13 Movable Assets of PAHs (3)**

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

### 3.2.4 Impacts on Livelihood and Income Sources

#### (1) Income Source

Among the PAPs, the odd job (casual labor) dominates the project area. As for main income source, 46.8% of PAHs rely on the odd job. The second dominant income source is rice farming in which 20.6% of PAHs are engaged. See Table 3-14 for the details.

**Table 3-14 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	

#### (2) Household livelihood

The annual household income of PAHs is a range of 180,000-54,000,000 Kyats with the average of 1,464,217 Kyats for the main income and 498,265 Kyats for the secondary income as shown in Table 3-15.

**Table 3-15 Average Household Income of PAHs**

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

#### (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 3-16.

**Table 3-16 Average Annual Food and Non-food Expenditure of PAHs**

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

### 3.2.5 Vulnerable Households

Since there is no official definition of vulnerable groups in Myanmar, the project defines a household headed by woman, disabled person or elderly (over 61 years old), a household including a member of disabled person or a household below the poverty line<sup>4</sup> as vulnerable households by referring international practices. Table 3-17 outlines vulnerable households of the Phase 1 area (including households living outside Phase 1 but doing agriculture activity inside Phase 1).

**Table 3-17 Outline of Vulnerable Households**

Category	No. of Households
Households headed by woman	3
Households headed by disabled person	2
Households headed by elderly	7
Households below the poverty line <sup>5</sup>	10
Households including a member of disabled person	1
Total	23

<sup>4</sup> 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 kyats 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 kyats per adult equivalent per year as the poverty line.

<sup>5</sup> Total of food and non-food expenditure is compared with 376,151 kyats 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 4 LEGAL FRAMEWORK

### 4.1 Relevant Laws and Regulations in Myanmar

Currently in Myanmar, there is no law stipulating land acquisition and resettlement comprehensively. The Land Acquisition Act, enacted in 1894, is still the legal basis for land acquisition in current Myanmar. The Land Nationalization Act 1953 which was repealed by the Farmland Law 2012, determines nationalization of farmlands and procedures for conversion of farmlands for other purposes (La Na 39). The land acquisition of the Project Area has been mainly done in accordance with the Land Acquisition Act 1894 and the Land Nationalization Act 1953.

Resettlement related issues are depicted in some of existing laws and regulations. However, in most of cases, details such as procedures and conditions related to resettlement issues are yet to be determined.

Table 4-1 indicates relevant Myanmar laws and regulations for land acquisition and resettlement which are applicable to lower Myanmar where the Project Area is located.

**Table 4-1 Major Laws for Land Acquisition/ Resettlement**

<ul style="list-style-type: none"><li>· Farmland Law, 2012</li><li>· Farmland Rules, 2012</li><li>· Vacant, Fallow and Virgin Lands Management Law, 2012</li><li>· Vacant, Fallow and Virgin Lands Management Rules, 2012</li><li>· Special Economic Zone Law 2011</li><li>· Constitution of the Republic of the Union of Myanmar, 2008</li><li>· Forest Law, 1992</li><li>· Transfer of Immovable Property Restriction Law, 1987</li><li>· The Law Amending the Disposal of Tenancies Law, 1965</li><li>· The Lower Burma Town and Village Land Act, 1899</li><li>· Land Acquisition Act, 1879 (Amended in 1937 (Adaptation of Laws Orders), and 1940 (Burma Act 27)</li><li>· The Land and Revenue Act 1876 (Amended in 1945 (Burma Act No 12), 1946 (Burma Act No 64), and 1947 (Burma Act No 6)</li><li>· The Lower Burma Land Revenue Manual, 1876</li><li>· Development Committee Law, 1993</li><li>· Directions of Central Land Committee</li></ul>
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Source: Prepared based on "Guidance Note on Land Issues Myanmar" UNHCR, UNHABITAT

### 4.2 International Practices on Resettlement

Most international funding organizations and donors developed policies and guidelines for environmental social considerations including resettlement occurring under development projects. In principle, international practices on resettlement are conducted based on these policies and guidelines. Major policies and guidelines applicable for resettlement are listed hereunder:

- World Bank (WB) Safeguard Policy : Operational Policy on Involuntary Resettlement (OP 4.12)

- JICA Guidelines for Environmental and Social Considerations (April, 2010)
- Asian Development Bank (ADB) Safeguard Policy: Safeguard Policy Statement 2009 (SPS)

In Myanmar, currently, ADB's safeguard policy is often referred, especially for Environmental Impact Assessment (EIA), in the developing projects, but not much applied for resettlement issues in Myanmar yet. JICA Guidelines cite WB Safeguard Policy, OP 4.12 Annex A for the preparation of the resettlement action plan.

### 4.3 JICA Policies on Resettlement

JICA has policies on resettlement, which are stipulated in JICA Guidelines on Environmental and Social Considerations (April, 2012). The key principle of JICA policies on involuntary resettlement is summarized below:

- a) Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives.
- b) When, population displacement is unavoidable, effective measures to minimize the impact and to compensate for losses should be taken.
- c) People who must be resettled involuntarily and people whose measures 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.
- d) Compensation must be based on the full replacement cost as much as possible.
- e) Compensation and other kinds of assistance must be provided prior to displacement.
- f) 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.
- g) In preparing a resettlement action plan, consultations must be prompted in the planning, implementation, and monitoring of resettlement action plans.
- h) 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.

- i) 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 advance of such benefit.
- j) 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.
- k) Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.



- l) Provide support for the transition period (between displacement and livelihood restoration).
- m) 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.
- n) For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared.

#### 4.4 Gap Analysis and Gap Filling Measures

The comparison between the Government's laws/regulations and JICA Guidelines for Environmental and Social Considerations (April, 2010) are shown in Table 4-2. Annex 2 shows gap analysis between the Government's laws/regulations, World Bank Safeguard Policy and ADB Safeguard Policy.

**Table 4-2 Comparison Between Laws in Myanmar and JICA Guidelines**

No.	JICA Guidelines	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 as described in Section 1.4.
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.	-
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)	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.	There is no significant difference.	-

No.	JICA Guidelines	Law in Myanmar	Gap Between Laws in Myanmar and JICA Guidelines	Measures to Filling Gap
		(Farmland Rules (2012) Art. 67)		
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 planned to be provided by dividing in a few times (not providing all amount in one time before displacement) in order to manage provided assistance amount properly.
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.	Resettlement Work Plan (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	Ditto	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.
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 date of compensation award, whichever	The procedure of grievance in the Myanmar context is direct settlement at the court, which is not necessarily easy or accessible to PAPs.	The project establishes the grievance redress mechanism by utilizing the existing administration system to be convenient for PAPs.

No.	JICA Guidelines	Law in Myanmar	Gap Between Laws in Myanmar and JICA Guidelines	Measures to Filling Gap
		period shall be first expire (Land Acquisition Act (1894) Art. 18)		
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 advance 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 June to August 2013 for identifying number of affected households as well as their socio-economic condition.
12.	Eligibility of benefits includes, 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.
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	Not Applicable	There is no regulation stipulating to provide particular attention to the vulnerable groups.	Additional support for the vulnerable groups is provided.

No.	JICA Guidelines	Law in Myanmar	Gap Between Laws in Myanmar and JICA Guidelines	Measures to Filling Gap
	minorities etc. (WB OP4.12 Para.8)			
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		The project requests more than 200 people of displacement, and prepares resettlement work plan accordingly.

## CHAPTER 5 ASSISTANCE PACKAGE FOR THE PROJECT AFFECTED PEOPLES (PAPs)

### 5.1 Eligibility of Assistance Package

The cut-off date (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<sup>6</sup>. The delineated project area is disseminated to public in order to avoid influx of population into the project area, and persons who occupy the project area after COD are not eligible for resettlement assistance. The COD is normally the day of census begins according to World Bank Safeguard Policy OP 4.12. Based on this concept, the COD for this project is declared on 4 April 2013. The COD is announced formally by the Yangon Region Government through the notice on the boards in the public area.

Three official notices have been issued so far: 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. 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. The Yangon Region Government (YRG) considers the necessity to assist these households already moved from the project area due to three official notices same as household identified on the COD from the view of fairness.

In the light of these concerns, types of households eligible for assistance package are shown below:

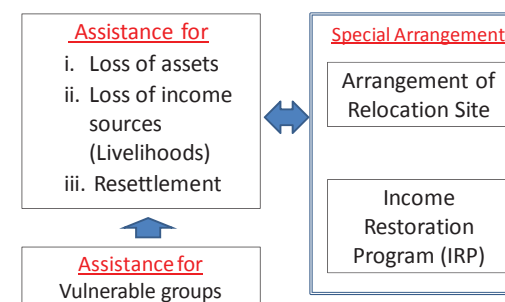
- a) Households surveyed by the Census of April 2013 and live inside Phase 1 area
- b) Households not surveyed by the Census of April 2013, but confirmed habitation inside Phase 1 area on the cut-off date
- c) Households surveyed by the Census of April 2013 though they did not live inside Phase 1 area 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 area but living outside of Phase 1 area on the cut-off date

<sup>6</sup> Persons/households doing income generation activities inside the project area but living outside the project area is also eligible for assistance according to OP4.12.

## 5.2 Principle of Assistance Package

### 5.2.1 Contents of Assistance Package

Assistance package of the project is 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 relocation site and income restoration program).



**Figure 5-1 Framework of Assistance Package**

i) Assistance for loss of assets, income source, and resettlement:

- Loss of house is assisted by providing substitute house at the relocation site or necessary amount of house construction costs for those who prefer to construct a house at the relocation site by themselves. In the latter case, the houses are constructed based on specifications provided by YRG. Necessary construction cost is provided according to progress of house construction. If floor area of a substitute house at the relocation site is smaller than a currently living house, difference is assisted by providing the current market price of materials for different floor area. Assurances for losses of another fixed asset (livestock barn), movable assets for large livestock (buffalo and cow) and agriculture machines<sup>7</sup> are also provided.
- Loss of means of livelihood is 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 is provided. As for non land-based income source, sufficient allowance of wage for the period of disrupting income generation activity due to relocation is provided.
- In addition to assistance for loss of assets and income sources, monetary assistance for moving, commuting and cooperation for relocation is provided to enhance smooth relocation and to support commuting after relocation.

<sup>7</sup> Assistance for agriculture machines is provided only the case where using them after relocation is impossible.

ii) Assistance for vulnerable groups

- Assistance for vulnerable groups is provided since relocation affects vulnerable groups more severely than those that are better off. As mentioned in Section 3.2.4, the project defines a household headed by woman, disabled person or elderly (over 61 years old), a household including a member of disabled person or a household below the poverty line as vulnerable groups by referring international practice.

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

- Relocation site with house and necessary infrastructure is provided near the project area in order to keep the similar living and social conditions.
- Income restoration program is provided to enhance vocational opportunities of PAPs (See 5.2.2).

**5.2.2 Contents of Income Restoration Program (IRP)**

- i) Income Restoration Program (IRP), which is in-kind assistance, is provided in order to restore and stabilize income source of PAPs.
- ii) In the project area, main income sources of PAPs derive from daily casual work and farming, such as cultivation of paddy rice and cash crops. Most farmers, in particular, will lose the current earning source from relocation. IRP supports the PAPs in necessary techniques to get new income earning activities and empowers people to find stable jobs through a series of vocational trainings, technical advice, and so on. IRP assists PAPs to especially get the job opportunities in/around Thilawa SEZ as skilled labor, and to be engaged in small scale business and factory.
- iii) IRP will be 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

**5.3 Entitlement Matrix**

Entitlement matrix shows the following: i) application, ii) entitled person, iii) assistance policy, and iv) consideration for implementation issues, in accordance with the nature of loss to restore economic and social livelihood of PAPs.

The Entitlement Matrix of the project is presented in Table 5-1, which is developed based on the impact identified through census conducted in April 2013, DMS conducted in June, July and August 2013 (DMS), records of Settlement, Land and Resettlement Department (SLRD) in respective townships and the outcome of comparison between international practices and laws and regulations in Myanmar as described in Section 4.3.

**Table 5-1 Entitlement Matrix**

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
<b>I. Assistance for Loss of Assets</b>				
<b>1-1. Fixed Assets</b>				
(1) House	House inside the Phase 1 area	Owner of the house	<ul style="list-style-type: none"> <li>- A substitute house with necessary infrastructure in a relocation site, OR</li> <li>- Cash assistance for house construction for those who prefer to construct a house by themselves, AND</li> <li>- Cash assistance to difference in floor area if it is smaller in a substitute house than a currently living house</li> </ul>	<ul style="list-style-type: none"> <li>- YRG arranges a relocation site, constructs houses and necessary infrastructure.</li> <li>- For those who construct a house by themselves, house construction costs are provided if a house satisfies specifications given by YRG.</li> </ul>
	House previously existed inside the Phase 1 area but demolished due to notices or natural disaster	Owner of the house	<ul style="list-style-type: none"> <li>- A substitute house with necessary infrastructure in a relocation site, OR</li> <li>- Cash assistance for house construction for those who prefer to construct a house by themselves, AND</li> <li>- Cash assistance to difference in floor area if it is smaller in a substitute house than a previously living house</li> </ul>	- Ditto
	<ul style="list-style-type: none"> <li>- Cultivating inside the Phase 1 area, AND</li> <li>- Locating a house outside the Phase 1 area but inside SEZ area</li> </ul>	Owner of the house	<ul style="list-style-type: none"> <li>- A substitute house with necessary infrastructure in a relocation site, OR</li> <li>- Cash assistance for house construction for those who prefer to construct a house by themselves, AND</li> <li>- Cash assistance to difference in floor area if it is smaller in a substitute house than a previously living house</li> </ul>	<ul style="list-style-type: none"> <li>- Ditto</li> <li>- For those who prefer to move to a relocation site under this assistance package are provided houses at a relocation site.</li> </ul>

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
(2) Other Structures (livestock barn)	Livestock barn inside the Phase 1 area	Owner of the livestock barn	- Cash assistance in 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.
(3) Standing Rice/Vegetable/Trees	Rice/vegetable/trees grown inside the Phase 1 area	Those who cultivating rice/vegetable/trees inside the Phase 1 area	- To be assisted as a part of assistance for loss of income sources	
<b>1-2. Movable Assets</b>				
(1) Livestock (cow/buffalo for agriculture or milk)	Livestock (cow/buffalo for agriculture or milk) farmed inside the Phase 1 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
<b>2. Assistance for Loss of Income Sources/Livelihood (regardless of main or secondary income)</b>				
<b>2-1. Land-Based Income</b>				
(1) Paddy Farmer	Income obtained from rice cultivated inside the Phase 1 area	Those who obtain income from cultivating rice inside the Phase 1 area	<ul style="list-style-type: none"> <li>- Cash assistance for six (6) times of yield amount in total in the current market price, AND</li> <li>- Participate in IRP</li> </ul>	- 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 area	Those who obtain income from cultivating vegetable and/or tree inside the Phase 1 area	<ul style="list-style-type: none"> <li>- Cash assistance for four (4) times of yield amount and/or number of trees in total in the current market price, AND</li> <li>- Participate in IRP</li> </ul>	- Assistance amount is calculated based on yield amount and/or number of trees confirmed at DMS

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
(3) Livestock Farmer (cow for milk)	Income obtained from livestock (cow for milk) farmed inside the Phase 1 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
<b>2-2. Non Land-Based Income</b>				
(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 Kyats/day/person (28,000 Kyats in total per person), AND - Participate in IRP if interested	
<b>3. Resettlement Assistance</b>				
(1) Moving Cost		All households living inside the Phase 1 area	- One-time cash assistance of 150,000 Kyats (lump-sum) per household	
(2) Commuting Assistance		All persons whose work place become farer due to relocation	- One-time cash assistance of 72,000 Kyats (lump-sum) per wage worker	
		All school students who need to change schools due to relocation	- One-time cash assistance of 30,000 Kyats (lump-sum) per school student	
(3) Cooperation Allowance		All households who cooperate on-time relocation	- One-time cash assistance of 100,000 Kyats (lump-sum) per household	
<b>3. Assistance for Vulnerable Groups</b>				
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	Assistance is provided to the following persons of vulnerable groups in the Phase 1 area: - Disabled person and one support person in a family (total two persons), - Elderly person and one	- One-time cash assistance of 25,000 Kyats 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

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
	defined as vulnerable groups in this project	support person in a family (total two persons), - Unemployed persons <sup>1</sup> in a woman-headed household, AND - Unemployed persons in a household below poverty line of 2010 <sup>2</sup>		

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 defined in Poverty Profile in June 2011 prepared by UNDP, UNICF, SIDA and Ministry of National Planning and Economic Development

## CHAPTER 6 RELOCATION SITE

### 6.1 Relocation Site Plan

#### 6.1.1 Location of Relocation Site

A proposed relocation site for the PAHs is located in Myaing Tharyar Ward, Kyauktan Township and near the Bant Bway Kon Dam as indicated in Figure 6-1. The site belongs to DHSHD, MOC. Currently, approximately 24 acres of land is available behind already established housing development area developed by DHSHD. Out of 24 acres, the total area to be developed for Project's relocation will be approximately 3 acres. The relocation site is approximately 4.5 to 8 km away from houses of PAHs who live in Phase 1 area.

