

**REPUBLIC OF THE UNION OF MYANMAR
YANGON REGION GOVERNMENT
THILAWA SPECIAL ECONOMIC ZONE MANAGEMENT
COMMITTEE**

**TECHNICAL ASSISTANCE
FOR
ENHANCING CAPABILITIES OF
RESETTLEMENT WORK PLAN
FORMULATION AND IMPLEMENTATION IN
MYANMAR**

FINAL REPORT

MARCH 2019

**JAPAN INTERNATIONAL COOPERATION AGENCY
(JICA)**

NIPPON KOEI CO., LTD.

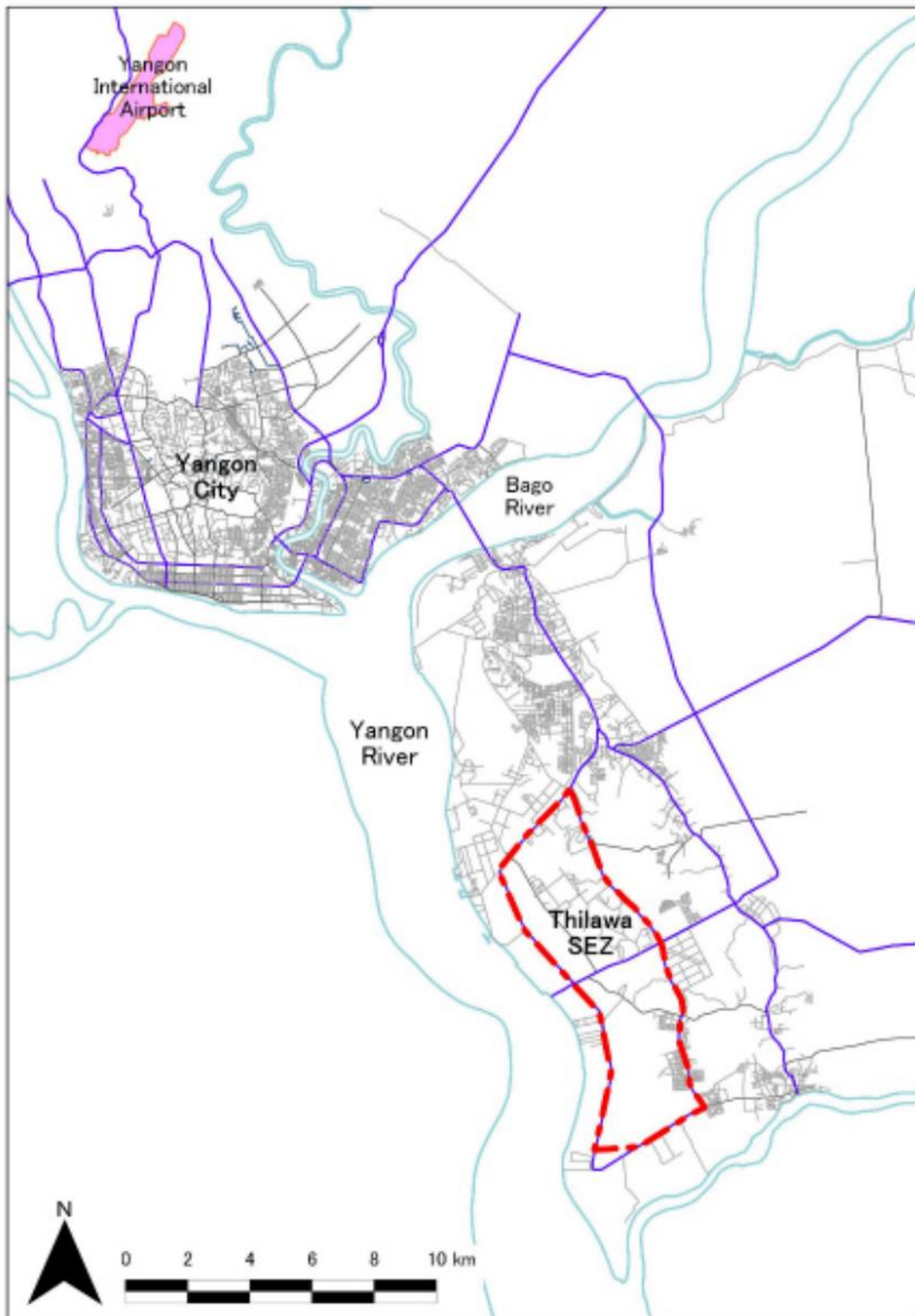
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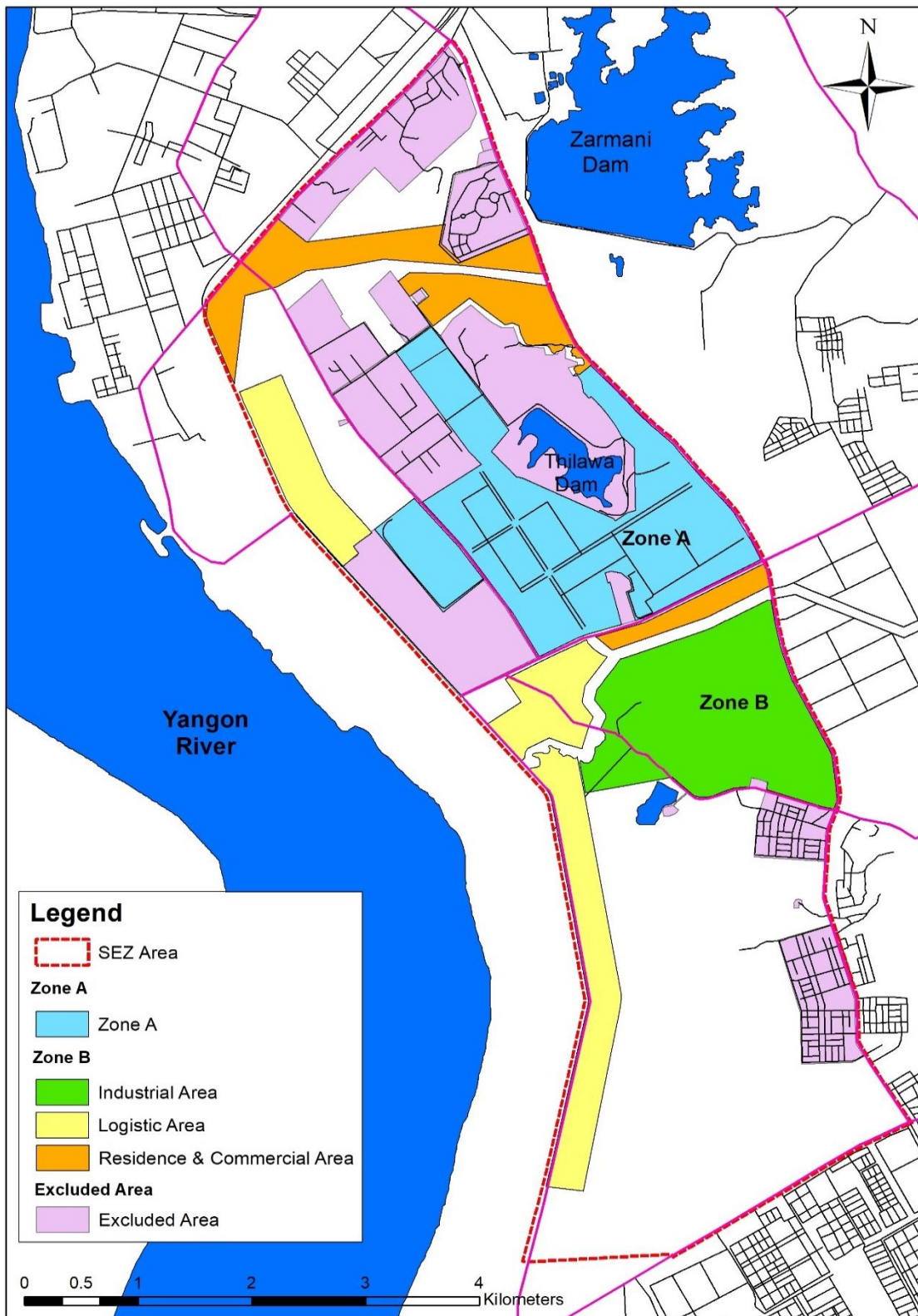
Acre (ac)	1 ac = approx. 4,046 square meter (m ²) or approx. 0.4046 hectare (ha)
Feet (ft)	1 feet = approx. 0.3048 meter (m)

Exchange Rate (as of March 2019)

1USD	=	110.7 JPY
1MMK	=	0.072 JPY
1USD	=	1,542 MMK



Location of Thilawa Special Economic Zone (SEZ) Development Area



Development Area of Zone A and Zone B

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LIST OF ABBREVIATIONS

ADB	Asian Development Bank
AMTD	Aye Mya Thidar (ward)
ALS	Alunsut
BYG	Bayar Gone
C/P	Counterpart
CSO	Civil Society Organization
DF/R	Draft Final Report
DMS	Detailed Measurement Survey
ECD	Environmental Conservation Department of Ministry of Environmental Conservation and Forestry
EIA	Environmental Impact Assessment
FDI	Foreign Direct Investment
F/R	Final Report
GIS	Geographic Information System
GNI	Gross National Income
GOM	Government of Myanmar
HH	Household Head
IAIA	International Association for Impact Assessment
ICMM	International Council on Mining and Metals
IC/R	Inception Report
IRP	Income Restoration Program
IRPIC	Income Restoration Program Implementation Committee
JET	JICA Expert Team
JICA	Japan International Cooperation Agency
LYS	Lay Yar San
MCRB	The Myanmar Centre for Responsible Business
MJTD	Myanmar Japan Thilawa Development Limited
MMK	Myanmar Kyat
MMSTD	MMS Thilawa Development Co., Ltd.
MOC	Ministry of Construction
MOU	Memorandum of Understanding
MONREC	Ministry of Natural Resources and Environmental Conservation
MSAG	Multi-Stakeholder Advisory Group
MTSH	Myanmar Thilawa SEZ Holding Public Limited
NGO	Non Governmental Organization
NRC	National Registration Card
OJT	On the job-Training
PAHs	Project Affected Household
PDNT	Peace and Development Network in Thilawa

PCM	Public Consultation Meeting
PAP	Project Affected Person
PRR	Progress Report
RIC	Resettlement Implementation Committee
RWP	Resettlement Work Plan
SC	Steering Committee
SEZs	Special Economic Zones
SLRD	Settlement and Land Record Department
SP	Shwe Pyauk
SPTY	Shwe Pyi Thar Yar
T/A	Technical Assistance
TDM	Thidar Myaing
TKDC	Thanlyin-Kyauktan Development Company
TSMC	Thilawa SEZ Management Committee
VTs	Village Tracts
W/B	The World Bank
YRG	Yangon Region Government

PART I GENERAL

Chapter 1 Background and Objectives

1.1 Background of this Technical Assistance

The Myanmar economy has been showing rapid progress towards democratization and market economy since the new democratic government was established in April 2016. Myanmar government considers the Foreign Direct Investment (FDI) as the key factor in national development. In particular, it is expected that Thilawa, Dawei, and Kyaukphyu Special Economic Zones (SEZs) to play an important role in economic development.

Thilawa SEZ Development Project has been proactively implemented by Myanmar government and Myanmar Japan Thilawa Development Ltd. (MJTD), the Developer, which was established in January 2014 based on the memorandum of cooperation on Thilawa Special Economic Zone Development in Myanmar signed in December 2012. Out of 2,400ha, the initial development area (Zone A) of approximately 400ha has been developed, and business activities in Zone A started in September 2015. In addition, the next development area, named Zone B (approximately 700ha) was planned by Myanmar government and MJTD, and out of 700ha, an industry area of approximately 262ha was planned as the prioritized industrial development area in Zone B.

The Technical Assistance (T/A) for preparation of the Resettlement Work Plan (RWP) in Myanmar (herein after “the previous T/A for RWP”) financed by Japan International Cooperation Agency (JICA) was provided from May 2013 officially until July 2016 in order to support the Counterpart (C/P) for preparation and implementation of the RWP for Thilawa SEZ development. Through the RWP implementation for Zone A and the previous T/A, the C/P’s capacity has been strengthened; however, it is still necessary to continuously provide technical assistance to build adequate precedence of land acquisition and resettlement at the international standards in Myanmar since there are limited cases so far.

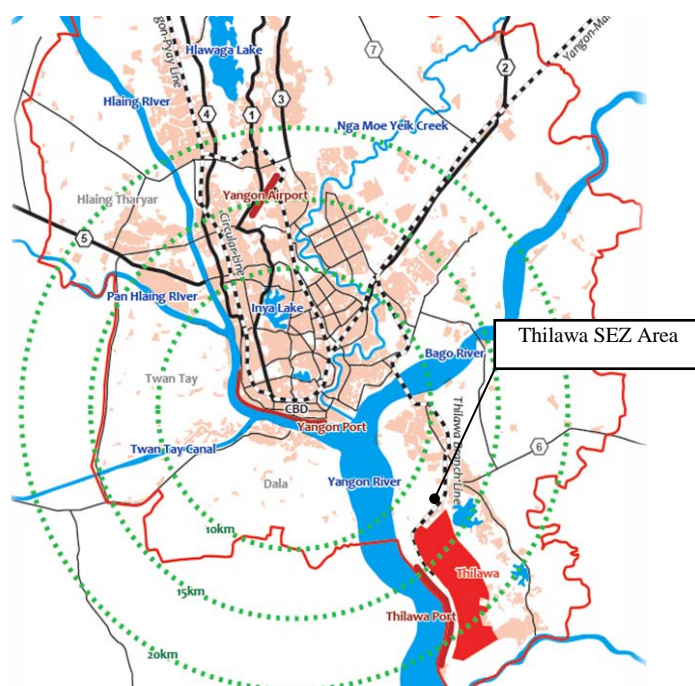
1.2 Objectives of this T/A

The objective of this T/A is to support the Government of Myanmar (GOM) in terms of planning and implementation of the RWP, using Thilawa SEZ (Zone B) development project as a model case. The T/A aims at developing Thilawa SEZ (Zone B) smoothly and strengthening GOM’s capacity to ensure that GOM plans and implements land acquisition and involuntary resettlement as per international standards for internationally funded projects.

1.3 Target Area of this T/A

The target area of this T/A is Thilawa SEZ development area. More specifically, the target area where the RWP is prepared and/or implemented will be decided by Myanmar government and MJTD depending on their development plan and schedule. Thilawa SEZ is located in Yangon Region and about 20 km southeast of Yangon city as shown in Figure I-1. Thilawa SEZ covers an area of about

2,400 ha along the Thilawa port. Village tracts (VTs), wards and villages in the Thilawa SEZ development area are shown in Table I-1.



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

Figure I-1 Location of Thilawa SEZ Development Area

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

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

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

Source: JICA Expert Team (JET)

1.4 Counterpart and Cooperation Organizations

The C/P and cooperation organizations of the T/A are as follow:

- C/P: Yangon Region Government (YRG) and TSMC
- Cooperation Organizations: Ministry of Construction (MOC) and others
- Other relating organizations: MJTD, MMS Thilawa Development Co. Ltd. (MMSTD)

Chapter 2 Basic Approaches

2.1 Basic Approach to Implement the T/A

(1) Support to Prepare and Implement RWPs to Enhance the C/P's Capacity Development

The T/A aimed to contribute to capacity development of the C/P and other agencies for land acquisition and resettlement as per the JICA Guidelines and the international standards. JET's assistance included not only supporting the C/P to prepare the RWPs but also supporting for other planning and implementation stages from preparing the RWPs, continuous public consultation, data management, and preparation of relevant documents so that JET's technical support enhanced the C/P's capacity for the entire land acquisition and resettlement process. Additionally, the tasks were allocated to the C/P and JET in consideration of the C/P's current capacity and limited resources and implementation organization structure, and especially the time-consuming tasks such as identifying the current landowners and PAHs and planning and implementation of continuous consultation, were assisted by JET so that the C/P understand the internationally required procedure while working together.

(2) Efficient and Phased Implementation Plan in Consideration of the C/P's Manpower and Capacity

For this Project, to conduct a series of resettlement activities in a timely manner, the timing of preparation of resettlement site for the Project Affected Household (PAHs) who have no land but need to be resettled was very critical. Then the resettlement schedule should be practical and feasible in consideration of PAHs' views and requests through the consultation meetings as well as the development plan from in the short term and medium term. On the other hand, the C/P's manpower was limited, the efficient resettlement implementation schedule needs to be planned by considering the C/P's available manpower and assisting especially the time-consuming tasks such as identification of the PAHs, preparation of the PAH list, arrangement of public consultation meetings.

(3) Systematizing for Land Acquisition and Resettlement at International Standards

It is important for the C/P to continue land acquisition and resettlement at international standards in the remaining development area to avoid reputation risks in terms of land acquisition and resettlement. Although the previous T/A for the RWP prepared the Framework for Resettlement Works (hereafter "the Framework") for 2000ha which specifies the compensation and assistance policy and guides the future resettlement works, this T/A aims at further enhancing the C/A's capacity by (1) assisting the individual RWP for the prioritized development area in accordance with the Framework, (2) preparing the implementation guideline of land acquisition and resettlement, and (3) arranging the seminar on social safeguards at international standards. Especially, the guideline can be utilized to guide new staff of the C/P and other Myanmar project proponents to implement resettlement works at the international standards.

(4) Using Various Consultation Tools for Consensus Building

To conduct the smooth consensus building among various stakeholders, JET supported the C/P to disseminate information continuously with stakeholders including PAHs/Project Affected Person (PAPs) and have meaningful opportunities for sincere dialogues. JET utilized various consultation tools such as the official public consultation meetings and/or informal village level meetings to enhance the PAHs' understanding on the RWPs and consensus building.

2.2 Basic Approach to Operate the T/A

(1) Support for Consensus Building by Continuous Information Sharing to Stakeholders and Conversation with Stakeholders

Since SEZ development project involves various stakeholders such as GOM, the Developer, and NGOs, it was indispensable to share the information and consult with the stakeholders. For successful consensus building among various stakeholders, JET for the T/A of the RWP collaborated with the JET for "Technical Assistance for Planning and Implementing Income Restoration Program (the T/A for the IRP)" and supported the C/P to conduct information disclosure and hold the public consultation meetings to avoid the repetitive works.

(2) Securing the Flexibility of the T/A Implementation in accordance with the Progress of Development

Since there were changes in the plan to prepare and implement the RWPs due to PAHs' acceptability and the developer's development plan, it was important to conduct land acquisition and resettlement works flexibly. Although it was planned to develop the Zone B area (700ha) out of 2000ha, the necessary change in the schedule and approach and the target area of the RWP was made consulting with the C/P and JICA and JET.

(3) Assistance for JICA's Advisory Committee for Environmental and Social Considerations

The Thilawa SEZ development project was classified as Category A as per JICA Guidelines for Environmental and Social Considerations (April 2010). The Advisory Committee examined the draft RWPs for Area 2-1 and Area 2-2 on 22nd April of 2016. JET assisted the C/P and JICA to reflect the comments from the Advisory Committee in the RWPs.

(4) Considerations to PAHs

The individual RWPs need to be fair and consistent in accordance with the Framework so that the PAHs do not receive different entitlement by the target area. In addition, JET employs local experts who know the project background and was able to communicate with PAHs easily to minimize misunderstanding among PAHs.

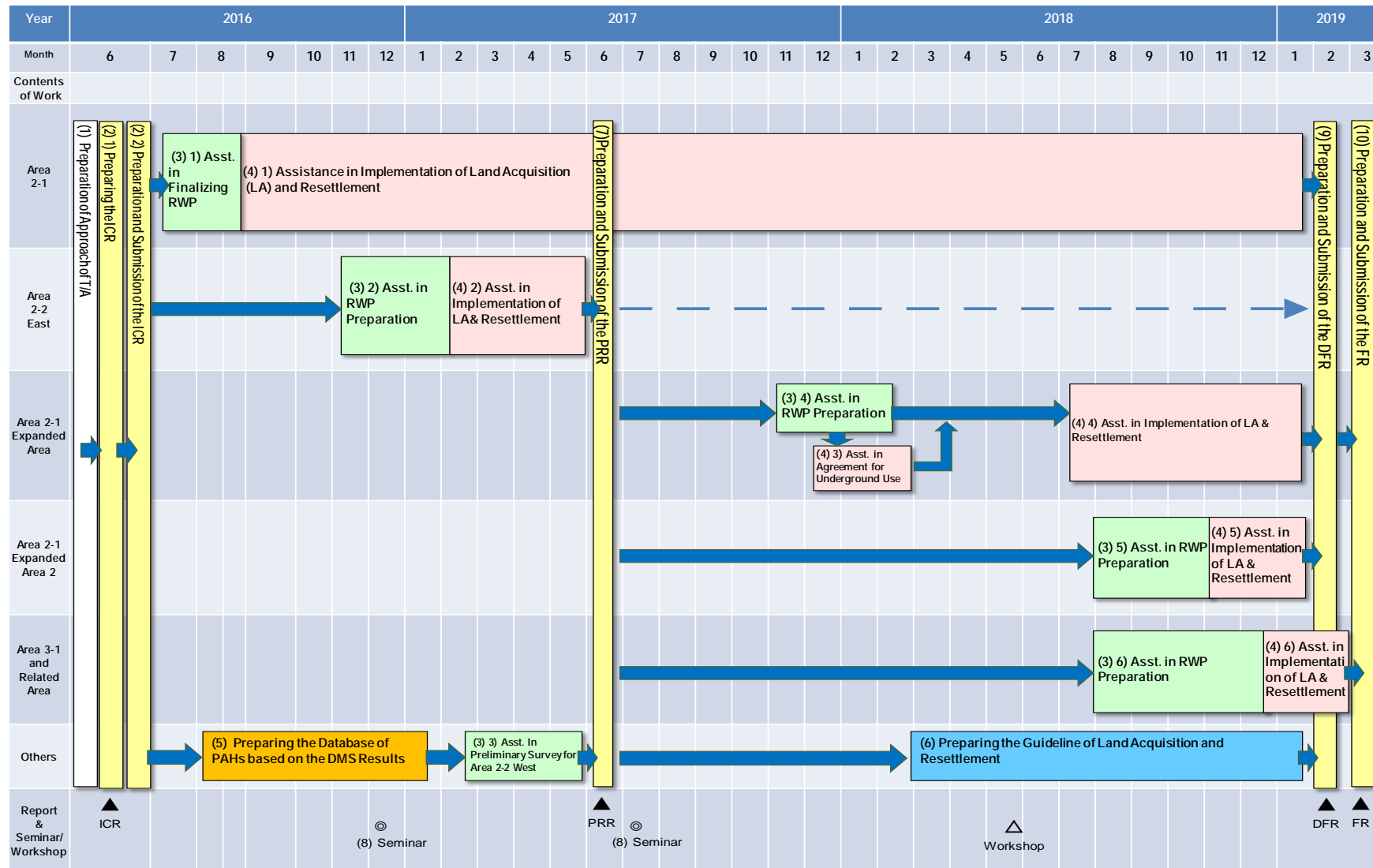
2.3 Cooperation with the T/A for Planning and Implementing the IRP

The initial stage of IRP for Zone A was implemented by a separate T/A for the income restoration program (IRP) since June 2014. Since the T/A for the RWP and the T/A for the IRP are closely related to each other, such as lessons-learned from IRP for Zone A were reflected into the individual RWP prepared under this T/A and these two T/As has been implemented in a close cooperation.

Chapter 3 Work Plan

3.1 Overall Workflow

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



IC/R : Inception Report, PRR : Progress Report, DF/R : Draft Final Report, F/R : Final Report

Source: JET

Figure I-2 Overall Work Flow of the T/A

3.2 Methodology

(1) Preparation of Approach of the T/A and the ICR

Documents and information regarding to resettlement works for Thilawa SEZ Development Project Zone A, the draft RWPs of Area 2-1 and Area 2-2 of Thilawa SEZ Development Project Zone B, and the Framework of Thilawa SEZ Development Project for 2000ha, were collected and analyzed. In addition, the results of the Domestic Express Mail Services (DMS), and the progress of the activities of the previous T/A for the RWP in Area 2-1 and in Area 2-2 were reviewed and considered into the approaches of this T/A. The ICR was prepared including the proposed basic approaches, the methodology and schedule.

(2) Assistance in Preparation of the RWP

1) To support in review and compilation of DMS results

The results of DMS carried out during preparation of the Framework was reviewed and re-organized as per the development areas. The reviewed data was used for preparation of the RWP.

2) To support identification of eligible land owners (for uncompensated land)

Current land owners were identified based on the Settlement and Land Record Department (SLRD) list mainly through village-level confirmation meetings. Conflicts related to land ownership is also checked to the extent possible.

3) To support conducting supplemental DMS

Supplemental DMS was conducted, if any entitled households who were not covered by the past DMS are identified.

4) To Support preparation of RWPs for selected area(s) of Zone B

The RWPs for selected areas of Zone B were prepared. The selected areas were Area 2-1, Area 2-2 East, and Area 2-1 Expanded Area, Area 2-1 Expanded Area 2 and Area 3-1 and Related area.

5) To support organizing Public Consultation Meeting (PCM)

The formal PCM was organized by the C/P to foster awareness and understanding of the RWPs among PAHs. Additionally, the language was Myanmar for better understanding, and the venue was a community place or a meeting room at the office of Department of Urban and Housing Development (DUHD) of MOC in Kyauktan (formerly TSMC temporary office) near the project site for better accessibility. If required, the follow-up meeting was conducted.

For enhance transparency, the following actions have been taken:

- The formal meetings were attended by witness(es) who is/are from local Non Governmental Organization (NGO) recognized in Myanmar.
- The PCM notice was delivered to the target PAHs in the target area and posted in the community places in the villages in the project area so that anyone interested could attend the meeting, although the target invitees are the PAHs in the target area.

- The feedback form was used so that the participants, especially vulnerable groups, could also share their views.

6) To support information disclosure and finalization of the RWP

The draft RWPs were disclosed for approx. from two weeks to one month, depending situations, at respective government offices to receive comments and suggestions from the public and the PAHs. The comment forms were placed together with the draft RWP at disclosure places, and verbal comments can be recorded at the disclosure places. Additionally, the draft RWPs have been uploaded on the Thilawa SEZ Management Committee (TSMC) website, and the disclosure was advertised on 2 local newspapers. Therefore, comments could be sent by e-mail additionally. After incorporating the comments received, the RWPs were finalized. The final RWPs were disclosed at the same disclosure places for public viewing.

7) To support organizing additional meetings as necessary

Village-level meetings were organized by the C/P with assistance from JET to improve PAHs' understanding, if required.

8) To support finalizing the RWPs

The RWPs can be updated with the additional consultation records and comments from PAHs.

(3) Assistance in Implementation of Land Acquisition and Resettlement

Implementation of RWPs by the following JET's activities:

- Calculation of compensation and assistance amount based on the DMS results for review of YRG,
- Arrangement of discussions and negotiation with PAHs/PAPs,
- Drafting of the individual agreement documents for review of YRG,
- Assistance before payment (e.g. support for opening PAP's bank account and training on using compensation and assistance money), and
- Assistance in transferring the compensation and assistance money

In addition, supports in identifying and planning the resettlement site and planning of the IRP were technically assisted by the JET of the T/A for the RWP together with the JET of the T/A for the IRP.

(4) Preparing the Database of PAHs and the DMS Results

The result of DMS was reviewed and organized by paying attention to the following points:

- Easy to use and edit the data by considering users' technical capacity and software availability, and
- Database in two formats e.g. Microsoft Excel and Access which complement each other

(5) Preparing the Guideline for Land Acquisition and Resettlement in Thilawa SEZ

It is expected that the GOM was going to undertake land acquisition and involuntary resettlement in line with international safeguard standards in remaining areas of Thilawa SEZ as per the Framework and Individual RWPs without the T/A from the JET in the near future.

Therefore, the Guideline on land acquisition and involuntary resettlement both in English and Myanmar were prepared in order to support GOM to carry out land acquisition and involuntary resettlement smoothly. In preparation of the guideline, the following aspects were considered:

- Step by step instruction and key points for each stage of land acquisition and resettlement,
- Advantages and disadvantages of various options for land acquisition and resettlement, and
- Lessons learnt from the T/As for Thilawa SEZ

(6) Organizing Seminar on Social Safeguard at International Standards

Thilawa SEZ is one of a few examples in which land acquisition and involuntary resettlement are carried out in accordance with international standards in Myanmar. As such, the project offers useful insights for GOM which can apply lessons and good practices in other development projects involving land acquisition and involuntary resettlement in the future. The JET assisted to help the C/P to organize the seminar on land acquisition and involuntary resettlement where the C/P presents challenges and lessons associated with planning and implementation of the RWPs for Thilawa SEZ.

(7) Preparation and Submission of Progress Report (PRR)

The progress and interim results of the T/A were compiled in the PRR. The PRR was mainly compiled with the results on the progress of preparation of individual RWPs in Zone B such as RWPs for Area 2-1 and Area 2-2 East and implementation of respective RWPs.

(8) Preparation and Submission of the DFR

The T/A results were compiled into the DFR. In addition to the progress of preparation and implementation of the respective RWPs, the DFR also consists of the RWPs finalized in this T/A, the guideline for implementation of land acquisition and resettlement for Thilawa SEZ development, and outcomes of seminars on land acquisition and involuntary resettlement as per international safeguard standards.

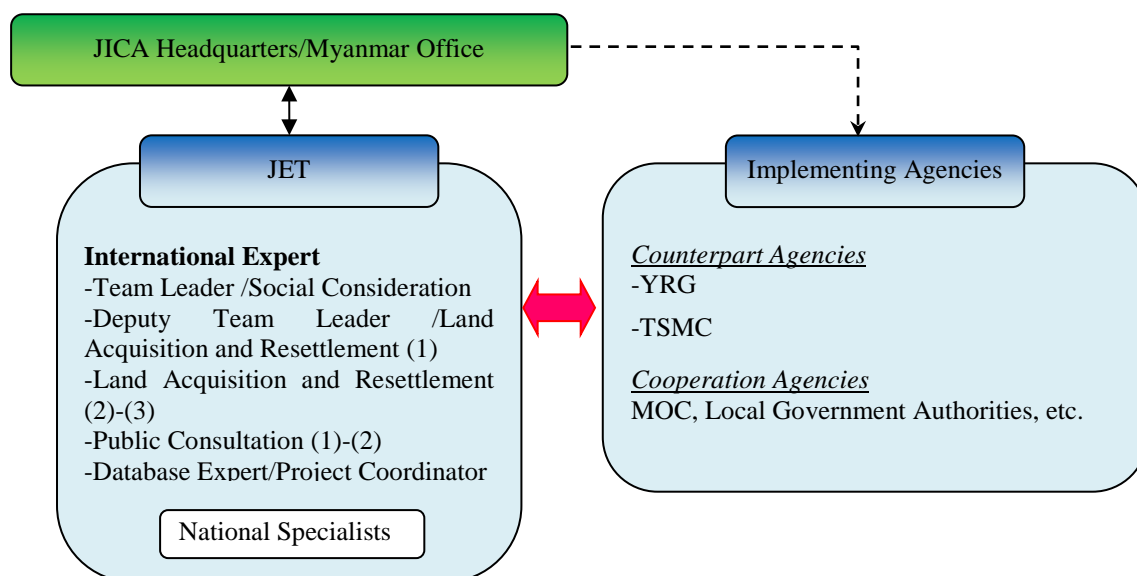
(9) Preparation and Submission of the FR

The FR was finalized by reflecting comments on the DFR from JICA and counterpart agencies, and then was submitted to JICA and counterpart agencies in Myanmar.

3.3 Organization Structure for Implementation

3.3.1 Implementation Structure

The implementation structure of the T/A is described in Figure I-3. In addition to international members of JET and national specialists who has experiences in social considerations and related fields has been hired as the members of JET.



Source: JET

Figure I-3 Implementation Structure

3.4 Implementation Schedule and Outputs

The T/A schedule is shown in Table I-2. T/A is conducted from June 2016 to March 2019 including works in Japan and in Myanmar.

Table I- 4 Equipment Procured for the T/A

No	Equipment Name	Model/ Specification	Quantity	Usage
1	Multifunction copier	Both side printing, scanner, printer functions	1 set	Printing, photocopying and scanning various documents and handouts etc.
2	Inverter	Including stationary battery	2 sets	Back-up power supply for the office
3	Personal computer	Including MS Office and anti-virus software	6 sets	Various meetings including public consultation meetings & preparation of relevant data and document
4	ArcGIS Standard	-	1 set	Identifying and analyzing PAHs within the development area and making the PAHs map
5	MS Access	-	1 set	Development data base of PAHs and calculation of compensation and assistance amount
6	Safety box	-	1set	Keeping of bank notes to be given to PAHs etc.

Source: JET

3.6 Collected Data and Information

The data and information collected during the T/A are listed in Table I-5.

Table I- 5 Collected Data and Information

No.	Document Title	Document Source/ Issuing Institution	Form
1	Myanmar Special Economic Zone Law 2014	Union Government/Internet	Softy copy
2	The Land Acquisition Manual Book (July 2016)	The Land Acquisition Act, 1894/ Mr. Thet Wai (Shwe Moe literature)	Hard Copy
3	Settlement and Land Record Department List (2013 SLRD list)	SLRD office	Hard Copy
4	The Republic of Union of Myanmar, Ministry of Home Affairs' Notification 106/2015 (30 April, 2015)	The Land Acquisition Act, 1894, Section 6/ SLRD office	Hard Copy
5	Land Access and Resettlement: A Guide to Best Practice (2015)	Gerry Reddy, Eddie Smyth, Michael Steyn	Hard copy
6	Urban Land Acquisition and Involuntary Resettlement: Linking Innovation and Local Benefits (May 2017)	Vincent Roquet, Luciano Bornholdt, Karen Sirker, and Jelena Lukic / WB Group	Hard copy
7	Safeguard Implementation: How Can We Make It More Meaningful (July 2015)	Asian Development Bank (ADB)	Softy copy
8	Real-Time Evaluation of ADB's Safeguard Implementation Experience Based on Selected Case Studies (November 2016)	ADB	Softy copy
9	Guideline on Public Participation in Myanmar (Draft)	Ministry of Natural Resources and Environmental Conservation (MONREC)	Softy copy

No.	Document Title	Document Source/ Issuing Institution	Form
10	Land Acquisition and resettlement: Lessons learned (2015)	International Council on Mining and Metals (ICMM)	Soft copy
11	Compendium IAIA Special Symposium Resettlement and Livelihood (April 2017)	International Association for Impact Assessment (IAIA)	Soft copy
12	Understanding Company-Community Relations Toolkit (2015)	International Council on Mining and Metals (ICMM)	Soft copy

Source: JET

PART II ASSISTANCE IN PREPARING INDIVIDUAL RWPS

Chapter 1 Assistance in Updating Information of Landowners and PAHs

1.1 Assistance in Confirmation of Latest Landownership Status

Since some land owners registered in the SLRD list have already sold or transferred their land, it was necessary to confirm the latest land ownership for proceeding with land acquisition processes. JET assisted YRG to hold several rounds of meetings to confirm land ownership status. In accordance with the past experiences, the village level meetings were organized with the official land owners who are registered in the SLRD records. If the land was sold to a new landowner, the registered landowner was also requested to come together with the potential new landowner(s) and bring any evidence document for the land transaction.

1.1.1 Confirmation of Land Ownership Status in Area 2-1

In order to clarify the latest entitlement of the land within Area 2-1, the village level meetings were organized by inviting the households as per the SLRD records and other concerned persons to confirm the latest land entitlement from all the concerned parties. The invitees were requested to bring the evidence which shows the land entitlement and explained the current status to the Southern District.

Table II-1 Summary of Village Level Meetings for Land Entitlement Confirmation in Area2-1

Date	Outcomes
28 February 2016	Concerned persons attended for 25 land plots.
1 March 2016	Concerned persons attended for 13 plots.
7 March 2016	Concerned persons attended for 1 plot.
14 March 2016	Concerned persons attended for 2 plots.