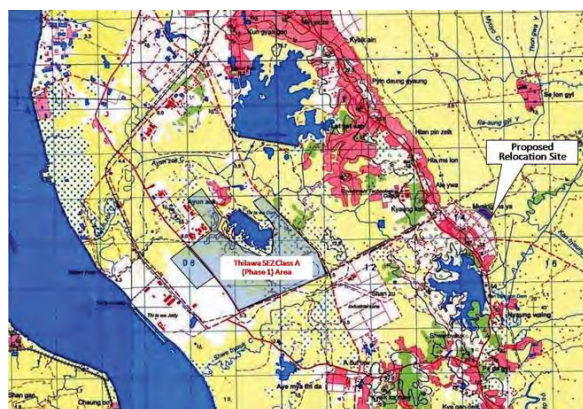


Figure 6-1 Location of Proposed Relocation Site

#### 6.1.2 Housing, Infrastructure and Social Service at Relocation Site

In principle, a housing plot will be provided to PAHs living or lived in the Phase 1 area and PAHs living outside Phase 1 area but inside SEZ area, who have intention to move into the relocation site. Table 6-1 describes major infrastructures scheduled to be developed upon establishment of the relocation site.

Table 6-1 Relocation Site Measure Features

No	Features	Size/ Quantity
1	Total area of relocation site	Approximately 3 acres
2	Total number of housing plot	65 in minimum
3	Size of each housing plot	25' x 50'
4	Infrastructure to be developed	
	- Road (12' width of concrete paved road)	2,000 ft
	- 2" hand pump well	6 no
	- Arrangement of electric distribution at each house	1 set

No	Features	Size/ Quantity
	including installing electricity meter	

PAHs have options to be provided houses in kind or to construct it by themselves at the relocation site.

Although, newly developed infrastructures are limited to items indicated in Table 6-1, PAHs can access to existing social infrastructure in a vicinity of the relocation site. Already established housing development area, at the front of the relocation site, was originally developed for relocation of residents affected by construction of Bant Bway Kon Dam, located at south-east of Thilawa Phase 1 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 6-2 describes available and accessible social service infrastructure at vicinity of the relocation site.

Table 6-2 Available Social Service at Vicinity of Relocation Site (as of September 2013)

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	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

Details of the relocation site and available/ accessible social service infrastructure are illustrated in Figure 6-2.

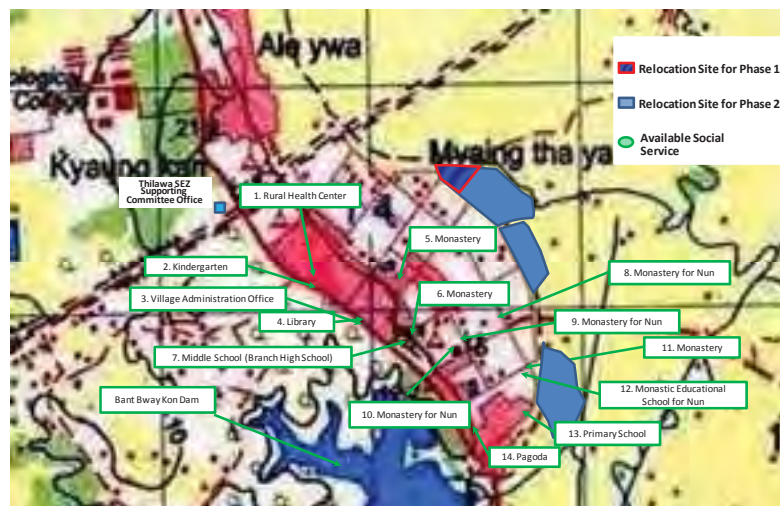


Figure 6-2 Proposed Relocation Site (as of September 2013)

## 6.2 Environmental and Social Considerations on Relocation Site

The relocation site was used as paddy, but currently, it is open space at the moment. According to the resettlement, the relocation site will be altered to the residence place with construction and installation of housing, electricity, water source (hand pumps) and access road. The environmental and social considerations at the relocation site is summarized in Table 6-3.

Table 6-3 Environmental and Social Considerations on the Relocation Site

Items	Environmental and Social Considerations on Relocation Site
Natural Environment	<p><b>Flora, Fauna and Biodiversity</b> The open space previously used as paddy is planned to be used for the relocation site. Since the land already used will be used for relocation 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 relocation 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><b>Involuntary Resettlement</b> No involuntary resettlement is requested since the area is now open space.</p> <p><b>Local Economy</b> Positive impact during construction of the relocation site and after people's relocation are anticipated by creating job opportunities in and around the relocation site.</p> <p><b>Land Use</b> The open space previously used as paddy is planned to be used for the relocation site, which is not new alternation of land use. Therefore, impact to land use is not anticipated.</p> <p><b>Conflict of interest within the region</b> Host community near the relocation site consists of the resettled peoples at the construction of Zar Mani Dam in 1996. To avoid the conflict and facilitate the acceptance of PAPs in the relocation site, the consultation meeting is planned to be held with host community.</p> <p><b>Consideration for women and children at PAHs</b> 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 relocation site, children can be benefited from educational condition.</p>
Pollution	<p><b>Water Pollution</b> 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><b>Noise, Vibration and Solid Waste</b> Relocation 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 relocation 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>



## CHAPTER 7 INCOME RESTORATION PROGRAM

### 7.1 Approach of Income Restoration Program

Income Restoration Program (IRP), which is in-kind assistance, is provided in order to restore and stabilize the livelihood activities and income source of PAPs. IRP focuses on diversified economic activity for PAPs to generate earned income in a short period which will be able to cover the basic needs of PAPs after relocation. It supports for capacity development of PAPs in necessary techniques for income earning activity and empowers PAPs to obtain stable job opportunity.

IRP targets the stable livelihood of PAPs while taking advantage of the development of economic activity in Thilawa SEZ area. Figure 7-1 shows the image of expected positive relation between degree of SEZ economic activities and income level of PAPs for the next several years. Expected income earning opportunities in / around SEZ area are shown at the right hand side in Figure 7-1.

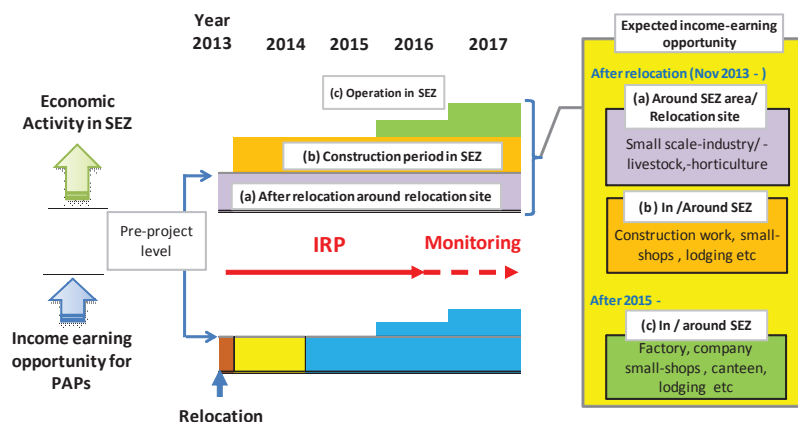


Figure 7-1 Image of Economic Activities in /around SEZ and Expected Income Level of PAPs

### 7.2 Income Restoration Program

#### (1) Entitled PAPs for IRP

Based on the tendency of livelihood of PAPs in project area, PAPs below are entitled to participate in IRP. IRP is taken account of not only adult men but also women of working age.

- Farmers who need to alter income earning activity from farming to another activity
- Odd job worker and other off-farming worker 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

#### (2) Outline of IRP

Although IRP will be finalized based on needs analysis of PAPs through consultation with PAPs, it is planned to be consisted of three main activities: i) technical support for improvement of work-skill, ii) technical support for livelihood management, and iii) assistance for finding the income earning opportunities. Three main activities are summarized below, and Figure 7-2 shows the outline of IRP and expected income earning activities. In addition to these three main activities, follow-up will also be implemented by using internal and external monitoring results (see Chapter 13 for details of monitoring). In order to implement IRP effectively, a horizontal unit among several administrative level will be established (see Chapter 9).

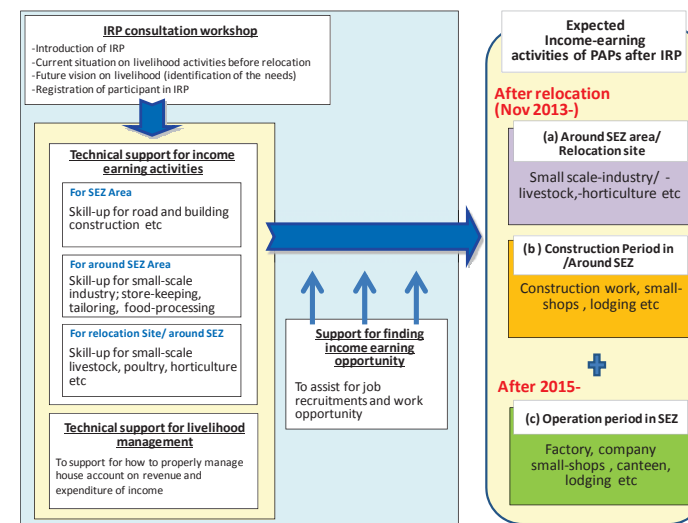


Figure 7-2 Outline of IRP and Expected Income Earning Activities of PAPs After IRP

#### i) The Series of Technical Support for Improvement of Work-Skill

This is an activity to provide vocational trainings to PAPs in order to improve their skills for enhancing job opportunities in/ around SEZ. Ministries currently provide several vocational trainings as shown some examples in Table 7-1, which can be utilized as a part of IRP by cooperating concerned ministries.

**Table 7-1 Example of Technical Support for Income Earning Activity in IRP**

No.	Economic Restoration activity	Sub-activities	Implementing institution of technical support	Type of technical support	Duration of technical training	Location of technical training	Expected work location
1	Construction activity	Construction work (road construction, carpentry, masonry, electricity, plumbing etc.)	Thuwanna training center, Ministry of Construction	Vocational training in theory and practice, on the job training, technical advice as needed, advice for job opportunity	5-21 weeks	Thuwanna Training Center	In/around SEZ area
		Mechanical work (earthmoving, heavy equipment, pump & machine operator etc.)			4-34 weeks		
		Housing management (housing management, landscaping, plumbing and electricity of housing)			4 weeks		
2	Small-scale industry activity	Wood-based carpentry	Ministry of Cooperative, NGO	Technical training on site, study tour, technical advice as needed	30 days	Training Center of Ministry of Cooperative or on site (Thanlyin or Kyautan Township)	Around SEZ area
		Food processing			7 weeks		
		Tailoring, dress making			7 weeks		
		Store-keeping, staff management			5-10 weeks		
3	Small-scale livestock and horticulture	Small-scale livestock, poultry	MOLF, NGO	5-15 days	on site (Thanlyin or Kyautan Township)	Around SEZ (in relocation site)	
		Small-scale horticulture (vegetable, cash crops, fruit trees)	MOAI, NGO	5-15 days			

#### ii) Technical Support for Livelihood Management

This activity supports households to improve their current physical living condition by providing technical training and/or education. Tentatively, formulation of religious and social groups (e.g. how to organize a stable community including establishing necessary rules and system), management of income and expenditure (e.g. support to open bank accounts, deliberated plan of saving and expenditure after receiving assistance amount and regular income from jobs) and hygiene education (e.g. awareness for health) are planned to be provided as technical supports.

#### iii) Support for Finding Income Earning Opportunities

Supports to find job opportunities in/around SEZ during SEZ construction and after operation of SEZ are provided for PAPs by facilitating capability of PAPs and a job vacancy cooperated with Dept. of Labor under Ministry of Labor and Employment, and also by giving preference of job opportunities to PAPs.

#### iv) Follow-Up

In the monitoring, situations of restoration of PAP's livelihood and community formulation will be monitored. Further appropriate measures will be examined and conducted with PAPs if necessary.

The draft TOR for implementing IRP is enclosed in Annex 3.

### 7.3 Implementation Schedule of Income Restoration Program

IRP commences with participatory workshop with PAPs after relocation of PAPs.

## CHAPTER 8 PUBLIC PARTICIPATION AND CONSULTATION

### 8.1 Introduction

Effective planning of resettlement works requires regular consultations with the PAPs. It helps to reflect PAPs' opinions concerning the impacts and benefits of the project (development of Phase 1) into the Resettlement Work Plan (RWP). It also provides opportunities for the project and PAPs to discuss possible assistance package including resettlement assistance, timing of the relocation, and IRP.

To that end, Yangon Regional Government has conducted a series of consultation meetings with the PAPs and other stakeholders with supports of Thilawa SEZ Management Committee from February 2013. So far, four times of consultation meetings have been held inviting the PAPs. The results of each consultation meeting are summarized below. For the meetings, invitation letters were prepared by Yangon Regional Government and delivered by each township or employed consultants. While at the third and fourth consultation meetings, public notice on the meeting was also attached on the public notice boards of each township and village-tract, etc. The result of each consultation meeting is outlined below, and detailed meeting records are enclosed in Annex 4.

### 8.2 Results of Consultation Meeting

#### 8.2.1 1st Consultation Meeting

The 1st consultation meeting was held on 14 February 2013 at the Thilawa Supporting Committee office in Kyautan Township. The summary of the 1st consultation meeting is presented in Table 8-1.

**Table 8-1 Summary of 1st Consultation Meeting**

Items	Contents	Remarks
1. Date and Time	14 February 2013, 9:30-12:00	
2. Venue	Thilawa Supporting Committee office	
3. Invitee	Project affected peoples	
4. Participant	Total 80 persons	
5. Main participants from government	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.	Total 18 persons
6. Agenda	1) Explanation of Thilawa SEZ development 2) Question and Answer	
7. Major opinions and comments from the participants	- Request of assistance of livelihood and accommodation after relocation - Concerns on job opportunities at SEZ (whether the farmers will be able to work for other than security guard, or cleaning) - Request of transparent negotiations - Questions on resettlement schedule	

### 8.2.2 2nd Consultation Meeting

The 2nd consultation meeting was held on 11 June 2013 at the Thilawa Supporting Committee office in Kyautan Township. The invitation was delivered to the households which were listed in the list of socio-economic survey in April Census as ones inside Phase 1 area. The summary of the 2nd consultation meeting is presented in Table 8-2.

**Table 8-2 Summary of 2nd Consultation Meeting**

Items	Contents	Remarks
1. Date and Time	11 June 2013, 10:00-12:00	
2. Venue	Thilawa Supporting Committee 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	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.	Total 15 persons
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 (Detail Measurement 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 area by DMS in June and July 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 assistances by international standards
- Necessity of enough money as assistance
- Request of transparent discussions of assistance
- Expected to have more job opportunities by the Thilawa SEZ project

### 8.2.3 3rd Consultation Meeting

The 3rd consultation meeting was held on 30 July 2013 at the Thilawa Supporting Committee 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 area by DMS. The summary of the 3rd consultation meeting is presented in Table 8-3.

**Table 8-3 Summary of 3rd Consultation Meeting**

Items	Contents	Remarks
1. Date and Time	30 July 2013, 10:00-12:00	
2. Venue	Thilawa Supporting Committee office	
3. Invitee	Project affected peoples	
4. Participant	167 persons (Phase 1 area: 78, outside Phase 1 area:73*, Mass-media: 16)	
5. Main participants from government	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.	Total 17 persons
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.

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

### 8.2.4 4th Consultation Meeting

The 4th consultation meeting was held on 21 September 2013 at the Thilawa Supporting Committee 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 area based on

the confirmation results by DMS. The summary of the 4th consultation meeting is presented in Table 8-4.

**Table 8-4 Summary of 4th Consultation Meeting**

Items	Contents	Remarks
1. Date and Time	21 September 2013, 10:30-13:00	
2. Venue	Thilawa Supporting Committee office	
3. Invitee	Project affected peoples	
4. Participant	161 persons (Phase 1 area: 80, outside Phase 1 area: 73, Mass-media: 8)	
5. Main participants from government	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.	Total 18 persons
6. Agenda	1) Assistance package including proposed plot size and housing design of relocation site 2) Question and Answer	
7. Major opinions and comments from the participants	- Prefer to have a large size of plot in the relocation 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	

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

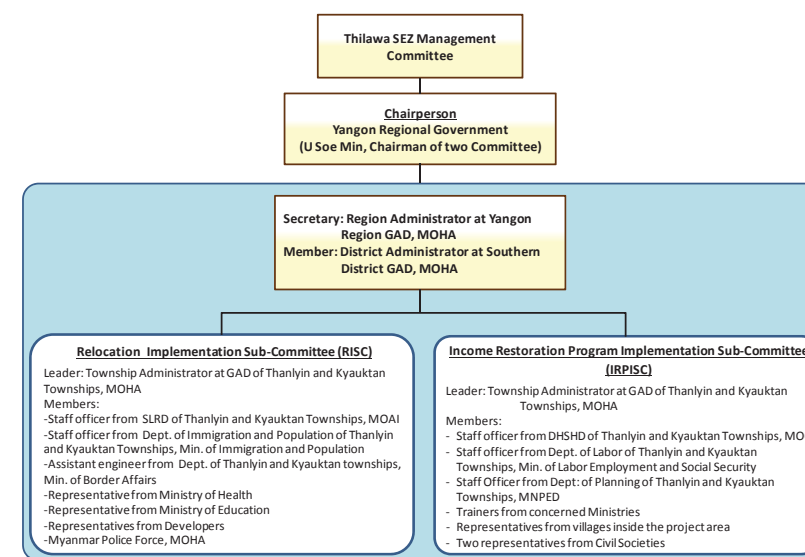
### 8.3 Disclosure of Resettlement Work Plan

RWP is planned to be disclosed at Thilawa Supporting Committee office in Kyautan Township.

## CHAPTER 9 INSTITUTIONAL ARRANGEMENT

### 9.1 Organizational Structure of Organizations Concerned

Yangon Regional Government (YRG) is a responsible body for implementation of RWP, and two sub-committees will be established chaired by Administrators at General Administration Departments (GAD) of Thanlyin and Kyauktan townships. One sub-committee is Relocation Implementation Sub-Committee (RISC) which deals with disbursement of cash assistance and arrangement of living condition at relocation site. The other sub-committee is Income Restoration Program Implementation Sub-Committee (IRPSC) which manages the implementation of Income Restoration Program. The image of implementation structure of RWP and members of RIC and IRPC are presented in Figure 9-1. Thilawa SEZ Management Committee (TSMC) is cooperative agencies in supporting YRG, RISC and IRPSC for smooth implementation of RWP including IRP.



**Figure 9-1 Implementation Structure of RWP**

### 9.2 Responsibility of Each Organization

Responsibility of each organization for RWP implementation is presented in Table 9-1. Monitoring/evaluation and grievance redress mechanism of RWP are stated in Chapters 10 and 13.

**Table 9-1 Responsibility of Each Organization**

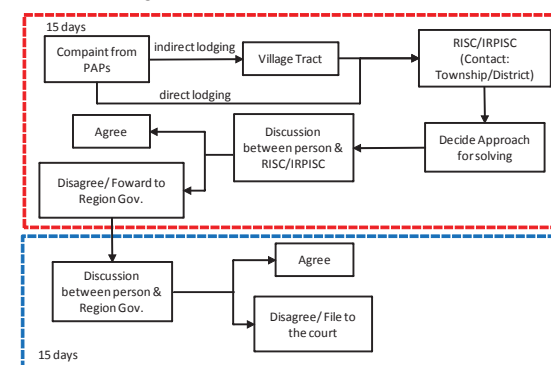
Organization	Responsibility
Thilawa SEZ Management Committee (TSMC)	- To cooperate with YRG, RISC and IRPISC to support for resettlement activities as needed, such as schedule management of relocation and development of SEZ area and facilitation of the job recruitment of PAPs in SEZ area.
Yangon Regional Government (YRG)	- To have overall responsibility for coordination with all related organization on RWP implementation - To supervise the implementation of RWP
Relocation Implementation Sub-Committee (RISC)	- 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 relocation 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 Sub-Committee (IRPISC)	- 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

## CHAPTER 10 GRIEVANCE REDRESS MECHANISM

A grievance redress mechanism is developed 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 is different as Chapter 9 shows the organization structure; RISC is responsible for implementing relocation while IRPISC is responsible for conducting IRP. Although the main actor differs at relocation phase and IRP phase, one procedure of grievance redress is commonly applied for both project phase by changing decision-making body as outlined below.

Complaints from PAPs are lodged verbally or in written form to the RISC during the relocation phase or IRPISC after the relocation phase via the village tract or directly. GAD at each township in RISC or IRPISC is the contact for direct lodging of complaints from PAPs. The chairperson of the RISC or IRPISC assigns an officer from RISC members according to the nature of the lodged complaint to interview with the concerned PAP who raises issues. The lodged complaint and interview result is discussed within the RISC or IRPISC, and approach to settle the complaint is decided. Based on the decided approach, the assigned officer negotiates with the concerned PAP in consultation with the RISC or IRPISC. In case the agreement between the concerned PAP and the RISC is not achieved within 15 days from the day of complaint lodged, the case is forwarded to YRG. The relevant department in YRG reviews previous documents and discuss with PAPs until agreement is reached. In case agreement is not reached within 15 days from the case is forwarded to YRG, the case is forwarded to the court. TSMC supports the entire process according to requests of any actions from RISC. The process and structure of grievance redress during and after the relocation phase is shown in Figure 10-1.



**Figure 10-1 Grievance Redress Procedure during and after Relocation Phase**

## CHAPTER 11 IMPLEMENTATION SCHEDULE

The resettlement works for development of Phase 1 area mainly consist of arrangement of the relocation site, award of assistances for loss of assets and income source/livelihood, actual relocation (moving from Phase 1 development area to the relocation site etc.), implementation of the IRP, and monitoring and follow-up of the resettlement and implementation activities. Thus, the implementation schedule of the works is prepared based on the above contents of the resettlement works as well as project implementation stage. The provisional implementation schedule of the resettlement works is shown in Figure 11-1. However, the sequence or schedule may change due to circumstances and accordingly the time will be adjusted for the implementation of the works.

Year/Month	2013												2014				
	October				November				December				January				
	I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV	
<b>I. Arrangement of Relocation Site</b>																	
(1) Finalization of area of relocation site	●																
(2) Physical planning of relocation site	■																
(3) Construction of infrastructure at relocation site		■	■	■	■	■	■										
(4) Construction of housing					■	■	■	■									
<b>II. Award of Assistances</b>																	
(1) Preparation and agreement of detail payment plan (amount and mode)		■	■	■	■												
(2) Award of assistances																	■
<b>IV. Actual Relocation (moving from Phase 1 area to relocation site)</b>																	
(1) Arrangement of relocation (allocation of lots etc.)					■	■	■										
(2) Relocation of PAPs (moving to the resettlement site)								■	■	■							
<b>III. Implementation of Income Restoration Program (IRP)</b>																	
(1) Organization of IRP Implementation Committee					■	■	■	■									
(2) Registration for IRP									■	■	■	■					
(3) Implementation of main program																	■
<b>IV. Monitoring and Evaluation incl. income Restoration</b>																	
(1) Internal monitoring																	■
(2) External monitoring																	■

Figure 11-1 Provisional Implementation Schedule of Relocation Works

## CHAPTER 12 MONITORING AND EVALUATION

### 12.1 Internal Monitoring

RISC in cooperation with YRG and TSMC serves as the Project's internal monitoring body during the relocation phase. After the relocation phase, IRPISC is the main body of internal monitoring.

#### (1) Monitoring during the Relocation Phase

The objectives of the monitoring during the relocation phase are: i) to monitor whether assistance is provided in accordance with RWP, and ii) to examine unforeseeable issues on assistance package at the time of planning it.

The principal items to be checked at internal monitoring include the following:

- 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 relocation 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

RISC submits internal monitoring reports to YRG during the relocation phase including the following:

- Status of disbursement of assistance amount to PAHs
- Status of relocation progress
- Issues raised at the grievance mechanism and measures taken

#### (2) Monitoring after the Relocation Phase

The objectives of the monitoring after the relocation phase are: i) to monitor progress of IRP, ii) to monitor settlement status after relocation, and iii) to examine further measures if necessary.

The principal items to be checked by internal monitoring include the following:

- 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

IRPISC submits internal monitoring reports to YRG after the relocation phase including the following:

- Course of IRP and number of participants

- Status/progress of IRP
- Settlement status at the relocation site
- Issues raised at the grievance mechanism and measures taken

## 12.2 External Monitoring

### (1) Objectives

The main objective of external monitoring is to provide an independent periodic review and assessment of: (i) achievement of resettlement objectives; (ii) restoration of the economic and social base of PAPs; (iii) effectiveness and sustainability of entitlements; and (iv) the needs for further mitigation measures. These objectives will be achieved through the following activities:

- a) Review internal monitoring reports, existing baseline data and gather additional socio-economic information.
- b) Identify any discrepancy between assistance package agreed in the RWP and its actual implementation.
- c) Evaluate the effectiveness, impact and sustainability of resettlement activities, management and procedure.
- d) Provide recommendations in the implementation of the RWP and IRP to improve effectiveness.

Draft TOR for the external monitoring expert(s) is enclosed in Annex 5.

### (2) Scope of works

External monitoring expert(s) addresses specific issues such as:

- a) Relocation procedure including payment as per the agreed in RWP
- b) Effectiveness and efficiency of grievance redress mechanism (documentation, process, resolution)
- c) Effectiveness, impact and sustainability of entitlements and IRP, and the need for further improvement and mitigation measures
- d) Procedure and quality of relocation site and housing
- e) Level of settlement at the relocation site
- f) Level of restore/re-establish livelihoods and living standards
- g) Institutional capability, internal monitoring and reporting
- h) Any impacts caused during relocation activities
- i) Participation of PAPs to preparation and implementation of RWP

### (3) Monitoring Methodology

External monitoring is commenced when relocation procedure is started. External monitoring expert(s) conduct monitoring and evaluation of implementing RWP based on desk review and field visits, meeting with relevant authorities and PAPs.

The methods to be applied for external monitoring are outlined as follows:

- a) During the relocation phase: i) review of DMS documents inclusion socio-economic survey for establishing a baseline for monitoring and evaluating project benefits, ii) review internal monitoring report to confirm progress and raised issues at document level, iii) interview with relevant authorities involved into implementation of relocation to confirm actual situation at the field level, iv) interview with PAPs if necessary.
- b) After relocation phase: i) interview with PAPs to examine restoration/rehabilitation of their livelihood, ii) review internal monitoring report to confirm the progress of IRP at document level, iii) interview with relevant entities involved into implementation of IRP to confirm actual situation at the field level and with PAPs to confirm level of livelihood restoration (special attention will be paid to the inclusion of vulnerable groups).

### (4) Monitoring Period and Reporting

External monitoring activities will be carried out for a period of 3 years in principle. Frequency of monitoring is 2 times during the relocation phase (i.e. one time at the beginning of relocation and the end of the relocation respectively) and quarterly basis at the after relocation phase. The report to be prepared at each monitoring period summarizes the findings including: (a) progress of implementing RWP including any deviations from the provisions of the plan; (b) progress of implementing IRP including level of livelihood restoration and community formulation/stabilization; (c) identification of problem issues and recommended solutions; (d) identification of specific issues on vulnerable groups, as relevant; (e) report on progress of the follow-up of issues and problems identified in the previous reports. Samples of monitoring forms are presented in Annex 6.

## 12.3 Overall Monitoring Structure

During the relocation phase, RISC compiles the result of internal and external monitoring into a report, and submits it to YRG. YRG shares the monitoring report with TSMC. After the relocation phase, IRPISC compiles internal and external monitoring results into a report, and reports it to YRG. YRG shares the monitoring report with TSMC. Figures 12-1 and 12-2 show the procedure of monitoring and reporting.

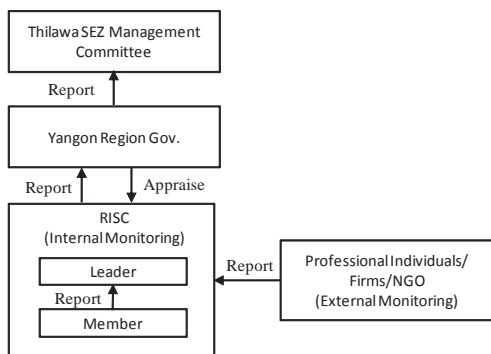


Figure 12-1 Monitoring and Reporting Procedure during Relocation Phase

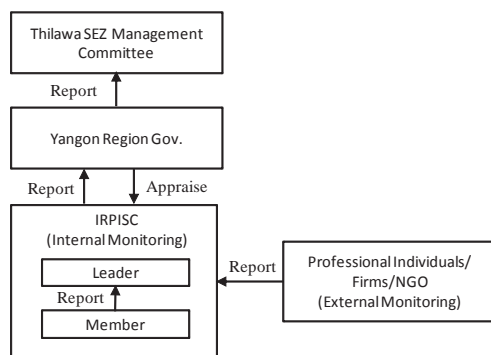


Figure 12-2 Monitoring and Reporting Procedure after Relocation Phase

#### 12.4 Evaluation

The methodology for evaluation is based mainly on a comparison of socio-economic status of PAHs prior to and following displacement and level of satisfaction taking into consideration of external conditions. Socio-economic status and level of satisfaction will be examined through interview with PAPs at each period of external monitoring. If the findings would indicate that the objectives of RWP or IRP have not been achieved, IRPISC and other concerned parties would propose appropriate additional measures to support PAPs to rehabilitate themselves to at least their pre-project situation.

Strategic lessons for future policy formulation and implementing relocation or livelihood restoration to be implemented at the surrounding area of the project area will also be drawn from the monitoring and evaluation of relocation/resettlement throughout the monitoring process.