Source: JET

1.1.2 Confirmation of Land Ownership Status in Area 2-2 East

The confirmation of entitlement of land ownership in Area 2-2 East was implemented by the village level meeting on 26 November 2016 by inviting the households as per the SLRD records and other concerned persons to confirm the latest land entitlement from all the concerned parties. The invitees were requested to bring the evidence which shows the land entitlement and explained the current status to the Township committee/the Southern District. It was also attended by the witness, Local Resource Centre (LRC).

Table II-2 Village Level Meetings for Land Entitlement Confirmation (Area 2-2 East)

Date	Outcomes
26 November 2016	Discussed land ownership for 14 land plots among SLRD-listed owners and persons claiming the land ownership.
15 December 2016	Discussed continued for 4 land plots

Source: JET

1.1.3 Confirmation of Land Ownership Status in Area 2-2 West

(1) Assisting in Holding Village Level Meetings

The PAHs in Area 2-2 West were initially identified with the approximate boundary data, the DMS location data and the SLRD data, and especially the registered landowners were identified with the SLRD map, so called Upaing map and SLRD list.

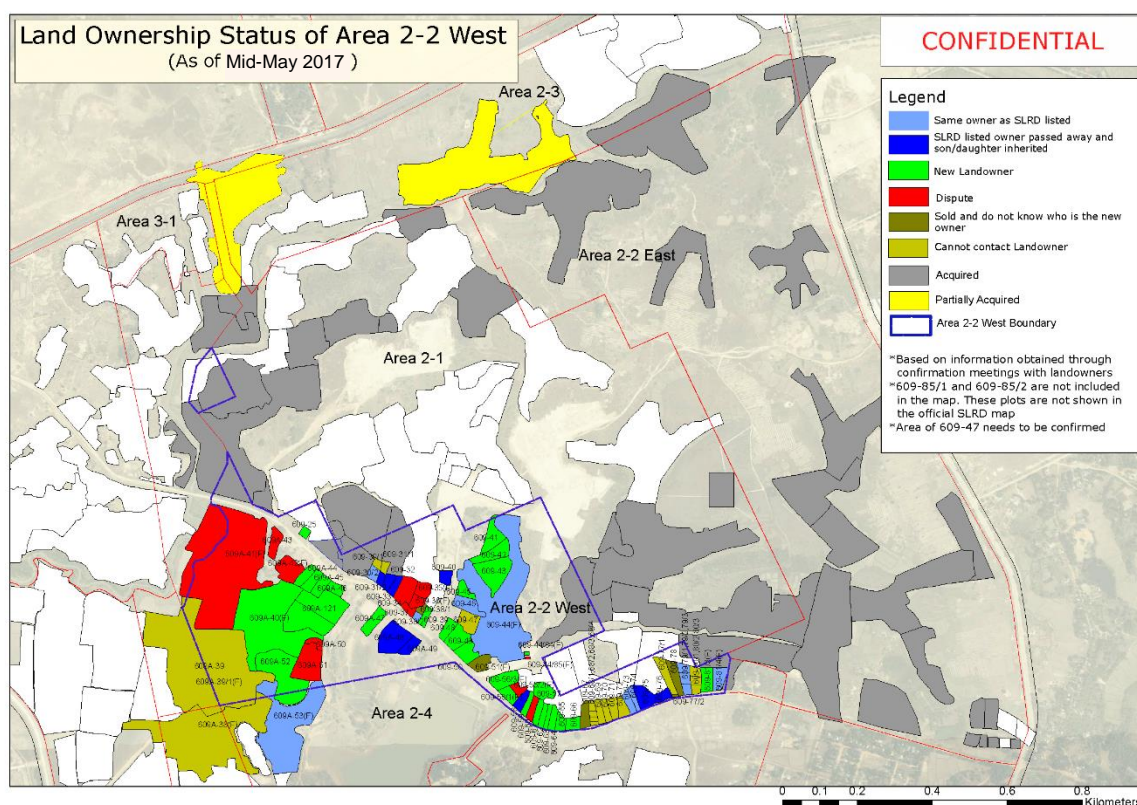
The land plots in Area 2-2 West was provisionally identified, and the total number of the respective land plots is 87 plots (86 plots and one plot purchased by 2 persons/norw 2 sub-plots) as of 15 March 2017. The number of plots is relatively larger due to small plots of garden land along the existing road.

The village level meetings were organized to confirm the latest owners by using the land owner confirmation form on 18th and 24th March 2017 since it was often observed some land owners sold land to new owners in the past. Since there are remaining land plots which owners could not be confirmed in the past 2 meetings, the additional meeting was planned on 28th April 2017 but postponed until 4th May 2017 due to availability of government officers. As of 4th May 2017, the land owners could not be confirmed for 21 plots out of 87 plots. Some follow up meetings were planned to identify the remaining landowners.

(2) Assessing PAH Types and Challenges

To assess difficulty of land acquisition and resettlement, attention needs to be paid to 1) strongly opposing PAHs, 2) business landowners who tend to demand the higher land compensation rate and 3) garden land owners who also expect the higher land compensation rate than the farm land based on the past consultations and negotiations.

To analyze the feasibility of land acquisition and resettlement of Area 2-2 West, above-mentioned factors was assessed mainly for landowners. The land owner data which was obtained in the village level meetings in late March and early May 2017 was compiled in the table which provisional template is shown in Figure II-1 and Table II-3.



Source: SLRD Map, SLRD List and outcomes of Village-level confirmation meetings (March – May 2017)

Figure II-1 Provisional Landownership Status in Area 2-2 West

Table II-3 Provisional PAH Analysis Template

Sr.	Kwin	U Paing	Land Type (Farmland/Garden Land)	Area (Acre)	Landowner listed in SLRD (2013)	PAH ID	Current Landowner (identified in three confirmation meetings)	PAH ID	Relationship	Dispute	Cultivation	TSDG	Address of current landowner	Other Remarks
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														

Source: JET

1.1.4 Confirmation of Land Ownership Status in Expanded Area of Area 2-1

(1) Village Level Meetings

In order to clarify the latest entitlement of the land within Sub-Areas No.1 and No.4 of Expanded Area of Area 2-1 from all the concerned parties, the village level meetings were organized by inviting the households as per the SLRD lists and other concerned persons. The invitees were requested to bring the evidence which shows the land entitlement and explained the current status to the township officers in charge of resettlement. It was also attended by SLRD and/or TSMC officers.

**Table II-4 Summary of Village Level Meetings for Land Ownership Confirmation
for Sub-Areas No.1 and No.4 of Expanded Area of Area 2-1**

Location	Date	Outcomes
Sub-Area No.1	6 November 2017	Discussed land ownership claims for 9 plots among SLRD-listed owners and persons claiming the land ownership.
	8 November 2017	Discussion continued for 4 land plots.
	10 November 2017	Discussion continued for 1 land plots.
	29 November 2017	Discussion continued for 4 land plots.
	7 December 2017	Discussion continued for 1 land plot.
	19 December 2017	Discussion continued for 1 land plot, and discussed the use of 1 land plot for underground pipeline.
	27 December 2017	Discussion continued for 1 land plot.
	2 January 2018	Discussion continued for 2 land plots.
	19 January 2018	Discussion continued for 1 land plot.
Sub-Area No.4	24 March 2017*	Discussion continued for 4 land plots.

*Note: Village level meetings to clarify the land owner of Area 2-2 West were conducted on 24 March, 28 April and 5 May 2017 over a wide range including Sub-Area No.4. However, concerned persons who owned the land within Sub-Area No.4 attended the meeting on 24 March 2017 only.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)



Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

Photo II -1 Photo of Village Level Meeting for Land Entitlement Clarification

(2) Ground Confirmation

In order to clarify the border line of plots in the site of Sub-Area No.1, the ground confirmation site visits were organized on 10 and 29 November, and 19 December 2017 by inviting the landowners as per the SLRD lists and other concerned persons.

1.1.5 Confirmation of Land Ownership Status in Expanded Area 2 of Area 2-1

(1) Village Level Meetings

Among total 3 Sub-Areas in Area 2 of Area 2-1, the PAHs were basically confirmed with the DMS location data, the SLRD data and SLRD list.

It is because Sub-Areas No.1 was originally located in the former Area 2-2, two session village level meetings were held on 3 April 2016. After that, several village level meetings were held to clarify the

latest entitlement of the land within Sub-Areas No.1 and No.2 by inviting the households as per the SLRD records and other concerned persons. Invitees were requested to bring the evidence which shows the land entitlement and explained the current status to the township officers in charge of resettlement.

Table II-5 Summary of Village Level Meetings for Land Entitlement Confirmation in Expanded Area 2 of Area 2-1

Location	Date	Outcomes
Sub-Area No.1	18 March 2017	Discussed land ownership for 1 land plot among SLRD-listed owners and persons claiming the land ownership.
	24 March 2017	Discussion continued for 15 land plots
	28 April 2017	Discussion continued for 5 land plots
	4 May 2017	Discussion continued for 2 land plots
	21 June 2018	Discussion continued for 18 land plots
	28 June 2018	Discussion continued for 6 land plots
Sub-Area No.2	1 August 2018	Discussion continued for 1 land plot

Source: JET

(2) Land Ownership Confirmation Meetings

Some land ownership remained unclear even after the village level meetings because new land owners are not registered in SLRD list and dispute or inheritance have not been solved at the time. Totally 20 land plots were targeted to clarify the land ownership after the disclosure of final RWP of Expanded Area 2 of Area 2-1. To address individual issues, land ownership confirmation meetings were held to examine latest eligible land owners since 1 November 2018. Thilawa SEZ Land Compensation Committee interviewed to concerned people and investigated documents such as land transaction record respectively.

Table II-6 Summary of Land Ownership Confirmation Meetings in Expanded Area 2 of Area 2-1

Date	Outcomes
21 st June 2018	Concerned persons attended for 22 land plots.
28 th June 2018	Concerned persons attended for 9 land plots.
1 st August 2018	Concerned persons attended for 4 land plots.
2 nd November 2018	Concerned persons attended for 3 land plots.
13 th November 2018	Concerned persons attended for 9 land plots.
21 st December 2018	Concerned persons attended for 5 land plots.
27 th December 2018	Concerned persons attended for 3 land plots.

Source: JET

1.2 Assistance in Conducting Supplemental DMS

The DMS did not cover land owners who do not carry out any economic activities in the development areas since the SLRD map and list became available after the DMS was conducted and it was expected that land to be acquired was cultivated by local farmers since it is mostly farmland. Therefore,

additional DMS was conducted to collect demographic and socio-economic information of such PAHs. The DMS forms which were used in the past DMS and attached to the each RWP were used again. Since land owners registered in the SLRD list may have already sold or transferred their land, the land ownerships were confirmed and subsequently supplemental DMS was conducted to the entitled PAHs.

In addition, several new PAHs who have not been surveyed in DMS were identified during consultation and negotiation meetings. Also, several households who were considered as not eligible during DMS claimed that they are eligible and should be entitled to receive compensation and assistance. JET assisted YRG to confirm their eligibility and undertake additional DMS for PAHs whose eligibility were confirmed and supported by local leaders etc.

The summary of Supplemental DMS which was conducted for newly identified PAHs is shown in Table II-7.

Table II-7 Summary of Supplemental DMS

Date	No.	Target
May 2016	25	Landowner PAHs in Area 2-1 who have not been surveyed
Nov 2016	1	New PAH in Area 2-1
December 2016 to January 2017	12	Landowner PAHs in Area 2-1 (4) and Area 2-2 East (8) who have not been surveyed
January to February 2017	10	New PAHs in Area 2-2 East who are identified after finalization of RWP
November 2018	9	Landowner PAHs in Area 2-1 Expansion No-2 who have not been surveyed
December 2018	4	Landowner PAHs in Area 2-1 Expansion No-2 who have not been surveyed
January 2019	8	Landowner PAHs in Area 2-1 Expansion No-2 who have not been surveyed
Total	69	

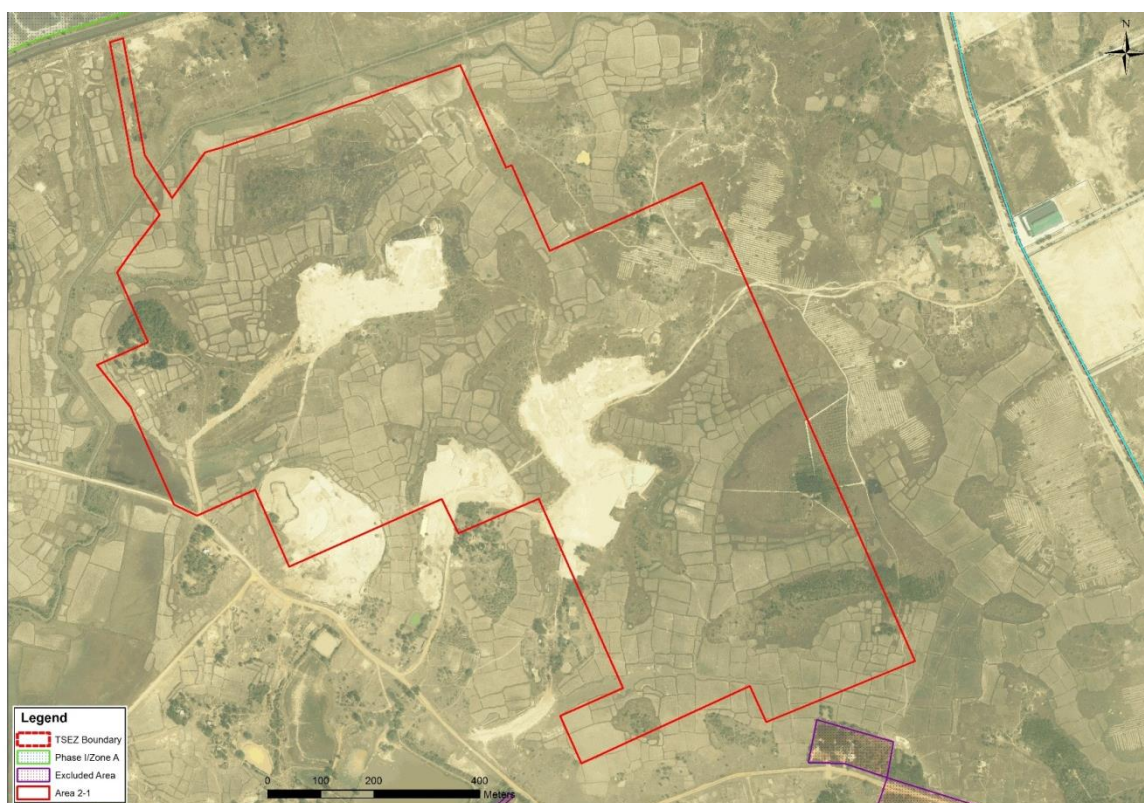
Source: JET

Chapter 2 Assistance in Finalizing the RWP for AREA 2-1

2.1 Target Area of the RWP for Area 2-1

2.1.1 Location of the Initial Development Area (Area 2-1)

The target area of Area 2-1 which includes temporal access road area to Zone A is as shown in Figure II-2.



Source: JET

Figure II-2 Location of the Initial Development Area (Area 2-1)

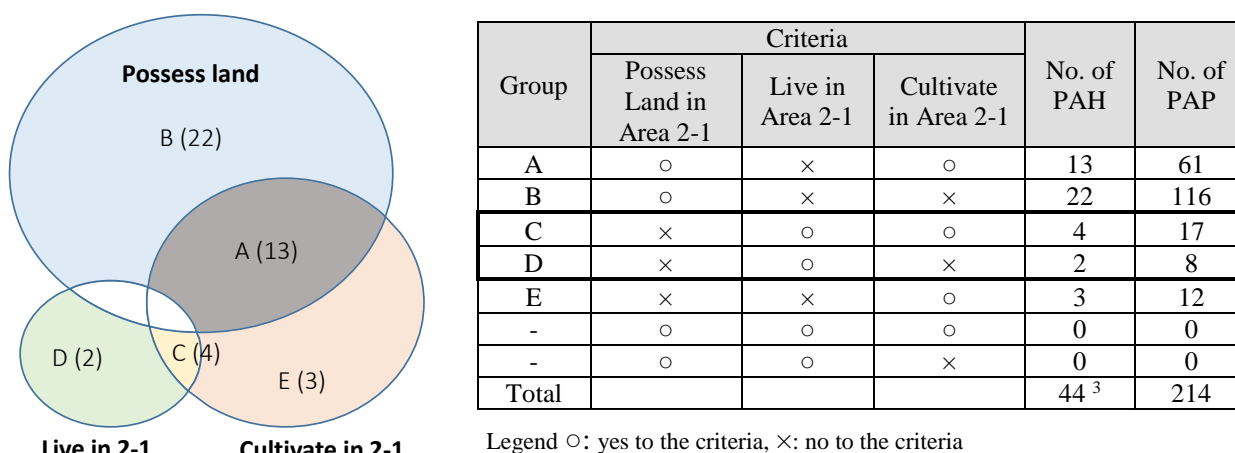
According to the SLRD records of Thanlyin and Kyauktan townships, there is approximately 308 ha area where administrative procedures of land acquisition were not covered in 1997. This area is currently undergoing administrative acquiring procedures in accordance with Land Acquisition Act 1894 by Southern District, YRG. Area 2-1 falls in the area where land acquisition is not covered in 1997.

2.2 Types and Numbers of PAH/PAP in Area 2-1

PAHs of Area 2-1 are divided into several groups depending on the types of impacts. Three criteria used to classify PAHs are: 1) whether PAH possesses land inside Area 2-1 or not¹; 2) whether PAH

¹ Private and informal land transfers are common in Myanmar, and therefore, de fact land owners and de jure land owners may not match. While acknowledging the informal nature of such land transfers, this RWP has been prepared based on the information of de fact land owners to reflect the latest situation on the ground. De fact land owners were identified by examining informal land transfers through a round of confirmation meetings with de jure land owners on the SLRD list.

lives inside Area 2-1 or not; and 3) whether PAH carries out cultivation inside Area 2-1 or not². Out of seven possible combinations, PAHs fall into five groups as shown in Figure II-3. The number of PAHs of each group together with the number of PAPs are also shown in Figure II-3.



Note:

1. The owner(s) of three sub-Upaings³ cannot be obtained at the time of finalizing this RWP as their names are not listed in the SLRD list nor were their details obtained through the field surveys. No economic activity is being carried out in this area and therefore, these unidentified land owners belong to Group B.
2. For PAHs in Group C, cultivation is a main source of income for only one PAH.
3. Three households residing outside but near the boundary of Area 2-1 are not included in 44 PAHs. Depending on their preference, they may be relocated as well.

Source: RWP for Area 2-1 (August 2016)

Figure II-3 Group and Number of PAHs/PAPs in Area 2-1

The above is the status at the time of finalizing RWP, and the demographic and socio-economic profiles of PAHs presented below is taken from RWP. During the implementation of the RWP; however, several new PAHs have been identified. Finally, the total number of PAHs and PAPs in Area 2-1 is 58 and 265 respectively.

2.3 Demographic and Socio-Economic Profile of PAHs in Area 2-1

Demographic and socio-economic profiles of PAHs in Area 2-1 is presented in tables below. Unless otherwise indicated, the source of information presented in this section is the RWP for Area 2-1.

2.3.1 Profile of PAHs

Profiles of PAHs identified through DMS are shown in Tables II-8 to II-10.

As a result, the list of land owner PAHs in this RWP (PAHs in Groups A and B) do not fully correspond to the list of de jure land owners who, according to the Land Acquisition Act, 1894, are entitled to receive land compensation.

² Paddy farmers, vegetable farmers and households who earn income from fruit and other trees inside Area 2-1 are considered as cultivators. However, this does not necessary mean that cultivation is a main income source of the household in question.

³ In Myanmar, land is registered in the cadastral map per plot called Upaing. In some cases, one Upaing is further divided into several sub-Upaings based on ownership pattern.

Table II-8 Ethnicity of PAHs

Unit: Household

Group	Burmese	Hindu ¹	Chinese	Total
A	13	0	0	13
B	20	0	2	22
C	4	0	0	4
D	2	0	0	2
E	2	1	0	3
Total	41	1	2	44

Note: 1. This is the term commonly used in Myanmar to refer to people of Indian origin.

Source: RWP for Area 2-1 (August 2016)

Table II-9 Religion of PAHs

Unit: Household

Group	Buddhist	Hindu	Other ¹	Total
A	13	0	0	13
B	20	0	2	22
C	4	0	0	4
D	2	0	0	2
E	2	1	0	3
Total	41	1	2	44

Note: 1. One is Christian and the other is Muslim. Both PAHs in Other category are Burmese.

Source: RWP for Area 2-1 (August 2016)

Table II-10 Literacy of PAHs

Unit: Household

Group	Not able to speak, read and write	Able to speak, but not to read and write	Able to speak, but read and write little	Speak, read and write fluently	Total
A	0	1	3	9	13
B	0	1	4	17	22
C	0	0	2	2	4
D	0	1	0	1	2
E	0	1	1	1	3
Total	0	4	10	30	44

Source: RWP for Area 2-1 (August 2016)

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

The number of large-size livestock raised by PAHs for different purposes is shown in Table II-11.

Table II-11 Type and Number of Large Size Livestock

Unit: Number

Group (No. of HH)	Milk	Agriculture	Meat	Total ²
A (13)	0	44	0	44
B (22)	0	0	0	0
C (4)	1	0	2	3

Group (No. of HH)	Milk	Agriculture	Meat	Total ²
D (2)	0	0	0	0
E (3)	61	42	0	48
Total (44)	7	86	2	95

Note: 1. Six cows raised for milk in category E are also used for agriculture.

2. The cows and buffalos not confirmed at the time of DMS are not included in the table.

Source: RWP for Area 2-1 (August 2016)

The yield of rice, type and amount of crops and trees are presented in Table II-12. The figure is the total volume of production including cultivation outside Area 2-1.

Table II-12 Rice Yield, Type and Amount of Vegetable and Tree Grown by PAHs

Group (No. of HH)	Rice Yield ¹ (basket)	Vegetable ²				Tree ³ (no.)
		Bean (plant)	Betel Leaf (pole)	Cucumber (plant)	Roselle (plant)	
A (13)	5,936	0	6,000	0	0	6,948
B (22)	1,450	0	0	0	0	14
C (4)	0	0	15,000	0	0	13,272
D (2)	0	0	0	0	0	95
E (3)	2,600	120	0	375	160	7,257
Total (44)	9,986	120	21,000	375	160	27,487

Note: 1. Annual yield of rice based on the interview during DMS. Since no household in Area 2-1 grow summer paddy, the yield is the volume of monsoon paddy only.

2. The amount of vegetable is based on the ground confirmation or interview during DMS.

3. The number of tree is calculated based on the interview, and it is the total amount of both fruit trees and non-fruit trees. Trees include bamboo, malaysia paduk, watermelon and banana, among others.

4. One mango tree was identified near a residence of one PAH (which is outside Area 2-1), but this PAH is not considered as a "cultivator" because they are not earning income from the mango tree.

5. Although PAHs of Group D do not carry out cultivation, several trees were confirmed near their residence which they use for firewood and other domestic purposes.

Source: RWP for Area 2-1 (August 2016)

Inventory of movable assets of PAHs is summarized per PAH group in Table II-13 and II-14.

Table II-13 Movable Assets of PAHs (1)

Unit: Number of Assets

Group (No. of HH)	Electric Fan	Fridge	Inverter	Small Generator	Battery	Air-con	Car	Bicycle	Motor- cycle
A (13)	4	6	1	8	2	0	5	9	10
B (22)	23	20	4	9	4	25	25	13	11
C (4)	0	1	0	2	1	0	1	4	4
D (2)	0	0	0	0	0	0	0	1	0
E (3)	0	0	0	1	1	0	0	1	3
Total (44)	27	27	5	20	8	25	31	28	28

Source: RWP for Area 2-1 (August 2016)

Table II-14 Movable Assets of PAHs (2)

Unit: Number of Assets

Group (No. of HH)	Tractor	Water Pump	Other Agr Equipment ¹	Mobile Phone	TV	VCD/ Cassette	Solar	Sewing Machine	Land -line	Sky Net
A (13)	0	2	10	29	9	9	0	1	7	0
B (22)	2	3	2	66	28	24	0	1	14	4
C (4)	0	1	0	8	4	3	0	0	3	0

Group (No. of HH)	Tractor	Water Pump	Other Agr Equipment ¹	Mobile Phone	TV	VCD/ Cassette	Solar	Sewing Machine	Land -line	Sky Net
D (2)	0	0	0	0	0	1	0	0	0	0
E (3)	0	0	0	4	1	1	1	0	0	0
Total (44)	2	6	12	107	42	38	1	2	24	4

Note: 1. Other Agricultural Equipment are log for iron teeth of harrow, plough and cart.

Source: RWP for Area 2-1 (August 2016)

2.3.3 Impacts on Livelihood and Income Sources

(1) Income Source

The main income source of household heads and other family members is shown in Tables II-15 and 16 and Figures II-4 and 5. Excluding household heads, the number of PAPs is 170. Out of those, 112 are working age (between 18 and 64 years old as of the day which DMS was conducted).

Table II-15 Main Income Source of Household Head

Unit: Person

Group	Paddy Farmer	Vegetable Farmer	Odd Job Worker	Wage Worker	Self- Employment	Other ¹	No Income ²	Total ³
A	6	0	0	2	4	0	1	13
B	0	0	1	1	9	2	8	21
C	0	1	1	0	2	0	0	4
D	0	0	1	1	0	0	0	2
E	2	0	1	0	0	0	0	3
Total	8	1	4	4	15	2	9	43

Note: 1. Other includes unearned income from savings and equity.

2. Out of nine households without income, five are over 65 years old.

3. One household in Group B did not answer this question, hence the total number of PAHs is 43.

Source: RWP for Area 2-1 (August 2016)

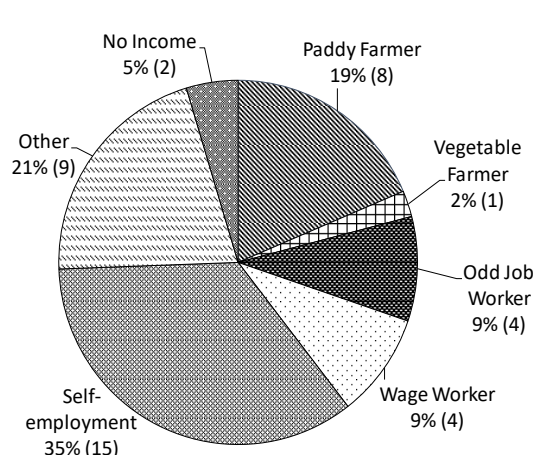
Table II-16 Main Income Source of Other Working Family Members

Unit: Person

Group	Paddy Farmer	Vegetable Farmer	Odd Job Worker	Wage Worker	Self- Employment	No Income ¹	Total
A	2	0	3	7	10	10	32
B	0	0	2	17	13	31	63
C	0	0	1	1	5	3	10
D	0	0	0	0	1	0	1
E	2	0	0	1	0	3	6
Total	4	0	6	26	29	47	112

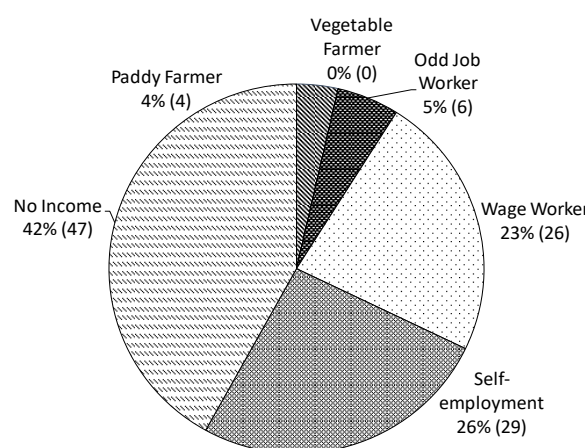
Note: 1. They are either dependent or jobless.

Source: RWP for Area 2-1 (August 2016)



Source: RWP for Area 2-1 (August 2016)

Figure II-4 Main Income Source of Household Head



Source: RWP for Area 2-1 (August 2016)

Figure II-5 Main Income Source of Other Working Family Members

(2) Household Income

The median annual primary income of PAHs is shown in Table II-17. Landowner PAHs, particularly those in Group B (who possess land inside Area 2-1 but do not live nor carry out economic activity within Area 2-1), have notably higher income compared with landless PAHs. Out of 13 PAHs who have secondary income, 11 (Groups A and B) are landowners. The median annual secondary income is 3,600,000 Kyats/year. On average, land owner PAHs are economically much better off compared with landless PAHs. Combining the total income, the median annual income of PAHs is 7,200,000 Kyats per year. On a per capita basis, the figure is equivalent to 9,184,000 Kyat per year. This is about 40% lower than the national per capita Gross National Income (GNI) in Myanmar of 1,517,000 Kyats per year⁴.

Table II-17 Annual Primary and Secondary Income of PAHs^{1,2}

Group (No. of HH)	Annual Primary Income Unit: Kyats/year		Group (No. of HH)	Annual Secondary Income Unit: Kyats/year	
	Average	Median		Average	Median
A (13)	10,178,000	4,800,000	A (5)	3,380,000	3,600,000
B (22)	81,762,000	8,260,000	B (6)	5,767,000	2,400,000
C (4)	8,565,000	6,400,000	C (1)	16,200,000	16,200,000
D (2)	1,465,000	1,465,000	D (0)	-	-
E (3)	7,050,000	5,000,000	E (1)	250,000	250,000
Landowner (35)	54,918,000	7,200,000	Landowner (11)	4,682,000	3,600,000
Landless (9)	6,482,000	5,000,000	Landless (2)	8,225,000	8,225,000
Total (44)	44,286,000	6,000,000	Total (13)	5,227,000	3,600,000

Note: 1. Both primary and secondary incomes are self-reported figures obtained during the DMS without verification.

2. One PAH of Group A and two PAHs of Group B did not answer the questions about their income.

3. Since only two households are in Group D, the average and the median value are calculated as the same.

Source: RWP for Area 2-1 (August 2016)

⁴ According to World Development Indicators database of the WB, the GNI per capita in Myanmar in 2015 is USD1,280. The exchange rate of 1 USD = 1,185.62 Kyats is used.

(3) Household Expenditure

The annual expenditure and breakdown of expenditure per major items are presented in Tables II-18 and 19. Expenditure on food accounts for more than 40% of the total expenditure of landless PAHs while the share is about 11% among landowner PAHs, suggesting that wealthier landowner PAHs can afford to spend more on non-essential goods. The share of expenditure on education is also much higher for landowner PAHs, particularly those in Group B.

Table II-18 Average and Median of Annual Expenditure

Unit: Kyats/year

Group	Average	Median
A (12)	11,515,000	10,187,000
B (21)	50,136,000	7,680,000
C (4)	3,830,000	4,920,000
D (2)	4,288,000	2,144,000
E (3)	7,543,000	2,695,000
Landowner PAHs (33)	36,092,000	8,907,500
Landless PAHs (9)	5,119,000	3,940,000
All Category (42) ¹	29,455,000	6,582,000

Note: 1. One PAH each in Groups A and B did not answer this question, and hence, the total number of PAHs for this question is 42.

Source: RWP for Area 2-1 (August 2016)

Table II-19 Average and Median Expenditure on Major Items

Unit: %

Group	Food	Health	Education	Commuting	Other ²
A (12)	26.9	9.2	5.7	11.1	47.1
B (21)	9.0	3.3	24.0	3.7	60.0
C (4)	41.4	10.8	6.9	11.6	29.3
D (2)	44.5	1.4	4.2	0.0	49.9
E (3)	39.2	4.2	3.1	1.6	51.9
Landowner PAHs (33)	11.1	4.0	21.8	4.5	58.5
Landless PAHs (9)	40.6	6.7	4.8	5.6	42.3
Average of All PAH (42) ¹	12.2	4.1	21.2	4.6	57.9

Note: 1. One PAH each in Groups A and B did not answer this question, and hence, the total number of PAHs for this question is 42.

2. Other includes the cost for running business and investment for agriculture (e.g. purchase of goods, cost of labor and livestock breeding)

Source: RWP for Area 2-1 (August 2016)

2.3.4 Vulnerable Households

Since there is no official definition of vulnerable groups in Myanmar, the RWP for Area 2-1 defined a household headed by woman, disabled person or elderly person (61 years old and over), a household including a disabled person or a household below the poverty line⁵ or a household with a pregnant woman at the time of relocation as vulnerable households by referring international practices. Table II-20 outlines vulnerable households for Area 2-1 per category of vulnerability. Over 90% of the vulnerable households (19 out of total 21) are landowner PAHs, and as such the vulnerability as defined in this RWP does not necessarily correspond to economic hardship.

Table II-20 Summary of Vulnerable Households

Group (No. of HH)	Headed by woman	Headed by elderly	Headed by disabled	Below Poverty Line income	HH with a disabled member	HH with a pregnant woman at the time of relocation	Total vulnerable households ¹
A (13)	1	3	0	0	0	0	4
B (22)	9	9	1	0	1	0	15
C (4)	1	0	0	0	0	1	1
D (2)	0	0	0	0	0	0	0
E (3)	0	1	0	0	0	0	1
Total (44)	11	13	1	0	1	1	21

Note: 1. The total number of vulnerable households does not match to the sum of each category because several PAHs fall under more than one category.

Source: RWP for Area 2-1 (August 2016)

2.4 Updating the Draft RWP for Area 2-1 based on JICA Advisory Committee's Advices

Under this T/A commenced from 9th June 2016, the RWP for Area 2-1 was updated by incorporating advices of JICA Advisory Committee for Environmental and Social Considerations.

Firstly, the draft RWP was reviewed and discussed in the meeting of JICA Advisory Committee held on 22nd April 2017 and the committee's advices were finalized on 16th May 2016. The committee's advices and responses are summarized in Table II-21.

Table II-21 JICA Advisory Committee's Advices on Area 2-1 RWP

No.	Comments to JICA	Responses
Overall		
1	To inform residents and other people have livelihood activities in 700ha (Zone B area) of consultation meetings to enable them to attend the meetings	<ul style="list-style-type: none"> - Already incorporated in the current practice. For public consultation meeting on the draft RWP, it is informed by the notice at the village tract offices and other locations to inform the meeting and to invite PAHs in the target area as well as anyone interested. - On the other hand, in past consultation meetings with PAHs of Area 2-1 and Area 2-2, several PAHs requested to invite respective PAHs so that the PAHs who were directly affected can have more time to discuss land acquisition, resettlement and

⁵ Based on Poverty Profile in June 2011, which define Poverty Line of 2010 as 376,151 Kyats per adult per year. The study is the result of Integrated Household Living Conditions and Survey in Myanmar (2009-2010) conducted by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development. Since there is no authoritative update on poverty line in Myanmar, this RWP uses 376,151 Kyats per adult equivalent per year as the poverty line.