### ANNEX – 1 Questionnaire Forms Used for Census and Socio Economic Survey, and Detailed Measurement Survey

- Annex1-1: Questionnaire Form for Census and Socio Economic Survey (April 2013)**
- Annex1-2: Questionnaire Form for Detailed Measurement Survey (June July, 2013)**
- Annex1-3: Questionnaire Form for Additional Detailed Measurement Survey (August, 2013)**



**Annex1-1: Questionnaire Form for Census and Socio Economic Survey  
(April 2013)**

Household Census Form for Thilawa SEZ Area

1. Name of Village
2. Block Number
3. House Number
4. Name of the Head of the Family and father's name
5. National Identification Number
6. Education
7. Occupation of the Head of the Family
8. Expenses per month
9. Census Yes ( ) No ( )
10. Year which begun living in this area ( )
11. In 2011 record included ( ) not included ( )
- 11 (a) If included Building Number ( )
12. Where are they come from ( )
13. Getting compensation Yes ( ) No ( )
14. Type of compensation and amount of money received
- 14 (1) compensation for land (cultivating land)
- 14 (2) compensation for crop
- 14 (3) compensation for transfer
- 14 (4) replacement of land block
- 14 (5) compensation for other
15. Number of family members ( )
- Husband ( ) Wife ( ) Son ( ) Daughter ( ) Others ( )
16. Total amount of cultivating land ( ) Other ( )
- 16 (1) Type 16(2) Average Yield of the crop
17. Name of the crop ( ) other ( )
18. Current condition
- 18 (1) Roof Leaf ( ) Zinc sheet ( ) Othes ( )
- 18(2) Partitions Leaf ( ) wooden ( ) Zinc sheet? Othes ( )
- 18(3) Ground Floors Plain ( ) Bamboo ( ) Wood ( ) Others ( )
- 18(4) Estimated measurement
- 18(5) Type of the toilet No ( ) Hole Type ( ) Pest control ( )
19. Electricity (EPC) cable connected Yes ( ) No ( )
20. Availability of the drinking water well others
21. Personal items that are owned by the farmers or land owner
- 21 (1) Cows ( ) 21(2) Goats ( ) 21(3) Chicken/ duck ( )
- 21 (4) Inverter ( ) 21(5) small generator ( ) 21(6) Electric Fan ( )
- 21(7) TV ( ) (a) 14" ( ) (b) 21" ( ) (c) Above 21" ( )
- 21(8) VCD ( ) 21(9) Bicycle ( ) 21(10) Motorcycle ( ) 21 (11) Other ( )

Data collector

Name

Position/ Department

Dated

Checked By

Name

Position/ Department

Dated

**Annex1-2: Questionnaire Form for Detailed Measurement Survey (June  
July, 2013)**

**Attachment-2: DMS Form**

**[Procedure of Part 1:Socio-Economic Survey]**

1. Households already interviewed in April 2013: Ask all questions in Part 1 and also confirm of interview results of April 2013 Census.
2. Households not interviewed in April 2013: Ask all questions in Part 1

**[Procedure of Part 2: Inventory of Asset Loss]**

1. Boundary of one occupied area shall be preliminary delineated and measured its size on the aerial photo.
2. The result of No.1 above shall be confirmed at the site.
3. As for structure, each floor size shall actually be measured at the site.
4. Site confirmation/measurement shall be done by a household head using land/structure, representative from Thilawa SEZ Management Committee, MOC or MNPED, representative from the township and survey team jointly. As evidence of joint measuremet, aforementioned four parties shall sign the DMS form together.
5. The result of site confirmation/measurement and coordinate shall be entered into GIS base map to be provided by JICA Survey Team.

**PART 1: Socio-Economic Survey**

**A. Profiles of the Project Affected Household**

	Items	April 2013 Census Result	Supplemental Survey
1	Survey Date		
2	Household Number		
3	Name of Household Head		
4	Name of Farther		
5	NRC No.		
6	Address/Tel		
7	Status of Compensation in 1997		
8	Recipient of Compensation in 1997	(0) not received (1) myself (2) father (3) mother (4) wife (5) other	(0) not received (1) myself (2) father (3) mother (4) wife (5) other (please specify)
9	Year living there started If in case the HH head answered that their HH received 1997 compensation, but answered that they started living after 1997, reconfirm from when actually their HHs started living there. (vice versa as well)		In addition to year, please specify the date of living started if possible.
10	Moving out from Class A	No informaiton	Year of moving out (0) staying from the year of starting stay (1) moving out (please specify year of moving out)
11	Returning to Class A	No informaiton	(0) not returning (1) returning (please specify year of returning)

**B. Socio-Economic Condition of Household**

	Items	April 2013 Census Result	Supplemental Survey
1	Age of Household Head	No information	(1) from 20 to 30 years old (2) from 31 to 40 years old (3) from 41 to 50 years old (4) from 51 to 60 years old (5) from 61 to 70 years old (6) over 71 years old
2	Number of Family in a Household	Husband ( ) persons Wife ( ) Son ( ) Daughter ( ) Other ( ) Total ( )	Husband ( ) persons Wife ( ) Son ( ) Daughter ( ) Father ( ) Mother ( ) Others ( ) Total ( )
3	Vulnerability	No information	Husband ( ) Wife ( ) Son ( ) Daughter ( ) Father ( ) Mother ( ) Others ( ) (1) Disabled (2) Orphan (3) Widow (4) Divorced-woman (5) Other (please specify)
4	Occupation of Household Head	(0) No job (1) Odd job (2) Skill job (3) Farming rice (4) Farming other crop (5) Government employee (6) Farming vegeables (7) Others	(0) No job (1) Odd job (2) Wage worker (long term contract) (3) Farming rice (summer rice) (4) Farming rice (monsoon rice) (5) Farming other crop (6) Farming vegeables (7) Handicraft (8) Government employee (9) Shop owner (10) Retired or over working age (11) Others (please specify)
5	Religion	No information	Please specify
6	Ethnic Groups	No information	Please specify
7	Using language in daily communication	No information	Please specify
8	Ability in Myanmar language	No information	(0) Illiterate (1) Speak, read and write fulently (2) Speak, read and write a little (3) speak only
9	Whose income is the main income source in a household	No inormation	(1) myself (2) father (3) mother (4) wife (5) son (6) daughter (7) other (please specify)
10	Income source of the main income in a	No information	(0) No job (1) Odd job

Items	April 2013 Census Result	Supplemental Survey
household		(2) Wage worker (long term contract) (3) Farming rice (summer rice) (4) Farming rice (monsoon rice) (5) Farming other crop (6) Farming vegetables (7) Handicraft (8) Government employee (9) Shop owner (10) Retired or over working age (11) Other (please specify)
11 Whose income is the secondary income source in a household		(1) myself (2) father (3) mother (4) wife (5) son (6) daughter (7) other (please specify)
12 Income source of the secondary income in a household	No information	(0) No job (1) Odd job (2) Wage worker (long term contract) (3) Farming rice (summer rice) (4) Farming rice (monsoon rice) (5) Farming other crop (6) Farming vegetables (7) Handicraft (8) Government employee (9) Shop owner (10) Retired or over working age (11) Other (please specify)
13 Work place of main income source	No information	Please name the work place of main income source
14 Commuting mode to the work place of main income source	No information	(1) Walk (2) Bicycle (3) Motor bike (4) Bus provided by an employer (5) Ferry bus (6) Taxi (7) Others (please specify)
15 Annual income from main income	No information	( ) kyats in total
16 Annual income from secondary income	No information	( ) kyats in total
17 Monthly livelihood aids	No information	Source of livelihood aids (please specify) Kinds of livelihood aids (Please specify) Amount of livelihood aids (please specify)
18 Number of workers in a household	No information	(1) No job ( ) persons (2) Odd job ( ) (3) Wage worker (long term contract) ( ) (4) Farming rice (summer rice) ( ) (5) Farming rice (monsoon rice) ( ) (6) Farming other crop ( ) (7) Farming vegetables ( ) (8) Handicraft ( ) (9) Government employee ( ) (10) Shop owner ( ) (11) Retired or over working age ( )

Items	April 2013 Census Result	Supplemental Survey																																										
		(12) Other (please specify) ( )																																										
19 Origin of household food consumption	No information	(1) Mostly home grown (2) More than half home grown (3) Less than half home grown (4) Mostly buy (5) Others (please specify)																																										
20 Monthly expenditure	( ) kyats in total	Food ( ) Kyats Agriculture ( ) Transportation ( ) Education ( ) Health ( ) Social Function ( ) Loan repayment ( ) Others (please specify)																																										
21 Household Possession		<table border="1"> <thead> <tr> <th>Livestock</th> <th>Livestock</th> </tr> </thead> <tbody> <tr> <td>Cow ( )</td> <td>Cow ( )</td> </tr> <tr> <td>Goat ( )</td> <td>Goat ( )</td> </tr> <tr> <td>Chicken/Duck ( )</td> <td>Chicken/Duck ( )</td> </tr> <tr> <th>Other Assets</th> <th>Other Assets</th> </tr> <tr> <td>Electric fan ( )</td> <td>Electric fan ( )</td> </tr> <tr> <td>Fridge ( )</td> <td>Fridge ( )</td> </tr> <tr> <td>Inverter ( )</td> <td>Inverter ( )</td> </tr> <tr> <td>Small generator ( )</td> <td>Small generator ( )</td> </tr> <tr> <td>TV 14 inch ( )</td> <td>TV 14 inch ( )</td> </tr> <tr> <td>TV 21 inch ( )</td> <td>TV 21 inch ( )</td> </tr> <tr> <td>TV over 21 inch ( )</td> <td>TV over 21 inch ( )</td> </tr> <tr> <td>VCD ( )</td> <td>VCD ( )</td> </tr> <tr> <td>Bicycle ( )</td> <td>Bicycle ( )</td> </tr> <tr> <td>Motorcycle ( )</td> <td>Motorcycle ( )</td> </tr> <tr> <td>Car ( )</td> <td>Car ( )</td> </tr> <tr> <td>Gondow ( )</td> <td>Gondow ( )</td> </tr> <tr> <td>Tractor ( )</td> <td>Tractor ( )</td> </tr> <tr> <td>Phone ( )</td> <td>Phone ( )</td> </tr> <tr> <td>Water pump ( )</td> <td>Water pump ( )</td> </tr> <tr> <td></td> <td>Others (please specify)</td> </tr> </tbody> </table>	Livestock	Livestock	Cow ( )	Cow ( )	Goat ( )	Goat ( )	Chicken/Duck ( )	Chicken/Duck ( )	Other Assets	Other Assets	Electric fan ( )	Electric fan ( )	Fridge ( )	Fridge ( )	Inverter ( )	Inverter ( )	Small generator ( )	Small generator ( )	TV 14 inch ( )	TV 14 inch ( )	TV 21 inch ( )	TV 21 inch ( )	TV over 21 inch ( )	TV over 21 inch ( )	VCD ( )	VCD ( )	Bicycle ( )	Bicycle ( )	Motorcycle ( )	Motorcycle ( )	Car ( )	Car ( )	Gondow ( )	Gondow ( )	Tractor ( )	Tractor ( )	Phone ( )	Phone ( )	Water pump ( )	Water pump ( )		Others (please specify)
Livestock	Livestock																																											
Cow ( )	Cow ( )																																											
Goat ( )	Goat ( )																																											
Chicken/Duck ( )	Chicken/Duck ( )																																											
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Gondow ( )	Gondow ( )																																											
Tractor ( )	Tractor ( )																																											
Phone ( )	Phone ( )																																											
Water pump ( )	Water pump ( )																																											
	Others (please specify)																																											

**ART 2: Inventory of Asset Loss**

**(1) Confirmation Land Size in Occupied Area**

- a) Before the actual field survey pre-demarcate boundaries of occupeid area in the aerial photos
- b) During the survey, please check period of cultivation/ usage at each land use of one occupied area.
- c) In case one occupied area includes more than two types of land use, land use shall be recorded respectively (i.e. occupied area-1, 2, 3 ).
- d) For farmlands, delineate boundary on the aerial photos (no need to do the direct measurements at site). For reseidental areas and our usages do the direct measurements at site to get dimensions and areas of such lands.
- e) After the field survey past copy of aerial photos indicating boundaries and area information of respective occupied areas.

	Measurement Items <sup>1</sup>	Measurement Results
1	Land Use of Occupied Area-1 (period of cultivation /usage :        months/years)	(1) Residential land (2) Paddy field (summer rice) (3) Paddy field (monson rice) (4) Other crops (5) Pasture land (6) Trees (7) Vacant (not using) (8) Others (please specify) <input style="width: 50px; height: 15px;" type="text"/>
	Land Use of Occupied Area-2 (period of cultivation / usage:        months/years)	(1) Residential land (2) Paddy field (summer rice) (3) Paddy field (monsoon rice) (4) Other crops (5) Pasture land (6) Trees (7) Vacant (not using) (8) Others (please specify) <input style="width: 50px; height: 15px;" type="text"/>
	Land Use of Occupied Area-3 (period of cultivation / usage:        months/years)	(1) Residential land (2) Paddy field (summer rice) (3) Paddy field (monsoon rice) (4) Other crops (5) Pasture land (6) Trees (7) Vacant (not using) (8) Others (please specify)
2	Total Size of Occupied Area-1	Length    (feet) x Width    (feet)    or Acerage (unit:        ) :
	Total Size of Occupied Area-2 (ditto)	Length    (feet) x Width    (feet)    or Acerage (unit:        ) :
	Total Size of Occupied Area-3 (ditto)	Length    (feet) x Width    (feet)    or Acerage (unit:        ) :

	Measurement Items <sup>1</sup>	Measurement Results
	Total of Entire Occupied Area (occupied area 1+2+3)	Length    (feet) x Width    (feet)    or Acerage (unit:        ) :

Aerial Photo Indicating Occupied Area (boundary, type and area information)

**Confirmation Result of Crops and Trees**

(1)Rice

- a) Yield area shall be basically calculated on the aerial photo.  
 b) Total yield amount shall be confirmed through interview to a household head.  
 c) Estimated yield amount within project area shall be calculated below: (Will be done after field survey)  
 Estimated amount within the project area = total yield amount x yield area within project area/total yield area

Paddy Type	Total Yield Area (acre)			Unit (please specify)	Total Yield Amount			Unit (please specify)	Affected Yield Amount (Later filled)			Unit (please specify)
	2013 April	Tax	Supplemental		2013 April	Tax	Supplemental		2013 April	Tax	Supplemental	

Remarks: 2013 April means 2013 April Census, Tax means land revenue records, Supplemental means this survey.

(2)Other Crops

- i) Yield area shall be basically calculated on the aerial photo.  
 ii) Total yield amount shall be confirmed through interview to a household head.  
 iii) Estimated yield amount within project area shall be calculated below: (Will be done after field survey)  
 Estimated amount within the project area (d) = total yield amount (c) x yield area within project area (b) /total yield area (a)

Crop Name	Yield Area (acre)		Unit (please specify)	Yield Amount	
	Total (a)	Within Project Area (b)		Total Amount (c)	Estimated Amount within Project Area (d)

(3)Annual or Perennial Crop Trees

- a) In case there are annual or perennial crop trees, the number of total trees at the site shall be counted.  
 b) In case occupied area locates at the border of the project area, yield area and amount within the project area shall be estimated at the following methods. (Will be done after field survey)  
 i) Yield area (both of total and within the project area) shall be calculated by aerial photo.  
 ii) Estimated yield amount within the project area shall be calculated below:  
 Estimated amount within the project area (d) = total yield amount (c) x yield area within project area (b)/total yield area (a)

Tree Name	Purpose of Use	Yield Area (acre)		Unit (please specify)	No. of Trees		Age of Trees
		Total (a)	Within Project Area (b)		Total No. of Trees (c)	Estimated Number within Project Area (d)	

(4) Trees for Timber and Wood (count the number of total trees and measure the diameter at the site)

- a) In case there are trees for timber and wood, count the number of total trees and measure the diameter at the site.  
 b) In case occupied area locates at the border of the project area, yield area and amount within the project area shall be estimated at the following methods. (Will be done after field survey)  
 i) Yield area (both of total and within the project area) shall be calculated by aerial photo.  
 ii) Estimated yield amount within the project area shall be calculated below:  
 Estimated amount within the project area (d) = total yield amount (c) x yield area within project area (b)/total yield area (a)

Tree Name	Purpose of Use	Yield Area (acre)		Unit (please specify)	No. of Trees		Tree Height	Tree Diameter	Age of Trees
		Total (a)	Within Project Area (b)		Total No. of Trees (c)	Estimated Number within Project Area (d)			


(5) Other Trees (count the number of total at the site)

In case there are non-crop trees in one occupied boundary, please proceed as follows:

a) Confirm with household head whether the non-crop trees are planted by him/her or not.  
b) In case the non-crop tree is planted by him/her, please check the items listed in the following table.

Tree Name	Purpose of Use	Unit (No.)	Total No. of Trees	No. of Trees within Project Area	Age of Trees

**Measurement Result of Affected House and Shop**

If there are more than two structures in one occupied area, please measure each structure using separate form. If there are more than three structures in one occupied area, please add a form for the 3rd structure.

For 1st Structure in One Boundary

1	Measurement Items	Measurement Results	
		Specify	
2	Year of Structure Construction		
2	Structure Use Purpose	Census Result in April 2013	Confirmation in Supplemental Survey
		(1) Demolished (specify demolishing year)	(1) Demolished (specify demolishing year)
		(2) House	(2) House
		(3) Shop	(3) Shop
		(4) Barn for agriculture	(4) Barn for agriculture
		(5) Barn for livestock	(5) Barn for livestock
		(6) Others (specify) <input type="text"/>	(6) Others (please specify) <input type="text"/>
3	Number of Floors		
4	Material of Structure	Results of Census in April 2013	Confirming by Supplemental Survey
		(1) Roof	
		(2) Frame	
		(3) Wall	
		(4) Ceiling	
		(5) Door	
5	Drinking Water Source	(1) Well	(1) Well privately owned
		(2) From neighborhood lake	(2) Well commonly shared with neighborhood
		(3) From neighborhood river	(3) From rain barrel
		(4) From monastery	(4) From neighborhood lake
		(5) From factory	(5) From neighborhood river
		(6) Buy	(6) From monastery
			(7) From well in a factory (free of charge)
			(8) From well in a factory (charged) <input type="text"/>
			(9) Buy bottle of water <input type="text"/>
			(10) Others (please specify) <input type="text"/>
6	Toilet	(1) No toilet	(1) No individual toilet/shared toilet
		(2) Hole type toilet	(2) Hole type toilet
		(3) Pest control toilet	(3) Pest control toilet
		(4) Others (please specify) <input type="text"/>	(4) Others (please specify) <input type="text"/>
7	Kitchen	No information	(1) No kitchen/shared kitchen with neighbors

			(2) Kitchen inside house (gas oven)
			(3) Kitchen inside house (kerosen oven)
			(4) Kitchen inside house (charcoal oven)
			(5) Kitch inside house (wood oven)
			(6) Kitchen inside house (other energy, specify) <input type="text"/>
			(7) Kitchen outside house (kerosen oven)
			(8) Kitchen outside house (charcoal oven)
			(9) Kitchen outside house (wood oven)
			(10)Kitchen outside house (other energy, specify) <input type="text"/>
			(11)Others (please specify)
8	Floor Size of Structure	1st floor: Length (feet) x width (feet)	
		2nd floor: Length (feet) x width (feet)	
		3rd floor: Length (feet) x width (feet)	

Draw location of structure and GPS recorded

For 2nd Structure in One Boundary

	Measurement Items	Measurement Results	
		Census Result in April 2013	Confirmation in Supplemental Survey
1	Year of Structure Construction	Specify	
2	Structure Use Purpose	(1) Demolished (specify demolishing year)	(1) Demolished (specify demolishing year)
		(2) House	(2) House
		(3) Shop	(3) Shop
		(4) Barn for agriculture	(4) Barn for agriculture
		(5) Barn for livest	(5) Barn for livest
		(6) Others (spesify) <input type="text"/>	(6) Others (please spesify) <input type="text"/>
3	Number of Floor		
4	Material of Structure	Results of Census in April 2013	Confirming by Supplemental Survey
	(1) Roof		
	(2) Frame		
	(3) Wall		
	(4) Ceiling		
	(5) Door		
5	Drinking Water Source	(1) Well	(1) Well privately owned
		(2) From neighborhood lake	(2) Well commonly shared with neighborhood
		(3) From neighborhood river	(3) From rain barrel
		(4) From monastery	(4) From neighborhood lake
		(5) From factory	(5) From neighborhood river
		(6) Buy	(6) From monastery
			(7) From well in a factory (free of charge)
			(8) From well in a factory (charged) <input type="text"/>
			(9) Buy bottle of water <input type="text"/>
			(10)Others (please specify)
6	Toilet	(1) No toilet	(1) No individual toilet/shared toilet
		(2) Hole type toilet	(2) Hole type toilet
		(3) Pest controle toilet	(3) Pest control toilet
			(4) Others (please specify) <input type="text"/>
7	Kitchen	No information	(1) No kitchen/shared kitchen with neighbors
			(2) Kitchen inside house (gas oven)
			(3) Kitchen inside house (kerosen oven)
			(4) Kitchen inside house (charcoal



			oven)
			(5) Kitch inside house (wood oven)
			(6) Kitchen inside house (other energy, specify)
			(7) Kitchen outside house (kerosen oven)
			(8) Kitchen outside house (charcoal oven)
			(9) Kitchen outside house (wood oven)
			(10)Kitchen outside house (other energy, specify) <input type="text"/>
			(11)Others (please specify)
8	Floor Size of Structure	1st floor: Length (feet) x width (feet)	
		2nd floor: Length (feet) x width (feet)	
		3rd floor: Length (feet) x width (feet)	

Draw location of structure and GPS recorded

**Head of Household**  
(Sign, Full name)

**Leader of Survey Team**  
(Sign, Full name)

**Representative from SEZ Management Committee, MOC or MNPED**  
(Sign, Full name)

**Township Representative**  
(Sign, Full name)

Signed Date:

**Photo of Household Head and Structure**

1	Household Head	
2	Affected Structure	

**Annex1-3: Questionnaire Form for Additional Detailed Measurement Survey (August, 2013)**

**Additional DMS Form**

**PART 1: Socio-Economic Survey**

**B. Profiles of the Project Affected Household**

	Items	April 2013 Census Result	Supplemental Survey
1	Survey Date		
2	Household Number		
3	Name of Household Head		
4	Name of Farther		
5	NRC No.		
6	Address/Tel		

**C. Livelihood Condition of Household**

	Items	April 2013 Census Result	Supplemental Survey
1	Number of Family in a Household	Husband ( ) persons Wife ( ) Son ( ) Daughter ( ) Other ( ) Total ( )	Husband ( ) persons Wife ( ) Son ( ) Daughter ( ) Father ( ) Mother ( ) Others ( ) Total ( )
2	Number of Household Member Working or Gaining Income		(13) No job ( ) persons (14) Odd job ( ) (15) Wage worker (long term contract) ( ) (16) Farming rice (summer rice) ( ) (17) Farming rice (monsoon rice) ( ) (18) Farming other crop ( ) (19) Farming vegetables ( ) (20) Handicraft ( ) (21) Government employee ( ) (22) Shop owner ( ) (23) Retired or over working age ( ) (24) Other (please specify)
3	Occupation and Commute Mode Category	<u>Occupation Category</u> (12) No job (13) Odd job (14) Wage worker (long term contract)	<u>Commuting mode</u> (8) Walk (9) Bicycle (10) Motor bike

	Items	April 2013 Census Result	Supplemental Survey
		(15) Farming rice (summer rice) (16) Farming rice (monsoon rice) (17) Farming other crop (18) Farming vegetables (19) Handicraft (20) Government employee (21) Shop owner (22) Retired or over working age (23) Others (please specify)	(11) Bus provided by an employer (12) Ferry bus (13) Taxi Others (please specify)
3a	Worker 1 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3b	Worker 2 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3c	Worker 3 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3d	Worker 4 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3e	Worker 5 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
3f	Worker 6 Description		1. Occupation Category( ) 2. Work Place ( ) 3. Commuting mode ( ) 4. Annual Income ( )
36	(add form if there are more than 6 members working or gaining income)		

**D. Confirmation of Farm Land**

(6) Farmland in SEZ Class A area

Kwin No	U-pine No	Area (acre)		Product Name	Total Yield/ Year		Remarks
		Interview	SLRD		Amount	Unit	

(7) Farmland Outside SEZ Class A area

Township	Kwin No	U-pine No	Area (acre)		Product Name	Total Yield/ Year		Remarks
			Interview	SLRD		Amount	Unit	

Draw location of Farmlands or Map indicating farmlands

**PART 2: Inventory of Asset Loss**

**Measurement Result of Affected House and Shop**

If there are more than two structures in one occupied area, please measure each structure using separate form. If there are more than three structures in one occupied area, please add a form for the 3rd structure.

	Measurement Items <sup>1</sup>	Measurement Results
1	Land Used / Occupied Area-1 (period of usage : months/years)	(9) Residential land (10)Paddy field (summer rice) (11)Paddy field (monsoon rice) (12)Other crops (13)Pasture land (14)Trees (15)Vacant (not using) (16)Others (please specify) <input type="text" value="1"/>
2	Total Size of Used / Occupied Area--1	Length (feet) x Width (feet) or Acreage (unit: acre) :

For 1st Structure in One Boundary

	Measurement Items	Measurement Results	
1	Year of Structure Construction		
2	Structure Use Purpose	Census Result in April 2013	Confirmation in Supplemental Survey
		(7) Demolished (specify demolishing year) (8) House (9) Shop (10)Barn for agriculture (11)Barn for livestock <input type="text"/> (12)Others (spesify) <input type="text"/>	(7) Demolished (specify demolishing year) (8) House (9) Shop (10)Barn for agriculture (11)Barn for livestock <input type="text"/> (12)Others(please specify) <input type="text"/>
3	Number of Floor	1	
4	Material of Structure	Results of Census in April 2013	Comfirming by Supplemental Survey
		(1) Roof	
		(2) Frame	
		(3) Wall	
		(4) Ceiling	
		(5) Door	
5	Drinking Water Source	(7) Well (8) From neighborhood lake (9) From neighborhood river (10)From monastery (11)From factory (12)Buy <input type="text"/>	(11)Well privately owned (12)Well commonly shared with neighborhood (13)From rain barrel (14)From neighborhood lake (15)From neighborhood river (16)From monastery (17)From well in a factory (free of charge) (18)From well in a factory (charged) (19)Buy bottle of water (20)Others (please specify) <input type="text"/>
		(4) No toilet (5) Hole type toilet	(5) No individual toilet/shared toilet (6) Hole type toilet

		(6) Pest control toilet <input type="text"/>	(7) Pest control toilet <input type="text"/> (8) Others (please specify) <input type="text"/>
7	Kitchen	No information	(12)No kitchen/shared kitchen with neighbors (13)Kitchen inside house (gas oven) (14)Kitchen inside house (kerosene oven) (15)Kitchen inside house (charcoal oven) (16)Kitchen inside house (wood oven) (17)Kitchen inside house (other energy, specify) (18)Kitchen outside house (kerosene oven) (19)Kitchen outside house (charcoal oven) (20)Kitchen outside house (wood oven) (21)Kitchen outside house (other energy, specify) <input type="text"/> (22)Others (please specify) <input type="text"/>
8	Floor Size of Structure	1st floor: Length	
		2nd floor: Length (feet) x width (feet)	
		3rd floor: Length (feet) x width (feet)	

Draw location of structure and GPS recorded

For 2nd Structure in One Boundary

Measurement Items		Measurement Results	
1	Year of Structure Construction		
2	Structure Use Purpose	Census Result in April 2013	Confirmation in Supplemental Survey
		(7) Demolished (specify demolishing year) (8) House (9) Shop (10)Barn for agriculture (11)Barn for livestock (12)Others (specify) <input type="text"/>	(7) Demolished (specify demolishing year) (8) House (9) Shop (10)Barn for agriculture (11)Barn for livestock (12)Others (Cow Shed) <input type="text"/>
3	Number of Floor		
4	Material of Structure	Results of Census in April 2013	Comfirming by Supplemental Survey
	(1) Roof	No data	
	(2) Frame	No data	
	(3) Wall	No data	
	(4) Ceiling	No data	
	(5) Door	No data	
5	Drinking Water Source	(7) Well (8) From neighborhood lake (9) From neighborhood river (10)From monastery (11)From factory (12)Buy <input type="text"/>	(11)Well privately owned (12)Well commonly shared with neighborhood (13)From rain barrel (14)From neighborhood lake (15)From neighborhood river (16)From monastery (17)From well in a factory (free of charge) (18)From well in a factory (charged) (19)Buy bottle of water (20)Others (please specify) <input type="text"/>
		(4) No toilet (5) Hole type toilet (6) Pest control toilet <input type="text"/>	(5) No individual toilet/shared toilet (6) Hole type toilet (7) Pest control toilet (8) Others (please specify) <input type="text"/>
6	Toilet	(4) No toilet (5) Hole type toilet (6) Pest control toilet <input type="text"/>	(5) No individual toilet/shared toilet (6) Hole type toilet (7) Pest control toilet (8) Others (please specify) <input type="text"/>
7	Kitchen	No information	(12)No kitchen/shared kitchen with neighbors (13)Kitchen inside house (gas oven) (14)Kitchen inside house (kerosene oven) (15)Kitchen inside house (charcoal oven) (16)Kitchen inside house (wood oven) (17)Kitchen inside house (other energy, specify) (18)Kitchen outside house (kerosene oven) (19)Kitchen outside house (charcoal oven) (20)Kitchen outside house (wood oven) (21)Kitchen outside house (other energy, specify) (22)Others (please specify) <input type="text"/>
8	Floor Size of Structure	1st floor: Length <input type="text"/>	

		2nd floor: Length (feet) x width (feet)	
		3rd floor: Length (feet) x width (feet)	

Draw location of structure and GPS recorded

**Crops and Trees in Housing Area**

(1) Crops

Crop Name	Yield Area (acre)		Unit (please specify)	Yield Amount	
	Total (a)	Within Project Area (b)		Total Amount (c)	Estimated Amount within Project Area (d)

(2) Annual or Perennial Crop Trees

Tree Name	Purpose of Use	Yield Area (acre)		Unit (please specify)	No. of Trees		Age of Trees
		Total (a)	Within Project Area (b)		Total No. of Trees (c)	Estimated Number within Project Area (d)	

(3) Trees for Timber and Wood (count the number of total trees and measure the diameter at the site)

Tree Name	Purpose of Use	Yield Area (acre)		Unit (please specify)	No. of Trees		Tree High	Tree Diameter	Age of Trees
		Total (a)	Within Project Area (b)		Total No. of Trees (c)	Estimated Number within Project Area (d)			

(4) Other Trees (count the number of total at the site)

Tree Name	Purpose of Use	Unit (No.)	Total No. of Trees	No. of Trees within Project Area	Age of Trees

**Photo of Household Head and Structure**

1	Household Head	
2	Affected Structure	

Head of Household  
(Sign, Full name)

Leader of Survey Team  
(Sign, Full name)

Representative from SEZ  
Management Committee,  
MOC or MNPED  
(Sign, Full name)

Township Representative  
(Sign, Full name)

Signed Date:

**ANNEX – 2 Gap Analysis between the Government  
Laws/Regulations and World Bank OP4.12/ADB Safeguard Policy**

**Differences Between National Laws and World Bank Safeguard Policy**

World Bank Safeguard Policy OP4.12	National Laws	Differences between National Law and World Bank Safeguard Policy
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 advance of such benefits. (WB OP4.12 Para.6)	Land Acquisition Act (1894) Article 4	Though there is no specific conditions/ procedures determined for establishing eligibility through initial surveys, Article 4 determines about necessity of public notification of land acquisition and land survey (preliminary investigation).
2. Eligibility of benefits includes, 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)	Land Acquisition Act (1894) Article 9	Article 9 determines that occupiers/stakeholders of lands to be acquired are explained about acquisition and claims to compensations. However detail procedures as well as eligibility criteria are not clearly defined. Also there is no specific indication about displaced persons without titles
3. 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 directions, procedures, and notifications, determined yet to provide preference to persons whose livelihoods are land-based.
4. Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6)	Not Applicable	There is no directions, procedures, and notifications, determined yet for support toward transition period
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. (WB OP4.12 Para.8)	Not Applicable	There is no laws, rules, directions, procedures, and notifications, determined yet for vulnerable groups.
6. 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 rules, directions, procedures, and notifications determined yet for preparation of abbreviated resettlement plan for fewer than 200 people.