No.	Comments to JICA	Responses
		compensation and assistance with the govt. such a request also needs to be considered.
2	To disclose outcomes of the consultation between local people and Myanmar government properly through MSAG	– MSAG has been disclosing the minutes of meetings on the website of MCRB at http://www.myanmar-responsiblebusiness.org/dialogues/thilawa/
3	To implement involuntary resettlement as per the JICA Guidelines for Environmental and Social Considerations and JICA provides technical assistance to implement resettlement since it is observed that there are many possible gaps between Myanmar national legislation on involuntary resettlement and the JICA Guidelines for Environmental and Social Considerations.	– JICA has been discussing and requesting Myanmar government to implement involuntary resettlement as per the international practices/JICA Guidelines for Environmental and Social Considerations. And Myanmar government already agreed to implement land acquisition and resettlement as per the international standards. – Additionally, technical assistance is provided by JICA by dispatching JICA experts for involuntary resettlement.
Social Considerations		
4	To collect information on disputes between local people on land and crop and ensure the proper action is taken by GOM as per the JICA Guidelines for Environmental and Social Considerations.	– As per the Land Acquisition Act of Myanmar, in case of dispute over the land ownership, land compensation is deposited in the government bank account until the disputer is solved and the entitled owner receive the compensation amount. – Additionally, for land and crops, it is a common practice for land acquisition and resettlement work of Thilawa SEZ development to listen to both parties in consultation with respective government officers and local leaders to facilitate the discussion for problem solving, when any dispute arises.
5	To assess impacts on all the crops/vegetables cultivated by PAHs and take proper actions.	– Compensation and assistance for crops were confirmed with PAHs in front of other respective township government officers, local leaders and the witness NGO. If any discrepancy happens between PAH's confirmation and the DMS results, the ground confirmation survey is additionally conducted before signing the agreement on compensating and assistance.
6	To pay attention to psychological negative impacts caused by physical and economical relocation and to take care of such negative impacts, if necessary.	– The concern is raised for resettlement for Zone A development by a community organization in the project area. In accordance with Myanmar's traditional and religious practice, it is taken care by a monk by listening to concerns and issues of PAHs.
7	To provide compensation specified in Farmland Law 2012 even to the PAHs without the land use certificate.	– Although it is informed by GOM that there is no land plots for which the land use certificate is issued in Area 2-1 and Area 2-2 and Farmland Law is not applicable for Area 2-1 and Area 2-2, compensation and assistance for crops are calculated referring the compensation provision specified in Farmland Rules 2012, which is under Farmland Law 2012.
8	To provide compensation and assistance to PAHs if PAHs continue cultivating in this monsoon season but are not able to harvest crops due to resettlement timeline.	– For Area 2-1, it was discussed in the consultation meeting between PAHs and GOM and decided that the additional 1 more year compensation and assistance will be provided for rice cultivation as compensation for standing rice before harvesting.
9	To provide proper compensation and assistance to people doing grazing and collecting non-wood forest products in Area 2-1 and Area 2-2 by considering on discussions in the consultation meetings and the availability of alternative livelihood means for such people	– When the impact on grazing was discussed in the informal village level meeting on 28th May 2016, there was no specific request raised by PAHs. If it is raised by PAHs in the future, it will be discussed between PAHs and GOM. – For large livestock, compensation and assistance is provided as per the RWP. – As per the resettlement policy, it was decided not to compensate the crops and trees which are naturally grown. However, if they are not naturally grown and planted/invested by PAHs, they are compensated as per the RWP.

No.	Comments to JICA	Responses
10	To reconsider the assistance duration for casual workers such as day workers considering comments from local people.	- The unit rate of assistance for casual workers were also consulted and agreed with PAHs in the consultation meetings.
11	To pay attention to not only the plot size but also living environment by considering PAHs' requests when the resettlement site is selected	- Planning of the resettlement site was also often discussed with PAHs and agreed in the consultation meetings.
12	To request Myanmar government special attention to the negative impact on the religious places and cemetery and take a proper action based on the local people's requests and demands.	- Consultation meetings were held several times to discuss on relocation of AMTD cemetery. Discussions are still in progress.
Stakeholder Meeting & Information Disclosure		
13	To include local people's views received through informal consultation in the RWP in addition to their views received in the formal consultation.	- In Area 2-1 RWP, discussions in less formal meetings were also included as per the suggestion.
14	To incorporate local people's comments on the draft RWP in the final RWP	- Area 2-1 RWP has a table which shows local people's comments and its responses.

Source: JICA Advisory Committee's Advice dated 22nd April 2016 and JET

2.5 Finalizing the RWP for Area 2-1

2.5.1 Assisting in Conducting Additional Consultation Meetings

The PCMs for the draft RWP for Area 2-1 were held on 14 February 2016 and 27 March 2016 at Ordination Hall, Aye Myar Thida Ward (Phalan), Kyauktan Township with assistance of JET as part of the precious T/A. Under this T/A, JET assisted to hold additional consultation meetings on the existing cemetery, compensation unit rate and so on as shown in Table II-22. These meeting outcomes and the minutes of meetings were also taken into consideration for finalization of the RWP.

Table II-22 Outcomes of Consultation Meetings between April – August 2016

No.	Date	Meeting Purpose
1	27th May 2016	- Relocation of existing AMTD cemetery
2	28th May 2016	- Village level meeting with local villagers and PAHs to follow up discussions on the clarification on crop compensation unite rate and grazing activities. - Introduction of IRP activities
3	20th June 2016	- Relocation of existing AMTD cemetery
4	31st July 2016	- 1st Meeting between YRG Minister with PAHs and listened to PAHs' concerns and aspirations
5	12th August 2016	- Additional consultation on the resettlement site
6	17th August 2016	- Additional consultation on the resettlement site
7	20th August 2016	- Meeting with land owners of Area 2-1 on land compensation rate
8	20th August 2016	- Relocation of existing AMTD cemetery

Source: JET

2.5.2 Assisting in Information Disclosure of the Draft RWP for Area 2-1

With assistance of JET as part of the precious T/A, the draft RWP was disclosed between 29th February to 8th April 2016. In addition, the draft RWP both in English and Myanmar language was uploaded on the website of TSMC⁶. Under this T/A, JET assisted YRG/TSMC to arrange received comments on the draft RWP and consider responses to the comments.

⁶ TSMC's website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

2.5.3 Incorporating Comments Received

Major comments received at the disclosure places or by e-mail during the information disclosure of the draft RWP and responses to the comments are summarized in Table II-23.

Table II-23 Summary of Public Comments on the Draft RWP for Area 2-1 and Responses

No.	Summary of Public Comments	Responses
1	Chapter 2 Relocation Scope, Section 2.1 Status of Thilawa SEZ Development Area We found in draft RWP that approximately 77% of land inside the Thilawa SEZ Development Area was acquired by the Myanmar Government in 1997, in accordance with Land Acquisition Act 1894. The 1997 land acquisition was for the Thanlyin-Kyauktan Industrial Zone Development (1,230 ha), which was planned to be developed and managed by Thanlyin-Kyauktan Development Company (TKDC), a joint venture between DHSHD of MOC and SMD International Pte Ltd of Singapore. We also found that the Thanlyin-Kyauktan Industrial Zone Development did not happen. In accordance with Farmland Law 2012, Section 32, if the project is not implemented over the land acquired within six months from the date of acquisition, the lands have to be returned to owners before the land acquisition. Since RWP for Area 2-1 (draft) is not correct, I request you to correct this.	The land inside Area 2-1 is currently undergoing administrative acquiring procedures in accordance with Land Acquisition Act 1894 by YRG. As for Farmland Law 2010, Section 31, if the farmland is not started to be used 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, the said farmland will be confiscated by Central Farmland Management Body.
2	Chapter 2 Relocation Scope, Section 2.1 Status of Thilawa SEZ Development Area Although we found out in the draft RWP that there is approximately 550 ha where administrative procedures of land acquisition was not conducted, there are only 760 acres left to be compensated in the official announcement by TSMC. Therefore, this announcement should be correct and more accurate. Actually, 550 ha meant to be over 1,300 acres.	The figures will be corrected. According to the records of SLRD of Thanlyin and Kyauktan townships, there is approximately 308 ha area where administrative procedures of land acquisition were not conducted in 1997.
3	Chapter 3 Socio-Economic Profile, Section 3.1 Previous Census and Socio-Economic Survey It describes that land ownership conflicts of PAHs would be solved by SLRD of Thanlyin and Kyauktan townships. We suggest that this solution should be correct and accurate. We also offer you to survey and provide information. We are ready to accompany with you if necessary.	The land ownership conflicts will be solved in a fair and equitable manner in cooperation with concerned parties and peoples. The relating information will be also disclosed.
4	Chapter 3 Socio-Economic Profile, Section 3.2 Detailed Measurement Survey (DMS) In profile of PAHs, we request to describe resettlement of separate families as well.	Section 3.2 describes the results of DMS which were conducted from May 2014 to October 2014. If the surveyed families were split after DMS, it is not reflected in RWP.
5	Chapter 3 Socio-Economic Profile, Section 3.2 Detailed Measurement Survey (DMS) Table 3.2 shows that there are 16 HHs. We suggest to implement measurement and marking in more specific manner.	Table 3-2 shows number of PAHs by ethnicity based on the results of DMS. 16 HHs are Burmese, but there are other PAHs, one PAH of Hindu and one other PAH (total 18 PAHs).
6	Chapter 4 Legal Framework, Section 4.3 JICA Policies on Relocation and Resettlement Although the draft RWP describes that people who need to be resettled involuntary and people whose measures of livelihood will be hindered, or involve losses which must be sufficiently compensated and supported, we do not find these information in the draft RWP. So, please describe specific amount of compensation in RWP.	Assistance package is described in Table 5-1 Entitlement Matrix in Section 5.3, Chapter 5. Assistance policy and specific amount are described in Entitlement Matrix.

No.	Summary of Public Comments	Responses
7	<p>Chapter 4 Legal Framework, Section 4.3 JICA Policies on Relocation and Resettlement</p> <p>In addition to the above policies, JICA also applies the policies stipulated in WB OP 4.12.</p> <p>Among these policies,</p> <p>(b) Eligibility of benefits cover the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets, and the PAPs who have no recognizable legal right to the land they are occupying. So, all households living in the 2000ha Development area are entitled households and please describe the specific land compensation.</p> <p>(d) Provide support for the transition period (between displacement and livelihood restoration).</p> <p>But, this program is not mentioned in RWP. So, please include this program with exact procedure.</p>	<p>As responded by comment of No.1, the land inside Area 2-1 is currently undergoing administrative acquiring procedures in accordance with Land Acquisition Act 1894 by YRG.</p> <p>As for the support for the transition period, IRP, which is in-kind assistance, will be provided in order to restore and stabilize income source of PAPs as described in Chapters 5 and 7 of this RWP.</p>
8	<p>Chapter 5, Compensation and Assistance Package for the PAPs, Section 5.2 Principle of Compensation and Assistance</p> <p>Section 5.2.2 describes that physical and economic displacement may bring life-change to PAPs to some extent, and such changes need to restore at least to the pre-displacement level. If so, a plan for mental hurt would be likely to request to restore at better condition mainly.</p>	<p>RWP describes assistance for loss of assets, income sources, and relocation, and also assistance for vulnerable groups and special arrangement to restore at least to the pre-displacement level. As for mental hurt, a monk or CSOs are conducting mental care of the PAPs by listening to their sufferings for Zone A. For the A2-1 area, the same activities are expected to be done.</p>
9	<p>Chapter 5, Compensation and Assistance Package for the PAPs, Section 5.2 Principle of Compensation and Assistance Package</p> <p>Regarding income not concerning with land use, although "The Resettlement Framework for 2000ha Development Area" describes details to understand easily, the draft RWP for Area (2-1) didn't show clearly. Therefore, clear description for RWP for Area (2-1) is suggested.</p>	<p>Assistance package is described in Table 5-1 Entitlement Matrix in Section 5.3, Chapter 5. Assistance policy and specific amount are described in Entitlement Matrix.</p>
10	<p>Chapter 5 Compensation and Assistance Package for the PAPs, Section 5.3 Entitlement Matrix</p> <p>Table 5.1 describes the following items:</p> <p>(1) One-time cash assistance (lump-sum) per household for moving cost</p> <p>(2) One-time cash assistance (lump-sum) per wage worker and per school student for commuting assistance</p> <p>(3) One-time cash assistance (lump-sum) per household for cooperation allowance</p> <p>For these above three descriptions, please show the exact amount of cash assistance.</p>	<p>Table 5-1 Entitlement Matrix of this RWP describes the exact amount of cash assistances for moving cost, commuting assistance and cooperation allowance.</p>
11	<p>Chapter 6 Resettlement Site Plan, Section 6.2 Location and Specification of Resettlement Site</p> <p>So far, PAH's general preference for alternative resettlement sites were discussed by various PAHs in the past public consultations meetings. Relocation should be done after discussing and confirming with corresponding households only. But also basic social infrastructures (playgrounds, schools, rural health centers and clinic, library, administration office, parks, markets) are to be included in resettlement site plan.</p>	<p>Resettlement site will be determined based on meaningful discussions between YRG and applicable PAHs. In principle, currently available social-infrastructures are expected to be utilized. However, arrangement of basic social-infrastructures will be considered depending on the conditions of agreed resettlement site.</p>
13	<p>Chapter 7 Income Restoration Program (IRP), Section 7.2 Past and Planned Vocational Training under the IRP for Zone A</p> <p>Resettlement should be started only after planning agenda and exact time of IRP with PAH's preference.</p>	<p>Contents of IRP will be elaborated reflecting PAH's preference through participatory workshops etc. before relocation started.</p>
14	<p>Chapter 9, Institutional Arrangement, Section 9.1 Official Implementing Committees</p>	<p>Main functions of RIC and IRPIC are to coordinate various governmental organizations as well as other</p>

No.	Summary of Public Comments	Responses
	Though Relocation Implementation Committee (RIC) and Income Restoration Program Implementation Committee (IRPIC) are organized by many concerned government authorities, there are only a few representatives from villages in the project area. So, organizing committees with equal ratio would be requested.	stakeholders to implement relocation and IRP activities. Representative villagers, CSOs, and other concerned parties will be involved in RIC and IRPIC. Opinions from villagers and CSOs, etc. will be reflected into the activities of RIC and IRPIC through the inputs from them.
15	Chapter 10, Grievance Redress Mechanism As the natives are really affected persons, the constitution of grievance redress mechanism should be organized with a role with community representatives who have authority to make decision.	Amended grievance redress mechanism is proposed taking into account received comment and discussions among stakeholders to set up additional contact points which PAPs can contact more easily. In this regard, community representatives will be also involved as one of the contact points as described in Chapter 10 of this RWP.
16	Chapter 12, Monitoring and Evaluation, Section 12.1 Purpose and Outline of Monitoring and Evaluation To describe experiences for the strength and weakness of monitoring and evaluation from Zone A.	When monitoring for Area 2-1 will be conducted, lessons and learnt from Zone A monitoring will be taken into consideration.
17	Others When will the development of Thilawa SEZ Zone B start? How can I buy share of Thilawa SEZ? What is the smallest amount of share to buy? How many percent of profit will I get if I buy a share?	The information of Thilawa SEZ development is available on the web-site of TSMC. The URL is as follows: http://www.myanmarthilawa.gov.mm/ The contact address of TSMC is also available on the web-site of TSMC.

Source: RWP for Area 2-1 (August 2016)

2.6 YRG's Review and Approval of RWP for Area 2-1

The finalized RWP in Myanmar was submitted to YRG by TSMC. The RWP was approved in YRG's cabinet meeting on 21st August 2016.

2.7 Assisting in Information Disclosure of Final RWP for Area 2-1

The RWP was finalized by incorporating public comments received during the disclosure period as well as comments and feedback raised during consultation meetings. The final RWP is disclosed at the same places where the draft RWP was disclosed as shown in Table II-24. In addition, the final RWP both in English and Myanmar languages is uploaded on the website of TSMC⁷.

Table II-24 Final RWP Disclosure Places

1. Office of Thilawa SEZ Management Committee (temp)
2. Office of Thilawa SEZ Management Committee, Thilawa SEZ
3. Office of DUHD of MOC in Yangon
4. Administrative office of Kyauktan Township
5. Administrative office of Thanlyin Township
6. Administrative office of Aye Mya Thida Ward
7. Administrative office of Shwe Pyi Thar Yar Ward

Source: RWP for Area 2-1 (August 2016)

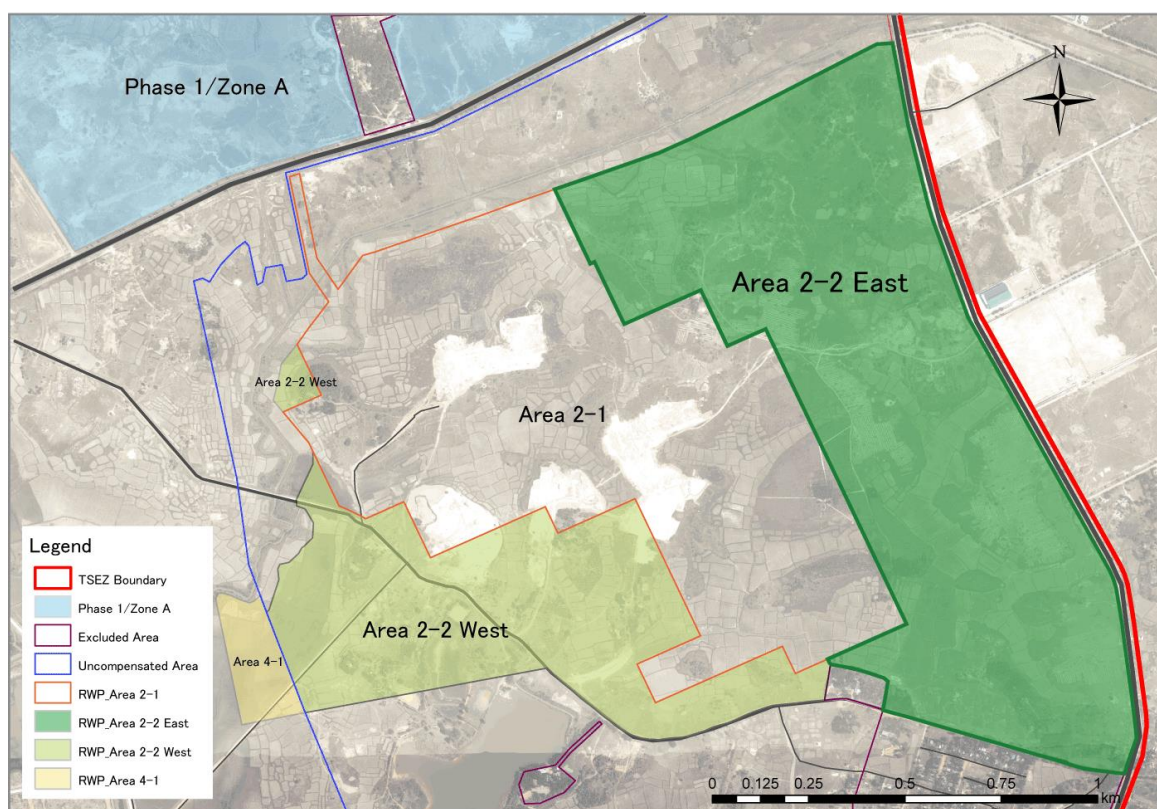
⁷ TSMC's website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

Chapter 3 Assistance in Preparing the RWP for Area 2-2 East

3.1 Target Area of the RWP for Area 2-2 East

3.1.1 Location of the Development Area (Area 2-2 East)

There was a change in the priority of the development of Thilawa SEZ. While having difficulties to agree with some landowners of Area 2-1 regarding the land compensation rate, PDNT's request to develop the area where most PDNT members live in/own land, which is located on the east to Area 2-1, was considered as the possible next development area among stakeholders. After the several discussions among stakeholders, it was decided that land acquisition and resettlement works were also started for the respective area, so called Area 2-2 East in parallel with Area 2-1. The boundary of Area 2-2 East is as shown in Figure II-6.



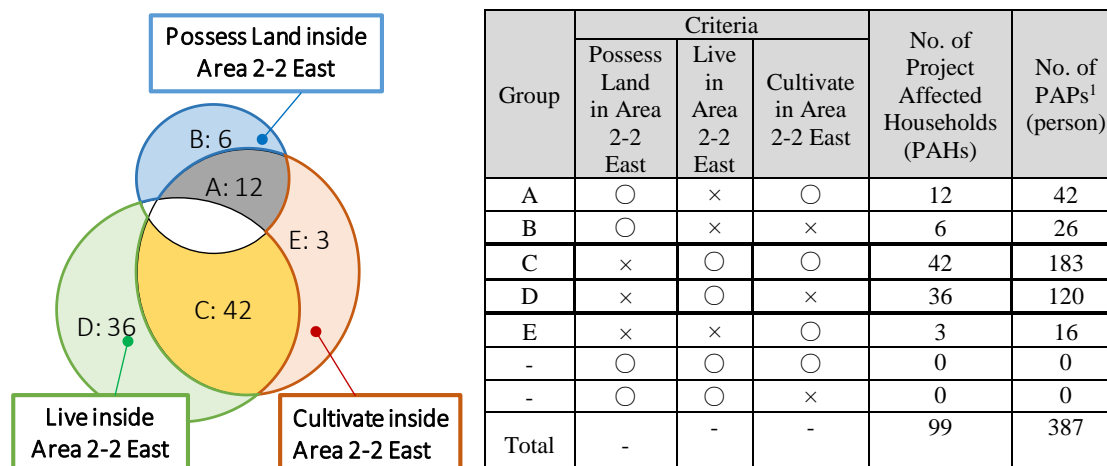
Same as Area 2-1, Area 2-2 East also falls in the area where land acquisition is not covered in 1997.

Source: RWP for Area 2-2 East (January 2017)

Figure II-6 Location for Development of Area 2-2 East

3.2 Types and Numbers of PAH/PAP in Area 2-2 East

Once the eastern part of Area 2-2 became a priority target for initial development, the RWP for Area 2-2 East was prepared based on the draft RWP for Area 2-2. PAHs for Area 2-2 East can be divided into groups in the same manner as in Area 2-1. The numbers of PAHs of each group together with number of PAPs are also shown in Figure II-7. Among these groups, 78 PAHs living inside Area 2-2 East (Groups C and D) will be physically displaced.



Note:

1. In preparation of the draft RWP, the information of four households (one in Group A and three in Group B) was under collection/compilation. Among these four households, the information of one household in Group B has not been collected since nobody in village was able to contact this household. On the other hand, the information of remaining three households has been collected and compiled after the disclosure of the draft RWP for Area 2-2 East.
2. Moreover, a new landowner and a cultivator were additionally identified as PAHs after the disclosure period. Therefore, the total number of PAHs was changed from 97 to 99 as a result.
3. In distinguishing Groups A and B/ C and D, the following criteria were applied: i) for fruit and tree cultivation, whether a household cultivates more than fifty trees or plants in total; and ii) for vegetables, whether households cultivate or not regardless of the number of plants.
4. It was found that four households who live inside Area 2-2 East cultivate rice/ vegetables inside Area 2-1, and two households possess plots both inside Area 2-2 East and Area 2-1.

Source: RWP for Area 2-2 East (January 2017)

Figure II-7 Group and Number of PAHs/PAPs in Area 2-2 East

The above is the status at the time of finalizing the RWP, and the demographic and socio-economic profiles of PAHs presented below is taken from the RWP. During the implementation of the RWP; however, several new PAHs have been identified. Finally, the total number of PAHs and PAPs in Area 2-2 East is 107 households and 430 persons respectively.

3.3 Demographic and Socio-Economic Profile of PAHs in Area 2-2 East

Demographic and socio-economic profiles of PAHs in Area 2-2 East is presented in tables below⁸. Unless otherwise indicated, the source of information presented in this section is the RWP for Area 2-2 East.

3.3.1 Profile of PAH

Profiles of PAHs identified through the DMS are shown in Tables III-25 to III-27.

⁸ Analysis on PAHs' profiles is based on the date of 98 households because the data for one household in Group B was not collected due to the lack of the contact in any official records and local information.

Table II-25 Ethnicity of PAHs

Unit: household

Group	Burmese	Hindu ¹	Chinese	Total ²
A	8	1	1	10
B	3	0	2	5
C	37	4	0	41
D	35	1	0	36
E	3	0	0	3
Total	86	6	3	95

Note: 1. This is the term commonly used in Myanmar to refer to people of Indian origin.
 B) Two households in Group A and one household in Group C did not answer this question.
 Source: RWP for Area 2-2 East (January 2017)

Table II-26 Religion of PAHs

Unit: household

Group	Buddhist	Hindu	Islam	Total
A	9	0	1	10
B	4	0	1	5
C	41	0	0	41
D	35	1	0	36
E	3	0	0	3
Total	92	1	2	95

Note: 1. Two households in Group A and one household in Group C did not answer this question.
 Source: RWP for Area 2-2 East (January 2017)

Table II-27 Literacy of PAHs

Unit: household

Group	Not able to speak, read and write	Able to speak, but not to read and write	Able to speak, but read and write little	Speak, read and write fluently	Total
A	0	1	1	9	11
B	0	0	1	4	5
C	0	4	13	25	42
D	1	5	14	16	36
E	0	0	1	2	3
Total	1	10	30	56	97

Note: 1. One household in Group A did not answer this question.
 2. The literacy rate was calculated at 88.7% by the number of persons who answered Yes to “Able to speak, but read and write little” and “Speak, read and write fluently”.
 Source: RWP for Area 2-2 East (January 2017)

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

The number of large-size livestock raised by PAHs for different purposes is shown in Table II-28.

Table II-28 Type and Number of Large Size Livestock

Unit: number

Group (No. of HH)	Milk	Meat ²	Agriculture	Other ³	Total
A (12)	0	0	0	0	0
B (5)	0	0	0	0	0
C (42)	0	7	18	10	35
D (36)	84	7	7	20	42
E (3)	0	0	3	0	3
Total (98)	8	14	28	30	80

Note: 1. Large sized livestock includes cow, buffalo and horse. Among the total 80, 66 is cows and 13 is buffalos, one is horse which is used for taxi business.

2. Three cows raised for meat in Group D are also used for milk.

Source: RWP for Area 2-2 East (January 2017)

The yield of rice, type and amount of crops and trees are presented in Table II-29. The figure is the total volume of production including cultivation outside Area 2-2 East.

Table II-29 Rice Yield, Type and Amount of Vegetable and Tree Grown by PAHs

Group (No. of HH)	Rice Yield ¹ (basket)	Vegetable ²				
		Bean (plant)	Betel Leaf (pole)	Bitter Gourd (plant)	Chili (plant)	Cucumber (plant)
A (12)	2,097	0	0	0	0	0
B (5)	0	0	0	0	0	0
C (42)	1,100	2,167	36,414	42	1,916	-3
D (36)	0	0	0	0	0	0
E (3)	27	0	0	0	0	0
Total (98)	3,324	2,167	36,414	42	1,916	-
Group (No. of HH)	Vegetable ²					
	Drumstick (plant)	Flower (plant)	Gourd (plant)	Lady finger (plant)	Pumpkin (plant)	Radish (plant)
A (12)	0	0	0	0	0	0
B (5)	0	0	0	0	0	0
C (42)	9	40,993	2,267	1,798	1	3,315
D (36)	0	0	0	0	0	0
E (3)	0	0	0	0	0	0
Total (98)	9	40,993	2,267	1,798	1	3,315
Group (No. of HH)	Vegetable ²					
	Roselle (plant)	String Bean (plant)	Water Cress (plant)	Water melon (plant)	Yam (plant)	
A (12)	0	0	0	0	0	
B (5)	0	0	0	0	0	
C (42)	5,654	1,040	20,000	33,910	2	
D (36)	0	0	0	0	0	
E (3)	0	0	0	0	0	
Total (98)	5,654	1,040	20,000	33,910	2	
Group (No. of HH)	Fruit/ Non-Fruit Tree ⁴					
	Bamboo (tree)	Bamboo (group)	Malaysia Gum Tree (tree)	Other (plant)		
A (12)	0	4	0	0		
B (5)	20	0	0	13		
C (42)	1,596	81	6,260	286		
D (36) ⁵	0	23	288	31		
E (3)	0	0	0	0		
Total (98)	1,616	108	6,548	330		

Note: 1. Annual yield of rice based on the interview during DMS. Since no household in Area 2-2 East grow summer paddy, the yield is the volume of monsoon paddy only.

2. The amount of vegetable is based on the interview during DMS.

3. There is one household who cultivates cucumber in Group C. However, the number of plant could not be confirmed since it was already harvested and sold at the time of DMS.

4. The number of fruit/ non-fruit tree is calculated based on the interview at DMS. The trees categorized under "Other" include banana, mango, cashew nut, eucalyptus and other.

5. Although PAHs of Group D do not carry out cultivation, several trees were confirmed near their residence which they use for firewood and other domestic purposes.

Source: RWP for Area 2-2 East (January 2017)

Inventory of movable assets of PAHs is summarized per PAH group as shown in Table II-30.

Table II-30 Movable Assets of PAHs¹

Unit: number of assets

Group (No. of HH)	Electric Fan	Fridge ²	Inverter	Generator	Battery	Air-con	Car
A (12)	4	8	3	2	1	3	5
B (5)	0	0	0	0	0	0	0
C (42)	7	3	4	10	9	0	0
D (36)	3	21	2	3	3	0	2
E (3)	0	0	0	0	0	0	0
Total (98)	14	13	9	15	13	3	7
Group (No. of HH)	Bicycle	Motor-cycle	Sound box/ Amplifier	Mobile Phone	TV	VCD/ Cassette	Solar
A (12)	1	3	0	16	6	6	0
B (5)	0	0	0	2	1	0	0
C (42)	35	26	0	57	20	18	3
D (36)	17	18	11	39	11	11	0
E (3)	1	1	0	3	2	2	0
Total (98)	54	48	11	117	40	37	3
Group (No. of HH)	Computer /Printer	Land -line	Sky Net	Water Pump	Other Agr Equipment ³		
A (12)	3	10	1	5	0		
B (5)	0	0	0	0	0		
C (42)	0	1	0	12	8		
D (36)	0	2	1	0	1		
E (3)	0	0	0	1	8		
Total (98)	3	13	2	18	17		

Note: 1. One household in Group A and three households in Group B didn't answer this question.

2. One water cooler is included.

3. Other Agricultural Equipment are log for iron teeth of harrow, plough and cart, manger.

Source: RWP for Area 2-2 East (January 2017)

3.3.3 Impacts on Livelihood and Income Sources

(1) Income Source

The main income source of household heads and other family members is shown in Table II-31 and 32, and Figure II-8 and 9. Excluding household heads, the number of PAPs is 288. Out of those, 161 are working age (between 18 and 64 years old as of the day which DMS was conducted).

Table II-31 Main Income Source of Household Head

Unit: person

Group	Paddy Farmer	Vegetable Farmer	Odd Job Worker	Wage Worker	Self-Employment	No Income ¹	Total ²
A	2	0	0	1	8	0	11
B	0	0	0	0	3	2	5
C	2	13	19	1	4	3	42
D	0	0	21	1	10	2	34
E	0	0	0	1	1	1	3
Total	4	13	40	4	26	8	95

Note: 1. Among seven households without income, two household heads (one each in Group B and C) are over 65 years old. One household in Group E get pension income.

2. One household in Group A and two households in Group D did not answer this question, and one household in Group A could not be surveyed.

Source: RWP for Area 2-2 East (January 2017)

Table II-32 Main Income Source of Other Working Family Members

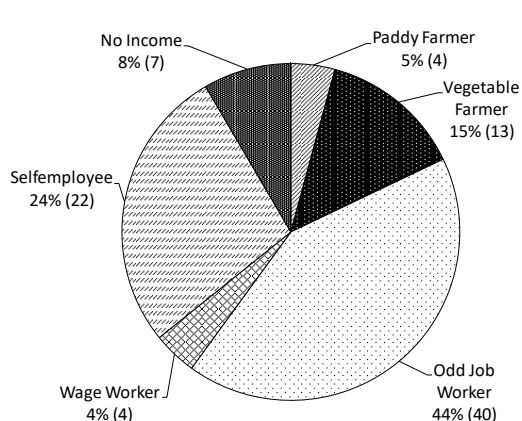
Unit: person

Group	Paddy Farmer	Vegetable Farmer	Odd Job Worker	Wage Worker	Self-Employment	No Income ¹	Total ²
A	0	0	2	5	6	8	21
B	0	0	0	3	3	4	10
C	3	6	17	10	8	24	68
D	0	0	16	11	4	20	51
E	0	0	0	2	2	5	9
Total	3	6	35	31	23	61	159

Note: 1. They are either dependent or jobless.

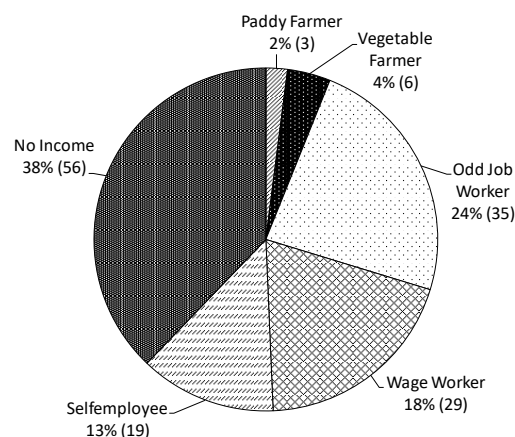
2. Two households in Group C did not answer this question, hence the total number of PAP is 159.

Source: RWP for Area 2-2 East (January 2017)



Source: RWP for Area 2-2 East (January 2017)

Figure II-8 Main Income Source of Household Head



Source: RWP for Area 2-2 East (January 2017)

Figure II-9 Main Income Source of Other Working Family Members

(2) Household Income

The median annual primary income of PAHs is 3,560,000 Kyats/year and the median annual secondary income is 1,575,000 Kyats/year. Combining the total income, the median annual income of PAHs is 4,200,000 Kyats per year. On a per capita basis, the figure is equivalent to 3,168,000 Kyats per year.

Table II-33 Annual Primary and Secondary Income of PAHs^{1,2}

Group (No. of HH) ³	Annual Primary Income		Group (No. of HH) ³	Annual Secondary Income	
	Average	Median		Average	Median
A (10)	14,681,000	9,500,000	A (4)	3,898,000	3,600,000
B (4)	95,618,000	11,100,000	B (0)	-	-
C (42)	4,850,000	4,020,000	C (20)	2,411,000	1,725,000
D (36)	3,859,000	2,760,000	D (7)	1,678,000	600,000
E (3)	5,280,000	6,300,000	E (1) ⁴	500,000	500,000
Landowner (14)	37,806,000	7,950,000	Landowner (4)	3,898,000	3,600,000
Landless (81)	4,425,000	3,150,000	Landless (28)	2,159,000	1,100,000
Total (95)	9,344,000	3,560,000	Total (32)	2,377,000	1,575,000

Note: 1. Both primary and secondary incomes are self-reported figures obtained during the DMS without verification.

2. Two households in Group A and one household in Group B did not answer this question.

3. This is the number of households which has the available information on primary and secondary income in DMS respectively.

4. Since only one household is in Group E, the average and the median value are calculated as the same.

Source: RWP for Area 2-2 East (January 2017)

(3) Household Expenditure

The annual expenditure and breakdown of expenditure per major items are presented in Table II-34 and 35.

Table II-34 Average and Median of Annual Expenditure

Unit: kyats/year

Group	Average	Median
A (9)	13,677,000	10,644,000
B (5)	9,180,000	6,600,000
C (42)	4,765,000	3,225,800
D (36)	2,948,000	2,484,000
E (3)	3,260,000	2,873,000
Landowner (14)	12,071,000	8,622,000
Landless (81)	3,902,000	2,763,600
All Category (95) ¹	5,053,000	2,799,000

Note: 1. In Group A, three PAHs did not answer this question and one PAH was not able to survey. Hence, the total number of PAHs for this question is 95.

Source: RWP for Area 2-2 East (January 2017)

Table II-35 Average Annual Expenditure on Major Items

Unit: %

Group	Food	Health	Education	Commuting	Other ²
A (9)	24.9	3.3	38.1	12.0	21.8
B (5)	56.2	6.3	26.1	4.8	6.6
C (42)	36.7	29.6	5.2	7.7	20.8
D (36)	60.4	8.9	5.5	10.4	14.8
E (3)	44.8	25.2	8.0	2.6	19.5
Landowner (14)	33.4	4.1	34.8	10.0	17.7
Landless (81)	44.9	22.5	5.4	8.4	18.7
Average of All PAH (95) ¹	40.9	16.1	15.6	9.0	18.4

Note: 1. In Group A, three PAHs did not answer this question. Hence, the total number of PAHs for this question is 95.

2. Other includes the cost for running business and investment for agriculture (e.g. purchase of goods, cost of labor and livestock breeding).