**Differences Between National Laws and ADB Safeguard Policy**

ADB's SPS (2009)	National Laws	Differences between National Law and World Bank Safeguard Policy
1. Involuntary resettlement should be avoided wherever possible (Objectives). Minimize involuntary resettlement by exploring project and design alternatives (Objectives).	Not Applicable	Draft EIA procedure determines that necessary measures needed to be taken for projects which have possibility for involuntary resettlement but detail procedures are yet to be determined.
2. Conducting census of displaced persons and resettlement planning (policy principle 1).	Land Acquisition Act (1894) Article 4	Though there is no specific conditions/ procedures determined for establishing eligibility through initial surveys, Article 4 determines about necessity of public notification of land acquisition and land survey (preliminary investigation).
3. Carry out meaningful consultation with displaced persons and ensure their participation in planning, implementation, and monitoring of resettlement program (policy principle 2).	Not Applicable	There is no laws, rules, directions procedures, and notifications, determined yet for appropriate participation.
4. Establish grievance redress mechanism (policy principle 2).	Land Acquisition Act (1894) Articles 5A, 18	Article 5A determines that person interested in land which has been notified for acquisition, can object to the acquisition within 30 days of notification can object to the acquisition. Whereas, Article 18 determines that any person who has not accepted compensation can appeal to a court for determination.
	Farmland Law (2012) Articles 22 to 25	These articles determine procedures for settlement of dispute on the right to use the farmland
	Farmland Rules (2012) Articles 59-63	These articles determine procedures for settlement of dispute on the right to use the farmland.
	Farmland Rules (2012) Article 67	This article determines procedures for if in case un-satisfaction to indemnity and compensation occurs. However, details are not determined.
5. Land-based resettlement strategy (policy principle 3).	Not Applicable	There is no directions, procedures, and notifications, determined yet to land-based resettlement strategy.
6. All compensation should be based on the principle of replacement cost (policy principle 3).	Land Acquisition Act (1894) Article 23	Though there is no indication about replacement cost, article 23 determines that the market value of the land at the date of publication of the notice need to be applied.
	Farmland Rules (2012) Article 67	Article 67 determines compensation and indemnity to be calculated based on the current market price
7. Provide relocation assistance to displaced persons (policy principle 4).	Land Acquisition Act (1894) Article 23	Article 23 determines compensations for damages to standing crops/ trees, lands, moveable/ immoveable properties, relocation cost, economic activities are required. However there is no

ADB's SPS (2009)	National Laws	Differences between National Law and World Bank Safeguard Policy
		indications about improving or at least to restore standard of living, income opportunities, and production levels to pre-project levels.
	Farmland Rules (2012) Article 67	Article 67 determines compensation for land and indemnity for crop and structure.
8. Improve or at least restore the livelihoods of all displaced persons (policy principle 5).	Ditto	Ditto
9. Develop procedures in a transparent, consistent, and equitable manners for land acquisition negotiation settlement (policy principle 6).	Not Applicable	There is no directions procedures, and notifications, determined yet.
10. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets (policy principle 7).	Land Acquisition Act (1894) Article 9	Article 9 determines that occupiers/stakeholders of lands to be acquired are explained about acquisition and claims to compensations. However detail procedures as well as eligibility criteria are not clearly defined. Also there is no specific indication about displaced persons without titles.
11. Disclose the resettlement plan, including documentation of the consultation in an accessible place and a form and language understandable to affected persons and other stakeholders (policy principle 9).	Not Applicable	There is no directions procedures, and notifications, determined yet.
12. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits (policy principle 10).	SEZ Law (2011) Article 36	This article determines that developer or investor shall bear the expenses of transferring and compensation of assets (but the law is applicable for SEZ development)
13. Pay compensation and provide other resettlement entitlements before physical or economic displacement (policy principle 11).	Land Acquisition Act (1894) Article 34	Though there is no clear indication about prior compensation before the relocation. However article 34 determines that compensation is not paid on or before the possession of the land, compensation amount awarded with interest rate must be paid
14. Monitor and assess resettlement outcomes, and their impacts on the standards of living of displaced persons (policy principle 12).	Not Applicable	There is no directions procedures, and notifications, determined yet.



**ANNEX – 3 Draft TOR**  
**for**  
**Implementation of Income Restoration Program**

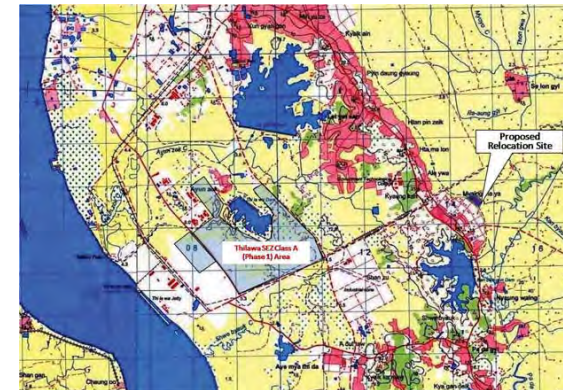
**DRAFT TERMS OF REFERENCE FOR IMPLEMENTATION OF INCOME  
RESTORATION PROGRAM (IRP)**

**1. Introduction**

Livelihood of households doing income generation activities inside the project area will be affected due to implementation of the project. Then, the development of Phase 1 in Thilawa SEZ (hereafter referred to as the “project”) will implement Income Restoration Program (hereafter referred to as the “IRP”) to all working age of project affected persons (PAPs) regardless of sex in order to restore their livelihood at least to the pre-project level. IRP is implemented by the special unit namely Income Restoration Program Implementing Sub-Committee (hereafter referred to as the “IRPISC”) which will be established in Yangon Region Government. IRPISC is the horizontal unit among several ministries and administration level. Since IRP is the new approach in Myanmar, technical support from professional person(s) or organization to IRPISC is indispensable for implementing it smoothly and effectively. These terms of reference were prepared to provide technical support for IRPISC to implement IRP (hereinafter referred to as the “work”) by the contracted expert(s) or organization (hereafter referred to as the “Contractor”).

**2. Work Site**

Activities of IRP will be basically planned to be conducted near the relocation site in Kyautan Township, but some vocational trainings might take place in other area in Yangon Region.



**Figure 1 Location of Proposed Relocation Site**

### 3. Objectives

The objective of the work is to support IRPISC technically to implement IRP smoothly and effectively in order to restore or improve livelihood of PAPs as well as improving their physical living condition.

### 4. Scope of Works

IRP is combination of five kinds of activities: i) introductory workshop of IRP to PAPs, ii) technical support for improvement of work-skill (i.e. providing vocational trainings by utilizing existing trainings), iii) technical support for livelihood management (i.e. assisting to open and maintain bank account, providing hygiene education for appropriate toilet using and providing assistance to organize stable community), iv) support for finding income earning opportunities (i.e. facilitating between job vacancy and capability/willingness of PAPs and giving PAPs prioritized employment in/around SEZ area) and v) follow-up (i.e. monitoring).

In this IRP, following tasks will be undertaking in this assignment.

**Table-1 List of Tasks**

No.	Main Tasks	Contents of Tasks
1	Introductory Workshop of IRP to PAPs	<ul style="list-style-type: none"> <li>- Enhance awareness on IRP of IRPISC and concerned parties who will implement vocational trainings to PAPs prior to organizing introductory workshop</li> <li>- Support IRPISC to organize introductory workshop to PAPs in order to explain IRP</li> <li>- Support to implement needs analysis of PAPs on IRP</li> <li>- Support IRPISC for finalizing IRP including checking the latest available technical trainings and results of need-analysis</li> </ul>
2	Technical Support for Improvement of Work-Skill	<ul style="list-style-type: none"> <li>- Coordinate between IRPISC and concerned parties to implement vocational trainings</li> </ul>
3	Technical Support for Livelihood Management	<ul style="list-style-type: none"> <li>- Support PAPs and IRPISC for modifying household certificate due to relocation including support for issuing a household certificate for PAPs who do not have it</li> <li>- Support PAPs and IRPISC for providing instruction to open and maintain bank account</li> <li>- Support and coordinate between PAPs and IRPISC for providing technical instruction on development of financial plan (i.e. deliberated management of income and expenditure in a household)</li> <li>- Support for IRPISC to provide hygiene education to PAPs such as appropriate using of toilet or disposing domestic waste</li> </ul>
4	Support for Finding Income Earning Opportunities	<ul style="list-style-type: none"> <li>- Support for facilitating between PAPs and concerned entities for job vacancy in/around SEZ during construction and operation</li> </ul>
5	Follow-up	<ul style="list-style-type: none"> <li>- Conduct periodical internal monitoring of IRP progress including settling any issues or difficulties with IRPISC</li> <li>- Support external monitoring expert(s) to monitor IRP from</li> </ul>

No.	Main Tasks	Contents of Tasks
		independent view

### 5. Output

The Contractor shall submit following outputs:

- 1) Inception Report
- 2) IRP consultation workshop
- 3) Updated IRP
- 4) Monitoring Reports
- 5) Completion Report

### 6. Tentative Work Schedule

IRP activities will be implemented for three years after commencement of relocation.

**ANNEX – 4 Records of Consultation Meeting**

- Annex 4-1: 1st Consultation Meeting (14 February 2013)**
- Annex 4-2: 2nd Consultation Meeting (11 June 2013)**
- Annex 4-3: 3rd Consultation Meeting (30 July 2013)**
- Annex 4-4: 4th Consultation Meeting (21 September 2013)**

**Annex 4-1: 1st Consultation Meeting (14 February 2013)**

### 1st Consultation Meeting Minutes

Date - 14 February 2013  
Place - Meeting Hall of Thilawa SEZ Supporting Committee Office  
Agenda - Attached  
Participants - 80 representatives from the affected areas, 18 government side participants

Minister U Soe Min,

Today I am glad to meet you all, I wish you we all have auspicious day. I started to work in Yangon Region Government in April, 2011. I am responsible for Labor, Agriculture and Irrigation and Tourism sectors. I am also assigned to Thilawa Region so that I wish to see the future successful development of this region. Everybody has responsibility for the country development.

According to the history of the Thilawa SEZ area, I have learned from the Department of Human Settlement and Housing Development about the land compensation issue which was already done in 1997 with two conditions : 20,000 kyats per acre (with crop) and 10,000 kyats per acre (without crop) and a plot of land provision for each household who has stayed in Thilawa SEZ compound. The size of the plot is 40 by 60 ft (free of charge) including 5,000 kyats for transfer cost.

Now I would like to ask what you would like to tell? What are your difficulties? All of us have to follow law and regulations. We need a good discipline for democracy.

Now, I would like to invite Deputy Minister U Set Aung to explain for the future development.

Deputy Minister U Set Aung,

I am glad to see the attendance people who are representative from farmers and the residences of the Thilawa SEZ area. In this region, the residents are not only farmers but also shopkeepers and business people so you would like to know how the Thilawa SEZ project will benefit you. This project will give job opportunities especially for this region. The upcoming industries will be clean and high tech so it will bring the technology and job opportunities. I can't accept that people think we can only get the security job and cleaning job here because I have seen in Thailand the workers from Myanmar are not only the basic level but also the skilled labor level. According to the SEZ plan, people will be trained in the training center within the Thilawa SEZ area.

In these industries the waste will be systematically treated before the disposal. I do hope all the benefit will come to the region therefore I would like to invite ways we can work for the best result. Later we can also discuss.

[REDACTED]  
If we move out from here, the existing people will have the livelihood and the accommodation problems. Please consider for us.

[REDACTED]  
We have a lot of expectation from our agriculture products. We only know the agriculture work. We are working for 100 acres paddy fields in the country and for the monks food and living. Within the SEZ we can only get the security job and cleaning work in that area.

According to the Farmland Law which enacted in August 2012 is shown that transparency negotiation will be acted not only in the department but also within the public. Thank you, this is the first time this kind of meeting after the independence. We would like to stay near the monastery to help the monks. We want to get compensation according to the Farmland Law.

[REDACTED]  
I am graduated however I am working in rice farming. Previously Industry land was occupied, however we did not get the good job we only got for cleaning and security jobs because the constraint was the workers must be above 8th standard. We have difficulty for livelihood and even we do not have a car.

We do not have our own land and we are selling the foods in front of Myanmar Industrial Terminal, Thilawa (MITT) since 12 years ago. We want to do the same in the future and we are donating to the monks.

[REDACTED]  
I do not have a place to move to. Cows and buffalos are like my parents. I have to consider for them.

[REDACTED]  
130 farmers are working for 1,360 acres even it was demarcated in 1997-98 for the industrial zone development. Please consider the livelihood for us.

[REDACTED]  
In front of the University of Maritime we have 126 houses, the students need to finish their exams after February 19-20.

[REDACTED]  
Farmers will suffer for the livelihood please consider for us. We want to negotiate.

[REDACTED]  
We only know the agricultural livelihood. We want to know about how long we can stay within our owned land..

Minister U Soe Min,

All of you have to understand these lands are owned by the government, so of course some of the land will be compensated according to the law.

We need to build SEZ for the regional development. We have to continue to install the infrastructure for the SEZ development. We have to implement according to the schedule. Please understand for that situation.

Law Officer,

There are no people above the law. The law does not pay attention only for the farmers. Everybody has to obey the law. You can get the compensation according to the law; however at the same time you have to follow the law. If you do not get the right chance for any case please submit the letter officially to Village Tract Head and Township Administrator.

The receipt which was given by the land department is only for rental fees for farming purposes, season by season not for the ownership right. If you are legally to stay here you can show the ownership document.

Deputy Minister U Set Aung,

I am assigned to the development of Thilawa SEZ. We have to implement in this SEZ development, therefore we would like to discuss in the future according to the law. First we will collect the data, photos, data from the Department of Human Settlement Housing Development and then we will follow according to the law step by step, Yangon Region Minister U Soe Min is ready to cooperate on the issue. We are ready to discuss very frankly and closely with the public. Previous practice in our country did not have proper discussion, but now how we will cooperate and discuss how we will make further steps according to the law. We want to help for your difficulties. Thank you for coming and talking to us. See you again for further discussion.

**Agenda of 1st Consultation Meeting**

Date and Time: 14 February, 2013

Venue: SEZ Supporting Committee Office

Agenda

1. Introduction briefed by Minister U Soe Min
2. Benefit of Thilawa SEZ, explained by Deputy Minister U Set Aung
3. Issues Raised from Representative of the Attendance:
4. Explanation from Minister H.E U Soe Min
5. Explanation from U Ohn Myint (Law Officer)
6. Justification from Deputy Minister H.E U Set Aung

**Annex 4-2: 2nd Consultation Meeting (11 June 2013)**

## 2nd Consultation Meeting Minutes

Date - 11 June 2013  
Place - Meeting Hall of Thilawa SEZ Supporting Committee Office  
Agenda - Attached  
Participants - List of participants attached

### Brief explanation of today's meeting

First of all, U Set Aung explained that the intention of today's meeting is to consult and explain the activities of Phase 1 of Thilawa SEZ Project to get transparency. He explained to reporters that one person wrote about the problem of a village located outside of the Thilawa SEZ area that arose by Thilawa SEZ Project. Construction activities are not started yet in the Thilawa SEZ area and the EIA study is on-going. It was requested reporters to avoid such misunderstandings.

### Opening Speech

U Soe Min, Minister for Agriculture and Irrigation, Yangon Region Government gave an opening speech. He said this is the second time to meet with local people in Thilawa SEZ area. Local people should understand that the land is owned by the government. Thilawa SEZ Project will start its implementation soon. Notices on the cut-off date were already distributed. As the list of the people inside SEZ area was already surveyed, local people must be aware of the new squatters. If the people find new squatters, they should inform to the concerned authority. They can lose their own opportunities because of the new squatters. Media reporters are requested to help. They can clarify things about the activities of Thilawa SEZ Project at any time.

### Explanation about the development of Phase (1) of Thilawa SEZ Project

U Set Aung explained the activities already conducted and to be conducted using PowerPoint presentation. Before that, he said that most people know the Special Economic Zone as "Industrial Zone." However, it is totally different. There will be no factories which harm the environment. There will be a lot of employment opportunities. Local people will be prioritized to get the employment opportunities.

Factories of Myanmar Economic Cooperation (MEC), Ayemyathida Village and Shwe Pyi Thar Village are not included in the SEZ area. Thilawa SEZ Project was not started yet. Phase (1) will be started for 400 ha. Local people will be provided the assistances to move to new area. This is under review. Assistance package will be transparent, include all eligible people and be fair. Some people said that procedures take long time. Other countries also take long time up to years to complete the formulation of resettlement action plan. But resettlement work plan of the Phase 1 is trying to be completed within a few months.

Socio-economic survey using questionnaires was conducted from 4 to 26 April 2013 to determine household structures, socio-economic profile and household conditions. It found that there are newcomers to the area and only local people should get assistance. According to the international practices followed by World Bank and JICA, 4 April 2013 was specified as the cut-off date which was the first day of the survey. Persons who encroach on the area after the cut-off date are not entitled to compassionate grant or any other form of resettlement assistance. However, people who previously lived there, but moved out from the SEZ area due to (1) notice on January 2013, (2) termination of irrigation water supply in December 2012, or (3) stop instructions on agricultural activities in August 2012 are eligible to have assistance.

He said that another supplemental socio-economic survey will be conducted next week. Outside surveyors will be hired to survey this time. Location of each household and other structure, income and sources and production levels, and list of eligible people will be confirmed during the survey. Assistant package will be based on this survey. Local people are requested to cooperate in the survey. Then, details of calculation for assistant package will be started transparently in July 2013.

### Questions and Answers

██████████ raised a concern that they would like to know when we need to move to new place and until when we can continue agricultural activities.

U Set Aung answered that assistant package, new relocation site and time will be explained to villagers in a timely manner.