Source: RWP for Area 2-2 East (January 2017)

3.3.4 Vulnerable Households

Table II-36 outlines vulnerable households for Area 2-2 East per category of vulnerability. 68.8% of the vulnerable households (22 out of total 31) are PAHs to be relocated.

Table II-36 Summary of Vulnerable Households¹

Unit: household

Group (No. of HH)	Headed by woman	Headed by elderly	Headed by disabled	Below Poverty Line income ²	HH with a disabled member	Total Vulnerable households ³
A (10)	4	3	0	0	0	7
B (3)	2	1	0	1	0	2
C (42)	3	4	0	3	0	6
D (36)	6	4	2	5	1	16
E (3)	0	1	0	0	0	1
Total (94)	15	13	2	9	1	32

Note: 1. The information on a household with a pregnant woman at the time of relocation will be incorporated in the final RWP.
2. The vulnerability of “Below Poverty Line income” cannot be determined for two households each since the information on expenditure was not answered by them in Group A and Group B.
3. The total number of vulnerable households does not match to the sum of each category because several PAHs fall under more than one category.

Source: RWP for Area 2-2 East (January 2017)

3.4 Updating the Draft RWP for Area 2-2 East

Under this T/A commenced from 9th June 2016, the draft RWP for Area 2-2 was updated by incorporating (1) advices from JICA Advisory Committee for Environmental and Social Considerations on the draft RWP for Area 2-2, (2) outcomes of additional consultation meetings with PAHs, and (3) comments received during the information disclosure period of the draft RWP for Area 2-2 East.

3.5 Finalizing the RWP for Area 2-2 East

3.5.1 Conducting the Consultation Meetings

There were consultation meetings with PAHs on various issues such confirming the current land owners, explanation on the draft RWP and others as shown in Table II-37. These meeting outcomes and the minutes of meetings were also included in the final RWP. After finalizing RWP, additional consultation and negotiation with PAHs also continues as commonly required until post resettlement.

Table II-37 Outcomes of Consultation Meetings for Draft RWP for Area 2-2 East

No.	Date	Meeting Purpose and Major Contents
1	2nd December 2016	<ul style="list-style-type: none"> - PAH’s visit to Thilawa SEZ to have discussions with MJTD to lean the development plan, expected types of factories/companies in the SEZ, access to job vacancy information and CSR activities. - Company visit to DOWA waste management plant
2	10th December 2016	<ul style="list-style-type: none"> - 2nd PCM for draft RWP of Area 2-2/1st PCM for draft RWP of Area 2-2 East - To explain the development plan for Area 2-2 East - Proposed compensation and assistance package for Area 2-2 East - Planned grievance redness mechanism for Area 2-2 East - Possible resettlement sites for Area 2-2 East - Feedback to Comments received during disclosure - Further land acquisition and resettlement plan for Area 2-2 East

No.	Date	Meeting Purpose and Major Contents
3	15th December 2016	- Village level meeting with landowner PAHs to follow up the PCM held on 10 December 2016
4	19th December 2016	- Follow-up PCM on the draft RWP - Information disclosure - Grievance Redress Mechanism - Proposed compensation and assistance package - Examination of market price/replacement cost - Sample agreement document - Planned income restoration program - Proposed resettlement site - House construction options and schedule
5	30th December 2016	- Village level meeting regarding resettlement including the resettlement site and timeline

Source: JET



Source: RWP for Area 2-2 East (January 2017)

Photo II-2 PAHs' Thilawa SEZ Visit and Meeting with MJTD on 2nd December 2016



Source: RWP for Area 2-2 East (January 2017)

Photo II-3 2nd PCM for Draft RWP on 10th December 2016



Source: RWP for Area 2-2 East (January 2017)

Photo II-4 Village Level Meeting for Discussion with Land Owners on 15th December 2016



Source: RWP for Area 2-2 East (January 2017)

Photo II-5 Follow-up PCM on 19th December 2016



Source: RWP for Area 2-2 East (January 2017)

Photo II-6 Village Level Meeting for Discussion with PAHs to be Resettled on 30th December 2016

3.5.2 Conducting Information Disclosure of the Draft RWP for Area 2-2 East

The draft RWP for Area 2-2 East was disclosed at several places in and around Area 2-2 East from 23rd December 2016 until 1st January 2017 for 10 days considering the PAH's request to fast track the resettlement works. Disclosure places for the draft RWP for Area 2-2 East are listed in Table II-38. The draft RWP both in English and Myanmar language was also uploaded on the website of TSMC for public disclosure⁹. The newspaper advertisement was also posted on 2 newspapers on 23rd December 2016 to inform of the public disclosure and request for comments on the draft RWP for Area 2-2 East. Public comments received with the comment form at the disclosure places or by e-mail either in Myanmar language and English.

Table II-38 Draft RWP Disclosure Places

1. MOC temporal office in Kyauktan Township (previous TSMC temporal office)
2. Office of TSMC, Thilawa SEZ
3. Office of DUHD of MOC in Yangon
4. Administrative office of Southern District
5. Administrative office of Kyauktan Township
6. Administrative office of Thanlyin Township
7. Administrative office of Shwe Pyi Thar Yar Ward
8. Administrative office of Aye Mya Thida Ward
9. Administrative office of Shwe Pyauk Village Tract
10. Houses of Village/Ward Administrators, 100 households head of above Ward and Village (applicable for Area 2-2 East)
11. Ordination Hall (applicable for Area 2-2 East)

Source: RWP for Area 2-2 East (January 2017)

⁹ TSMC's website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

3.5.3 Incorporating the Comments Received during the Disclosure Period

The RWP for Area 2-2 East was finalized by incorporating public comments received during the disclosure period. Major comments received at the disclosure places or by e-mail during the information disclosure of the draft RWP and responses to the comments are summarized in Table II-39. Comments were received from 19 persons at the disclosure places.

Table II-39 Summary of Public Comments on the Draft RWP for Area 2-2 East and Responses

No.	Summary of Public Comments	Responses
1	[General Issues] I appreciated and welcomed that Area 2-1 and Area 2-2 will be developed. (from 4 persons) I appreciated about the resettlement plans for PAPs, compensation and assistance amount. (from 1 person) I feel grateful for Thilawa SEZ development project in order to reduce environmental problems, to improve health, education, business and development for villagers. (from 1 person)	Comments are noted and your cooperation is highly appreciated.
2	[General Issues] The development of Thilawa SEZ (Area 2-2 East, Zone B) is good and I agreed about all those development plans (from 1 person) as well as the resettlement plan. (from 5 persons)	Comments are noted and your cooperation is highly appreciated.
3	[General Issues] I would like to know more information about the resettlement plans in order to make villagers understand. I would like villagers to know that there will be many opportunities because of Thilawa SEZ development project. (from 1 person)	Since the RWP and resettlement works are complex especially for Thilawa SEZ project area, the consultation meetings will continue during the pre-resettlement stage, the resettlement implementation stage, and the post-resettlement stage. For any inquiry on more information on the resettlement plan or resettlement-related questions, respective government organizations such as YRG or TSMC can be contacted by PAHs through the ward/village administrator or any other channel.
4	[General Issues] I would like to know more environmental conservation. (from 1 person)	If you are interested in the environmental conservation of Thilawa SEZ development project, it is suggested to check the EIA of Thilawa SEZ development project. The respective EIA reports are available in the TSMC office and also on the official website of TSMC. http://www.myanmarthilawa.gov.mm/public-disclosure-final-environmental-impact-assessment-eia-report-and-scoping-report-thilawa For any inquiry on more information on environmental conservation of Thilawa SEZ, TSMC can be contacted by PAHs through the ward/village administrator or any other channel.

No.	Summary of Public Comments	Responses
5	<p>[General Issues] I suggest to proceed with the RWP without resulting any grievance to PAHs. (from 1 person)</p>	<p>Your suggestion is noted. The negative impact on PAHs will be minimized as much as possible. To minimize the negative impact on PAHs, the resettlement and social impacts will be monitored internally and externally as per the monitoring plan described in the RWP. Additionally, in case of any grievance, the official GRM will facilitate to solve the issue as early as possible.</p>
6	<p>[General Issues] I would like to advice to think the benefits of all the villagers as a priority. (from 1 person)</p>	<p>Your advice is noted. The resettlement will be implemented in consultation with PAHs to secure fair opportunities and benefit to the villagers.</p>
7	<p>[General Issues] I would like to suggest that it is better the resettlement plans of Thilawa SEZ such as DMS and all activities of the project will perform under rules and regulations, and accurately. (from 1 person)</p>	<p>Resettlement will be implemented in a systematic manner as per the principles and the plan in the RWP for the consistent implementation. Additionally, for the RWP for Area 2-2 East, the land acquisition and resettlement will be conducted as per the Land Acquisition Act of Myanmar as well as other international good practices.</p>
8	<p>[General Issues] Early implementation of Thilawa SEZ including compensation and relocation was suggested from 13 persons. Some specific comments are as follow: I suggest to proceed with relocation processes to be finished before rainy season starts. (from 1 person) Job opportunities and the socio-economic activities will be improved and developed fast if the implementation of Zone B started as soon as possible. (from 1 person) It is suggested to implement the initial development of Area 2-2 East (108 ha) which can bring benefits to the local community as soon as possible without paying attention to the small group who are against in the development of Thilawa SEZ Zone B. (from 1 person) It has been 4 years that the notice letter to stop cultivating in the farms was received. It is suggested that to implement Thilawa SEZ Zone B as soon as possible by forwarding the national economic development. (from 1 person) It is better if all the resettlement plans for PAPs are going to apply as soon as possible because in the later stage, PAPs might not have good job opportunities/ economic situation and the lands are also becoming unused which is not good for PAPs. (from 1 person)</p>	<p>Your sincere request is well noted. YRG is prioritizing the RWP finalization to proceed land acquisition, resettlement and provision of the compensation and assistance to PAHs as early as possible. Your cooperation is highly appreciated.</p>

No.	Summary of Public Comments	Responses
9	<p>[Chapter 6: Resettlement Site Plan] In the RWP of Thilawa SEZ Zone B, I would like to suggest to provide the houses with better qualities of living standards and to prepare the resettlement site as soon as possible. (from 1 person)</p> <p>As the Thilawa SEZ development goes, movable workers are settling (have settled right now) at Shwe Pyauk village and nearby. So, there may be crowded in schools, insufficient health care and increase in crimes. In order not to happen like this, it is suggested that it needs to take into consideration the education, health and well-governance for the villages near the Thilawa SEZ development area. (from 1 person)</p>	<p>Your suggestion is noted. Consultation with PAHs on planning for the resettlement site development and house construction has just started from December 2016. Currently, the planning works are ongoing, and the construction work will be started as soon as the plan is finalized.</p> <p>As for social infrastructures, there are existing social infrastructures are near the planned resettlement site such as schools, heal care center and government office. Necessary expansion/enhancement of these facilities will be discussed with concerned authorities taking into consideration the projected population in and around the planned resettlement site.</p>
10	<p>[Chapter 7: Income Restoration Program] I suggest to prioritize the PAPs whenever the job opportunities come (from 3 persons) and to assist to restore the livelihood of PAPs (from 1 person).</p> <p>Compensation is good enough; however, since local villagers only know about cultivation and farming, in the long term, it is better if the villagers have enough knowledge to fit in the job opportunities and they can earn money by themselves.(from 1 person)</p>	<p>Your suggestion is noted. YRG and TSMC assure PAPs will be prioritized for the job opportunities as discussed in the consultation meeting on 19 December 2016.</p> <p>From January 2017, activities for the job booklet preparation, SEZ tour, job counseling, job matching and vocational training will be started as a part of the Income Restoration Program.</p>
11	<p>[Chapter 10: Grievance Redress Mechanism] It was read that CD-OGM which can solve the difficulties and issues of local people resulting from the implementation of Thilawa SEZ Zone B was suggested to adopt officially in the RWP. Then all of the PAPs from the Area 2-2 East answered to the officer that they do not need any CD-OGM. If any issues or difficulties happen, PAPs would like to contact and report either to ward/village administrator, the elders of the community, members of PDNT or the PAPs will contact directly to YRG, TSMC or MJTD by themselves and also PAPs have the chance to do so. Hence, all of the PAPs preferred to have the formal GRM which is simple and can have simple discussions rather than CD-OGM which is complicated and difficult to understand for PAPs. (from 1 person)</p>	<p>The suggestion is noted. In principle, the Formal Mechanism including the Less Formal Mechanism proposed in Chapter 10 of this RWP will be adopted for any issues or difficulties in Area 2-2 East since the PAHs of Area 2-2 East prefer to discuss their requests and issues with government officers or concerned organizations directly according to their suggestions and comments. The CD-OGM which was considered as one of the future options during the RWP preparation period could be considered again as one of possible options in case the PAHs request for alternative mechanism.</p>

Source: RWP for Area 2-2 East (January 2017)

3.6 YRG's Review and Approval of Area 2-2 East RWP

The RWP for Area 2-2 East in Myanmar was submitted to YRG by TSMC. The RWP was approved in YRG's cabinet meeting on 12th January 2017 as shown in Figure II-10.



Source: YRG letter dated 19th January 2017

Figure II-10 YRG's Approval Letter for RWP of Area 2-2 East

3.7 Assisting in Information Disclosure of Final RWP for Area 2-2 East

The final RWP is disclosed at the same places where the draft RWP was disclosed as shown in Table II-40 for public viewing. In addition, the final RWP both in English and Myanmar languages is uploaded on TSMC website¹⁰.

¹⁰ TSMC's website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

Table II-40 Final RWP Disclosure Places

- | |
|---|
| <ol style="list-style-type: none">1. MOC temporal office in Kyauktan Township (previous TSMC temporal office)2. Office of TSMC, Thilawa SEZ3. Office of DUHD of MOC in Yangon4. Administrative office of Southern District5. Administrative office of Kyauktan Township6. Administrative office of Thanlyin Township7. Administrative office of Shwe Pyi Thar Yar Ward8. Administrative office of Aye Mya Thida Ward9. Administrative office of Shwe Pyauk Village Tract10. Houses of Village/Ward Administrators, 100 households head of above Ward and Village (applicable for Area 2-2 East)11. Ordination Hall (applicable for Area 2-2 East) |
|---|

Source: RWP for Area 2-2 East (January 2017)

Chapter 4 Assistance in Preparing the Supplemental RWP for Expanded Area of Area 2-1

4.1 Target Area of Expanded Area of Area 2-1

4.1.1 Location of the Development Area (Expanded Area of Area 2-1)

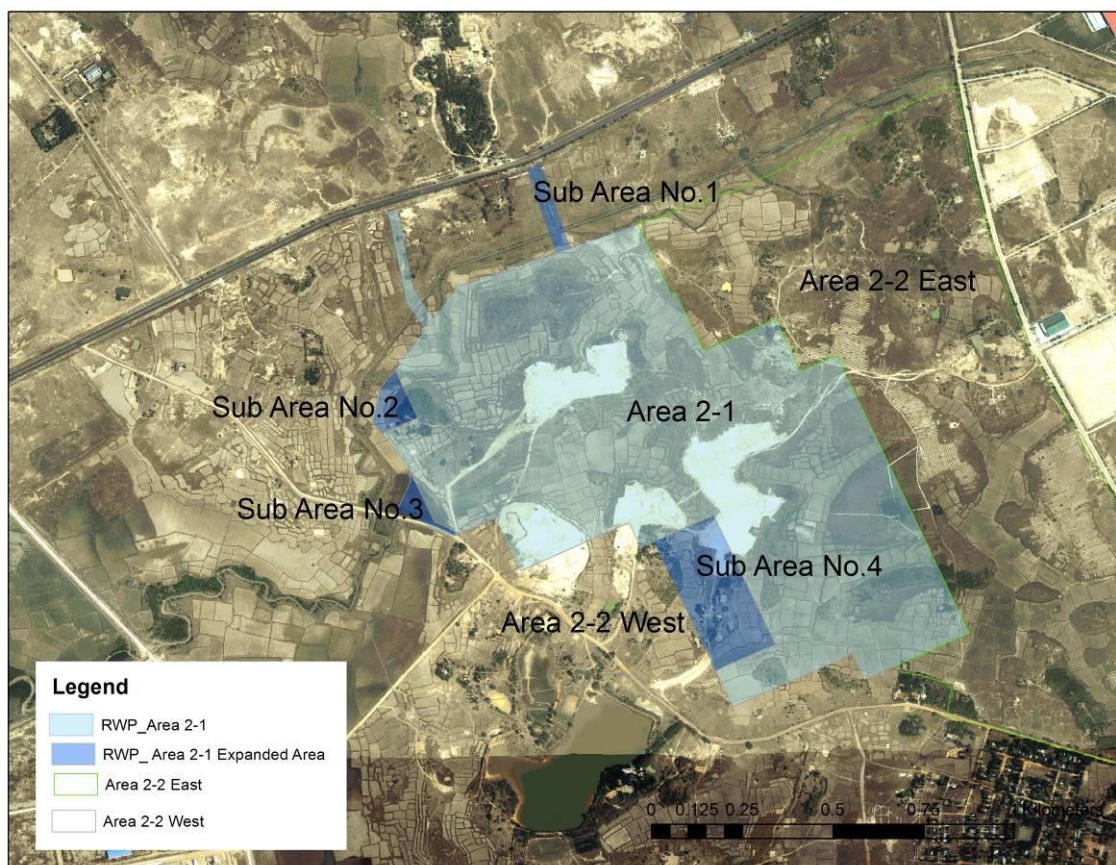
Zone B Phase 1 development area (about 100 ha) covers parts of Area 2-1 and Area 2-2 East and Phase 2 (about 70 ha) also covers parts of Area 2-1 and Area 2-2 East. Next development area covering remaining part of Area 2-1 and some expanded area of Area 2-1 was planned. Thus, it was required to prepare the Supplemental Resettlement Work Plan (RWP) covering the expanded area of Area 2-1 (the Expanded Area) which was not covered by existing RWP of Area 2-1. The Expanded Area consists of 4 sub-areas. Areas and locations of respective sub-areas are shown in Table II-41 and Figure II-11.

Table II-41 Areas and Locations of Sub-Areas

Sub-Area No.	Area (ha)	Location
No. 1	0.8	Northern side of the original Area 2-1 and along the discharging creek.
No. 2	1.2	Northwest side of the original Area 2-1
No. 3	0.7	Northwest side of the original Area 2-1
No. 4	6.8	Southwest side of the original Area 2-1
Total	9.5	-

Note: The Expanded Area partially includes land plots which were already acquired under the RWP for Area 2-1 but fall in both Area 2-1 and the Expanded Area of Area 2-1.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)



Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

Figure II-11 Expanded Area of Area 2-1

4.1.2 Scope of Land Acquisition and Relocation

(1) Sub-Area No. 1

About 0.8 ha of land including both farm and garden land with 3 identified landowners may be acquired. In this sub-area, there are 2 PAHs to be resettled and one of them cultivates crops.

(2) Sub-Areas No. 2 and No. 3

Since land for these sub-areas was already acquired and residents were relocated under procedure of the original Area 2-1, these PAHs (landowners and residents) are not regarded as the PAHs for these expanded sub-areas. In addition, there are no cultivators and residents in these sub-areas.

(3) Sub-Area No. 4

About 6.8 ha of land including both farm and garden land with 4 landowners may be acquired. One of these landowners resides and cultivates crops. There are additional 5 PAHs who reside and are necessary to be relocated.

4.2 Types and Numbers of PAH/PAP in the Expanded Area of Area 2-1

Since land for Sub-Areas No. 2 and No. 3 was already acquired and residents were relocated under the procedure of the original Area 2-1, these landowners and residents were not regarded as PAHs for the Expanded Area. In addition, there were no cultivators in these Sub-Areas.

On the other hand, based on Sub-Areas (No. 1 or No. 4) and whether they are landowners, residents, and/or cultivators, the PAHs were fallen into four groups: Groups A, B, C under Sub-Area No. 1 and Groups A, B, D under Sub-Area No. 4 as shown in Table II-42. Numbers of PAHs and PAPs to be affected by development of the Expanded Area were 14 and 50 respectively.

Table II-42 Group and Number of PAHs/PAPs

Sub-Area	Group	Criteria			No. of PAH	No. of PAP
		Landowner	Resident	Cultivator		
Sub-Area No. 1	A	○	×	×	3	15
	B	×	○	×	1	2
	C	×	○	○	1	3
Sub-Area No. 4	A	○	×	×	3	12
	B	×	○	×	5	13
	D	○	○	○	1	5

Legend O: yes to the criteria, X: no to the criteria

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

During the implementation of the RWP, however, several new PAHs have been identified. Finally, the total number of PAHs and PAPs in Expanded Area of 2-1 is 16 and 63 respectively.

4.3 Demographic and Socio-Economic Profile of PAHs in the Expanded Area of Area 2-1

Demographic and socio-economic profiles of PAHs in Expanded Area are presented in tables below. Unless otherwise indicated, the source of information presented in this section is Supplemental RWP for Expanded Area of Area 2-1.

4.3.1 Profile of PAHs

Profiles of PAHs identified through the DMS are shown in Tables III-43 to III-45.

Table II-43 Ethnicity of PAHs

Unit: Household					
Sub-Area	Group	Burmese	Hindu ¹	Nepali	Total
Sub-Area No. 1	A	2	0	1	3
	B	1	0	0	1
	C	1	0	0	1
Sub-Area No. 4	A	3	0	0	3
	B	5	0	0	5
	D	1	0	0	1
Total		13	0	1	14

Note: 1. This is the term commonly used in Myanmar to refer to people of Indian origin.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

Table II-44 Religion of PAHs

Unit: Household

Sub-Area	Group	Buddhist	Hindu	Other	Total
Sub-Area No. 1	A	3	0	0	3
	B	1	0	0	1
	C	1	0	0	1
Sub-Area No. 4	A	3	0	0	3
	B	5	0	0	5
	D	1	0	0	1
Total		14	0	0	14

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

Table II-45 Literacy of PAHs

Unit: Household

Sub-Area	Group	Not able to speak, read and write	Able to speak, but not to read and write	Able to speak, but read and write little	Speak, read and write fluently	Total
Sub-Area No. 1	A	0	0	0	3	3
	B	0	0	1	0	1
	C	0	1	0	0	1
Sub-Area No. 4	A	0	0	1	2	3
	B	0	1	3	1	5
	D	0	0	1	0	1
Total		0	2	6	6	14

Note: Literacy rate was calculated at 85.7% by the number of persons who answered Yes to “Able to speak, but read and write little” and “Speak, read and write fluently”.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

4.3.2 Inventory of Assets of PAHs (Livestock, Crops, Trees and Movable Assets)

The number of large-size livestock raised by PAHs for different purposes is shown in Table II-46.

Table II-46 Type and Number of Large Size Livestock (Cow and Buffalo) Raised by PAHs

Unit: Number

Sub-Area	Group (No. of HH)	Milk	Agriculture	Meat	Other ¹	Total
Sub-Area No. 1	A (3)	0	0	0	0	0
	B (1)	0	0	0	0	0
	C (1)	0	3	0	2	5
Sub-Area No. 4	A (3)	0	5	0	0	5
	B (5)	0	0	0	0	0
	D (1)	0	3	0	0	3
Total (14)		0	11	0	2	13

Note: 1. “Other” includes ‘2 cows were too young to decide for purposes of their usage’ for Group C of Sub-Area No.1.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

The number and type of small-size livestock raised by PAHs is shown in Table II-47.

Table II-47 Type and Number of Small Size Livestock Raised by PAHs

Unit: Number

Sub-Area	Group (No. of HH)	Chicken	Duck	Pig	Goat
Sub-Area No. 1	A (3)	0	0	0	0
	B (1)	0	0	0	0
	C (1)	2	2	0	0
Sub-Area No. 4	A (3)	0	0	0	0
	B (5)	82	0	0	5
	D (1)	100	24	0	0
Total (14)		184	26	0	5

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

The yield of rice, type and amount of crops and trees cultivated/planted by PAHs in the target area¹¹ are presented in Table II-48.

Table II-48 Rice Yield, Type and Amount of Vegetable and Tree Grown by PAHs

Sub-Area	Group (No. of HH)	Rice Yield ¹ (basket)	Vegetable ²				
			Bean (plant)	Betel Leaf (plant)	Roselle (row)	Water Cress (row)	Indian Wormwood (plant)
Sub-Area No. 1	A (3)	0	0	0	0	0	0
	B (1)	0	0	0	0	0	2
	C (1)	50	0	0	0	0	0
Sub-Area No. 4	A (3) ⁴	0	0	0	0	0	0
	B (5)	0	0	8,000	8	3	0
	D (1)	420	0	0	0	0	0
Total (14)		470	0	8,000	8	3	2
Sub-Area	Group (No. of HH)	Fruits/Tree ³					
		Guava (tree)	Mango (tree)	Banana (tree)	Coconuts (tree)	Drumstick (tree)	Cashewnuts (tree)
Sub-Area No. 1	A (3)	0	0	0	0	0	0
	B (1)	0	0	0	0	0	0
	C (1)	0	0	2	0	0	2
Sub-Area No. 4	A (3) ⁴	0	0	0	0	0	0
	B (5)	0	6	30	1	0	5
	D (1)	1	0	0	0	0	0
Total (14)		1	6	32	1	0	7
Sub-Area	Group (No. of HH)	Fruits/Tree ³					
		Tamarind (tree)	Papaya (tree)	Bamboo (group)	Malaysia Gum Tree (tree)		
Sub-Area No. 1	A (3)	0	0	0	0		
	B (1)	0	0	0	0		
	C (1)	0	0	0	20		
Sub-Area No. 4	A (3) ⁴	0	0	0	0		
	B (5)	1	1	90	1,000		
	D (1)	0	0	75	1,500		
Total (14)		1	1	165	2,520		

Note: 1. Annual yield of rice based on the results of DMS. 3 PAHs cultivate rice in the target area.

2. The amount of vegetable is based on the results of DMS. 5 PAHs cultivate vegetables in the target area.

3. The amounts of trees and fruits are based on the results of DMS. 3 PAHs plant trees/fruits in the target area.

4. One PAH of Sub-Area No.4/Group A cultivates rice (780 basket/year), Betel (2,000 plants), and has Mango (8 trees), Guava (11 trees), Banana (20 trees), Coconuts (2 trees), Drumstick (2 trees), and Bamboo (220 groups), in other area which were already compensated.

¹¹ Since the Expanded Area was not determined at the time of DMS, information of some PAHs on cultivation in the target area is not fully covered by DMS.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

Inventory of movable assets of PAHs is summarized per PAH group as shown in Table II-49. Most of the movable assets can be relocated or used even after resettlement.

Table II-49 Movable Assets of PAHs

Unit: Number

Sub-Area	Group (No. of HH)	Electric Fan	Fridge	Inverter	Small Generator	Battery	Air-con	Car	Bicycle	Motor-cycle
Sub-Area No. 1	A (3)	4	2	0	3	1	0	1	1	3
	B (1)	0	0	0	0	0	0	0	2	0
	C (1)	0	0	0	0	1	0	0	0	0
Sub-Area No. 4	A (3)	2	2	1	1	0	0	1	2	2
	B (5)	0	0	0	0	0	0	0	1	2
	D (1)	0	0	0	1	0	0	0	0	1
Total (14)		6	4	1	5	2	0	2	6	8
Sub-Area	Group (No. of HH)	Gondow	Water Pump	Mobile Phone	TV	VCD/Cassette	Solar Panel	Bobbin Machine	Land-line	Sky Net
Sub-Area No. 1	A (3)	1	1	6	3	1	1	1	1	1
	B (1)	0	0	0	0	0	0	0	0	0
	C (1)	0	0	0	0	0	0	0	0	0
Sub-Area No. 4	A (3)	0	0	5	3	3	0	0	0	0
	B (5)	0	0	3	0	0	0	0	0	0
	D (1)	0	0	3	0	0	0	0	0	0
Total (14)		1	1	17	6	4	1	1	1	1

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

4.3.3 Impacts on Livelihood and Income Source

(1) Income Source

The main income source of household heads and other family members is shown in Table II-50 and 51. Excluding household heads, the number of PAPs is 36. Out of those, 25 are working age (between 18 and 64 years old as of the day which DMS was conducted).

Table II-50 Main Income Source of Household Head

Unit: Person

Sub-Area	Group	Paddy Farmer	Vegetable/Fruits Farmer	Odd Job Worker	Wage Worker	Self-Employment	Other ¹	No Income ²	Total
Sub-Area No. 1	A	1	0	0	0	1	1	0	3
	B	0	0	1	0	0	0	0	1
	C	1	0	0	0	0	0	0	1
Sub-Area No. 4	A	1	0	0	0	0	0	2	3
	B	0	3	1	1	0	0	0	5
	D	1	0	0	0	0	0	0	1
Total		4	3	2	1	1	1	2	14

Note: 1. Other includes 'No answer from a PAH of No. 1 Group A'.

2. They include dependents (their ages were 68, 75 for No.4 Group A).

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

Table II-51 Main Income Source of Other Working Family Members

Unit: Person

Sub-Area	Group	Paddy Farmer	Vegetable/ Fruits ¹ Farmer	Odd Job Worker	Wage Worker	Gov't Staff	Self- Employment	No Income ²	Total ³
Sub-Area No. 1	A	0	0	0	2	0	2	4	8
	B	0	1	0	0	0	0	0	1
	C	0	0	1	0	0	0	1	2
Sub-Area No. 4	A	0	0	0	1	1	0	5	7
	B	0	0	1	0	0	0	2	3
	D	3	0	0	0	0	0	0	3
Total		3	1	2	3	1	2	12	24

Note: 1. One PAP in No.1- Group B cultivates flower.
2. They are helping parent business, housekeepers, dependents, and students.
3. No answer from a PAH of No. 1 Group A.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

(2) Household Income¹²

The average and median annual income of PAHs is 5,412,000 Kyats/year and 4,370,000 Kyats/year, respectively as shown in Table II-52. On a per capita basis, the figure is equivalent to 1,584,000 Kyat per year.

Table II-52 Annual Income of PAHs¹

Unit: Kyats/year

Sub- Area	Group (No. of HH) ²	Average	Median
Sub-Area No. 1	A (1)	9,000,000	9,000,000
	B (1)	1,650,000	1,650,000
	C (1)	960,000	960,000
Sub-Area No. 4	A (3)	7,067,000	7,200,000
	B (5)	2,827,000	2,595,000
	D (1)	18,000,000	18,000,000
Landowner (5)		9,640,000	8,000,000
Landless (7)		2,392,000	1,800,000
Total (12)		5,412,000	4,370,000

Note: 1. Figures on incomes were obtained from their self-reports during the DMS without verification.
2. 2 PAHs in Group A of Sub-Area No.1 did not answer the questions about their income.
3. Since only one PAH each in Group B & C for No.1 and Group D for No.4, the average and the median values are calculated as the same.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

(3) Household Expenditure

The annual expenditure and breakdown of expenditure per major items are presented in Table II-53 and Table II-54.

¹² Regarding figures used for sections of "Household Income" and "Household Expenditure", those in hundreds digit are rounded.

Table II-53 Average and Median of Annual Expenditure¹

Unit: Kyats/year

Sub- Area	Group (No. of HH) ²	Average	Median
Sub-Area No. 1	A (2)	20,790,000	20,790,000
	B (1)	2,164,000	2,164,000
	C (1)	3,732,000	3,732,000
Sub-Area No. 4	A (3)	37,080,000	16,620,000
	B (5)	5,301,000	5,586,000
	D (1)	23,916,000	23,916,000
Landowner PAHs (6)		29,456,000	20,268,000
Landless PAHs (7)		4,629,000	3,732,000
All Category (13)		16,087,000	8,388,000

Note: 1. Figures on expenditure were obtained from their self-reports during the DMS without verification.

2. One PAH in Group A of Sub-Area No.1 did not answer this question, and hence, the total number of PAHs for this question is 13.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

Table II-54 Average Annual Expenditure of Major Items

Unit: %

Sub- Area	Group (No. of HH) ¹	Food	Health	Education	Transportation	Other ²
Sub-Area No. 1	A (2)	10.1	8.7	4.3	5.6	68.3
	B (1)	61.0	16.6	0.0	0.0	20.5
	C (1)	32.2	3.2	0.0	2.6	55.0
Sub-Area No. 4	A (3)	30.0	42.1	0.0	11.0	3.1
	B (5)	27.4	1.9	0.2	1.9	66.7
	D (1)	9.0	1.5	0.0	0.0	89.5
Landowner PAHs (6)		22.5	28.7	1.0	8.2	30.2
Landless PAHs (7)		30.2	3.0	0.2	1.8	62.2
Average of All PAHs (13)		23.7	24.7	0.9	7.2	35.1

Note: 1. One PAH in Group A of Sub-Area No.1 did not answer this question, and hence, the total number of PAHs for this question is 13.

2. Other includes the cost for running business and investment for agriculture (e.g. purchase of goods, cost of labor and livestock breeding).

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

4.3.4 Vulnerable Households

Table II-55 outlines vulnerable households for the Expanded Area by category of vulnerability. 62.5% of the vulnerable households (5 out of total 8) are PAHs to be relocated.

Table II-55 Summary of Vulnerable Households

Sub-Area	Group (No. of HH)	Headed by woman	Headed by elderly ¹	Headed by disabled	Below Poverty Line income ²	HH with a disabled member ³	Total Vulnerable households ⁴
Sub-Area No. 1	A (3)	0	1	0	0	0	1
	B (1)	0	0	0	0	0	1
	C (1)	0	0	0	1	0	1
Sub-Area No. 4	A (3)	1	2	0	0	1	2
	B (5)	1	1	0	0	0	2
	D (1)	1	0	0	0	1	1
Total (14)		3	4	0	1	2	8

Note: 1. Ages at the time of DMS are used. Actual ages should be considered at the time of relocation.

2. Since 2 PAHs in Group A of Sub-Area No.1 did not answer their annual income, whether they are below poverty line was not able to be clarified.

3. Members with illness are included. Whether they are disabled or not depends of level of their illnesses which should be confirmed at the time of relocation. Also, whether there are pregnant women or not should be considered at the time of relocation.

4. The total number of vulnerable households does not match to the sum of each category because several PAHs fall under more than one category.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

4.4 Preparing the Draft Supplemental RWP for Expanded Area of Area 2-1

Since Sub-Areas No.2, No.3 and No.4 of the Expanded Area are located in the former Area 2-2 and Area 3-1, draft Supplemental RWP for Expanded Area of Area 2-1 was prepared by incorporating (1) outcomes of consultation meetings with PAHs which was held for Draft RWP of Area 2-2 and (2) comments received during the information disclosure period of Draft RWP of Area 2-2.

The two sessions of PCM for Draft RWP for Area 2-2 were held on 3 April 2016 at the office of DUHD of MOC in Kyauktan Township. The summaries of these meetings are presented in Table II-56 and Table II-57.