██████████ who owns 14 acres, said that he bought the land from his friend in 1992 and took possession of this land since 1996. It was not included in the survey. He would like to know what he should get for this land. He was not invited to attend today's meeting, but he learned about the meeting from newspaper, and thus he came and attends.

U Set Aung said he wants to clarify the differences. Now the focus is resettlement which is trying to provide the assistance for those who have to move out. Currently, nobody who is living in the Phase 1 area owns the land. Land acquisition was completed since 1998.

U Soe Min explained that today's meeting is to consult about the Phase 1 area.

One of the villagers said that he doesn't believe that giving compensation is sufficient method to solve the problems. He wants concerned authorities to consider a long-term guarantee for the local people.

U Set Aung said that it will take too long to get long life security, because these can't be gotten immediately. Therefore, it is better to get assistance now rather than waiting for long life security. According to the current situation, they will not be forced to accept assistance. Every calculation procedure will be consulted with local people openly.

██████████ said that he wants concerned authorities to arrange for local farmers not to feel aggrieved. They don't like the usage "squatter". They paid the taxes every year. They welcome the arrangement for assistance provision.

U Set Aung said both sides are correct. What the Minister said is in line with law. Assistance package will be arranged transparently and fairly.

One of the villagers said there is a land which has pagoda. He collected donations to build the pagoda since a long time ago. This land should be allowed to remain.

U Set Aung said the land he mentioned is not situated in the Phase 1 area. When the project is started at that area, he should mention about this to the concerned authority.

██████████ asked whether Myanmar Industrial Terminal, Thilawa (MITT), SEZ and Myanmar Economic Cooperation (MEC) are organized together or not.

U Set Aung said no. These are not included inside the SEZ area, but MITT can be utilized by the SEZ project and also by others. It doesn't belong to the SEZ project.

██████████ asked when the Phase 1 will be started. If they have enough time, they want to continue to do agricultural activities.

U Set Aung said that it is scheduled to start in September. Before that, relocation activities will be arranged. It is better not to continue to do agricultural activities. If they have to move out before harvesting these crops, losses such as labour and crops will be compensated to farmers. Assistant package will examine whether they did agricultural activities or not.

██████████ said farmers want to continue to do agricultural activities and hope that they get sufficient time before movement. They will regard that as buying a lottery ticket. For example, if they have sufficient time, win the lottery. If not, they don't win.

U Set Aung said assistant package will be examined whether they did agricultural activities or not. But, they have to move out when the project starts.

**Closing Speech**

U Soe Min said that everybody should not be worried. They will be assisted with the best intentions. And religious places such as monastery, pagoda, etc., are to be set outside of SEZ area.

**Agenda of 2nd Consultation Meeting**

Date and Time: 11 June 2013, 10:00 – 12:00

Venue: Thilawa SEZ Supporting Committee Office

	<b>Time</b>	<b>Subject</b>	<b>Responsibility</b>
0	9:30 – 10:00	Registration	
1	10:00 – 10:10	Opening Speech	Minister of Yangon Regional Government
2	10:10– 10:20	Project Description of Thilawa SEZ (Phase 1)	Thilawa SEZ Management Committee
3	10:20 – 10:25	Summary of Socio-Economic Survey in April 2013	ditto
4	10:25 – 10:30	Cut-Off Date	ditto
5	10:30 – 10:50	Tea Break	
6	10:50 – 11:00	Provisional Assistant Package for Income Restoration	ditto
7	11:00 – 11:05	Supplemental Socio-Economic Survey	ditto
8	11:05 – 11:10	Further Schedule	ditto
9	11:10 – 11:55	Question and Answer	ditto
10	11:55 – 12:00	Closing Speech	Yangon Regional Government/ Thilawa SEZ Management Committee

### Annex 4-3: 3rd Consultation Meeting (30 July 2013)

### 3rd Consultation Meeting Minutes

Date	- 30 July 2013
Place	- Meeting Hall of Thilawa SEZ Supporting Committee Office
Agenda	- Attached
Participants	- List of participants attached

#### Opening address/ speech of Minister U Soe Min

*Union Deputy Minister U Set Aung presented the following thoughts:*

- The planned Phase 1 of SEZ includes 400 ha (900 acres) while whole of the project comprises 2,300 ha.
- We conducted surveys two times: the first survey was done by the government and the second survey was done by an external group. The announcement of cut-off date was done based on World Bank and JICA Guidelines. We already got the detail information of each and every eligible household.
- The support to the residents will be in line with World Bank policy.
- Impacts or deficiencies will be examined item by item.  
The support will be classified into movable or unmovable properties.
- Livelihood support will be included.
- Crop products will also be compensated for one or two multiplications (product of one or two years).
- Regular income from animal husbandry will also be supported for one or two multiplications.
- For salary men, they will be compensated based on their salaries.
- In resettlement, other than cost for the house, cost of movement and cost for time in movement will also be supported. The compensation will be a one-time sum.
- The nearest places from present location for resettlement and rehabilitation have already been checked.
- The committee will take responsibility if the person(s) wants us to build the new house. If the person wants to build new house by himself, the committee will support with funds.
- Vulnerable people such as widows, invalids, aged, will also be supported at surplus values in the forms of funds or rice.
- PAPs will be assisted to receive job opportunities in SEZ.
- To fit with the job opportunities, vocational trainings will be arranged (at no cost for trainees).
- Compensation will be jointly calculated according to World Bank policy.
- In the relocation site, there will be road, water, power and other infrastructures. Social/cultural buildings will be nearby.
- Details on compensation will be calculated in August. Resettlement activities will be jointly conducted among committee and PAPs
- The Phase 1 project will be started in end 2013 or early 2014 and we hope to start operations in 2015.

#### Questions and Discussions

- Present survey emphasized farmlands. How do you consider Freehold land?

U Set Aung:

- We considered not only farmlands, but also gardens and other lands.
- We have not considered based on National Identity Cards, or Household list, but based on actually people living and farming inside the Phase 1 area.



- I owned 11.26 acres in the Phase 1 area since 1992. I have the receipt for paid tax. I used to do farming there and presented these matters in 2nd consultation meeting, but I am still not included in the list to be compensated.

U Set Aung

- Land ownership is out of the scope of the SEZ committee and present survey. It would be the scope of Yangon Region Government.
- Present survey and the SEZ committee have been working technically (for technical support) for persons actually living and farming. So we would like to advise you to directly talk with Yangon Region Government.

- We understand that present SEZ would be the model among Kyukphyu, Thilawa and Dawei SEZs.
- During the implementation, not only the local people but also local and regional government departments should actively help to manage things.
- Local people do not reject the decision on land acquisition.
- Region Minister and Union Deputy Minister should also help the local people's problems.
- Hoping to receive high benefits, we wish the project to be successfully accomplished as early as possible.
- As we wish to understand the international standards, we asked JICA for its guidelines and translated so that everybody can know them. Here are some of the terms:
  - o In JICA guideline, we found no words on "good will support or contribution" but found only "compensation".
  - o Government should work as much as possible for avoiding impacts, and to negotiate repeatedly if there occur undeniable impacts.
  - o During the resettlement, law of the host country should be applied.
  - o Compensation includes taking remedial action for the impacts of the project.
  - o We wish to receive all expenses for resettlement.
  - o We should receive benefits from the project, and should obtain sufficient capital for livelihood.
  - o According to JICA guideline, the people who are now getting livelihood in the area have to receive sufficient support.
  - o To date, no benefits of project are realized yet, but local people could not receive regular supporting loan for agriculture, or water supply from dams. So, farmers have problems today.
  - o JICA policy includes to support the relocated people to reach their original condition as minimum.
  - o We have to receive funds for dismantling the houses, carrying them to new location, and to build a new house.
  - o We have to receive support for total damage (not recoverable) of assets (part of the house that we can live now, which will be totally damaged during dismantling).
  - o Our loss on working condition (loss of farmland/livelihood) should be considered.
  - o Some of us (local people) met problems because of Petroleum Port Compound.
  - o According to JICA guideline, relocation site has also been selected by wish of local people.
  - o We should receive the compensation in [redacted].
  - o Loss in physical assets during relocation should also be remedied.
  - o For farming, new place should have similar quality of present place (quality of land for agriculture).
- We do not reject the project, but we wish to receive sufficient support.

U Set Aung

- I myself have been meeting directly with local people repeatedly, to be in line with international guidelines (i.e. to discuss until agreement).

- To receive the benefits of the SEZ project, we will organize training centers and create job opportunities.
- Will support everything for relocation from dismantling the house until rebuilding in new place.
- For the right to selection, we have to select only those places we have the right to. We have already checked new locations to be resettled.
- We cannot take the place of other people, and cannot buy if other people do not like to sell, so the people in SEZ area should also consider the "most practical" ways.
- We cannot discard the law of host country.
- For the other comments by [redacted] these are the same as the way we are going to do.

- Some of the land in 400 ha were occupied in 1996-97 and filled with earth. So they would no longer be farmland. How could Yangon Region Government solve this problem?
- We are anxious about negative impacts on natural environment. For example, Myanmar Port Authority constructed oil tanks and they caused impact on the land and water.
- Therefore we wish Thilawa SEZ committee to preserve the natural environment.

U Set Aung

- Regional Government will take responsibility for land issues during 1997.
- Now we are working to provide support for Yangon Region Government.
- This project is in line with international standards, as first in Myanmar.
- The port project and its problems do not belong to Thilawa SEZ Project.
- All the buildings currently operating or under construction do not belong to Thilawa SEZ Project; however, we will try to help to organize or inform responsible persons, although it is out of our scope.

- How will you consider for the people in Bay Pauk, Alun Sut, Phalan, Kayet, and other areas in Thilawa Port?
- As we are local residents in this area, we wish not like to be called illegal immigrants.
- Similarly, we do not like to be treated as roadside marketers.

U Set Aung

- Bay Pauk is out of the SEZ area, so the Port Authority has to take responsible for you.
- The land is continuous but the project is different.

- We wish to receive agricultural loans (like other parts in the country).
- We wish to be resettled in the location not far from Thilawa SEZ area.

U Set Aung

- Agricultural loan is out of our scope. But we will try to organize for the local people to receive that need.

**Closing address/ speech of Minister U Soe Min**

### **Agenda of 3rd Consultation Meeting**

Date and Time: 30 July, 2013

Venue: Thilawa SEZ Supporting Committee Office

	<b>Time</b>	<b>Subject</b>	<b>Responsibility</b>
-	9:30 – 10:00	Registration	
1	10:00 – 10:10	Opening Speech	Minister of Yangon Region Government
2	10:10– 10:20	Development Plan of Thilawa SEZ Phase I (Class A)	Thilawa SEZ Management Committee
3	10:20– 10:30	Summary of 2 <sup>nd</sup> Consultation Meeting	ditto
4	10:30 – 10:45	Summary of Supplemental Survey in June and July 2013, and List of Eligible Households and Persons	ditto
-	10:45 – 11:00	Tea Break	-
5	11:00 – 11:15	Provisional Assistant Package for Eligible Households and Persons	ditto
6	11:15 – 11:20	Further Schedule	ditto
7	11:20 – 12:05	Question and Answer	ditto
8	12:05 – 12:10	Wrap-up of Question and Answer, Way Forward and Reminder for Further Schedule	ditto
9	12:10 – 12:15	Closing Speech	Yangon Regional Government/ Thilawa SEZ Management Committee

### **Annex 4-4: 4th Consultation Meeting (21 September 2013)**

#### 4th Consultation Meeting Minutes

Date	- 21 September 2013
Place	- Meeting Hall of Thilawa SEZ Supporting Committee Office
Agenda	- Attached
Participants	- List of participants attached

#### Opening Speech by U Soe Min, Minister for Agriculture and Livestock Breeding of Yangon Region Government (YRG)

U Soe Min presented the following opening speech:

- (1) This occasion is 4th time to meet following to the previous meetings on 14 February, 2013, June 11, 2013 and July 30, 2013.
- (2) Thilawa SEZ is very important for the development of Myanmar. The Buddhist Lent is also drawing near to end and people are requested to prepare for resettlement.
- (3) We prepared inventory of household profile, size of houses and other structures, belongings, farms, paddy fields, tree etc.. We also checked the aerial photo.
- (4) Once, there were pasture lands in Thanlyin and Kyauktan townships, and the people could use those pasture lands for their cattle. Now occupants are taking in possession of those lands so most of pasture lands are lost for the public use. But, we have those records that all the lands are belonged to the State and are registered as pasture land clearly.
- (5) Although the ex-government did not take action for these occupants in an appropriate way, the present elected government will take action to those people legally to move them out from the places by issuing notices.
- (6) In these pasture lands, some have Lana 39 and it cannot be moved out. So, everybody has to follow rules and regulations of the law. We're now discussing people using land without any evidence of land tenure in the Parliament Session.
- (7) We do hope that everybody feels satisfy with the resettlement. We will fulfill the necessary actions to those people who are living in the affected area. For this purpose, the Chief Minister of Yangon Region Government and ministers are paying attention to this project and discussing not to be suffering them from the project. We are also discussing to provide reasonable support.
- (8) Now we are forming the resettlement committee. I am the head of supervision in the committee. Secretary of Yangon Region Government and Yangon Southan Distric Administrator are also committee members. Under this committee, we have other two sub-committees, Relocation Implementation Sub-Committee and Income Restoration Sub-Committee, which will involve Thanlyin and Kyauktan Townships level, the officials from General Administration Department, Immigration, DHSHD, Land Record Department, Electricity Department and Developers. PAPs will also participate in the Income Restraion Sub-Committee.
- (9) Once the SEZ project is implemented, a plenty of job opportunities will be available and you are the first priority for the new jobs. We will also arrange for the vocational trainings in order to work at new jobs, and budget for the trainig will be arranged as well. Your livelihood will be better than ever before.

#### Explanation about the assistance package by U Set Aung

U Set Aung explained the contents of the assistance package below:

- (1) Yangon Region Governmnet (YRG) is responsible for assistance for relocation. I am collaborating with YRG to support the idea how to implement the project in order to consent with international standards and norms, taking part of calculation for assistance package, and explaining the assistance package on behalf of YRG. All the outcomes or decisions are based on the discussion with Yangon Region Government.
- (2) First of all, I would like to discuss relocation to be implemented with satisfaction.
- (3) I think there are two cases for the discussions:
  - a) Disputing about land ownership
  - b) Without disputing about land ownership

- (4) In the first case, you may need to settle the dispute at the court according to the existing law. You need to provide evidences such as land documents, and revenue tax in this case.
- (5) In the second case, as you don't need to dispute land ownership, you will have new house, grant-land, new jobs, and compensation according to international standards or international practices.
- (6) Let us show an example of the assistance package. Generally, there are 13 types of assistance. In the case of 10 acres of farmland, a person who cultivates for one season will be compensated 17,650,000 kyats and for two seasons will be compensated 30,150,000 kyats. But this calculation is just an example and actual calculation may be more than that values. In this regard, you do not need to show land registration documents, revenue payment tax, and family member list, etc.
- (7) If you all accept my proposed solutions, please make a representative committee on behalf of different groups not only from the Phase 1 area but also from the Thilawa SEZ area. After this meeting, please come up with the list of name of the representative committee and you can come to Thilawa Supporting Committee office staring from coming Monday (23 September, 2013). And also you can discuss with respective persons from Thilawa Management Committee for your proposed solutions or expectations clearly. The committee members will be there up to end of the week, and they will discuss with representatives for the assiatnce package.

One of the participants said, at that time, that they agree and accept the assistance package. He asked other participants who agree the assistance package to stand up and about 25 participants stood up.

#### Questions and Discussions

[REDACTED]  
I am satisfied with the assistance package.

U Set Aung:

The people from the Phase 1 area shall be moving out as a first phase and then followed by other phases respectively. In this regard, all the phases will be getting assiatsnce based on belongings, working areas, etc. We will make a reliable contract between project owners and the PAPs in order to avoid disputes.

[REDACTED]  
There are two different groups of people;

1. People who lived here for long time since before 1997
2. People who come after 1997 or after Nargis in 2008.

So, the first type of people should be considered differently from the second type. Otherwise, the first group of people will not be pleased with the assistance package. I do not want to say "Yes" for the assistance package or sue to settle the problem at the court, but prefer to add above mentioned suggestion.

We (myself and villagers) need the time frame for internal discussions on assistance package. Meeting should be included not only the Phase 1 people but also other Thilawa SEZ area people, that will be fine for negotiation. Now, the 4th consultation meeting is like a one-sided meeting and it seems apart from negotiation, so I prefer negotiation. If it is limited to invite the participants only from the Phase 1 people but not from the SEZ people, people from other area in SEZ will not be attending coming any meetings.

U Set Aung:

People who lives outside of the Phase 1 area shall wait for a while and you have adequate time for discussions with YRG.

I request to consider the farmers who lost their paddy fields in 1997. If this meeting intended to provide assistance for illegal occupants, farmers shall have chance to be supported. They had such troubles in 1997, which made their livelihood worse than before. Thus, kindly suggest to YRG.

U Set Aung:

This meeting is held for people to be affected by development of Phase 1 area but not for 1997 case. So, please ask YRG for that case.

██████████  
We appreciated SEZ Management Committee's efforts and negotiation. We impressed your suggestions, and would like to collaborate in negotiation process. We are interested in selecting without disputing and negotiation for peaceful moving to new location. And please be considered about large size of house instead of small size. For the compensation for house-rebuilding, we would like to have the cash instead of new house. We want to build the house on our owned management in order to avoid from using inferior materials and low quality standards.

U Set Aung:

The proposal also considered not only for small size of houses but for large size of houses. In the case of large size of houses, cash for difference of floor size will be provided. So, do not need to worry about that.

██████████  
We understand the assistance package for houses. We have cattle, and need the assistance for cattle and need place for sheds.

U Set Aung:

The assistance package includes livestock breeders, farmers and cultivators. So, do not need to worry about this issue. If all the participants agreed the option of without disputing, we need the time frame or time limits for negotiation. We have planned for new houses with water supply and electricity supply attached and the individual house hold will be possessed 40 ft x 20 ft land. If you want 60ft x 40ft, we can give for the Phase 1, but for other phases, it is difficult to give the land close to the Thilawa SEZ area. So, for all the Thilawa SEZ, we propose 40ft x 20ft.

██████████  
I have question whether the 40ft x 20ft size is the international standard of not. We want to stay wherever we want because we would like to avoid conflict with other people.

U Set Aung:

If so, please let us know the available place on the map. I will try to check whether the land is occupied by someone or government land or available land. If available, I will try to get that land.

Closing address/ speech of Minister U Soe Min

### Agenda of 4th Consultation Meeting

Date and Time: 21 September, 2013, Starting from 10:00 AM

Venue: Thilawa SEZ Supporting Committee Office

	Time	Subject	Responsibility
-	10:00 – 10:30	Registration	
1	10:30 – 10:40	Opening Speech	Minister of Yangon Region Government
2	10:40 – 10:50	Summary of 3rd Consultation Meeting and Additional Supplemental Survey in August, 2013	ditto
3	10:50 – 11:05	Eligible Households and Assistance Package	ditto
4	11:05 – 11:15	Proposed Relocation Site	ditto
-	11:15 – 11:35	Tea Break	
5	11:35 – 11:50	Framework of Income Restoration Program	ditto
6	11:50 – 12:00	Structure for Implementing Assistance Package and Grievance Redress Procedure	ditto
7	12:00 – 12:05	Further Schedule	ditto
8	12:05 – 12:50	Question and Answer	ditto
9	12:50 – 12:55	Wrap-up of Question and Answer, Way Forward and Reminder for Further Schedule	ditto
10	12:55 – 13:00	Closing Speech	Yangon Regional Government/ Thilawa SEZ Management Committee

## ANNEX – 5 Draft TOR for External Monitoring

## DRAFT TERMS OF REFERENCE FOR EXTERNAL MONITORING

### 1. Introduction

Households living or engaged in income generation activities inside the project area whose livelihood will be affected due to implementation of the project. In order to restore their livelihood, the development of Phase 1 in Thilawa SEZ (hereafter referred to as the “project”) will provide an assistance package including: i) assistance for loss of assets and income source, and resettlement, ii) assistance for vulnerable groups, and iii) special arrangement (arrangement of the relocation site and income restoration program). In order to implement activities planned in the assistance package, regular monitoring of progress and appropriateness by the project implementing agency itself (i.e. internal monitoring) and by the third party (i.e. external monitoring) is necessary. These terms of reference were prepared to cover conducting external monitoring (hereinafter referred to as the “work”) by the contracted expert(s) or organization (hereafter referred to as the “Contractor”) for the project.

### 2. Work Site

The Project area is approximately 400 ha of Phase 1 area in Thilawa SEZ stretching over Kyauktan and Thanlyin townships (Figure 1) and the relocation site in Kyauktan township (Figure 2). The Work is to be implemented at both sites.

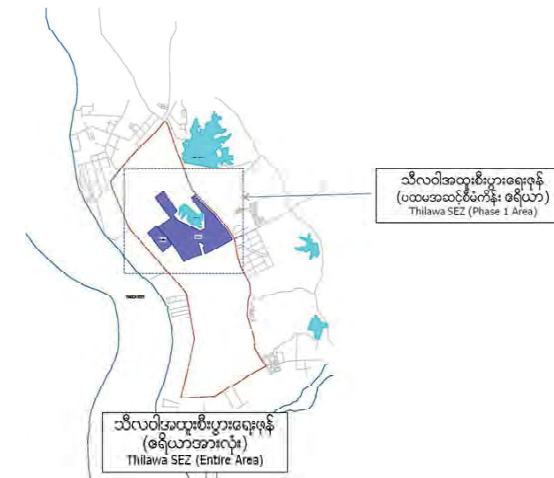


Figure 1 Location of Phase 1 Development Area



Figure 2 Location of Proposed Relocation Site

### 3. Objectives

The objectives of external monitoring are: i) to assess achievement of resettlement objectives, ii) to evaluate restoration of the economic and social base of the affected persons iii) to evaluate effectiveness and sustainability of entitlements, and iv) to analysis needs for further mitigation measures from the independent periodic viewpoint.

### 4. Scope of Works

The following tasks will be undertaken under this assignment:

Table-1 List of Tasks

No.	Main Tasks	Contents of Tasks
1	Review and examine profile of the project affected persons	Review relevant reports such as resettlement work plan, income restoration program and internal monitoring reports to collect baseline information of PAPs and their socio-economic condition. Conduct interview survey to collect socio-economic baseline data of PAPs if necessary.
2	Review participation of PAPs to prepare and implement resettlement work plan	Review participation of PAPs for preparation and implementing resettlement work plan from the available data
3	Confirm resettlement progress based on the indicators provided by the employer	Confirm relocation progress from available data such as internal monitoring report in order to cover monitoring items defined in the monitoring form to be provided by the employer

No.	Main Tasks	Contents of Tasks
4	Conduct interview with relevant officers of resettlement based on the items provided by the employer	Conduct interview with relevant officers in the resettlement committee: i) to confirm issues on resettlement implementation structure, and ii) to confirm other issues if any. Interview topics should cover monitoring items defined in the monitoring form to be provided by the employer.
5	Conduct interview or focus group discussion with PAPs based on the items provided by the employer	Conduct interview or focus group discussion with PAPs to confirm their opinion to the assistant package, their current living condition and any difficulties unforeseeable at the time of preparing resettlement work plan. Interview or discussion topics should cover monitoring items defined in the monitoring form to be provided by the employer
6	Examine gap of compensation policy at resettlement work plan and actual situation	Examine gap of assistance policy between resettlement work plan and actual situation to confirm: i) whether resettlement is conducted in accordance with resettlement work plan or not, ii) appropriateness of assistant policy planned in resettlement work plan, and iii) recommendation to improve the current situation if gap is identified
7	Examine effectiveness of grievance redress mechanism	Confirm the record of grievance redress to examine: i) whether grievance redress mechanism works effectively and ii) raised grievance is settled properly.
8	Examine level of livelihood restoration	Examine level of livelihood restoration based on interview to PAPs. Interview topics should cover monitoring items defined in the monitoring form to be provided by the employer.
9	Examine level of community formulation/stabilization	Examine level of community formulation and stabilization based on interview to PAPs and concerned administrative staff. Interview topics should cover monitoring items defined in the monitoring form to be provided by the employer.
10	Examine effectiveness of IRP	Examine effectiveness of IRP based on 8 and 9 above.
11	Preparation of monitoring report	Prepare monitoring report at each monitoring time based on the monitoring results and findings and including recommendation. The monitoring report form defining items to be described is provided by the employer.

### 5. Output

The Contractor shall submit following outputs:

- 1) Inception Report
- 2) Progress Reports
- 3) Completion Report

### 6. Tentative Work Schedule

External monitoring will be conducted for three years after commencement of relocation.

## ANNEX – 6 Sample Forms of Internal and External Monitoring

AN6-1

### I. Sample Forms of Internal and External Monitoring

Monitoring Period: Month 01, Year 01

	Resettlement Activities	Unit	Progress in %	Progress in Narrative	Expected Date of Completion	Remarks
<b>1. Relocation/Resettlement</b>						
1-1	Payment of Assistance Amount	%				
1-2	Construction of Houses at Relocation Site	%				
1-3	Construction of Infrastructure at Relocation Site	%				
1-4	Relocation of Physically Displaced Households	households				
<b>2. Income Restoration Program (IRP)</b>						
2-1	Technical Support for Improvement of Work-Skills					
(1)	Training Name	%				
		Participants (Persons)				
(2)	Training Name	%				
		Participants (Persons)				
(3)	Training Name	%				
		Participants				

AN6-2

AN6-3

		(Persons)				
2-2	Technical Support for Livelihood Management					
2-2-1	Formulation of a Religious and Social Groups					
(1)	Number of groups formulated	No.				
(2)	Number of participants in total	Participants (Persons)				
(3)	Number of existing groups after formulation	No.				
2-2-2	Management of Income and Expenditure					
(1)	No. of persons attending trainings of financial management	Participants (Persons)				
(2)	No. of persons opening bank account	persons				
2-2-3	Hygiene Education					
(1)	No. of persons attending hygiene trainings	Participants (Persons)				
2-3	Support for Finding Income Earning Opportunities					
2-3-1	During Construction					
(1)	No. of persons started business	Persons				
(2)	No. of persons employed near SEZ	Persons				
(3)	No. of persons employed as construction workers in SEZ	Persons				
2-3-2	Operation of SEZ					

Resettlement Work Plan  
For Development of Phase 1 Area of Thilawa SEZ

AN6-4

(1)	No. of persons started business	Persons				
(2)	No. of persons employed near SEZ	Persons				
(3)	No. of persons employed in SEZ	Persons				

Resettlement Work Plan  
For Development of Phase 1 Area of Thilawa SEZ



Raised Grievance

	Issues	Raised by	Applied Measures	Responsible Party for Taking Measures
1				
2				
3				

Other Issues found at Monitoring

	Issues	Raised/Found by	Applied Measures	Responsible Party for Taking Measures
1				
2				
3				

Note

**II. Sample Forms of External Monitoring Report**

The quarterly report of the external monitoring expert(s) should include following items:

1. Introduction: covering project background, scope of resettlement impacts
  - Project Background. Brief background, area traversed by the project
  - Scope of resettlement impacts, a summary table to show scope of resettlement impacts : number of total affected households, vulnerable households.
2. Methodology used: explaining methods applied for external monitoring such as individual/group meetings with officials and AHs; surveys; desk review (internal monitoring reports, meeting notes/memorandum of understanding; resettlement audit
3. Progress of implementing resettlement including any deviations from the provisions of the plan: covering disbursement of assistance amount, moving to relocation site

Sample table format:

	Items	Findings	Recommendation
1	Assistance payment		
2	Relocation		
3	Grievance redress mechanism		
4	Information disclosure/ public consultation		

4. Capability of relevant entities: analyzing capability of each entity involved in resettlement and income restoration program
5. Identification of problem issues and recommended solutions: examining outstanding issues found from internal monitoring report, record of grievance redress, interview to relevant parties and PAHs, and providing recommendation to solve identified issues

Sample table format:

Outstanding Issues (PAHs' request and complaints)	Required Action	Timing	Responsible Group	Remarks

6. Report on progress of the follow-up of issues and problems identified in the previous reports.

Sample table format:

Reporting Period	Outstanding Issues (AHs' request and complaints)	Status (solved or not, applied measures if solved)	Remarks

Note: When referring to previous external reports, state paragraph/section numbers for easy reference.

7. Progress of Income Restoration Program: examining progress of each training program, achievement and level of income restoration of PAHs

	Items	Findings	Evaluation	Recommendation
<b>Technical Support for Improvement of Work-Skills</b>				
1	Outline of the course			
2	No. of participants			
3	Period/Status of the course			
4	Categories of participants			
5	Level of satisfaction			
6	Prospect of participants after completion the course			
7	Observation from trainers			
8	Effectiveness of the course			
9	Evaluation			
10	Recommendation			
<b>Technical Support for Livelihood Management</b>				
1	Formulation of a religious and social groups			
(1)	Process of formulation groups			
(2)	Number and category of formulated groups			
(3)	Stability of formulated groups			
(4)	Level of satisfaction of participants into groups			
2	Management of Income and Expenditure			
(1)	Opening and maintain bank account			
(2)	Management of income and expenditure			
3	Hygiene Education			

(1)	Effectiveness of workshops			
(2)	Sanitation condition of households			
4	Support for Finding Income Earning Opportunities			
(1)	Function of IRPISC for assisting job opportunities			
(2)	Employment and job separation			
(3)	Level of satisfaction			
(4)	General observation of restoring income and living condition			

8. Recommendation

9. List of persons met (including, name of organization, date and venue of meeting. If PAP state address) , questionnaires used (if applicable), photos, maps.

10. Reference documents

### III. Sample Form of Monitoring Report to be shared from Yangon Region Government to Thilawa SEZ Management Committee

The report to be shared from Yangon Region Government to Thilawa SEZ Management Committee shall include:

1. Introduction: covering project background, scope of resettlement impacts
  - Project Background. Brief background, area traversed by the project
  - Scope of resettlement impacts, a summary table to show scope of resettlement impacts : number of total affected households, vulnerable households.
2. Methodology used: explaining methods applied for external monitoring such as individual/group meetings with officials and PAHs; surveys; desk review (internal monitoring reports, meeting notes/memorandum of understanding; resettlement audit)
3. Progress of implementing resettlement including any deviations from the provisions of the plan: covering disbursement of assistance amount, moving to relocation site

	Items	Findings	Recommendation
1	Assistance payment		
2	Relocation		
3	Grievance redress mechanism		
4	Information disclosure/ public consultation		
5	Level of satisfaction		

4. Identification of problem issues and recommended solutions on resettlement: examining outstanding issues found from internal monitoring report, record of grievance redress, interview to relevant parties and PAHs, and providing recommendation to solve identified issues

Sample table format:

Outstanding Issues (PAHs' requests and complaints)	Required Actions	Timing	Responsible Group	Remarks

--	--	--	--	--

5. Progress of Income Restoration Program: examining progress of each training program and achievement

	Items	Findings	Evaluation	Recommendation
<b>Technical Support for Improvement of Work-Skills</b>				
1	Outline of the course			
2	No. of participants			
3	Period/Status of the course			
4	Categories of participants			
5	Level of satisfaction			
6	Prospect of participants after completion the course			
7	Observation from trainers			
8	Effectiveness of the course			
9	Evaluation			
10	Recommendation			
<b>Technical Support for Livelihood Management</b>				
1	Formulation of a religious and social groups			
(1)	Process of formulation groups			
(2)	Number and category of formulated groups			
(3)	Stability of formulated groups			
(4)	Level of satisfaction of participants into groups			
2	Management of Income and Expenditure			
(1)	Opening and maintain bank account			
(2)	Management of income and expenditure			
3	Hygiene Education			
(1)	Effectiveness of workshops			
(2)	Sanitation condition of households			
4	Support for Finding Income Earning Opportunities			
(1)	Function of IRPISC for assisting job opportunities			
(2)	Employment and job separation			
(3)	Level of satisfaction			

(4)	General observation of restoring income and living condition			
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6. Report on progress of the follow-up of issues and problems identified in the previous reports.

Sample table format:

<b>Reporting Period</b>	<b>Outstanding Issues (PAHs' requests and complaints)</b>	<b>Status (solved or not, applied measures if solved)</b>	<b>Remarks</b>

7. Conclusion