Table II-56 Summary of PCM for Draft RWP for Area 2-2

Items	Contents
1. Date and Time	Date: 3 April 2016 (Sunday) Time: 1 st session 8:30-10:00, 2 nd session 11:30-13:00
2. Venue	Office of DUHD of MOC in Kyauktan Township
3. Invitees	PAHs of Area 2-2 (1st session: PAHs in Shwe Pyauk Village Tract, 2nd session: PAHs in Aye Mya Thida Ward)
4. Participants	1 st session: Approximately 60 persons, 2 nd session: Approximately 99 persons
5. Main invitees/ participants from government/others	1. Administrator, General Administration Department, Thanlyin Township 2. Administrator, General Administration Department, Kyauktan Township 3. Village Administrator, Shwe Pyauk Village Tract 4. Village Administrator, Aye Mya Thida Ward 5. 100 /10 household head (HH), Shwe Pyauk Village Tract

Items	Contents
	<p>6. 100 /10 household head (HH), Aye Mya Thida Ward</p> <p>7. Villagers from Shwe Pyauk Village Tract</p> <p>8. Villagers from Aye Mya Thida Ward</p> <p>Other organizations and individuals who are interested in the meetings</p>
6. Main Agenda	<p>1. Background and RWP activities</p> <p>2. Area of 162 ha Second Development Area (Area 2-2)</p> <p>3. Eligible households for Area 2-2</p> <p>4. Proposed compensation and assistance package</p> <p>5. Planned implementation organization</p> <p>6. Planned grievance redress mechanism</p> <p>7. Possible resettlement sites</p> <p>8. Further steps</p> <p>9. Q & A</p>
7. Major opinions and comments from participants and responses	<p><u>1st session</u></p> <p>Q-1: PAHs in Area 2-2 only should be invited to the meetings. A-1: PAHs in Area 2-2 were invited, but if the interested persons come to the meetings, we are accepting their participation.</p> <p>Q-2-4: Please re-check my eligibility. A-2-4: It will be confirmed again.</p> <p><u>2nd session</u></p> <p>Q-1: I would like to know compensation and assistance amount and resettlement site. A-1: We would like to explain resettlement issues step by step in accordance with international practices. All relating activities will be also done step by step.</p> <p>Q-2: I would like to clarify the difference between two notices (31 January 2013 and 30 June 2014). A-2: The former notice was to evict the people, but the latter notice was for official land acquisition procedures.</p> <p>Q-3: I would like to know situation of my eligibility which I requested to re-check. A-3: Eligibility was confirmed through village meetings (inquiry sessions). But if you still inquiry, you can send a letter to TSMC.</p> <p>Q-4: I would like to know how Land Acquisition Act 1894 was applied. A-4: Land Acquisition Act 1894 is still active and land acquisition activities should be done under this act.</p> <p>Q-5: Shall I repair the structure for the coming rainy season? A-5: Yes, you can repair it.</p>
8. Major opinions and comments from feedback forms	<ul style="list-style-type: none"> - Please invite and meet the PAHs who have eligibility to the target area (Area 2-2) only for further PCMs. - Please check my eligibility again with my neighbors. - Although I have farmlands, I want to have compensation and move to the resettlement site as soon as possible. My neighbors also want to move to the relocation site. - Please start resettlement works and give us compensation as soon as possible so that we will start our family business earlier. - I would like to know the location and area of the resettlement site, and amount of compensation. - Since my farmland was acquired in 1997 and I have had a hard time making a living, please provide compensation.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)



Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

Photo II-7 Photo of PCM on 3 April 2016 for Area 2-2

4.5 Finalizing Supplemental RWP for Expanded Area of Area 2-1

4.5.1 Conducting the Consultation Meetings

Session of PCM for the draft RWP for Expanded Area of Area 2-1 was held on 19 January 2018.

Table II-57 Summary of PCM for Draft RWP (Expanded Area of Area 2-1)

Items	Contents
1. Date and Time	Date: 19 January 2018 (Friday) Time: 10:30 to 11:30 AM
2. Venue	Office of DUHD of MOC in Kyauktan Township
3. Invitees	PAHs of Expanded Area of Area 2-1 (Sub-Areas No. 1 and No. 4)
4. Participants	Approximately 50 persons
5. Main invitees/ participants from government/others	<ol style="list-style-type: none"> 1. Administrator, General Administration Department, Thanlyin Township 2. Administrator, General Administration Department, Kyauktan Township 3. Thilawa Special Economic Zone Management Committee 4. Village Administrator, Shwe Pyi Thar Yar Ward 5. Village Administrator, Aye Mya Thida Ward 6. 100 /10 household head (HH), Shwe Pyi Thar Yar Ward 7. 100 /10 household head (HH), Aye Mya Thida Ward 8. Villagers from Shwe Pyi Thar Yar Ward 9. Villagers from Aye Mya Thida Ward 10. Witness: Local Resource Center Other organizations and individuals who are interested in the meetings
6. Main Agenda	<ol style="list-style-type: none"> 1. Background and RWP activities 2. Eligible households for Expanded Area of Area 2-1 (Area 2-1 Ex.) 3. Proposed compensation and assistance policy for Area 2-1 Ex. 4. Planned implementation organization for Area 2-1 Ex. 5. Planned grievance redress mechanism for Area 2-1 Ex. 6. Further steps for Area 2-1 Ex. 7. Q & A
7. Major opinions and comments from participants and responses	Q-1: How YRG/ TSMC will consider about the standing seasonal crops/ trees which are cultivating recently inside the area to be developed. A-1: Those standing crops/ trees will be considered at the time of the lands which he or she is cultivating will be acquired.

Items	Contents
	<p>Q-2: I am an eligible PAH but did not receive invitation letter for this meeting though my neighbor was invited.</p> <p>A-2: Probably your location is not included in this development area.</p> <p>Q-3: I submitted series of complaint letters regarding land ownership and would like to know the status of it.</p> <p>A-3: The complaint letters already reached to the concerned parties and under reviewing thoroughly by respective officers. Then the concerned parties will reply to you once the case is resolved.</p> <p>Q-4: I would like to know whether the lands compensated in 1996/97 are still entitled to be compensated this time.</p> <p>A-4: Compensated lands will not be compensated again.</p>
8. Major opinions and comments from feedback forms	<ul style="list-style-type: none"> - Please agree to the project for the interest of the nation and for a better living standard of Myanmar people. - It is agreed to all the plans and activities to be implemented by concerned department.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)



Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

Photo II-8 Photo of PCM on 19 January 2018 for the Expanded Area of Area 2-1

4.5.2 Conducting Information Disclosure of the Draft Supplemental RWP for Expanded Area of Area 2-1

The Draft Supplemental RWP for Expanded Area of Area 2-1 was disclosed at several places around the Expanded Area from 20 January 2018 to 2 February 2018 for two weeks to receive comments from the public and reflect them in the Final Supplemental RWP. Disclosure places for the Draft Supplemental RWP are listed in Table II-58. In addition, the Draft Supplemental RWP both in English and Myanmar languages was uploaded on the website of TSMC¹³. The newspaper advertisement was also posted on 2 newspapers on 20 January 2018 to inform of the public disclosure and request for comments on this Draft Supplemental RWP. Public comments received with the comment form at the disclosure places or by e-mail either in Myanmar language and English.

¹³ TSMC's website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

Table II-58 Draft RWP Disclosure Places (Expanded Area of Area 2-1)

1. Office of DUHD of MOC in Kyauktan Township (previous TSMC temporal office)
2. Office of TSMC, Thilawa SEZ
3. Office of DUHD of MOC in Yangon
4. Administrative office of Southern District
5. Administrative office of Kyauktan Township
6. Administrative office of Thanlyin Township
7. Administrative office of Aye Mya Thida Ward
8. Administrative office of Shwe Pyi Thar Yar Ward
9. Ordination Hall, Aye Mya Thida Ward
10. Houses of Administrators and 100 Household Heads of above Wards

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

4.5.3 Incorporating the Comments Received during the Disclosure Period

The RWP was finalized by incorporating comments received during the disclosure period as well as during consultation meetings. Comments received at the disclosure places of the Draft Supplemental RWP for Expanded Area of Area 2-1 and responses to the comments are summarized in Table II-59.

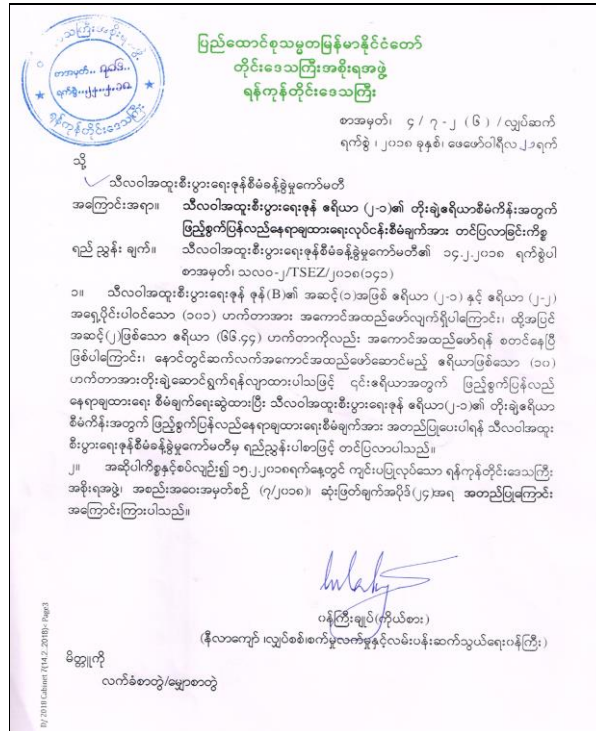
Table II-59 Summary of Public Comments on the Draft RWP and Responses

No.	Summary of Public Comments	Responses
1.	When compensation and assistance are provided in old Phalan village, AMTD ward, it should be provided together with local community and informal occupants quickly. Therefore, administration is also able to maintain the difficulties regarding future informal occupants.	Noted. When the area of old Phalan village is planned to be developed, the RWP for the development area will be prepared. In the RWP, those local peoples and those informal occupants who were living/doing economic activities at the development area at the time of the Cut-off Date (4 April 2013) are considered eligible for compensation and assistance as per the policy in the Framework of Resettlement Works for the 2000ha Development Area of Thilawa SEZ (February 2016) and the RWP to be prepared for the development area. As for the development schedule of the area of old Phalan village, it is not decided yet. However, TSMC is monitoring the inflow of informal occupants after the Cut-off Date. When the assistance and compensation are provided, the entitlement of PAPs is carefully checked with the SLRD record, DMS results and other supporting evidence for fair and right compensation and assistance provision.

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

4.6 YRG's Review and Approval of Supplemental RWP for Expanded Area of Area 2-1

The finalized Supplemental RWP for Expanded Area of Area 2-1 in Myanmar was submitted to YRG by TSMC. This RWP was approved in YRG's cabinet meeting on 15th February 2018 in Figure II-12.



Source: YRG letter dated 15th February 2018

Figure II-12 YRG’s Approval Letter for Supplemental RWP for Expanded Area of Area 2-1

4.7 Conducting Information Disclosure of the Final Supplemental RWP for Expanded Area of Area 2-1

The Final RWP is disclosed at the same places where the Draft RWP was disclosed as shown in Table II-60. In addition, the Final RWP both in Myanmar and English language was uploaded on the website of TSMC¹⁴.

Table II-60 Final RWP Disclosure Places

<ol style="list-style-type: none"> 1. Office of DUHD of MOC in Kyauktan Township (previous TSMC temporal office) 2. Office of TSMC, Thilawa SEZ 3. Office of DUHD of MOC in Yangon 4. Administrative office of Southern District 5. Administrative office of Kyauktan Township 6. Administrative office of Thanlyin Township 7. Administrative office of Aye Mya Thida Ward 8. Administrative office of Shwe Pyi Thar Yar Ward 9. Ordination Hall, Aye Mya Thida Ward 10. Houses of Administrators and 100 Household Heads of above Wards

Source: Supplemental RWP for Expanded Area of Area 2-1 (February 2018)

¹⁴ TSMC’s website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

Chapter 5 Assistance in Preparing Supplemental RWP for Expanded Area 2 of Area 2-1

5.1 Target Area of Expanded Area 2 of Area 2-1

5.1.1 Location of the Development Area (Expanded Area 2 of Area 2-1)

The Supplemental RWP for Expanded Area 2 of Area 2-1 was required due to the additional 11 ha development adjoining Expanded Area of Area 2-1 as shown in Figure II-12.

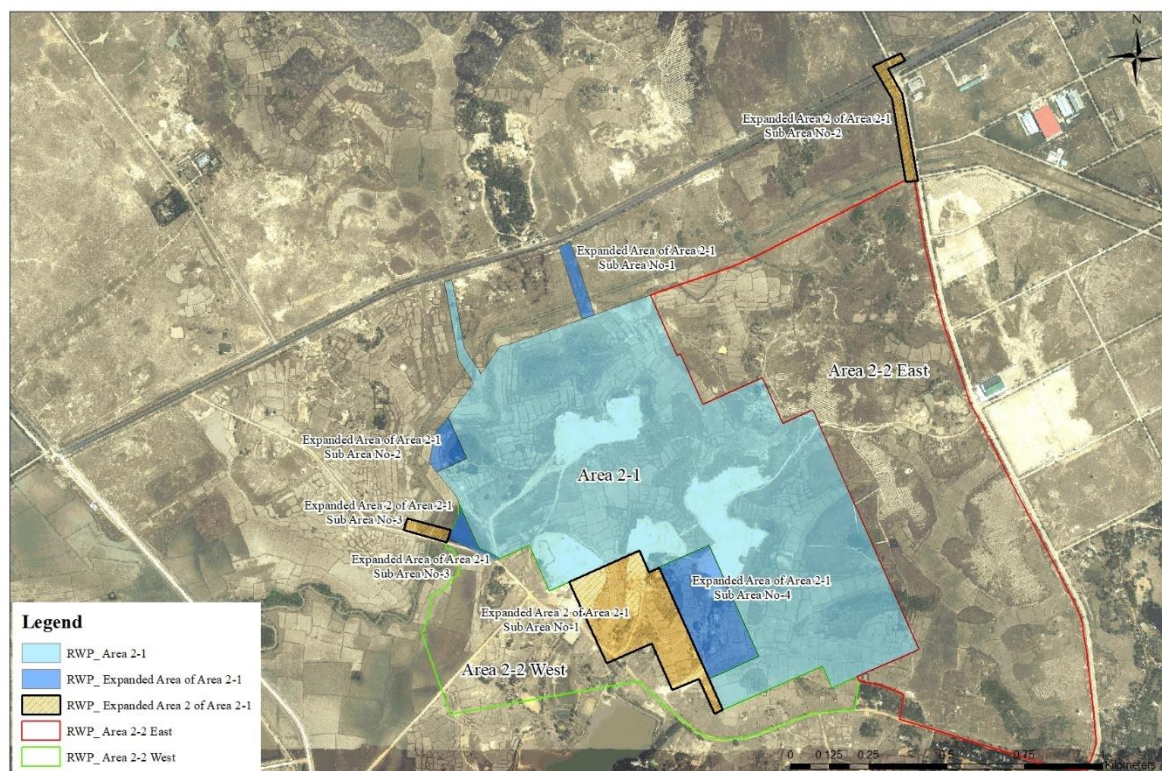
If a land plot is partially affected by development of the Expanded Area 2 of Area 2-1, this RWP was also applicable for the partially affected land plots, and those who own, live or use the fully or partially affected land plots were considered as the PAHs of the Expanded Area 2 of Area 2-1, unless they were compensated in the past land acquisition procedure. The Expanded Area 2 of Area 2-1 consists of 3 Sub-Areas. Areas and locations of respective sub-areas are shown in Table II-61 and Figure II-13.

Table II-61 Areas and Locations of Sub-Areas

Sub-Area No.	Area (ha)	Location
No. 1	10.2	Southwest side of the Expanded Area of Area 2-1 (Sub-Area No.4).
No. 2	0.4	Northern side of the Area 2-2 East along the Thanlyin-Kyauktan road
No. 3	0.2	West side of the Area 2-1 along the bridge to be constructed over the existing creek
Total	10.8	-

Note: The Expanded Area 2 partially includes land plots which were already acquired under the RWP for Area 2-1 but fall in both Area 2-1 and the Expanded Area 2 of Area 2-1.

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)



Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

Figure II-13 Expanded Area 2 of Area 2-1

5.1.2 Scope of Land Acquisition and Relocation

1) Sub-Area No. 1

About 10.2 ha of land including both farm and garden lands may be acquired. In this sub-area, there are 8 PAHs to be relocated and one of them cultivates crops.

2) Sub-Areas No. 2

About 0.4 ha of land including farm land may be acquired. In this sub-area, there are 3 PAHs to be relocated and two of them cultivates crops.

3) Sub-Area No. 3

Since the land of this sub-area belongs to the Government and is used for a bridge over a creek, there is no cultivator and resident. Thus, there is no PAHs/PAPs in this sub-area.

5.2 Types and Numbers of PAH/PAP in Expanded Area 2 of Area 2-1

Based on sub-areas and whether they are landowners, residents, and/or cultivators, the PAHs are fallen into three groups: Groups A, B under Sub-Area No. 1 and Groups B, C under Sub-Area No. 2 as shown in Table II-62.

Table II-62 Group and Number of PAHs/PAPs

Sub-Area	Group	Criteria			No. of PAH ¹	No. of PAP ²
		Landowner	Resident	Cultivator		
Sub-Area No. 1	A	○	×	×	8	4
	B	×	○	×	8	29
Sub-Area No. 2	A	○	×	×	1	-
Sub-Area No.3	-	-	-	-	-	-
Total					17	33

Legend O: yes to the criteria, X: no to the criteria

1: The number of PAH of Group A is the identified landowner only.

2: The number of PAPs is counted based on the result of the detailed measurement survey (DMS). In case of Sub-Area No.1 of Group A, since DMS does not cover all the PAHs when it is conducted, the number of PAPs is smaller than that of PAHs. In case of Sub-Area No.2, number of PAPs is not identified because DMS has not been conducted yet since the landownership is under confirmation

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

The development of Sub-Area No.1 may affect the existing road, namely Par Da Gyi-Thilawa road which requires an alternative road. This construction of the alternative road may affect 2 plots, however PAHs of those 2 plots are included in PAHs of this RWP.

The land of Sub-Area No.1 and No.2 are divided into 24 plots in the SLRD list. Out of 24 plots, PAHs of 10 plots¹⁵ were identified, and the rest of the PAHs of 14 plots were investigated in land ownership confirmation meeting because the landowner registered in the SLRD list passed away or sold the land to another person. Moreover, several new PAHs have been identified in the implementation stage of the RWP. Finally, the 36 PAHs and 135 PAPs in the Expanded Area 2 of Area 2-1 were confirmed and identified.

5.3 Demographic and Socio-Economic Profile of PAHs in Expanded Area of Area 2-1

Demographic and socio-economic profiles of PAHs in Expanded Area 2 of Area 2-1 are presented in tables below. Unless otherwise indicated, the source of information presented in this section is Supplemental RWP for Expanded Area 2 of Area 2-1.

5.3.1 Profile of PAHs

Profile of PAHs identified through DMS are shown as follows.

The ethnicity of all the surveyed PAHs is Burmese and their religion is Buddhism. The literacy of the PAHs is shown in Table II-63.

Table II-63 Literacy of PAHs

Unit: Household

Not able to speak, read and write	Able to speak, but not to read and write	Able to speak, but read and write little	Speak, read and write fluently	Total
0	0	3	7	10

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

¹⁵Among the 10 plots identified their landowners, the landowners of 9 plots are the PAHs of Expanded Area 2, while the landowner of 1 plot is the PAH of Area 2-1.

5.3.2 Inventory of Assets of PAHs (Livestock, Crops, Trees and Movable Assets)

The number of large-size livestock raised by PAHs for different purposes is shown in Table II-64.

Table II-64 Type and Number of Large Size Livestock (Cow and Buffalo) Raised by PAHs

Unit: Number

Milk	Agriculture	Meat	Other ¹	Total
0	0	0	3	3

Note: 1. "Other" includes 3 cows whose purposes have not been determined yet.

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

The number and type of small-size livestock raised by PAHs is shown in Table II-65.

Table II-65 Type and Number of Small Size Livestock Raised by PAHs

Unit: Number

Chicken	Duck	Pig	Goat	Total
121	0	0	12	133

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

The yield of rice, type and amount of crops and trees cultivated/planted by PAHs in the target area are presented in Table II-66.

Table II-66 Rice yield, Type and Amount of Vegetables and Trees Grown by PAHs

Rice Yield ¹ (basket)	Vegetable			Fruits/Tree	Non-Fruit Tree		
	Betel Leaf (plant)	Water Cress (bunch)	Lemon Grass (group)	Mango (plant)	Bamboo (group)	Malaysia Gum Tree (plant)	Rain Tree (plant)
25	600	480	4	10	120	1	3

Note: The amount is calculated based on the interview in DMS.

Inventory of movable assets of PAHs is summarized as shown in Table II-67.

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

Table II-67 Movable Assets of PAHs

Unit: Number

Electric Fan	Fridge ¹	Generator	Water Pump	Trishaw	Car	Bicycle
3	1	3	1	1	3	9
Motor-cycle	Mobile Phone	TV	VCD/ Cassette	Sewing Machine	Land-line	Antenna for TV
4	10	3	4	1	2	1

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

5.3.3 Impacts on Livelihood and Income Sources

(1) Income Source

The main income source of household heads is shown in Table II-68. Self-employment is the most common job among the HH.

Table II-68 Main Income Source of Household Head

Unit: Person						
Dependent	Odd Job Worker	Daily Wage Worker	Wage Worker	Self-Employment	Crop Farmer	Total
1	1	1	1	5	1	10

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

Excluding household heads, the number of PAPs is 33. Out of those, 12 PAPs are working age (between 18 and 64)¹⁶. Main income source of these working age PAPs is presented in Table II-69.

Table II-69 Main Income Source of Other Working Family Members

Unit: Person							
Odd Job Worker	Daily Wage Worker	Wage Worker	Self-Employment	Farming	House keeper	No Income	Total
3	2	1	1	1	1	3	12

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

(2) Household Income

The average and median annual income of PAHs is 6,374,000 Kyats/year and 3,780,000 Kyats/year, respectively.

(3) Household Expenditure

The average and median annual expenditure of PAHs is 435,120 Kyats/year and 331,500 Kyats/year¹⁷ respectively and breakdown of expenditure by items are presented in Table II-70.

Table II-70 Breakdown of Annual Expenditure

Food	Fuel	Water	Electricity	Transportation	Health	Education	Other ²
51.63	3.98	0.29	0.60	8.06	18.43	2.94	14.07

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

5.3.4 Vulnerable Households

Since there is no official definition of vulnerable groups in Myanmar, this RWP defines a household headed by woman, disabled person or elderly person (61 years old and over), a household including

¹⁶ Ages at the time of the surveys are used.

¹⁷ The information on amount of expenditure was obtained from self-reports during the DMS without verification.

a disabled person or a household below the poverty line¹⁸ or a household with a pregnant woman at the time of relocation as vulnerable households by referring international practices as also defined in the Framework. Table II-71 outlines vulnerable households in the Expanded Area 2 by category of vulnerability. All of the 7 vulnerable households are PAHs to be relocated.

Table II-71 Summary of Vulnerable Households

Headed by woman	Headed by elderly ¹	Headed by disabled	Below Poverty Line income	HH with a disabled member ²	Total Vulnerable households ³	Total PAHs
5	1	0	0	4	7	10

Note: 1. Ages at the time of DMS are used. Actual ages should be considered at the time of relocation.

2. Members with illness are included. Whether they are disabled or not should be confirmed at the time of relocation. Also, whether there are pregnant women or not should be considered at the time of relocation.

3. The total number of vulnerable households does not match to the sum of each category because several PAHs fall under more than one category.

Source: Supplemental RWP for Expanded Area 2 of Area 2-1 (November 2018)

5.4 Finalizing Supplemental RWP for Expanded Area 2 of Area 2-1

5.4.1 Conducting the Consultation Meeting

Draft Supplemental RWP for Expanded Area 2 of Area 2-1 was prepared by incorporating (1) outcomes of consultation meetings with PAHs which was held for the draft RWP and (2) comments received during the information disclosure period of the draft RWP.

PCM for the draft RWP for Expanded Area 2 of Area 2-1 was held on 23 September 2018 at the office of DUHD of MOC in Kyauktan Township. The summary of the PCM is presented in Table II-72.

Table II-72 Summary of Public Consultation Meeting (Expanded Area 2 of Area 2-1)

Items	Contents
1. Date and Time	Date: 23 September 2018 (Sunday) Time: 9:00-10:30
2. Venue	Office of DUHD of MOC in Kyauktan Township
3. Invitees	PAHs of Expanded Area (2) of Area 2-1
4. Participants	Approximately 76 persons
5. Main invitees/ participants from government/others	1. Administrator, General Administration Department, Kyauktan Township 2. Thilawa Special Economic Zone Management Committee 3. Village Administrator, Let Yet San Village Tract 4. Village Administrator, Aye Mya Thida Ward 5. 100 household head (HH), Let Yet San Village Tract 6. Villagers from Let Yet San Village Tract 7. Villagers from Aye Mya Thida Ward 8. Other organizations and individuals who are interested in the meetings
6. Main Agenda	1. Project Information

¹⁸ Based on Poverty Profile in June 2011, which define Poverty Line of 2010 as 376,151 Kyats per adult per year. The study is the result of Integrated Household Living Conditions and Survey in Myanmar (2009-2010) conducted by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development. Since there is no authoritative update on poverty line in Myanmar, this RWP uses 376,151 Kyats per adult equivalent per year as the poverty line.

Items	Contents
	2. Eligible households 3. Proposed compensation and assistance package 4. Implementation organization 5. Grievance redress mechanism 6. Further steps 7. Q & A
7. Major opinions and comments from participants and responses	<p>Q-1: Two households have not been included in the RWP. Although the land was already acquired, they are still living in the compensated land. A-1: The two households are not included in the RWP according to examination. The location of the two household is the next to the RWP area which the land was already acquired. If the said area will be expanded in the future, they can be included as to be resettled households.</p> <p>Q-2: My daughter’s house is not included although it is located in the Expanded Area 2 of Area 2-1. A-2: The eligibility list will be checked again soon and let you know the result.</p> <p>Q-3: I would like to explain that my family did not receive any land compensation and assistance of our land which was partially compensated in 1996/97 and the land compensation was provided to another person. A-3: The case should be reported to Rescrutinizing Committee for Confiscated Farmlands and Other Lands. The committee helps to solve such issues.</p> <p>Q-4: I would like to request to consider the assistance for my son since he is currently living on my land after the COD. A-4: People who were staying/using land before the COD are eligible for respective compensation and/or assistance. On the contrary, in principle, those who are living after the COD are not eligible for compensation and/or assistance.</p>

Source: Supplemental RWP for Expanded Area 2 of Area 2-1(November 2018)



Source: Supplemental RWP for Expanded Area 2 of Area 2-1(November 2018)

Photo II-9 Photo of PCM on 23 September 2018 for the Expanded Area 2 of Area 2-1

During the consulting meeting on 23 September 2018, 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 five feedback forms were submitted) and responses are summarized in Table II-73.

Table II-73 Summary of Received Comments through Feedback Forms and Responses

No.	Summary of Comments	Response
1	My family's land was separately acquired and the land compensation were provided to another person. I would like to inform and request to investigate eligible person who should receive compensation.	The case should be reported to Rescrutinizing Committee for Confiscated Farmlands and Other Lands. The committee helps to solve such issues.
2	The contents explained by the officers are very satisfying and I wish it is implemented properly. The RWP for PAPs/ PAHs is a satisfactory plan.	Well noted. Thank you for your understanding and cooperation.
3	The relocated people at the time of 1996/97 should be considered for compensation and assistance.	Eligibility has been checked and confirmed through village level meetings and other various occasions and PAHs have been listed up. Compensation and assistance will be provided to the PAHs based on the list.
4	It is also suggested to review the trees and plants growing on the land plot.	The compensation and assistance amount will be calculated based on the DMS data.
5	It would be appreciated if the compensation and assistance is increased to one big bag of rice costs 65,000 MMK at the moment and the proposed assistance of 40,000 Kyats is less than the current price.	The compensation and assistance amount will be provided based on the entitlement matrix in this RWP.

Source: Supplemental RWP for Expanded Area 2 of Area 2-1(November 2018)

5.4.2 Disclosure of the Draft Supplemental RWP for Expanded Area 2 of Area 2-1

The draft RWP for Expanded Area 2 of Area 2-1 was disclosed at several places around the Expanded Area 2 from 24 September 2018 to 8 October 2018 for two weeks¹⁹ to receive comments from the public and reflect them in the Final Supplemental RWP. Disclosure places for the draft RWP are listed in Table II-74. In addition, the draft RWPs both in English and Myanmar languages were uploaded on the website of TSMC²⁰. The newspaper advertisement was also posted on newspapers on 24 September 2018 to inform of the public disclosure and request for comments on the draft RWP for the Expanded Area 2 of Area 2-1.

¹⁹ At the house of administrator and house of 100 Household Head in Let Yet San Village Tract, disclosure period was set from 26th September 2018 to 10th October 2018.

²⁰ TSMC's website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

Table II- 74 Draft RWP Disclosure Places (the Expanded Area 2 of Area 2-1)

1.	Office of DUHD of MOC in Kyauktan Township (previous TSMC temporal office)
2.	Office of TSMC, Thilawa SEZ
3.	Office of DUHD of MOC in Yangon
4.	Administrative office of Southern District
5.	Administrative office of Kyauktan Township
6.	Administrative office of Thanlyin Township
7.	Administrative office of Aye Mya Thida Ward
8.	Administrative office of Let Yet San Village Tract
9.	Ordination Hall, Aye Mya Thida Ward
10.	Houses of Administrators and 100 Household Heads of above Wards and Village Tracts

Source: Supplemental RWP for Expanded Area 2 of Area 2-1(November 2018)

5.4.3 Incorporating the Comments Received during the Disclosure Period

Comments received at the disclosure places of the draft RWP for Expanded Area 2 and responses to the comments is summarized in Table II-75. Beside this, comments which show understanding on RWP contents were received.

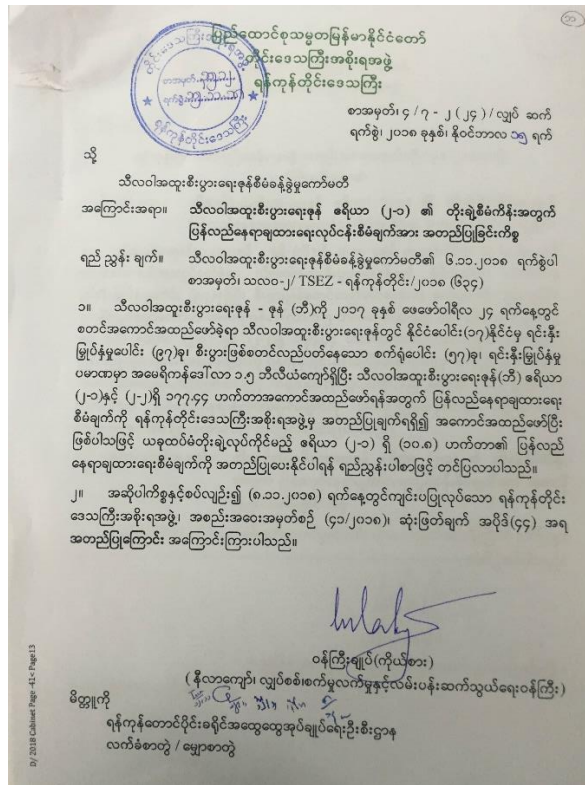
Table II-75 Summary of Public Comments on the Draft RWP and Responses

No.	Summary of Public Comments	Response
1	We want to live in our own village, Aye Mya Thida Ward, Phalan. We kindly request acceptance of self-relocation.	For those PAHs to be relocated, provision of the resettlement site is prioritized since in-kind assistance is encouraged rather than cash assistance for better livelihood restoration as per the international practice. However, in case, a PAH has a special and considerable reason and requests self-relocation to another location besides the resettlement site, such a request by a PAH will be carefully considered by the township level committee of RIC and reported to and concurred by YRG.
2	We are very appreciated because we wanted to live in Aye Mya Thida Ward. If we live in Aye Mya Thida Ward, our family business, living, social, and religion will be convenient.	
3	We just want to live in Phalan, Aye Mya Thida Ward. It is requested because our family business is already stable. Our livelihood, social and the education for the children are not necessary to be concerned anymore.	
4	I want to kindly suggest that I just want to live in Aye Mya Thida Ward.	
5	For several PAHs still live within the land plot, Kwin No-609 in Phalan North Kwin, it is suggested to invite those households at the same time, even though the separate discussion is practicing in your policy. Efficient action should be taken in order to remove current problems of health condition, livelihood and security for them.	The land plots under Kwing No.609 are distributed wider area, while RWPs have been prepared beads on the development plan of the developer. The invitations to the consultation meetings were distributed based on the area to be covered by respective RWPs.
6	In the consultation meeting before and in the Section 6.1 which is officially disclosed, it is described under the title of future steps for the Expanded Area 2 that the additional DMS will be conducted for PAHs whom are not conducted in the previous. Regarding to this, it is suggested to reinvestigate the local people who had been actually living and to consider the letter submitted by the local people in order to less the grievance.	Since the objective of DMS is to clarify the information required for consideration of compensation and assistance for PAH, DMS is conducted once for one PAH. However, if necessary, supplemental DMS is conducted to re-confirm the information. In addition, if there are PAHs that DMS are not conducted with some reasons, DMS will be conducted soon. At that time, their eligibility is carefully examined before conducting the DMS.

Source: Supplemental RWP for Expanded Area 2 of Area 2-1(November 2018)

5.5 YRG's Review and Approval of Supplemental RWP for Expanded Area 2 of Area 2-1

The finalized Supplemental RWP for Expanded Area 2 of Area 2-1 in Myanmar was submitted to YRG by TSMC. This RWP was approved in YRG's cabinet meeting on 15th November 2018 in Figure II-14.



Source: YRG letter dated 15th November 2018

Figure II-14 YRG's Approval Letter for Supplemental RWP for Expanded Area 2 of Area 2-1

5.6 Conducting Information Disclosure of Supplemental RWP for Expanded Area 2 of Area 2-1

The Final RWP is disclosed at the same places where the Draft RWP was disclosed as shown in Table II-76. In addition, the Final RWP both Myanmar and English language was uploaded on the website of TSMC²¹.

²¹ TSMC's website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

Table II- 76 Final RWP Disclosure Places (the Expanded Area 2 of Area 2-1)

- | |
|--|
| <ol style="list-style-type: none">1. Office of DUHD of MOC in Kyauktan Township (previous TSMC temporal office)2. Office of TSMC, Thilawa SEZ3. Office of DUHD of MOC in Yangon4. Administrative office of Southern District5. Administrative office of Kyauktan Township6. Administrative office of Thanlyin Township7. Administrative office of Aye Mya Thida Ward8. Administrative office of Let Yet San Village Tract9. Ordination Hall, Aye Mya Thida Ward10. Houses of Administrators and 100 Household Heads of above Wards and Village Tracts |
|--|

Source: Supplemental RWP for Expanded Area 2 of Area 2-1(November 2018)

Chapter 6 Assistance in Preparing RWP for Area 3-1 and Related Area

6.1 Target Area of Area 3-1 and Related Area

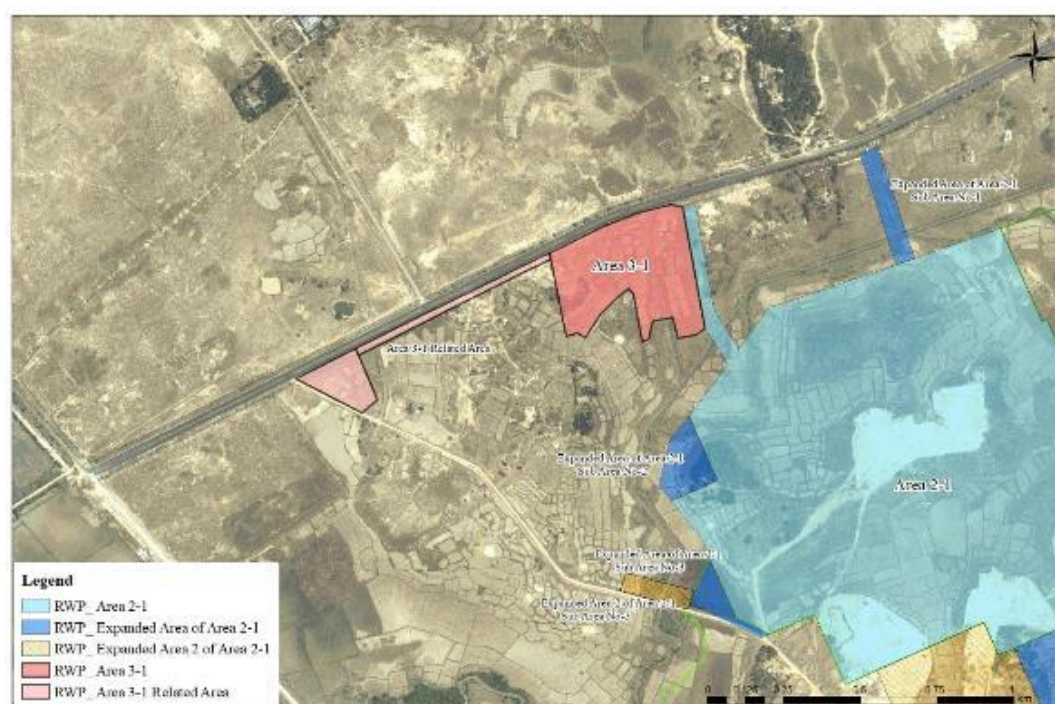
6.1.1 Location of the Development Area (Area 3-1 and Related Area)

The RWP for Area 3-1 and Related Area covers about 8 ha of the land. Figure II-15 shows provisional boundary of Area 3-1 and Related Area as of September 2018. The area includes latest main gate access road²², underground pipelines installation area and land of the food center etc.²³. The boundary is being fine-tuned through the land development plan and field measurement by the National Survey Team. Areas and locations are shown in Table II-77 and Figure II-15.

Table II-77 Areas and Locations of Area 3-1 and Related Area

Name	Area (ha)	Location
Area3-1	6.0	Area adjacent to west side of Area 2-1
Related Area	1.7	Underground pipelines installation along the Dagon-Thilawa Road and the land of the food center
Total	7.7	-

Source: RWP for Area 3-1 and Related Area (January 2019)



Source: RWP for Area 3-1 and Related Area (January 2019)

Figure II-15 Location of Area 3-1 and Related Area

²² In previous RWP of Area 2-1, gate access road was planned as bending shape. However, latest line shape of the road is changed to straight to the Dagon-Thilawa Road.

²³ The food center was established to accommodate street stalls along the Dagon-Thilawa Road.

6.1.2 Relocation scope of Area 3-1 and Related Area

(1) Land Status of Area 3-1 and Related Area

Basically, all of land inside Area 3-1 and related area was acquired by GOM in 1997, in accordance with the Land Acquisition Act 1894²⁴. Therefore, current legal ownership of the land is within the hand of GOM.

(2) Resettlement Scope and Numbers of PAH/PAP in Area 3-1 and Related Area

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:

- Compensation of land in Area 3-1 and Related Area had been completed in 1997 and land compensation will not be covered in the assistance package for PAPs.
- People and households either that lived or utilized the land inside Area 3-1 on the COD are eligible for entitlement of assistance.
- All eligible PAPs losing assets or income sources (livelihood) are assisted so that they can improve or at least to restore, their former economic and social conditions.

Taking into account the above resettlement principles and results of the DMS, the resettlement scope of the Project, in terms of PAHs/PAPs is total 5 households with total population of 21s. Status of 3 PAHs who live inside Area 3-1 and Related Area consist of 1 PAH who is doing cultivating activities inside Area 3-1 and Related Area as well and 2 PAHs who are not cultivating activities, while 2 PAHs live outside Area 3-1 and Related Area but are cultivating activities inside Area 3-1 and Related Area. However, during the implementation stage of the RWP, one PAH of Zone A who received compensation for his crops but is still living inside Area 3-1 area expressed his intention to relocate this time. Finally, this PAH was also considered as the one to be relocated as part of the resettlement works for Area 3-1 and Related Area.

6.2 Demographic and Socio-Economic Profile of PAHs in Area 3-1 and Related Area

Demographic and socio-economic profiles of PAHs in Area 3-1 and Related Area are presented in tables below. Unless otherwise indicated, the source of information presented in this section is RWP for Area 3-1 and Related Area.

6.2.1 Profile of PAHs

Profile of PAHs identified through DMS are shown in Tables III-78 to III-84.

²⁴ Notices for acquisition were issued in accordance with Land Acquisition Act 1894, Article 9 (1), (3).

Table II-78 Ethnicity of PAHs

Unit: Household

Burmese ¹	Hindu ²	Chinese	Total
5	0	0	5

Note: 1. Although ethnicity of two PAPs are not classified in DMS, it is supposed by their religion.

2. This is the term commonly used in Myanmar to refer to people of Indian origin.

Source: RWP for Area 3-1 and Related Area (January 2019)

Table II-79 Religion of PAHs

Unit: Household

Buddhist	Hindu	Islam	Total
5	0	0	5

Source: RWP for Area 3-1 and Related Area (January 2019)

Table II-80 Literacy of PAHs

Unit: Household

Not able to speak, read and write	Able to speak, but not to read and write	Able to speak, but read and write little ¹	Speak, read and write fluently	Total
0	1	4	0	5

Source: RWP for Area 3-1 and Related Area (January 2019)

6.2.2 Inventory of Assets of PAHs (Livestock, Crops, Trees and Movable Assets)

Table II-81 Type and Number of Large Size Livestock(Cow and Buffalo) Raised by PAHs

Unit: Number

Milk	Meat	Agriculture	Total ¹
1	0	3	4

Note: 1. One PAH have cows for milk for sales and domestic farming (agriculture).

Source: RWP for Area 3-1 and Related Area (January 2019)

Table II-82 Type and Number of Small Size Livestock Raised by PAHs

Unit: Number

Chicken	Duck	Pig	Goat	Total
65	0	0	6	71

Source: RWP for Area 3-1 and Related Area (January 2019)

Table II-83 Rice Yield, Type and Amount of Vegetable and Tree Grown by PAHs

Rice Yield ¹ (basket)	Vegetable ^{2,3}				
	Betel Leaf (plant)	Lady finger (plant)	Cucumber (plant)	Bean (plant)	Roselle (plant)
1,040	5,700	58	375	120	160

Rice Yield ¹ (basket)	Vegetable ^{2,3}					Banana (plant)	Mango (plant)
	Betel Leaf (plant)	Lady finger (plant)	Cucumber (plant)	Bean (plant)	Roselle (plant)		
Bamboo (tree)	Carallia brachiata (plant)	Malaysia Gum Tree (tree)	Microcos paniculate (plant)	Na Bae (tree)	Tamarind (plant)		
229	50	131	400	50	50	22	6

Note: 1. Annual yield of rice based on the interview during DMS. Since no household in Area 3-1 grow summer paddy, the yield is the volume of monsoon paddy only.

2. The amount of vegetable is based on the interview during DMS.

3. Beside four types of crop, roselle and water cress is grown by one PAH. In the DMS of one household, the number of plants is not mentioned and only the amount of crop yield per year is described. Therefore, the number of plants could not be confirmed since it was already harvested for domestic consumption at the time of DMS.

Source: RWP for Area 3-1 and Related Area (January 2019)

Table II-84 Movable Assets of PAHs

Unit: Number

Car	Generator	Landline	Mobile Phone	
1	1	2	2	
Bicycle	Motor Bike	TV	VCD/Cassette	Other
3	1	1	3	2

Note: 1. The data is based on survey conducted in 2014.

2. "Other" indicates cow cart which PAHs possess.

Source: RWP for Area 3-1 and Related Area (January 2019)

6.2.3 Impacts on Livelihood and Income Sources

(1) Income Source

The main income source of all household heads is farming of monsoon rice and odd job worker. Excluding household heads, the number of PAPs is 16. Out of them, only 7 are working age (between 18 and 64 as of the day which DMS was conducted) and 5 in 7 peoples have income source. Main income source of the other working age PAPs is presented in Table II-85.

Table II-85 Main Income Source of Other Working Family Members

Unit: Person

Government staff	Odd job	Own business	Wage worker	Total
1	1	1	2	5

Source: RWP for Area 3-1 and Related Area (January 2019)

(2) Household Expenditure

Both average and median of the annual expenditure of PAHs are around 1.6 million Kyats/year and 1.3 million Kyats/year respectively.

The breakdown of expenditure per major items are presented in Table II-86. Expenditure on food account for more than 50%, followed by the expenditure on health which accounts for about 16%.

Table II-86 Average Annual Expenditure of Major Items

						Unit: %
Electricity	Food	Fuel	Transportation	Health	Education	Other ¹
0.6	53.9	0.7	2.2	16.0	9.0	17.6

Note: 1. Other includes cost such as running business and investment for agriculture (e.g. purchase of goods, cost of labor and livestock breeding).

Source: RWP for Area 3-1 and Related Area (January 2019)

6.2.4 Vulnerable Households

Since there is no official definition of vulnerable groups in Myanmar, this RWP defines a household headed by woman, disabled person or elderly person (61 years old and over), a household including a disabled person or a household below the poverty line²⁵ or a household with a pregnant woman at the time of relocation as vulnerable households by referring international practices as also defined in the Framework. Table II-87 outlines vulnerable households for Area 3-1 per category of vulnerability. One PAH was categorized as vulnerable households.

Table II-87 Summary of Vulnerable Households

(Unit: household)					
Headed by woman	Headed by elderly	Headed by disabled	Below Poverty Line income	HH with a disabled member	Total Vulnerable households
0	0	0	0	1	1

Source: RWP for Area 3-1 and Related Area (January 2019)

6.3 Finalizing RWP for Area 3-1 and Related Area

6.3.1 Conducting the Consultation Meetings

Draft RWP for Area 3-1 and Related Area was prepared by incorporating (1) outcomes of consultation meetings with PAHs which was held for the draft RWP and (2) comments received during the information disclosure period of draft RWP.

PCM for the draft RWP for Area 3-1 and Related Area was held on 23 September 2018 at the office of DUHD of MOC in Kyauktan Township. The summary of the meeting is presented in Table II-88.

Table II-88 Summary of Public Consultation Meeting for draft RWP (Area 3-1 and Related Area)

Items	Contents
1. Date and Time	Date: 23 September 2018 (Sunday) Time: 11:00-12:30

²⁵ Based on Poverty Profile in June 2011, which define Poverty Line of 2010 as 376,151 Kyats per adult per year. The study is the result of Integrated Household Living Conditions and Survey in Myanmar (2009-2010) conducted by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development. Since there is no authoritative update on poverty line in Myanmar, this RWP uses 376,151 Kyats per adult equivalent per year as the poverty line.

Items	Contents
2. Venue	Office of DUHD of MOC in Kyauktan Township
3. Invitees	PAHs of Area 3-1 and Related Area
4. Participants	Approximately 26 persons
5. Main invitees/ participants from government/others	<ol style="list-style-type: none"> 1. Administrator, General Administration Department, Kyauktan Township 2. Thilawa Special Economic Zone Management Committee 3. Village Administrator, Shwe Pyi Thar Yar Ward 4. Village Administrator, Aye Mya Thida Ward 5. 100 /10 household head (HH), Shwe Pyi Thar Yar Ward 6. Villagers from Shwe Pyi Thar Yar Ward 7. Other organizations and individuals who are interested in the meetings
6. Main Agenda	<ol style="list-style-type: none"> 1. Project Information 2. Eligible households 3. Proposed compensation and assistance package 4. Implementation organization 5. Grievance redress mechanism 6. Further steps 7. Q & A
7. Major opinions and comments from participants and responses	<p>Q-1: I would like to know whether the garden land owned by my father was compensated in 1996/97.</p> <p>A-1: We will check the past compensation record.</p>

Source: RWP for Area 3-1 and Related Area (January 2019)



Source: RWP for Area 3-1 and Related Area (January 2019)

Photo II-10 PCM on 23 September 2018 for Area 3-1 and Related Area

After PCM held on 23rd September 2018 for Area 3-1 and Related area, 2 PAHs were identified inside the Area 3-1 and Related Area (construction area of the underground electric pipelines) along the Dagon-Thilawa road. Actually, these PAHs were living outside the Area 3-1 and Related Area at the time of DMS but moved to roadside of the Dagon-Thilawa road to do business. As these PAHs also needed to be considered as the PAHs of the Area 3-1 and Related Area,, supplemental PCM for draft RWP was held on 26th December 2018 at the office of DUHD of MOC in Kyauktan Township as summarized in Table II-89.

Table II-89 Summary of Supplemental Public Consultation Meeting for draft RWP (Area 3-1 and Related Area)

Items	Contents
1. Date and Time	Date: 26th December 2018 (Wednesday) Time: 10:00 – 11:30
2. Venue	Office of DUHD of MOC in Kyauktan Township
3. Invitees	PAHs of Area 3-1 and Related Area
4. Participants	9 persons
5. Main invitees/ participants from government/others	1. Village Administrator, Shwe Pyi Thar Yar Ward 2. Villagers from Shwe Pyi Thar Yar Ward 3. Other organizations and individuals who are interested in the meetings
6. Main Agenda	1. Project Information 2. Eligible households 3. Proposed compensation and assistance package 4. Implementation organization 5. Grievance redress mechanism 6. Further steps 7. Q & A
7. Major opinions and comments from participants and responses	Q-1: One of the residents from Shwe Pyi Thar Yar Ward said that she is eligible as labor barrack category. Hence, she would like to know the reason why her category is labor barrack although she and her family are living in her own structure. A-1: TSMC answered that they will re-check her eligibility regarding labor barrack category.

Source: RWP for Area 3-1 and Related Area (January 2019)



Source: RWP for Area 3-1 and Related Area (January 2019)

Photo II-11 Supplemental PCM on 26th December 2018 for Area 3-1 and Related Area

6.3.2 Disclosure of the Draft RWP for Area 3-1 and Related Area

The draft RWP for Area 3-1 and Related Area disclosed at several places in and around Area 3-1 and Related Area from 24 September 2018 to 8 October 2018 for 2 weeks²⁶. The newspaper advertisement

²⁶ At the house of 100 Household Head in Shwe Pyi Thar Yar Ward, disclosure period was set from 25th September 2018

was also posted in 24 September 2018. In addition, draft RWP both in English and Myanmar language was uploaded on the website of TSMC²⁷.

Public comments were accepted by receiving the comment form at the disclosure places or by e-mail either in Myanmar language and English. After the disclosure of the draft RWP, major comments received at the disclosure places or by e-mail during the information disclosure of the draft RWP for Area 3-1 and Related Area and responses to the comments were summarized and incorporated into Final RWP.

Table II-90 Draft RWP Disclosure Places (Area 3-1 and Related Area)

1.	Office of DUHD of MOC in Kyauktan Township (previous TSMC temporal office)
2.	Office of TSMC, Thilawa SEZ
3.	Office of DUHD of MOC in Yangon
4.	Administrative office of Southern District
5.	Administrative office of Kyauktan Township
6.	Administrative office of Thanlyin Township
7.	Administrative office of Shwe Pyi Thar Yar Ward
8.	Houses of Administrators and 100 Household Heads of above Wards

Source: RWP for Area 3-1 and Related Area (January 2019)

6.3.3 Incorporating the Comments Received during the Disclosure Period

During disclosure period of the draft RWP for Area 3-1 and Related Area, feedback form distributed during PCM and comment form located in disclosure places were acceptable to receive frank comments and opinions from public. Major comment and opinion written in the collected feedback form and comment form (total one feedback form was submitted) is summarized in Table II-91.

Table II-91 Summary of Comments on the Draft RWP for Area 3-1 and Related Area

No.	Summary of Comments	Response
1	I live in Shwe Pyi Thar Yar Village. One of my family member is sick and another person is disabled. I also own the large livestock. So, please consider our assistance and compensation.	As for support for vulnerable people including diseased person ²⁸ , assistance package is summarized in Entitlement Matrix of the RWP, i.e. one-time cash assistance of 40,000 Kyats (lump-sum) per person (equivalent to one big bag, about 50kg, of rice per person is provided/ As for compensation for livestock, assistance package is also summarized in Entitlement Matrix. The amount of compensation is considered based on the result of DMS.

Source: RWP for Area 3-1 and Related Area (January 2019)

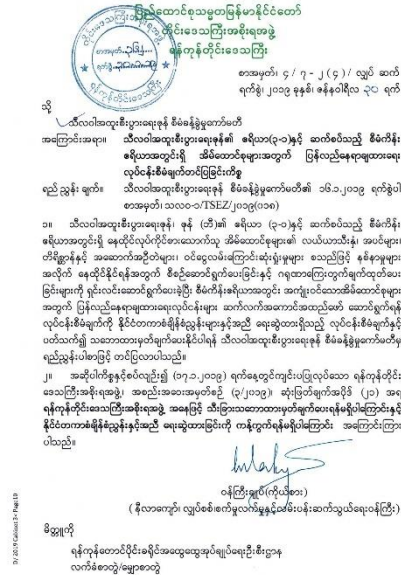
to 9th October 2018.

²⁷ TSMC's website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

²⁸ Illness people are included in vulnerable people according RWP practice.

6.4 YRG's Review and Approval RWP for Area 3-1 and Related Area

The final RWP for Area 3-1 and Related Area in Myanmar was submitted to YRG by TSMC. This RWP was approved in YRG's cabinet meeting on 17 January 2019 in Figure II-16.



Source: YRG letter dated 17th January 2019
Figure II-16 YRG's Approval Letter for RWP for Area 3-1 and Related Area

6.5 Conducting Information Disclosure of RWP for Area 3-1 and Related Area

The final RWP is disclosed at the same place where the draft RWP was disclosed as shown in Table II-92. In addition, the Final RWP both Myanmar and English language was uploaded on the website of TSMC²⁹.

Table II-92 RWP Disclosure Places (Area 3-1 and Related Area)

<ol style="list-style-type: none"> 1. Office of DUHD of MOC in Kyauktan Township 2. Office of TSMC, Thilawa SEZ 3. Office of DUHD of MOC in Yangon 4. Administrative office of Southern District 5. Administrative office of Kyauktan Township 6. Administrative office of Thanlyin Township 7. Administrative office of Shwe Pyi Thar Yar Ward 8. Houses of Administrators and 100 Household Heads of above Wards
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Source: RWP for Area 3-1 and Related Area (January 2019)

²⁹ TSMC's website for RWP disclosure: <http://www.myanmarthilawa.gov.mm/resettlement-plan>

PART III INFORMATION SHARING AND CAPACITY DEVELOPMENT

Chapter 1 Holding Seminars

1.1 Seminar on Good Practice Approaches to Land Acquisition and Resettlement Peri-Urban and Urban Environment

On 5th December 2016, TSMC in cooperation with Myanmar Centre for Responsible Business (MCRB) and JET of the T/A for IRP held a seminar on “Good Practice Approaches to Land Acquisition and Resettlement Peri-urban and Urban Environment”. The seminar aimed to share information about international good practices in resettlement and livelihood restoration applicable to Yangon and Myanmar contexts and to provide an opportunity for the participants to raise questions about key challenges with regards to land acquisition and resettlement especially the international projects. JET gave a short presentation on the resettlement works for Thilawa SEZ to share some challenges and approaches to address them. The agenda of the seminar and the presentation by JET are enclosed in Appendix III-1.



Source: JET

Photo III-1 TSMC Secretary Spoke at Seminar on Good Practice Approaches

1.2 Seminar on Good Practice on Social Considerations for Public and Private Developments

Thilawa SEZ is one of the few examples in which land acquisition and involuntary resettlement are carried out in accordance with international standards in Myanmar. As such, the project offers useful

insights for GOM which can apply lessons and good practices in other development projects involving land acquisition and involuntary resettlement in the future. JET assisted the C/P to organize two-days seminars on “Good Practice Social Considerations for Public and Private Developments” which was held on 26th and 27th July 2017 at the Rose Garden Hotel of Yangon. The C/P presented success stories, lessons and challenges associated with the planning and implementation of the RWP for Thilawa SEZ. The seminar was held jointly by this T/A and the T/A for IRP.

Key invitees for the seminar and agenda are shown in Table III-1 and Table III-2, respectively. Agenda and record of the seminar is shown in Appendix III-2.

Table III-1 Key Invitees for Seminar

No. of invitees	Key invitees
Approx. 50 people	YRG, Municipality, District, State governments, SLRD, TSMC, MJTD, MTSH, private companies, international funding agencies, local and international NGOs, other MSAG members

Source: JET

Table III-2 Agenda of Seminar

No.	Contents	Presenters
1	Opening speech by YRG	U Tun Naing Ko, Deputy Director of YRG
2	Opening remarks by TSMC	Daw Cho Cho Win, Vice Chairman of TSMC
3	Opening remarks by JICA	Mr. Masatomo Toyoda, Investment Officer, Private Sector Investment Finance Division, JICA
4	Session 1: Social Consideration/Performance	Ms. Angela, JET (IRP team)
5	Session 2: Responsible Business, Corporate Social Responsibility (CSR) and Creating Shared Value (CSV)	Ms. Vicky, JET (IRP team)
6	Session 3: Resettlement & Income Restoration Program	Dr. Than Than Thwe, Joint Secretary-1, TSMC
7	• Land Acquisition and Resettlement in Thilawa	
7	• Resettlement and Income Restoration in Thilawa	Daw Ai Ai Khaing, CRO, MJTD
8	Information Sharing and Question and Answer Session	
9	Session 4: Stakeholder Engagement	Ms. Angela and Daw Wah Wah, JET (IRP team)
10	Information Sharing and Question and Answer Session	
11	Session 5: Grievance & Complaint Management	Ms. Angela, JET (IRP team), and Ms. Vicky,
12	Session 6: Grievance Management in Thilawa SEZ	Daw Aye Aye Saw, JET (IRP team)
13	Closing remarks	U Htin Lin Kha, Sanitary and Water Department, YCDC

Source: JET

Chapter 2 Introduction of Experiences of Thilawa SEZ at International Association for Impact Assessment (IAIA) Special Symposium

2.1 Attending IAIA Special Symposium

Three Myanmar Government officials participated in the Special Symposium on Resettlement and Livelihoods in Manila, the Philippines which was organized by International Association for Impact Assessment (IAIA), one of the most recognized association for EIA, from 20th to 22nd February 2017, and presented the lessons and good practices related to resettlement works of Thilawa SEZ. The itinerary is shown in Table III-3, and the symposium program, lists of the participants, the presentation¹ and the summary paper are enclosed in Appendix III-2.

Table III-3 Itinerary for IAIA Special Symposium and Training

Date	Activity	Venue
19th February 2017 (Sun)	Travel from Yangon to Manila via Bangkok	-
20th February 2017 (Mon)	IAIA Special Symposium on Resettlement and Livelihoods in Manila (Day 1) - Presentation on Thilawa SEZ in session from 11:00 to 12:30 - Opening reception	Edsa Shangri-La Hotel, Manila
21st February 2017 (Tue)	IAIA Special Symposium on Resettlement and Livelihoods in Manila (Day 2) - Plenary session by development partners including JICA officer - Parallel sessions: Myanmar officials attended sessions of their choices	Edsa Shangri-La Hotel, Manila
22nd February 2017 (Wed)	IAIA Special Symposium on Resettlement and Livelihoods in Manila (Day 3) - Parallel sessions: officials attended sessions of their choices - Closing plenary	Edsa Shangri-La Hotel, Manila
23rd February 2017 (Thu)	Post-symposium training: Resettlement and Livelihood Restoration in Asia (Advanced-level)	ADB Headquarters, Manila
24th February 2017 (Fri)	Post-symposium training: Resettlement and Livelihood Restoration in Asia (Advanced-level)	ADB Headquarters, Manila
25th February 2017 (Sat)	Travel from Manila to Yangon via Bangkok	-

Source: JET

On the first day of the symposium, Dr. Than Than Thwe, Joint Secretary of TSMC, gave a presentation titled “Resettlement and Income Restoration in Thilawa SEZ – lessons from the first and & second phases and emerging good practices –” in the Innovative resettlement practice (I): Case studies A1 session which was attended by some 100 participants. Two questions were raised after the presentation. The questions and answers are summarized in Table III-4.

¹ The presentation is also available at the conference website at: http://conferences.iaia.org/manila-2017/pdf/presentations/IAIAThilawaSEZPresentation20Feb2017_Than%20Thwe.pdf (accessed 3 May 2017)

Table III-4 Questions and Answers at IAIA Special Symposium

No.	Question	Answer
1	Has Myanmar Government learned any lessons? Whether consultation is really effective? Is there any discussion in the Government that the practice of iterative consultation undertaken in Thilawa SEZ should be adapted in other projects in Myanmar?	Thilawa SEZ project is joint project between Myanmar and Japan, and the resettlement work and income restoration program are being implemented with technical assistance of Japanese experts. Many local and international projects are now being implemented in Myanmar, and to be successful, consultation is important. Currently, the approach in Thilawa is not fully followed in other projects, but we are trying to consult with the people so that the project will be implemented successfully.
2	Is there any difference in the amount of compensation between formal land owner and informal land owner? What will be the entitlement for informal land owner? Will they be entitled for a plot in the resettlement site?	There are cases where a land owner sold the land even though his/her name is listed in SLRD and the new landowner has the official contract document that he/she has the right of land ownership. In such a case, both former and new land owners are invited to meetings so that both can reach an agreement that the current land owner has the right to receive land compensation. If they have some problem, we support and engage them to resolve the problem and then compensation is provided. If the informal land owner is living inside the project area and they are eligible, a plot in the resettlement site will be provided.

Source: JET



Source: JET

Photo III-2 Presentation on Thilawa SEZ at IAIA Special Symposium



Source: IAIA

Photo III-3 Group Photo at IAIA Special Symposium

2.2 Post-symposium Advanced Training Course

After the IAIA Special Symposium, two Myanmar Government officials attended the post-symposium advanced training course on resettlement and livelihood restoration in Asia from 23rd to 24th February 2017. The training agenda and lists of participants are enclosed in Appendix III-4.

The followings are the reflections of participating Myanmar officials regarding key lessons they learned through the training and how they plan to use the experiences in the future resettlement works of Thilawa SEZ.

1) U Tun Naing Ko, Deputy Director of YRG

Based on the experience from Manila symposium, I think that we should establish the funding system for PAH living in remaining Zone/Area of Thilawa SEZ for their smooth resettlement and livelihood restoration in the future. The funding can be kept in the bank account and we can take advantage of high interest rate in Myanmar. The saving and interests can be used for the benefits of PAHs over time. If we can provide this system to the PAHs, it will be convenient for their future.

There is a need for social infrastructure and service for resettled PAHs. If the planning of resettlement site could include construction of such facilities, for example, i) health care system in which the Union Government provides a certificate which PAH can take medical treatment from nearby hospital; ii) school near the resettlement site for the convenience of students; iii) nursing home for elderly; and iv) school for vocational training, the resettlement process would be much easier and smooth. This would be a lesson for other projects involving resettlement.

Based on the experience in Manila and current work, I believe that compensation should be provided quickly to the PAHs to be resettled PAHs as they normally desire to receive the compensation as soon

as possible. If the payment is done promptly, PAHs who want to invest in other place in time can do it and they have more time to restore/improve their livelihood.

Land compensation should be provided all the land owners in line with international good practices. When land acquisition needs to be done again for remaining Zone/Area of Thilawa SEZ, we should engage with the brokers in advance since these people usually have the latest information about land ownership status. Also, the issue associated with informal settlers should be addressed in advance in accordance with the national plan.

2) Daw Ai Ai Khaing, Community Relation Officer of MJTD

For land acquisition, information sharing should be done well in advance the land acquisition is made. To be effective in negotiation, consultation should be initiated in a very early stage. If we can show or prove the improvement to PAHs' livelihood, we are more likely to have positive feedback and reaction from PAHs. In case of Thilawa SEZ, development of the Zone and resettlement/land acquisition are being carried out parallelly, and thus some PAHs do not see positive benefits yet. We will keep sharing the information including job opportunities at SEZ with PAHs so that they will have a positive view on the development. I will also share the experience of Manila and practice of other countries with colleagues.



Source: JET

Photo III-4 Post-Symposium Training at ADB

Chapter 3 Training Opportunities under the T/A

3.1 OJT for the Land Acquisition and Resettlement Works

(1) Organizations and Persons Involved in the T/A

In accordance with the decisions issued by YRG, as also stipulated in the RWPs prepared for Zone B development areas, the following committees have been suggested.

- Resettlement and Income Restoration Supervisory Committee (SC) as overall coordination (decision making) body
- RIC as a supporting and coordinating organization for implementing the land acquisition and resettlement works
- IRPIC as a supporting and coordinating organization for implementing IRP activities

As for the governmental organizations (YRG, Southern District, Kyauktan Township, Thanlyin Township, TSMC) and persons involved in the land acquisition and resettlement works for the Zone B development, they are summarized in Table III-5.

Table III-5 Governmental Organizations and Persons Involved in Land Acquisition and Resettlement Works for Zone B Development

1) YRG

Department/ Position	Name	Responsibilities/ Actual activities done
YRG, Minister of Electricity, Industry, Transportation and Communication (Chairperson of Resettlement and Income Restoration Supervisory Committee (Steering Committee, SC))	Daw Nilar Kyaw	<ul style="list-style-type: none"> - Supervise implementation status of Land Acquisition, Resettlement and IRP - Review and approve RWP after discussion with the Cabinet - Review/approve/guide the issues regarding land acquisition, resettlement and negotiations as per the comments from the Cabinet
YRG, General Administrative Department/ Deputy Director (Secretary of Resettlement and Income Restoration Supervisory Committee (Steering Committee, SC))	U Tun Naing Ko (until July 2018)	<ul style="list-style-type: none"> - Participate as leading role in implementation of land acquisition and resettlement under the supervision of the chairperson of SC. - Participate as leading role in negotiations and consultation with PAHs regarding implementation of RWPs under the supervision of the chairperson of SC. - Report the results of negotiations and consultation meetings and received comments to the Chairperson of SC.

2) Southern District

Department/ Position	Name	Responsibilities/ Actual activities done
Southern District, General Administrative Department/ Deputy Commissioner (District Collector)	U Moe Kyaw (until sept 2019)	<ul style="list-style-type: none"> - Supervise land acquisition procedures - Review/guide the land acquisition related activities where necessary (For instance, how to include sub-plots/shared plots in the award) - Issue the Award based on Land Acquisition Act

Southern District, General Administrative Department/ Deputy Commissioner (District Collector)	U Nay Win Aung (Sept 2019- present)	<ul style="list-style-type: none"> - Supervise land acquisition procedures - Review/guide the land acquisition related activities where necessary (For instance, how to include sub-plots/shared plots in the award) - Issue the Award based on Land Acquisition Act
Southern District, General Administrative Department/ Deputy Director	U Kaung Myat Hein Thu (August 2018- Present)	<ul style="list-style-type: none"> - Participate as leading role in implementation of land acquisition and resettlement under the supervision of the chairperson of SC. - Participate as leading role in negotiations and consultation with PAHs regarding implementation of RWPs under the supervision of the chairperson of SC. - Report the results of negotiations and consultation meetings and received comments to the Chairperson of SC.

3) Kyauktan Township

Department/ Position	Name	Responsibilities/ Actual activities done
Township General Administrative Department/ Township Administrator	U Myint Oo (April 2016- Jan. 2017)	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
Township General Administrative Department/ Township Administrator	U Than Htay (Oct. 2017- present)	- Ditto
Township General Administrative Department/ Deputy Township Administrator	U Myo Tint Htoo (June, 2016- Feb. 2017)	- Ditto
Township General Administrative Department/Deputy Staff Officer	U Aung Thu (until Dec 2018)	<ul style="list-style-type: none"> - Organize consultation and negotiation meetings (delivering invitations, arranging meeting venue etc.) - Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs - Conduct DMS and ground confirmation when necessary by collaborating with respective governmental departments such as SLRD, Forest, Agricultural Department. - Deliver and post the public notice letters regarding land acquisition and RWPs at respective government offices and Village/Ward administration office
Township General Administrative Department/Deputy Staff Officer	Daw Cherry Myint Swe	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
Township General Administrative Department/Big Clark	U Soe Naing	<ul style="list-style-type: none"> - Organize the negotiation meetings and consultation meetings with the assistance from JET (delivering Invitations, arranging meeting venue etc.) - Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs - Conduct DMS and ground confirmation when necessary by collaborating with respective governmental departments such as SLRD, Forest and Agricultural Department. - Deliver and post the public notice letters regarding land acquisition and RWPs at respective government offices and Village/Ward administration office
SLRD/ Staff Officer	U Kyaw Oo (until Jan 2019)	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
SLRD/Deputy Staff Officer	U Pho Htoo	- Participate as a member of RIC in the consultation

Department/ Position	Name	Responsibilities/ Actual activities done
		and/or negotiation meetings with PAHs - Address the complaints regarding land issues by collaborating with rest of Township committee members as much as possible at the township level - Participate as a leading role in conducting ground confirmation for clarification land location and boundaries if necessary - Participate in ground confirmation if necessary by collaborating with respective governmental departments such as SLRD, Forest and Agricultural Department.
SLRD/Deputy Staff Officer	U Khin Maung Nyunt (2016- Feb. 2018)	- Ditto
SLRD/Assistant Staff Officer	U Htein Lin	- Ditto
SLRD/Assistant Staff Officer	U Myat Thein Tun	- Ditto
SLRD/ Surveyor- 4	U Aye Min Tun	- Ditto
Agricultural Department/ Staff Officer	U Htein Lin Han	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs - Participate in ground confirmation if necessary by collaborating with respective governmental departments such as SLRD, Forest and Agricultural Department.
Agricultural Department/ Deputy Staff officer	U Kyaw Thaug (2016- April 2018)	- Ditto
Agricultural Department/ Deputy Staff officer	U Than Win	- Ditto
Agricultural Department/ Deputy Staff officer	Daw Mu Mu Khaing	- Ditto
Agricultural Department/ Assistant Staff officer	U Pyi Soe Han	- Ditto
Immigration Department/Immigration officer	Daw Min Min Thein	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs - Perform prompt service in renewing or making an NRC for PAHs upon requests from TSMC
Immigration Department/Immigration officer	U Htin Linn Aung	- Ditto
Immigration Department/Immigration officer	U Kyaw Soe Moe	- Ditto
Immigration Department/Deputy Immigration officer	Daw Khin Lay Win	- Ditto
Department of Urban and Housing Development/Staff Officer	Daw San Tint	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
Department of Urban and Housing Development/Executive Officer	U Myo Lwin	- Ditto
Township Development Committee/Executive Officer	U Than Lwin Oo	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
Township Development Committee/Executive Officer	U Aung Kyaw Soe	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs - Participates as leading role in implementing MyoMa Cemetery Improvement regarding relocation of old AMTD cemetery
Township Development Committee/Staff Officer	Daw Aye Aye Mar	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
Township Planning Department/ Assistant Director	U Yawai Tun	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
Township Planning Department/ Assistant Director	U Nay Win	- Ditto

Department/ Position	Name	Responsibilities/ Actual activities done
Township Planning Department/ Staff Officer	Daw Nwe Ni Aye	- Ditto
Forestry Department/Ranger	U Tun Tun (2016-2017)	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs - Participate in ground confirmation if necessary by collaborating with respective governmental departments such as SLRD, Forest and Agricultural Department. - Clarify the species of trees and participating in counting the number of trees and crops at ground confirmation together with respective government officers
Forestry Department/Ranger	U Mya Lwin	- Ditto
Forestry Department/Ranger	U Myint Soe	- Ditto
Myanmar Police Force/ Police Officer	U San Nwet	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs upon request from respective government officers

4) Thanlyin Township

Department/ Position	Name	Responsibilities/ Actual activities done
Township General Administrative Department/ Deputy Township Administrator	U Thant Zin Myo	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
SLRD/ Deputy Staff Officer	U Khin Maung Swe	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
SLRD/Assistant Staff Officer	U Than Win Htike	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs
Immigration Department/Immigration officer	Daw Thin Thin Nwe	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs - Perform prompt service in renewing or making an NRC for PAHs upon requests from TSMC
Forestry Department/Forester	U Thaug Kyi	- Participate as a member of RIC in the consultation and/or negotiation meetings with PAHs

5) TSMC

Department/ Position	Name	Responsibilities/ Actual activities done
Central Bank of Myanmar/Chairman	U Set Aung	- Overall management and coordination of land acquisition and resettlement works, and IRP activities
YRG, Minister of Electricity, Industry, Transportation and Communication/ Vice Chairman (1)	Daw Nilar Kyaw	(see YRG)
Ministry of Planning and Finance Vice Chairman (2)	Daw Cho Cho Wynn	- Not clear
Director General Department of Trade Promotion Ministry of Commerce /Member	U Aung Soe	- Not clear
Division Officer Directorate of Investment and Company Administration Ministry of Planning and Finance / Member	U Zaw Lwin Oo	- Not clear
Myanmar Pharmaceutical Industries /Member	Daw Soe Soe Aye	- Recheck the compensation and assistance amount mentioned on the TSMC record sheet to make disbursement

Department/ Position	Name	Responsibilities/ Actual activities done
		- Provide signature in order to make smooth transfer of compensation and assistance payment to respective PAHs.
Secretary	Dr. Shwe Hein	- Participate in signing the agreements with PAHs - Approve the compensation and assistance amount mentioned on the TSMC record sheet to make disbursement - Provide signature in order to make smooth transfer of compensation and assistance payment to respective PAHs
Joint Secretary (1)	Dr. Than Than Thwe	- Supervise the implementation of RWPs and IRP - Review and provide comments on the draft RWPs in order to be finalized - Participate as leading role in consultation meetings with PAHs regarding draft RWPs

Source: JET

In addition, YRG/TSMC have appointed new staffs who are in charge of the Works and IRP activities in the course of discussions of the MOU. In the MOU, it was mentioned that the above four parties came to common understanding on the necessity to increase staffs directly in charge of the Works and IRP activities in both TSMC and YRG, and then TSMC have appointed full-time practitioner-level staffs. Table III-6 shows appointed staffs directly in charge of the Works and IRP activities.

Table III-6 Appointed Staff Directly in Charge of the Works

Position	Name	Brief Background	Responsibilities/ Actual works Done
Public Affairs Coordinator	Daw Khin Moe Moe Aye	Age:29 Specialization: Lawyer Started working: from Sept. 2017	- Perform as an assistant member of TSMC for TCMP - Assist in preparing invoices to be issued to MJTD regarding compensation and assistance payment to respective PAHs for RWP - Monitor the payment record - Receiving complaints submission subjected to TSMC - Conduct internal monitoring for RWP/IRP works - Produce internal monitoring reports for IRP by collaborating with colleagues - Perform for the activities related to IRP under the supervision of TSMC for IRP
Public Affairs Coordinator	Daw Nilar Swe Tun	Age: 26 Specialization: Social works Started working: from Mid-March 2018	- Perform as an assistant member in TSMC for TCMP - Mainly perform for the activities related to IRP under the supervision of TSMC for IRP - Receiving the complaints reached to TSMC - Conduct internal monitoring for RWP and IRP works - Produce internal monitoring reports for RWP and IRP by collaborating with colleagues
GIS Expert	U Thaw Zin Oo	Age 31 Specialization: GIS Started working: from December 2017	- Assisted in arranging negotiation/ consultation meetings for RWP (e.g., delivering the invitation letters, preparing the meeting venue) - Attend the consultation and negotiation meetings regarding RWPs - Assist in agreement signing with PAHs and smooth transaction of compensation and assistance money under the supervision of respective government officers - Compile the meeting records and DMS data upon the request from TSMC officers - Assist in preparing RWPs - Participate in conducting ground confirmation together with respective government officers when necessary

Position	Name	Brief Background	Responsibilities/ Actual works Done
			- Participate in delivering the public notice regarding land acquisition award and disclosure of draft/final RWPs at the designated disclosure places
Public Affairs Coordinator	K Khaing Soe (aka) Kelvin	Age: 24 Specialization: Electronic and Communication Started working: from March 2018	<ul style="list-style-type: none"> - Assisted in arranging negotiation/ consultation meetings for RWP (e.g., delivering the invitation letters, preparing the meeting venue) - Attend the consultation and negotiation meetings regarding RWPs - Assist in agreement signing with PAHs and smooth transaction of compensation and assistance money under the supervision of respective government officers - Compile the meeting records and DMS data of PAHs upon the request from TSMC officers - Assist in preparing RWPs - Participate in conducting ground confirmation together with respective government officers when necessary - Participate in delivering the public notice regarding land acquisition award and disclosure of draft/final RWPs at the designated disclosure places

Source: JET

(2) Technology Transfer through Technical Assistances (T/As)

JICA has been extending the T/A to GOM since May 2013 by dispatching JET, i.e. “Technical Assistance for Preparation of Resettlement Work Plan in Myanmar” until June 2016 (so called “1st Phase T/A”). Before the 1st Phase T/A started, there were very limited practices for the resettlement works in compliance with the international standards. Under the above situation, JET brought “know-how” of the works in compliance with the international standards, i.e. the JICA Guidelines, and put it into practices during preparation and implementation of the RWP for Zone A development area, followed by preparation of Fretwork for Resettlement for 2000ha Development Area. After 3 years has passed since the 1st Phase T/A started, as MJTD intended to continue to develop the next development area (Zone B), JICA continued the T/A as “Technical Assistance for Planning and Implementation of Land Acquisition and Involuntary Resettlement in Myanmar” from June 2016 as 2nd Phase T/A. During this T/A period from June 2016 to March 2019, “know-how” brought into Thilawa SEZ has been put into practices more by GOM/TSMC with support from JET. On the job-training (OJT) has been also carried out to the newly appointed staffs (mainly for U Thaw Zin Oo and K Khaing Soe Kelvin) who have been attached to the RWP office. They have been working with members of JET including national staffs.

3.2 Attending MONREC Training Workshop in March 2017

Two Myanmar Government officials, namely Daw Ai Ai Khaing and Daw Mya Mya Chel from TSMC participated in the training on environmental and social safeguard application in Nay Pyi Taw from 28th to 29th March 2017. This two-day training workshop was organized by Environmental Conservation Department (ECD), MONREC, as part of the proposed Safeguards Learning Center initiative supported by ADB and WB with funding from Australia Department of Foreign Affairs and Trade. The agenda of the training and training report is shown in Table III- 7.

Table III-7 Agenda of MONREC Training Workshop

<p><u>Day 1 (28th March 2017)</u></p> <ul style="list-style-type: none">- Safeguards in Myanmar Introduction by ECD- Environmental and Social Safeguards: Overview- Challenges and Opportunities: Perspectives of ADB Financed Project Implementation Units- Challenges and Opportunities: Perspectives of WB Financed Project Implementation Units- Challenges and opportunities from WB/ADB perspectives <p><u>Day 2 (29th March 2017)</u></p> <ul style="list-style-type: none">- Project Supervision for Effective Implementation of Resettlement Action Plans (RAP)- Supervision of Environmental and Social Impacts and Risks during Construction- Stakeholder Consultation and Grievance Redress Mechanisms- Proposed Safeguards Learning Center in Myanmar

Source: JET

Chapter 4 Preparation of Guideline for Land Acquisition and Resettlement Works

4.1 Contents of the Guideline

Since the next target area for preparation of the RWP and its implementation is planned depend on the market demand for Thilawa SEZ, it is important to record the procedures and practical tips including precautions and solutions taken for past challenges and difficulties for the current practitioners and near future practitioners for Thilawa SEZ, and also as a reference for other international development projects in Myanmar. Thus, the Guideline for Land Acquisition and Resettlement Works for Thilawa SEZ has been prepared under the T/A. The contents of the guideline are shown in Table III-8. It covers both land acquisition and involuntary resettlement, and it consists of the main guideline and attachments for various useful examples and resources.

The guideline targets the practitioners of land acquisition and resettlement works mainly for the industrial area of the Thilawa SEZ development. The guideline includes explanations to handle complex compensation and assistance calculation method for land owners, land users and residents. Additionally, the guideline is prepared in both English and Myanmar to reach more Myanmar practitioners.

**Table III-8 Table of Contents of the Guideline for Land Acquisition and Resettlement for
Thilawa SEZ Development**

<u>Table of Contents</u>
<u>Chapter 1</u> Introduction
- Objective of the guideline
- Brief introduction how to use the guideline
<u>Chapter 2</u> Land Acquisition and Resettlement Works Implemented in Thilawa SEZ (Zone A and Zone B)
- Preparation of RWP of Zone A and Zone B
- Implementation of the RWP in Zone A and Zone B
<u>Chapter 3</u> Legal Framework
- Relevant laws and regulations in Myanmar
- International practices on relocation and resettlement
- Gap analysis and gap filling measures
<u>Chapter 4</u> Key Stakeholders for Land Acquisition and Resettlement in Thilawa SEZ
- Organizations concerned
- PAHs and PAPs
<u>Chapter 5</u> Land Acquisition and Resettlement Procedure (In the areas where land acquisition procedures are required)
- Entire procedures of land acquisition and resettlement
- Planning and implementation
<u>Chapter 6</u> Resettlement Procedure (In the areas where land acquisition procedures are NOT required)
<u>Chapter 7</u> Recommendations
Attachment
1 Various samples/templates from Thilawa SEZ resettlement works
a. Agreement and annexes including compensation and assistance calculation sheet
b. Witness reports
c. Award issued and sent as per Land Acquisition Act and international practices
d. Invitation and notice of public consultation meetings
e. Newspaper announcement of disclosure of the draft RWP and final RWP

Source: Guideline for Land Acquisition and Resettlement for Thilawa SEZ Development, March 2019

The guideline developed as version 1 is enclosed in Appendix III-5.

4.2 Workshop on the Draft Guideline for Land Acquisition and Resettlement for Thilawa SEZ

A workshop was held on 31st May 2018 to introduce and discuss the contents of the draft Guideline of Land Acquisition and Resettlement for Thilawa SEZ, which was developed under the T/A. The participants of the workshop were from YRG, TSMC, JICA and JETs from both the T/A of RWP and IRP including national experts. The agenda are shown in Table III-9, while the record of workshop is enclosed in Appendix III-6.

Table III-9 Agenda of Workshop on Draft Guideline for Land Acquisition and Resettlement of Thilawa SEZ

No.	Contents	Presenters
1	Opening	TSMC
2	Wrap up of the T/A	JET
3	Introduction of the draft RWP guidelines	
3-1	Session 1: Land acquisition and resettlement procedures	JET
3-2	Session 2: Key challenges land acquisition and resettlement in Myanmar and how they have been handled in the Thilawa SEZ project	JET
4	Q&A	
5	Closing	YRG

Source: JET

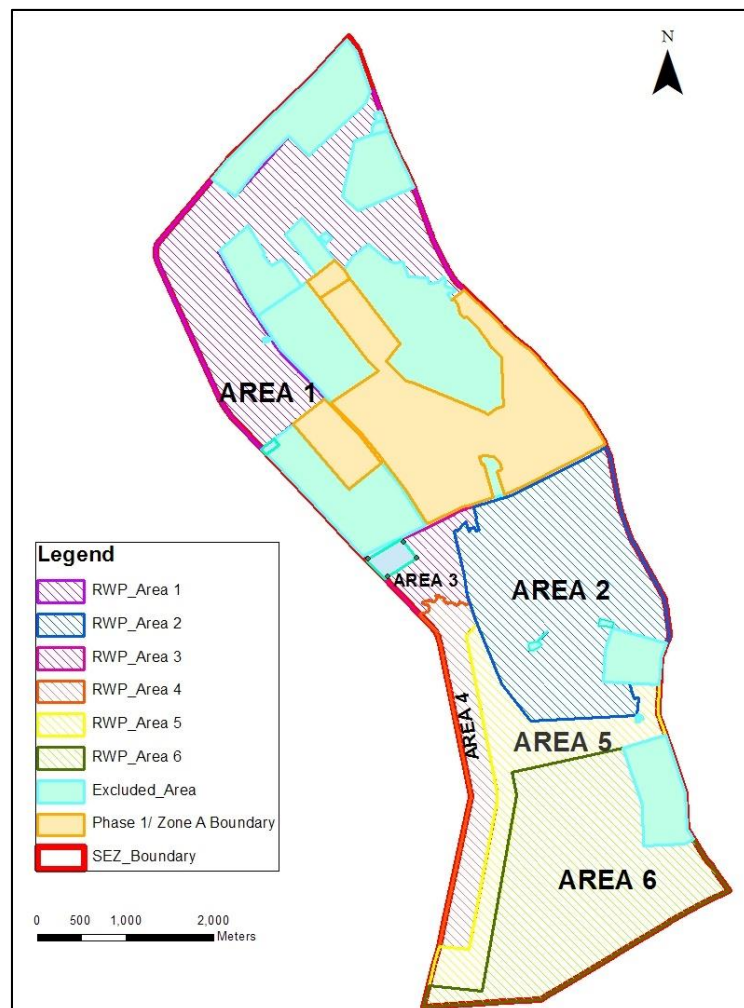
Chapter 5 Updating PAHs' Database

5.1 Reviewing the Past Database

The database of the DMS data of the PAHs in 2,000 ha was prepared and compiled with the GIS and Excel in English, and the original questionnaire data in Myanmar language was also kept together with the English translation during the previous T/A as per the initial RWP survey area which is shown in Figure III-1.

Since the development area was fine tuned to minimize the PAHs to the extent possible for Area 2-1 and Area 2-2, the PAHs data was reviewed and re-sorted by JET as the latest boundary.

When calculating the compensation and assistance amount, usually the details of assets are reviewed and confirmed with PAHs since some DMS data on crops were collected through interviews with PAHs or PAH's representative with some witnesses. Additionally, the data was also confirmed with the ground survey in case any discrepancy is identified by PAHs, village administrator or local leaders. Therefore, while calculating the final compensation and assistance amount, the asset data is also often updated.



Source: JET

Figure III-1 Divided Area for Resettlement Works

5.2 Building the Database with Access and Geographic Information System (GIS) for Compensation and Assistance Calculation

To calculate the compensation and assistance amount for PAHs for Area 2-1 and PAHs for Area 2-2 East, the DMS data in Excel was converted in Access for better accuracy and efficiency. Necessary DMS data such as the titleholder’s name, father’s name, and affected assets were extracted from Excel and integrated with the table of the compensation and assistance unit rates which were finalized in consultation with PAHs. The PAH-wise calculation sheet for compensation and assistance was automatically calculated and produced in a report form in English and Myanmar². The structure and functions of the Access database is described in the following section.



5.2.1 Outline of PAH Database

Access database consists of 4 types of objects, Tables, Queries and Reports.









(1) Types of Tables

Tables of PAH database are divided into 2 groups, DMS data tables and compensation unit price tables. There are 9 DMS data tables and 2 compensation unit price tables, and contents of 9 data tables are summarized below.

Table III-10 Structure of Database

Data Tables	
 T_PAH	<ul style="list-style-type: none"> • Basic information on PAHs obtained from DMS • The table was created based on the attribute table of ArcGIS (a shapefile of “eligible only”) which contains the following items of information <ul style="list-style-type: none"> ➢ HH No ➢ HH Head Name (in English/Burmese) ➢ NRC No (in English/Burmese) ➢ FTR Name (in English/Burmese) ➢ Status (only living, living & cultivating, cultivating, and so on) ➢ GPS data • Additional information <ul style="list-style-type: none"> ➢ Current conditions of houses • All the PAHs, who were regarded as eligible at DMS are already recorded (there are more than 1,000 records)
 T_landowner	<ul style="list-style-type: none"> • Created based on the SLRD lists and maps • As of the end of January, the records of plots of lands only in Area 2-1 and Area 2-2 are recorded <ul style="list-style-type: none"> ➢ HH No of landowners ➢ Kwin-Upain No ➢ Area (ac) ➢ Location ➢ Category (land type and location) ➢ Project year (phase) • Need to input the data of new plots based on SLRD lists and maps, as the project expands to other areas

² The agreement was prepared in Myanmar except the compensation and assistance figures since the figures need to be Arabic number for calculation with Access.

Data Tables	
 T_farmland (cultivator)	<ul style="list-style-type: none"> • The table was created based on the attribute table of ArcGIS (ALL_KTN and ALL_TLN), which contains the following items of information, obtained from DMS <ul style="list-style-type: none"> ➤ HH Nos of cultivators ➤ Location (GPS data) ➤ Area of cultivating plot (ac) • Additional information <ul style="list-style-type: none"> ➤ Project year (phase) ➤ Landownership • All the cultivated plots of farmland identified at the time of DMS are already recorded (around 500)
 T_resettlement  T_small_livestock	<ul style="list-style-type: none"> • The records of PAHs, who are the targets of relocation are recorded <ul style="list-style-type: none"> ➤ HH No ➤ Size of house ➤ Income from own business, which is expected to be affected by relocation ➤ Number of wage workers, who are affected by relocation ➤ Number of school children, who are affected by relocation ➤ Project Year (phase) • Need to input the data of PAHs, as the project expands to other areas
 T_hut_compensation  T_movableasset	<ul style="list-style-type: none"> • The data necessary to calculate compensation such assets of hut, large size livestock and agricultural machines • Need to input the data of PAHs, as the project expand to other areas
 T_assistance	<ul style="list-style-type: none"> • The data necessary to calculate the assistance for vulnerable groups is saved <ul style="list-style-type: none"> ➤ Woman headed household ➤ Poor household ➤ Number of elderly people, Number of disable people, pregnant women, and unemployed people ➤ Project year (phase)
 T_crop_yield <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px; display: inline-block;">  T_croplist (used only for pull down menu) </div>	<ul style="list-style-type: none"> • The data necessary to calculate compensation for income from crop cultivation <ul style="list-style-type: none"> ➤ HH No ➤ Crop name ➤ No of crop ➤ Unit of crop ➤ Project year (phase)

Source: JET

(2) Query

A query is a request for information from a database. With a query, you can extract specific data, calculate using input data and sum up calculated data.

PAH database has 3 types of queries as follow:

- Q_xxx: calculating a compensation cost of each item
e.g.
 - ✓ land compensation of each plot
 - ✓ crop compensation of each plot
- Q_total_xxx: summing up compensation amounts at each component by Household and Project Year
e.g.
 - ✓ PAH A's total land compensation in Phase 2-1 (3 plots)
 - ✓ Total crop compensation amount of PAH B in Phase 2-2
- Q_cross_tabulation: creating cross-tabulation tables
e.g.
 - ✓ a cross_tabulation table of crop compensation

Queries	
	Q_cross_tabulation_crop_income
	Q_cross_tabulation_crop_income_mm
	Q_crop_income
	Q_farmland (cultivator) fixed
	Q_farmland (cultivator) income
	Q_hut_compensation
	Q_land_compensation
	Q_livestock_income
	Q_movable_compensation
	Q_PAH
	Q_resettlement
	Q_s_livestock_income
	Q_total_farmland(cultivator)
	Q_total_hut_compensation
	Q_total_land_compensation
	Q_total_livestockincome
	Q_total_movable
	Q_total_plant_income
	Q_total_resettlement
	Q_total_vulnerable
	Q_vulnerable
	T_list_landowner
	total_HHcompensation

Source: Source: JET

Figure III-2 List of Quarries














Sr_No	Resident_Local	HH_HEAD	Implement	Base Cost	Additional(F	Additional(g	house_sut	hut_subto	movable_s	rice_subtot	Subtotal(C	live_inc_	nonland_	res
AD-031	outside of project	U Thant Zin	2016	90,000,000	135,000,000	0	0	0	0	0	0	0	0	0
AD-032		U Thant Zin	2016_2	4,800,000	0	8,160,000	0	0	0	0	0	0	0	0
AD-033	outside project sit	Daw Aye Than	2016	928,600	1,392,900	0	0	0	0	0	0	0	0	0
AD-034	outside project sit	Daw Tin Aye/U Win Thein	2016	928,600	1,392,900	0	0	0	0	0	0	0	0	0
AD-035	outside project sit	U Kyaw Lay@Kyo Lar Nat	2016	52,400,000	78,600,000	0	0	0	0	0	0	0	0	0
AD-036		U Win Shwe	2016_2	0	0	0	0	0	100,000	17,850,000	0	0	0	0
AD-038	Area 2-2E	U Pauk Sa	2016_2	0	0	0	6,273,600	0	0	0	724,000	0	0	0
AD-039		U Hla Htay	2016_2	2,400,000	3,600,000	0	0	0	0	0	225,000	0	0	0
AD-040		Daw Than Aye	2016_2	600,000	900,000	0	0	0	0	0	2,520,000	0	0	0
AD-041	Area 2-2E	Daw Myint	2016_2	0	0	0	6,000,000	50,000	0	0	400,000	0	34,000	0
K-018	outside project sit	U Aye Hlaing	2016	0	0	0	0	0	0	6,948,774	0	0	0	0
K-039	outside project sit	U Hla Kyaing/Daw Hla Kyai	2016	170,900,000	256,350,000	0	0	0	0	19,128,774	16,509,000	0	0	0
K-040	Area 2-1	U Maung Naing	2016	0	0	0	6,000,000	0	0	0	0	0	68,000	0
K-041	Area 2-1	U Win Naing	2016	0	0	0	6,000,000	82,000	0	0	1,446,000	0	1,759,000	0
K-055	Area 2-2	U Myint Win	2016	132,200,000	198,300,000	0	0	1,242,000	400,000	35,212,331	2,112,000	0	0	0
K-064	Area 2-2	U Sein Win	2016	91,500,000	137,250,000	0	0	2,046,000	1,300,000	14,845,600	19,492,000	0	0	0
K-066	Area 2-2E	U Thein Htike	2016_2	0	0	0	6,000,000	175,000	0	0	12,120,000	0	327,000	0
K-067	Area 2-2E	Daw Thida	2016_2	0	0	0	6,000,000	0	0	0	0	0	34,000	0
K-068	Area 2-2E	Daw Aye Hlaing	2016_2	0	0	0	6,000,000	0	0	0	0	0	102,000	0
K-069	Area 2-2E	U Maung Maung Naing	2016_2	0	0	0	6,000,000	0	0	0	7,323,600	0	34,000	0
K-070	Area 2-2E	U Zaw Zaw Oo	2016_2	0	0	0	6,000,000	90,000	0	0	3,160,000	0	709,000	0
K-071	Area 2-2E	U Thein Lwin	2016_2	0	0	0	6,000,000	150,220	0	0	15,400,000	0	473,500	0
K-072	Area 2-2E	U San Thein	2016_2	0	0	0	6,000,000	264,000	0	0	47,992,000	0	450,000	0
K-073	Area 2-2E	U Mut Ta Yar@Nar Dar Kyu	2016	24,800,000	37,200,000	0	0	0	1,200,000	3,299,936	0	0	0	0
K-073	Area 2-2E	U Mut Ta Yar@Nar Dar Kyu	2016_2	0	0	0	6,911,520	529,340	0	0	20,800,000	0	300,000	0
K-074	Area 2-2E	Daw Yan Na Par	2016_2	0	0	0	6,000,000	0	200,000	0	20,000,000	0	0	0
K-075	Area 2-2E	U Thein Soe	2016_2	0	0	0	6,000,000	118,000	0	0	35,020,000	0	102,000	0
K-076	Area 2-2E	U Aung Thu Soe	2016_2	0	0	0	6,000,000	0	0	0	680,000	0	68,000	0
K-077	Area 2-2E	Daw San San Maw	2016_2	0	0	0	6,000,000	152,160	0	0	300,000	0	0	0

Source: JET

Figure III-3 Example of Grand Total of Compensation Amount by Household by using Query

(3) Reports

There are various types of report forms as shown below, according to the types of PAHs.

 R_F_summary_en	Report form in English
 R_PAH_summary_internal_en	Report form in English with remarks
 R_F_PAH_basic_information_mm	Report form containing all the items in Burmese
 R_F_cultivator_MRV	Report form specialized for cultivators
 R_F_cultivator_RV	Report form specialized for landowners
 R_F_landowner_LCV	
 R_F_landowner_LM	
 R_F_landowner_LRV	
 R_F_landowner_LV	
 R_F_recolation_HHCNRV	Report form specialized for relocation target PAHs
 R_F_recolation_HHNRV	
 R_F_relocation_HHMCNRV	
 R_F_relocation_HHMRCNRV	

Source: JET

Figure III-4 Type of Reports

5.3 Further Work for Database with Access and GIS for Compensation and Assistance

First of all, Access database also contains the sections to record whether the components of the compensation and assistance package were paid or not for each PAH since some PAHs are not able to receive the full compensation and assistance amount at once. For instance, sometimes one PAH has more than one land plot or assets at different places and prefer to be compensated later, and some PAHs also have a dispute over their affected assets and not able to receive the compensation until it is solved.

Therefore, regularly the database needs to be updated by YRG/TSMC every time compensation and assistance are released to PAHs for proper record keeping.

Additionally, the Access database was prepared only for the developed areas, in the past. Therefore, when the next development area is decided, necessary PAH data should be taken from the DMS and saved in the Access database for the automatic calculation of the compensation and assistance. However, always, the compensation and assistance amount needs to be double checked with the original DMS results to avoid any unexpected errors.

PART IV RECOMMENDATIONS FOR FUTURE RESETTLEMENT WORKS

CHAPTER 1 Common Activities

1.1 Further Capacity Development for Land Acquisition and Resettlement Works

(1) Basic Approach for Further Technology Transfer

Although various capacity development activities have been conducted, it is necessary to develop capacity further through transferring technical know-how to secure the land acquisition and resettlement to be satisfactorily implemented by YRG and TSMC in accordance with international standards.

Firstly, it is important to functionalize the implementation structure comprising of the SC and RIC together with IRPIC for enhancing the institutional capacity of YRG and TSMC as a whole from a long-term perspective. YRG and TSMC is required to hold committee meetings in accordance with the progress of the land acquisition and resettlement for coordination and decision making. Besides, in order to put the above mentioned implementation structure into practice, the roles and responsibilities of the organizations relating to the works (RWP preparation and approval, negotiations and agreement with PAHs, relocation and/or resettlement etc.) for the forthcoming development should be duly reconfirmed. The responsibility demarcation agreed in the MOU is shown in Table IV-1.

Table IV-1 Responsibility Demarcation of the Works

Action	New Responsibility
■RWP Preparation and Approval	
RWP preparation	YRG/SC
Public consultation and disclosure	YRG/SC
RWP approval	YRG/SC
■Negotiation and Agreement with PAHs	
Negotiation and agreement	YRG/RIC
Issuance of land acquisition award (if required)	YRG (Southern District)
Compensation payment	YRG/RIC
Expenditure of compensation payment (including resettlement site construction)	MJTD (up to the amount agreed among the Parties)
Resettlement site selection and land arrangement	YRG/RIC
Land plotting for PAHs	YRG/RIC
■Relocation and/or Resettlement of PAHs	
Resettlement site plan	YRG/RIC
International consultant employment	TSMC or YRG
Contractor procurement	TSMC or YRG
Construction supervision	IC employed by TSMC or YRG
House construction and resettlement monitoring	TSMC or YRG/RIC
Maintenance of resettlement site	YRG

Source: MOU

Secondary, aside from functionalizing the committees, it is necessary to develop capacity of the newly appointed staffs. In principle, OJT will be continued during the forthcoming T/A for the development area (3rd Phase T/A). More responsibilities and tasks will be assigned to them gradually so that they will be able to manage the Works by themselves after the 3rd Phase TA. Considerable responsibilities and tasks to be allocated to the new YRG/TSMC staffs are as follows:

- Identification and confirmation of PAHs/PAPs
- Implementation of supplemental DMS including ground confirmation, if required
- Preparation of RWPs
- Arrangement of negotiation/ consultation meetings for RWP (e.g., delivering the invitation letters, preparing the meeting venue)
- Support of representatives of YRG/TSMC for the consultation and negotiation meetings with PAHs/PAPs
- Arrangement of the public notice regarding land acquisition award and disclosure of draft/final RWPs at the designated disclosure places
- Support of representatives of YRG/TSMC for signing agreement with PAHs and smooth transaction of compensation and assistance money
- Compile the meeting records and DMS data of PAHs
- Management and monitoring of relocation progress of PAHs/PAHs together with RIC
- Management and monitoring of relocation of the cemetery
- Support and facilitate of organization of RIC

The Guideline of Land Acquisition and Resettlement for Thilawa SEZ which was prepared under this TA is recommended to be utilized for further technology transfer. The Guideline may be improved reflecting comments and suggestions which may be made in its practices.

1.2 Reorganizing the Database for Future Use

There are 2 short term future activities and 1 longer term future activities regarding the database use. Firstly, the DMS data for the next development area needs to be reorganized as per the boundary of the next development area. The DMS data has been organized as per the RWP target area where RWPs were developed.

Secondly, some modification of Access database needs to be done to calculate the compensation and assistance amount automatically such as adding the PAH data tables and the compensation and assistance unit rate table for the next development area, which requires PAH data verification and consultation with respective PAH regarding the compensation and assistance unit rates.

For the longer-term planning, it is recommended that the PAH location data can be sorted out by PAH types and converted in the KMZ file which can be seen with Google Earth. This enables more decision makers to utilize the PAH location data and integrate the negative impact on the PAHs due to land acquisition and/or resettlement in the planning process easily.

CHAPTER 2 Expected RWP-related Works for Planned Development Site after this T/A

The procedures of land acquisition for the development areas of Phases 1 to 3 of Zone B are mostly completed, YRG and TSMC are likely to keep receiving requests from PAHs and/or people who claim to be eligible about missing and additional compensation and assistance. Similar requests are also likely to arise for planned development site of Zone B and beyond. Some of the requests can be handled by TCMP, but others, particularly ones related to eligibility and compensation and assistance, may need to be handled directly by the Township-level Committee, TSMC and YRG.

Other RWP-related tasks include the followings:

1) Confirmation of land ownership status

It is expected that remaining part of Area 2-2 West may be developed as the next development area. Once the boundary of next development area is confirmed, it is necessary to re-confirm the land-ownership status because land ownership status could not be fully confirmed at the time of previous village level confirmation meeting due to errors in as well as the lack of land records. SLRD is expected to issue a letter to clarify and update the situation. Through consultation and negotiation, and with assistance of SLRD, YRG needs to confirm the land ownership status and negotiate with actual PAHs.

2) Confirmation of PAH's preference on resettlement

PAHs have two options for relocation. One is to be relocated to the resettlement site provided by YRG, and the other is self-relocation in which PAHs receives financial assistance equivalent to the value of the resettlement site plot and relocate by their own. During the negotiation, the Township-level Committee needs to confirm the preference of PAHs. Depending on the number of PAHs who prefer resettlement to the resettlement site, additional plot may have to be prepared in the existing resettlement site. In either case, the resettlement should be completed prior to the commencement of construction work.

APPENDIX I

APPENDIX- I-1
SEZ LAW (2014) (English translation)

<p style="text-align: center;">Myanmar Special Economic Zone Law, 2014 (2014, The Pyidaungsu Hluttaw Law No. 1/2014) 8th Waning of Pyatho 1375 ME (2014, January 23)</p> <p>The Pyidaungsu Hluttaw hereby enacts this Law.</p> <p style="text-align: center;">Chapter I Title, Relevance and Definition</p> <p>1. This Law shall be called the Myanmar Special Economic Zone Law, 2014.</p> <p>2. This Law is relevant to all the Special Economic Zones.</p> <p>3. The following expressions contained in this Law shall have the meanings prescribed hereunder:</p> <p>(a) Union means the Republic of the Union of Myanmar;</p> <p>(b) Union Government means the Union Government of the Republic of the Union of Myanmar;</p> <p>(c) Special Economic Zone means the zone notified and established by the Central Body as the Special Economic Zone by demarcating the boundary and issuing the notification under this Law;</p> <p>(d) Infrastructures mean physical fundamental requirements connected with Special Economic Zone such as electric power supply, water supply, sewage treatment, transportation, road,</p>	<p>railway, port, airport and communication network and fundamental requirements that are not physical such as computer programmes management programmes which can carry out tasks in easy and effective ways;</p> <p>(c) Developer means company, person or organization, as the case may be, which is permitted by the Management Committee to implement care by case in the development works, construction of infrastructure, operations or maintenance works of the Special Economic Zone in accordance with the provisions of this Law and rules, regulations, notifications, orders, directives, procedures issued under to this Law;</p> <p>(f) Investor means citizen and foreigner who establish the joint venture business or citizen or foreigner who implements the investment business permitted by the relevant Management Committee case by case in the Special Economic Zone;</p> <p>(g) Citizen includes the associate citizen and naturalized citizen. In this expression the economic organization formed by the citizens shall also be included by this Law;</p> <p>(h) Foreigner means a person who is not the citizen. In this expression the economic organization formed by foreigners shall also be included by this Law;</p> <p>(i) Free Zone means the area which is deemed to be situated outside the country which is stipulated by the relevant Management Committee and the Customs Department to be entitled to the</p>
<p style="text-align: right;">D:\MSBEZ\Law\MSBEZ Law Eng reply AV 22-9-2014\1 Myanmar Special Economic Zone Law 2014.doc</p> <p style="text-align: right;">1</p>	<p style="text-align: right;">D:\MSBEZ\Law\MSBEZ Law Eng reply AV 22-9-2014\1 Myanmar Special Economic Zone Law 2014.doc</p> <p style="text-align: right;">2</p>

<p>exemption of the customs duty and other taxes relating to the goods in the Special Economic Zone and the goods imported into this zone. In this expression also includes the Free Zone business manufacturing area, transportation area and international wholesale area;</p> <p>(j) Promotion Zone means the internal taxation area situated within the Special Economic Zone and other activities which are not the activities of Free Zone;</p> <p>(k) Free Zone Activity means activities situated within the Special Economic Zone and export-oriented activity which has the same rights as the factory activities in the Free Zone which are not separately prescribed as the Free Zone or the Promotion Zone.;</p> <p>(l) Other Activity means activity which has the same rights as factory activity in the Promotion Zone situated within the Special Economic Zone which are not separately prescribed as the Free Zone or the Promotion Zone and the activities in the Promotion Zone;</p> <p>(m) Other Zone means the zones stipulated by the Union Government from time to time except high-technology industrial zone, information and technology zone, export products manufacturing zone, port area zone, providing and transportation zone, science and technology research development zone, services zone, subsidiary trade zone;</p> <p>(n) Central Body means the Central Body relating to the Myanmar</p>	<p>Special Economic Zone formed by the Union Government under this Law;</p> <p>(o) Central Working Body means the Central Working Body relating to the Myanmar Special Economic Zone formed by the Central Body under this Law;</p> <p>(p) Management Committee means the Special Economic Zone Management Committee formed under this Law to carry out the management, administration and supervision works in the relevant Special Economic Zone;</p> <p>(q) Focal Ministry means the Union Ministry prescribed and assigned by the Union Government to take responsibility in implementing the necessary functions and duties under this Law;</p> <p>(r) Asset means land, building, vehicle and capital assets of the business, the shares, promissory deed and other similar deeds of agreement;</p> <p>(s) Profit from the asset means the profit received from selling, mortgaging, exchanging and leasing of the asset.</p> <p style="text-align: center;">Chapter II Objectives</p> <p>4. The objectives of this Law are as follows:</p> <p>(a) to support the main objectives of the national economic development plan;</p>
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<p>(b) to affect employment for the people, to promote their living standards, to promote the export of goods with the improvement of production and to increase foreign exchange earnings;</p> <p>(c) to encourage, promote and attract being for the balanced development of the industrial, economic and social sectors in the State;</p> <p>(d) to promote cooperation in industrial, economic and commercial activities, services and financial transactions between the State and other countries, and to provide the opportunities for vocational training to the citizens;</p> <p>(e) to encourage and attract domestic and foreign investments by building good foundations for the Developers and the Investors;</p> <p>(f) to promote the flow of domestic and foreign investments in the Special Economic Zone and to establish linkages in continuity among the industries in and the Special Economic Zone with the creation of new jobs.</p> <p style="text-align: center;">Chapter III</p> <p>Formation of the Central Body and its Functions and Duties</p> <p>5. The Union Government:</p> <p>(a) shall form the Central Body relating to the Myanmar Special Economic Zone, comprising a suitable person as the chairman and from the relevant Union Ministers, governmental as departments and governmental organizations as members, for enabling to</p>	<p>carry out the functions and duties contained in this Law in respect of establishing and operating the Special Economic Zone;</p> <p>(b) may reform the Central Body formed by subsection (a) as necessary;</p> <p>(c) shall determine the functions and duties of the Central Body.</p> <p>6. The functions and duties of the Central Body are as follows:</p> <p>(a) stipulating the policies for the successful implementation of the Special Economic Zones in accordance with the provisions under this Law and giving instructions as necessary;</p> <p>(b) transforming areas in the country which have been selected and designated into the business centres of special advanced industry economy and commerce, service, tourism, agro-based industry investment, finance and export-oriented industry business center;</p> <p>(c) scrutinizing and obtaining the opinion of the relevant governmental departments and governmental organizations in relation to the proposal, the appropriate place, the required land area, the extent and boundary for the establishment of the Special Economic Zone, and submitting for the approval of the Union Government;</p> <p>(d) Forming the Central Working Bodies and Management Committees with the approval of the Union Government, and determining their functions and duties;</p> <p>(e) laying down the projects and programmes for the development and management of the Special Economic Zone, and determining</p>
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<p>the work programmes and policy frameworks for the implementation and supervision;</p> <p>(f) scrutinizing and approving the development plan of Special Economic Zone submitted by the Management Committee;</p> <p>(g) having right to determine the amount of investment and categories of business in the Special Economic Zone;</p> <p>(h) supervising the functions of the Management Committees, carrying out inspections from time to time, and coordinating with the relevant governmental departments and governmental organizations;</p> <p>(i) determining the taxes and revenues, rental fees and land use premiums to be levied under this Law with the approval of the Union Government and giving exemptions and reliefs thereof;</p> <p>(j) giving extension to the period of the tax exemptions and reliefs provided under this Law with the approval of the Union Government in order to develop the whole country;</p> <p>(k) supervising and guiding in order to carry out the office works speedily at one stop service within the Special Economic Zone;</p> <p>(l) forming organizations with the person from the relevant governmental departments and governmental organizations to carry out the matters relating to the administration, security, management and municipality, and determining the functions and duties of the organizations;</p>	<p>(m) assigning duties to the Management Committee to directly supervise the organizations formed under Subsection (l);</p> <p>(n) submitting reports on the situation of the implementation of the Special Economic Zone to the Union Government from time to time;</p> <p>(o) establishing new Special Economic Zones for the interests of the State and the Citizens, or upgrading the existing suitable industrial zones into a Special Economic Zone if it is in conformity with the stipulated prerequisites of the Special Economic Zone and approval by the Pyidaungsu Hluttaw after submitting with the agreement of the Union Government;</p> <p>(p) carrying out other functions and duties assigned by the Union Government in relation to the Special Economic Zone.</p> <p style="text-align: center;">Chapter IV Formation of the Central Working Body and its Functions and Duties</p> <p>7. The Central Body with the approval of the Union Government:</p> <p>(a) shall form the Central Working Body relating to the Myanmar Special Economic Zone with persons from the stipulated governmental departments and governmental organizations to provide assistance in the implementation of the activities of the Special Economic Zone;</p> <p>(b) shall determine and assign duties of the Chairman, Vice</p>
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<p>Chairman, Secretary and Joint Secretary when forming under sub-section (a):</p> <p>(c) may reform the Central Working Body formed by sub-section (a) as necessary.</p> <p>8. The functions and duties of the Central Working Body are as follows:</p> <p>(a) submitting the suggestion to the Central Body after scrutinizing the proposals for the construction of Special Economic Zone and investment business which are submitted by the Management Committee, the developer or the investor;</p> <p>(b) scrutinizing the development project of Special Economic Zone submitted by the Management Committee for the implementation of Special Economic Zone and submitting the suggestion to the Central Body;</p> <p>(c) submitting the suggestion to the Central Body after scrutinizing the types of the zone, priorities activities, the types of business to be carried out in each zone of the Special Economic Zone;</p> <p>(d) submitting its advice to the Central Body, after observing on the matters relating to international special economic zone, in other special economic zones and sites which should be carried out in Myanmar;</p> <p>(e) coordinating with the relevant organizations in order to undertake the investment businesses which will be done in the respective</p>	<p>Special Economic Zone with the approval of the Central Body in accordance with the stipulations:</p> <p>(f) submitting the suggestion to the Central Body after scrutinizing the administrative, managerial, legal and other matters relating to the investment business in the Special Economic Zone;</p> <p>(g) having right to assign the duties after forming other appropriate working bodies under the Central Working Body if necessary.</p> <p style="text-align: center;">Chapter V</p> <p style="text-align: center;">Formation of the Management Committee and its Functions</p> <p>9. The Central Body:</p> <p>(a) shall form each Management Committee for the respective Special Economic Zone with the persons from the relevant governmental departments and governmental organizations, the external persons and persons from external organizations to implement the functions and duties under this Law;</p> <p>(b) shall include a representative from relevant region or state government as a member in the respective Management Committee;</p> <p>(c) shall determine the Chairman, Vice Chairman, Secretary and Joint Secretary in forming under Subsection (a);</p> <p>(d) may reform the Management Committee formed under Subsection (a) as necessary.</p>
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<p>10. The Chairman of the Management Committee shall be responsible to the President through the Central Body.</p> <p>11. The functions and duties of the Management Committee are as follows:</p> <p>(a) obtaining the approval after submitting the development project for the implementation of the Special Economic Zone to the Central Body through the Central Working Body;</p> <p>(b) making arrangement to enable the investment business in accordance with the stipulations;</p> <p>(c) issuing the permit of allowing investment business within 30 days from the application date if the application of the intending investor under section 30 is completed with the requirements;</p> <p>(d) supervising and carrying out inspection on the development matters of the Special Economic Zone such as implementation of the investment and development projects, land use, environmental conservation, education, health, finance, taxation, municipality, transportation, communication, security, electricity, energy and water supply, and coordinating with the relevant governmental departments and governmental organization;</p> <p>(e) coordinating with the relevant governmental departments and governmental organizations as may be necessary to protect the properties, profits and other rights of the investors in conformity with the existing laws;</p>	<p>(f) stipulating the matters which are to be abided by the investors by issuing notifications, orders, directives and procedures;</p> <p>(g) coordinating with the relevant governmental departments and governmental organizations, as may be necessary, for enabling to obtain the entry visa and residency for foreign investors and their employees, technicians, staff and family members if they are foreigners working in the Special Economic Zone;</p> <p>(h) coordinating as may be necessary to facilitate implementation of financial management by the Central Bank in the Special Economic Zone, and exchanging of foreign currency for the investors, supervising the financial matters and communicating and operating with the banks which are authorized to carry out foreign banking businesses in Myanmar;</p> <p>(i) giving permission in accordance with the stipulations in the Special Economic Zone to the developers, investors and the companies, and supervising their activities;</p> <p>(j) supplementing, amending and repealing, from time to time, the stipulations relating to the registered investment business in the Special Economic Zone without affecting the registered investment business;</p> <p>(k) determining the contiguous zones and areas in the Special Economic Zone;</p> <p>(l) establishing one-stop services centre the approval for investment, company registration, issue of the entry visa relating to the</p>
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<p>business, issue of the certificate of origin, collection of taxation, approval of employment permit and permission, giving permission for factory construction and other investment and economic business licenses and permits can be provided;</p> <p>(m) managing the departments formed by sub-section (l) directly and under its purview;</p> <p>(n) determining to ensure that the construction work and designs of the Special Economic Zone are in conformity with the main project or not;</p> <p>(o) determining the types of businesses, the minimum investment amount which must be invested for each type of investment, the minimum number of citizen employees to be employed, standardization of advanced technology and matters which have to be abided by in the Free Zone and the Promotion Zone;</p> <p>(p) supervising and ensuring compliance with the existing laws relating to the conservation and protection of natural environment, scrutinizing the industrial waste disposal system from the factory, ensuring in conformity with the stipulations to the developer or investor in the Special Economic Zone;</p> <p>(q) forming a supporting body if necessary with the representatives from the relevant governmental departments and governmental organizations, the representatives of the developer and investor and other suitable persons and persons from organizations;</p> <p>(r) directing to improve the investment business and changing</p>	<p>management pattern based on the advice of the supporting body relating to the construction, operation, repair and maintenance of the investment projects in the Special Economic Zone;</p> <p>(s) issuing rules and regulations to carry out the business operation and management in the respective Special Economic Zones in accordance with the stipulations;</p> <p>(t) allowing the exemptions and reliefs to the investor or developer in accordance with Myanmar Special Economic Zone Law;</p> <p>(u) carrying out the functions and duties specifically assigned by the Union Government and the Central Body.</p> <p style="text-align: center;">Chapter VI The establishment of Special Economic Zone</p> <p>12. The Central Body may establish the Special Economic Zone by the approval of Pyidaungsu Hluttaw with the agreement of the Union Government in the suitable place or area for the development of State economy based on the following criteria:</p> <p>(a) having international gateways such as port, airport, or can transport easily to international border or domestic markets;</p> <p>(b) being the area designated for regional development by the Union Government;</p> <p>(c) having the infrastructural pre-requisites or having the prospect for the implementation;</p>
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<p>(d) availability of the water resource and electric power;</p> <p>(e) having sufficient land area to establish the industries and the investment business;</p> <p>(f) availability of the skilled workers, semi-skilled workers and trainable workers;</p> <p>(g) able to arrange the training courses for the recruitment of required skilled workers;</p> <p>(h) being the strategic area or land in the condition of transportation or linkage to the market in the country.</p> <p>13. Notwithstanding the non-conformity of any of the criteria in section 12, the Central Body may establish the Special Economic Zone by the approval of the Pyidaungsu Hluttaw with the agreement of the Union Government, if it considers that the establishment of the Special Economic Zone would be beneficial for the State and its people.</p> <p>14. The Central Body may:</p> <p>(a) select the developer by calling tender according to the international procedures;</p> <p>(b) select the developer, as another way of selection, by giving priority to those who have managerial experience in the Special Economic Zone, considering on the benefits for the State and the citizens, favourable conditions for speedy implementation of the project, participation of the people and transparency.</p> <p style="text-align: right; font-size: small;">D:\MSEZ Law\MSEZ Law_Eng_reply_AO_22-9-2014\F1_Myanmar_Special Economic Zone Law 2014.doc 15</p>	<p>15. Foreigner may carry out any other business approved by the relevant Management Committee, either as one hundred per cent foreign investment or a joint venture with the citizen.</p> <p style="text-align: center;">Chapter VII Stipulations of Free Zone and Promotion Zone</p> <p>16. The relevant Management Committee in a Special Economic Zone:</p> <p>(a) may stipulate any specific demarcation as Free Zone or Promotion Zone as may be necessary;</p> <p>(b) may stipulate other zones according to the market demand in addition to the Free Zone and Promotion Zone;</p> <p>(c) may stipulate any export oriented activities as Free Zone Business on each activity if there is no specific stipulations as Free Zone or Promotion Zone.</p> <p>17. The Free Zone business stipulated by Section 16 Subsection (c) may obtain the privileges of the businesses located in the Free Zone, and other activities which are not stipulated as the Free Zone businesses in the Special Economic Zone may obtain the privileges of the businesses located in the Promotion Zone.</p> <p>18. The Customs Department:</p> <p>(a) shall protect the imported goods from overseas and the manufactured products of the Free Zone so as not to enter the domestic market or into the Promotion Zone without respective</p> <p style="text-align: right; font-size: small;">D:\MSEZ Law\MSEZ Law_Eng_reply_AO_22-9-2014\F1_Myanmar_Special Economic Zone Law 2014.doc 16</p>
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<p>clearance of customs duties;</p> <p>(b) shall specify the entries and exits of the Free Zone and the ways to be applied in order to secure for the safety of the Free Zone boundary;</p> <p>(c) shall carry out the matters of customs duty clearance in the Special Economic Zone in accordance with international norms which is clear and comprehensible customs duty procedures. If it is necessary, the Custom Department may carry out the actual inspection at the place where the investor's business is situated;</p> <p>(d) may take action according to the relevant customs duty procedures in examining under sub-section (c), if it finds any non-conformity with the stipulations.</p> <p>19. The Customs Department and the relevant department shall stipulate the procedures relating to customs duty clearance for the transportation of manufactured products of the Free Zone to the domestic market or to the Promotion Zone.</p> <p>20. It shall be deemed that the goods transported from the Free Zone to the domestic or to the Promotion Zone as imported goods from overseas, and the transportation of raw materials from overseas to the Free Zone which are then manufactured in the Free Zone as finished or partly finished products and then transported to the domestic or to the Promotion Zone as importation to the domestic;</p> <p>21. If there is no other provisions relating to the goods under section 20, the customs duties and other related taxation shall be paid</p>	<p>according to the existing laws.</p> <p>22. The goods transported from the domestic region or the Promotion Zone to the Free Zone shall be deemed as the export products of the State.</p> <p>23. The manufacturing business located in the Free Zone or Free Zone businesses shall mainly be export oriented manufacturing business. Such supporting business and export oriented business in the Special Economic Zone where there is no specific stipulation on Free Zone and Promotion Zone may be determined as Free Zone business.</p> <p>24. A hundred percent citizen investment or a hundred percent foreign investment or joint venture between citizen and foreigner can be carried out in the Free Zone.</p> <p>25. The maximum percentage of the amount of goods manufactured in the Free Zone which may be delivered and sold to the domestic market or to the Promotion Zone may be prescribed by the Rules.</p> <p>26. In the transportation of goods from the Special Economic Zone to other country, if passing the outside areas of the Special Economic Zone, shall be transported by the sealed containers.</p> <p>27. A hundred percent citizen investment, or a hundred percent foreign investment or joint venture between citizen and foreigner can be carried out in the Promotion Zone.</p> <p>28. (a) The Promotion Zone is the location of the business which is</p>
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<p>based on the domestic market or the market in the Special Economic Zone and it is also the place where the business such as manufacturing business based on the domestic market, housing, departmental store, banking business, insurance business, school, hospital and recreational places can be invested.</p> <p>(b) The manufacturing business in the Promotion Zone are mainly based on the domestic market, and they can be exported directly from such business and delivered to the Free Zone businesses.</p> <p>(c) Other businesses situated in Special Economic Zone where there is no specific stipulation of Free Zone or Promotion Zone which are not the Free Zone business shall be specified as the business invested in the Promotion Zone.</p> <p style="text-align: center;">Chapter VIII Types of Investment Business, the Duties and the Exemptions of the Investor</p> <p>29. The investor is entitled to carry out the following investment business in the Special Economic Zones in accordance with the stipulations:</p> <p>(a) manufacturing finished products from raw materials, processing goods warehousing, transportation and providing services;</p> <p>(b) transporting and importing raw materials, packaging materials, machinery instruments and equipment, and fuel oils to be used in the investment business from the domestic or overseas to the Special Economic Zone;</p> <p style="text-align: right;"><small>D:\MSEZ Law\MSEZ Law Eng reply AG 22-4-2014\F1.Myanmar Special Economic Zone Law 2014.doc 19</small></p>	<p>(c) trading the manufactured products from the investment business to the domestic and overseas in accordance with the stipulations;</p> <p>(d) establishing and operating the offices for investment business and overseas service works at the stipulated place in the Special Economic Zone with the permission of the Management Committee;</p> <p>(e) carrying out other economic business which are not prohibited by the State, with the permission of the Management Committee.</p> <p>30. The person intending to invest in the Special Economic Zone shall apply to the Management Committee to obtain the investment permission in accordance with the rules and regulations stipulated under this Law</p> <p>31. The investor shall complete the investment construction in the stipulated period and operate profitably the investment business. If the investment business is unable to be completed during the stipulated period, the investor shall submit the justification reason to the Management Committee in advance. If delay is found without any justification reason, the Management Committee may revoke the investment permission in accordance with the rules and regulations.</p> <p>32. The investor is entitled to the following income tax exemption and reliefs:</p> <p>(a) for investment business in the Free Zone or the Free Zone business, there shall be income tax exemption for the first seven years from the commencement of the commercial operation;</p> <p style="text-align: right;"><small>D:\MSEZ Law\MSEZ Law Eng reply AG 22-4-2014\F1.Myanmar Special Economic Zone Law 2014.doc 20</small></p>
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<p>(b) for investment business in the Promotion Zone or other business in the boundary of the Special Economic Zone, there shall be income tax exemption for the first five years from the commencement of the commercial operation;</p> <p>(c) for the investment business within the Free Zone and the Promotion Zone, there shall be fifty percent relief on the income tax rate stipulated under the existing law for the second five years;</p> <p>(d) for the investment business within the Free Zone and the Promotion Zone there shall be fifty percent relief of the income tax rate stipulated by the existing law for the third five years on the profit which is obtained from the business if it is reinvested within one year in the business as a reserve fund.</p> <p>33. After the expiry of the tax exemption and relief period under Section 32, if the tax exemption and relief under this Law are not permitted again, the investor shall pay the income tax at the rate stipulated by the existing law.</p> <p>34. The investor shall:</p> <p>(a) register the business, company, organizations to be operated in the Special Economic Zone in accordance with the stipulations at the Branch Office of Directorate of Investment and Companies Administration which is opened jointly with the Office of Management Committee within the Special Economic Zone;</p> <p>(b) report the situation of the implementation on the investment</p>	<p>business to the Management Committee in accordance with the stipulations;</p> <p>(c) compile and keep the business statistics, accounts and records accurately in accordance with the international standards;</p> <p>(d) destroy the perished, unusable or sub-standard medicines and food stuffs of the investment business in accordance with the stipulations of the Management Committee at the stipulated place.</p> <p>35. The investor shall not only abide by the environmental standards described in the Myanmar Environmental Conservation Law and international standards, but also carry out them in accordance with the existing laws in order not to have undesirable health and social impact.</p> <p>36. The investor who has intention of terminating or liquidating the business or company or organization shall carry out in accordance with the stipulations after giving prior notice to the Management Committee.</p> <p>37. The investor may re-register the transfer of part or whole of the shares of the business or company or organization after giving prior notice to the Management Committee.</p> <p style="text-align: center;">Chapter IX Development Business, Duties and Exemptions of Developer</p> <p>38. Development business may be carried out as follows:</p> <p>(a) it may be carried out as a developer by the private, or by the</p>
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<p>government, or by incorporation of private and the government;</p> <p>(b) Establishment of the Special Economic Zone may be carried out as a developer by a one hundred per cent citizen investment, or a one hundred per cent foreigner investment, or a joint venture investment of the citizen and the foreigner or intergovernmental investment.</p> <p>39. The developer:</p> <p>(a) may, after entering into a leasing contract with the relevant Management Committee, carry out the implementation of business in the Special Economic Zone, sub-leasing the land to the investors and making maintenance in the Special Economic Zone under the supervision of the Management Committee;</p> <p>(b) may, if it is the Union Government, or Divisional or State Government, carry out the activities such as construction, management and maintenance in the Special Economic Zone, whether directly or by contracting out the work to other organizations in transparency;</p> <p>(c) shall complete each of development in project the stipulated period. If it cannot be completed in the stipulated period, he shall submit sufficient justification in advance to the Management Committee. If finding of being delayed without sufficient justifications, the contract of land lease between the Management Committee and the developer shall be null and void;</p> <p>(d) may carry out the infrastructures in the Special Economic Zone</p> <p style="text-align: right;"><small>D:\MSEZ Law\MSEZ Law Eng reply AG 25-4-2014\F1.Myanmar Special Economic Zone Law 2014.doc 2/3</small></p>	<p>by him self or by contracting out to other organizations;</p> <p>(c) may develop by forming specific organizations to construct any of the infrastructures with the agreement of the Central Body, in developing infrastructures related to the Special Economic Zone which are located outside the Special Economic Zone. These organizations shall have separate accounts. The developer of the related infrastructure may be entitled to the privileges of the developer of the Special Economic Zone. The development of related infrastructures such as road, railway, bridge and water supply which will take longer time to recoup the costs of investment may be granted more privileges with the agreement of the Central Body.</p> <p>(f) shall, if a related infrastructure renders its services not only within the Special Economic Zone but also outside the Special Economic Zone, enter into contracts in respect of each sector with the relevant governmental organizations in relation to its services to outside the Special Economic Zone.</p> <p>40. The developer is entitled the following income tax exemptions and reliefs:</p> <p>(a) income tax exemption for the first eight years from the commencement of business operation;</p> <p>(b) fifty per cent relief of the income tax rate stipulated by the existing law for the second five years; and</p> <p>(c) fifty per cent relief of the income tax rate stipulated by the existing law for the third five years on the profit which is</p> <p style="text-align: right;"><small>D:\MSEZ Law\MSEZ Law Eng reply AG 25-4-2014\F1.Myanmar Special Economic Zone Law 2014.doc 3/4</small></p>
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<p>obtained from the business if it is reinvested within one year in the business as a reserve fund.</p> <p>41. The developer shall, after the expiry of the tax exemption and relief period under Section 40, if the tax exemption and relief under this Law are not permitted again, pay the income tax rate stipulated by the existing law.</p> <p>42. If the developer who carries out the business operation by himself in the Special Economic Zone, he may sublease the land and buildings in the Special Economic Zone to the investors during the permitted period or during the period of land lease to operate the business by the Management Committee.</p> <p>43. The developer shall pay the payable fees for the right to use land or the right to operate business activities either in one lump sum or regular instalment to the relevant department in accordance with the land agreement with the relevant Management Committee.</p> <p style="text-align: center;">Chapter X The Exemptions and Reliefs on the Import Revenue of the Developer and the Investor</p> <p>44. The entitlement to the exemptions and reliefs on the import taxation shall be as follows:</p> <p>(a) for the developer, the exemptions of customs duties and other relevant taxation on the import of the construction materials for the infrastructures and own offices; machine instruments; machinery; motor vehicles for work and work materials;</p>	<p>(b) for the investor of the Free Zone, the exemptions of customs duties and other relevant taxation for the import of raw materials for production, machinery instrument and necessary spare parts for production; construction materials and motor vehicles for building factory, warehouse and own office;</p> <p>(c) for the investor of the Free Zone, the exemptions of customs duties and other relevant taxation on the import of trading goods, consignment goods, motor vehicles and other materials which are essential for the business for free-tax wholesale trading, export trading and services of provision and transportation;</p> <p>(d) for the investor of the Promotion Zone, the exemptions of customs duties and other relevant taxation for five years from the business commencement on the import of equipment and instrument not for sales and their required spare parts; the construction materials for factory, warehouse and own office, the motor vehicles and other materials which are essential for the business, and fifty percent relief of the custom duties and other taxation for the consecutive five years.</p> <p>45. The investor of the Promotion Zone:</p> <p>(a) shall regularly pay the customs and other taxation upon the importation of raw materials and other goods for production;</p> <p>(b) may apply to refund of the customs duties and other taxation paid at the time of importing those materials for the finished or semi-finished goods produced by the materials imported under</p>
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<p>sub-section (a) are exported abroad or into the Free Zone.</p> <p>46. The developer and investor:</p> <p>(a) shall not sell and transfer the imported machinery, equipment, instruments and motor vehicles to the outside of the Special Economic Zone;</p> <p>(b) shall repay the exemptions or relief which were enjoyed at the time of import if the materials were sold and transferred under sub-section (a) as a special case.</p> <p>47. The developer and investor shall take the decision of the relevant Management Committee regarding the provisional period of import permission in relation to the import of large machinery and equipment in the short period for use in the initial of construction work.</p> <p>48. The developer and the investor of the Special Economic Zone shall be permitted to manage to retrieve the losses for five years after the year of losses incurred.</p> <p>49. In relating to commercial tax or value-added tax:</p> <p>(a) The investor of the Free Zones may be given exemption of the commercial tax or value-added tax;</p> <p>(b) The investor of the Promotion Zone may be given exemption and relief of the commercial tax and value-added tax during the period of relief provided in this Law. After the end of the period of relief, the commercial tax and value-added tax shall be paid in</p>	<p>accordance with the relevant law.</p> <p>(c) The investor may apply for the exemption of commercial tax or value-added tax for manufactured goods which will be exported.</p> <p>(d) The investor of the Free Zone may apply the exemption for import tax or value-added tax for the goods imported from the local or Promotion Zone to the Free Zone.</p> <p>50. Except for goods which are prohibited and restricted by the Union Government, the goods exported directly or indirectly or re-exported from the Special Economic Zone are entitled to exemption of taxes and other assessments.</p> <p>51. The developers and investors may apply the exemption of income tax for the dividends distributed to each shareholders based on the profits accrued locally for which tax has been paid.</p> <p>52. The actual expenses of conducting local training by the investor of the Free Zone to the skilled worker or semi-skilled worker or the staff of the management sector and providing the business research and development are deductible from the taxable income.</p> <p style="text-align: center;">Chapter XI The Settlement of Disputes</p> <p>53. If any dispute arises in respect of the investment business, it shall be settled amicably between the disputing parties.</p> <p>54. If it cannot be settled under Section 53:</p>
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<p>(a) it shall be dealt with in accordance with the dispute settlement mechanism if it is stipulated in the relevant agreement;</p> <p>(b) it shall be dealt with in accordance with the existing laws of the Union if the disputes settlement mechanism is not stipulated in the relevant agreement.</p> <p style="text-align: center;">Chapter XII</p> <p style="text-align: center;">Withholding Tax from the Source</p> <p>55. If the non-resident foreigner has no business established in Myanmar but has the right to carry out business related to the Special Economic Zone under any property and intellectual property right:</p> <p>(a) the payer shall deduct the withholding tax from the source of the royalty, interest and payments for the business services in accordance with the income tax rate prescribed under the Income Tax Law and pay it to the relevant authority;</p> <p>(b) the payer shall deduct the withholding tax from the source of rental fee and other similar income in accordance with the income tax rate prescribed under the Income Tax Law and pay it to the relevant authority.</p> <p>56. The respective investor shall collect and pay the income tax of local and foreign staff and workers employed in the Special Economic Zone from their salaries and incomes in accordance with the income tax rate prescribed under the existing law in the currency determined by the Central Body.</p> <p style="text-align: right;"><small>D:\MSSEZ Law\MSSEZ Law Eng reply AG 22-4-2014\F1_Myanmar Special Economic Zone Law 2014.doc 29</small></p>	<p style="text-align: center;">Chapter XIII</p> <p style="text-align: center;">Bank and Finance Management and Insurance Business</p> <p>57. The business which is operated in foreign currency in the Special Economic Zone shall have the right to open foreign currency account with any bank of foreign banking in Myanmar and carry out the matters of receipt and payment with the foreign currency in accordance with the stipulations.</p> <p>58. The developer and the investor are entitled to exchange and remit their own foreign currency within the Special Economic Zone or abroad in accordance with the stipulations.</p> <p>59. Insurance companies owned by the citizen, the foreigner, or jointly owned by the citizen and the foreigner are entitled to operate their agency offices and insurance business within the Special Economic Zone.</p> <p style="text-align: center;">Chapter XIV</p> <p style="text-align: center;">Management and Inspection of Goods by the Customs Department</p> <p>60. The investor in the Free Zone or the Free Zone Business shall abide by this Law and rules, by-laws, regulations, notifications, orders and directives issued by this Law, and the investors in the Promotion Zone or other business shall abide by the provisions of the existing customs duty law and related rules and regulations.</p> <p>61. The Customs Department, in reducing the procedures and control of customs duty in the Free Zone, shall ensure the realization of economic and social security, the prevention of illegal trading and the</p> <p style="text-align: right;"><small>D:\MSSEZ Law\MSSEZ Law Eng reply AG 22-4-2014\F1_Myanmar Special Economic Zone Law 2014.doc 30</small></p>
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66. The matters regarding trading goods of designated trading area in the Free Zone or goods displayed at exhibition which showed manufactured products shall be carried out under the procedures of the Customs Department.

67. The Customs Department may monitor and inspect the matters regarding the transportation of goods used in the process of the manufacturing in the Free Zone according to the procedures.

68. The investors of the Free Zone may directly purchase raw materials, accessories, parts, equipment, packaging materials and semi-finished goods which need to produce export products or needed to use for export business from the local or the Promotion Zone. When such goods are transported to the Free Zone, the customs clearance procedures shall be abided by.

Chapter XV

Quarantine Inspection and Confinement so as not to spread

Contagious Disease

69. The responsible person from the Quarantine Prevention Department of the Department of Health:

(a) shall carry out quarantine inspection and confinement as necessary not to spread contagious disease in transporting goods, vehicles, containers, animals and plants which are to be directly imported to the Special Economic Zone or directly transported from the Special Economic Zone to the outside, between the

observance of international conventions, but shall not exercise excessive control.

62. The Customs Department shall make customs declaration, sanitizing the documents and if necessary, examining the goods only once in accordance with international norm when raw material and machinery which are transported for manufacturing export products into the Free Zone or when export products are sent overseas.

63. The Customs Department shall, when inspecting the goods having risk imported into the Free Zone by using the way of customs inspection in accordance with customs procedures, inspect those goods not more than necessary measure.

64. If it is necessary for the Customs Department to conduct field inspection on the goods, although it has to inspect at the Investor's site, it shall reduce the customs procedures in order to expedite the inspection on goods. The customs officer, if necessary, may seal to avoid losses when transporting the inspected goods.

65. The Customs Department shall, after taking the goods causing the customs clearance work smoothly and quickly, have the right to use Post Clearance Audit system which allow inspection for book keeping, records, business system and commercial information maintained by persons who import or export and companies involved directly or indirectly at international trading until the satisfaction of Customs Department.

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<p>ports, airports, railway stations and the Special Economic Zone;</p> <p>(b) shall, carry out quarantine inspection and confinement so as not to spread contagious disease, as may be necessary, relating to the export, import items or investment business within the Specific Economic Zone.</p> <p style="text-align: center;">Chapter XVI Matters relating to Labour</p> <p>70. The Management Committee for the matters relating to labour in the Special Economic Zone:</p> <p>(a) shall supervise to ensure that the employment agreement is made in accordance with the stipulations;</p> <p>(b) shall coordinate in determining the rights and duties of the employer and employee or terms and conditions relating to employment contained in the employment agreements for enjoying the rights in accordance with the existing labour laws including minimum wages, salary, leave, holiday, overtime charges, compensation for dismissal from work and workmen's compensation;</p> <p>(c) shall inspect and supervise so as not to diminish or lose the rights and entitlements of the employees, technicians and staffs;</p> <p>(d) may determine the minimum wages of employee and staff.</p> <p>71. The investor may recruit freely from the Work and Labour Recruitment Office in the Special Economic Zone, or from local labour recruitment agents, or by his own arrangement relating to</p> <p style="text-align: right;"><small>D:\MSSEZ Law\MSSEZ Law_Eng_reply_AG_22-4-2014\31_Myanmar Special Economic Zone Law 2014.doc 133</small></p>	<p>labour recruitment.</p> <p>72. In employing citizens skilled workers, technicians and staff in relation to the employment, the employment agreement shall be signed by the employer and employee and shall be employed in accordance with the existing Labour Laws and Rules.</p> <p>73. The investor shall arrange the training and course relating to the relevant subjects by the type of business for the improvement of the skill of the citizen staff.</p> <p>74. The investor shall employ only the citizens in the work where high technology and skill are not required.</p> <p>75. The investor shall, in employing citizen skilled workers, technicians and staff who are required of high technology and skills, have appointed the citizens at least 25 percent the first two years from the commencing year of operation, at least 50 percent in the second two years, at least 75 percent in the third two years.</p> <p>76. (a) The relevant Management Committee shall negotiate and mediate the disputes arising between the employer and the employee, the technician or the staff in the Special Economic Zone.</p> <p>(b) If no settlement has been reached although negotiation and mediation were made by the relevant Management Committee under sub-section (a), such disputes shall be dealt with pursuant to the Trade Dispute Act.</p> <p style="text-align: right;"><small>D:\MSSEZ Law\MSSEZ Law_Eng_reply_AG_22-4-2014\31_Myanmar Special Economic Zone Law 2014.doc 134</small></p>
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<p>77. The work permit for foreign employees working in the Special Economic Zone shall be issued by the representative office of labour department opened in operating as one stop services department in the Special Economic Zone.</p> <p>78. The investor, if it is required to appoint more foreign employees than stipulated numbers based on the condition of his investment business, may appoint by the permission of the relevant Management Committee.</p> <p style="text-align: center;">Chapter XVII Land Use</p> <p>79. The Management Committee may, after causing payment of fees to be made by the developer or the investor for the right to land lease or land use, permit for 50 years. If the investor is desirous of continuing to operate after the expiry of the permitted term, it may renew for 25 years.</p> <p>80. The developer or the investors:</p> <p>(a) shall bear the expenses of relocating and paying compensation in accordance with the agreements if houses, buildings, farms and gardens, orchards and fields, plantation on land permitted for land lease or land use are required to be relocated;</p> <p>(b) shall, to relocate the persons so as not to lower their original standard of living, to fulfill the fundamental needs and for facilitating such works, coordinate and carry out with the relevant Management Committee as may be necessary;</p> <p style="text-align: right;"><small>D:\MSEZ Law\MSEZ Law Eng reply AG 22-4-2014\F1.Myanmar Special Economic Zone Law 2014.doc 35</small></p>	<p>(c) shall use the land which is entitled to lease or use in accordance with the prescribed terms and conditions;</p> <p>(d) shall not modify or alter significantly, without permission of the relevant Management Committee, the topography or the contour of the land for which he obtained land lease or land use;</p> <p>(e) shall report immediately to the Management Committee if natural mineral resources or antiques or treasure or mine not relating to the permitted enterprise which are not included in the original agreement are found above or under the land which he is entitled to lease or use. If the Management Committee permits, he may continue to operate on such land. If not, he shall move to the substituted arranged area;</p> <p>(f) may sell, mortgage, lease, exchange or gift land lease, land use and buildings to a third party or other organizations enabling to operate the work within the approved term in accordance with the rules and regulations and with the agreement of the relevant Management Committee.</p> <p>81. If the developer or the investor dissolves or winds up his investment, the permission to land lease or land use shall be revoked and the land must be returned back; if necessary, the developer or the investor shall remove the buildings on the land.</p> <p>82. The Ministry of Home Affairs, shall carry out the take over or transfer of the lands in the region intended as Special Economic Zone by the Central Body in accordance with the existing laws.</p> <p style="text-align: right;"><small>D:\MSEZ Law\MSEZ Law Eng reply AG 22-4-2014\F1.Myanmar Special Economic Zone Law 2014.doc 36</small></p>
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<p style="text-align: center;">Chapter XVIII Miscellaneous</p> <p>83. The assets, profits and other rights owned by the developer or investor shall be recognized and protected in accordance with the existing laws.</p> <p>84. The prices of products, services or exported products manufactured from the Free Zone or the Promotion Zone shall not be restricted and controlled.</p> <p>85. The developer or the investor and their workers, technicians, employees and family members who reside in the Special Economic Zone shall abide by other existing laws of the Republic of the Union of Myanmar in addition to the provisions of this Law.</p> <p>86. It is guaranteed that the investment business in the Special Economic Zone shall not be nationalized during the permitted period.</p> <p>87. The relevant Union Ministries and the Region or State Ministries shall implement the works relating to them contained in this Law.</p> <p>88. The person who is assigned duty by the relevant Union Ministry and the Region or State government shall levy in accordance with the existing tax and revenue laws from the defaulter who was failed to pay taxes and fines recoverable under this Law.</p> <p>89. Notwithstanding anything contained in any existing law, the matters relating to any provision of this Law shall be carried out in accordance with this Law.</p> <p style="text-align: right;"><small>D:\MSSEZ Law\MSSEZ Law Eng reply AG 25-9-2014\F1 Myanmar Special Economic Zone Law 2014.doc</small></p> <p style="text-align: right;"><small>37</small></p>	<p>90. The focal Ministry shall undertake to carry out the office works of the Central Body and bear the expenses.</p> <p>91. The Union Government:</p> <p>(a) may assign the duty to the focal Ministry or any other Union Ministry to carry out the office works of the Management Committee and to bear the expenses;</p> <p>(b) may, by notification, if it is necessary to carry out the functions and duties of the Central Body for the Special Economic Zone, form any special committee with the suitable persons;</p> <p>(c) may, by notification, form any management committee with the suitable persons to carry out the works of management and supervision;</p> <p>(d) may stipulate the functions and duties of the committees contained in subsection (b) and (c).</p> <p>92. The Central Body, the Central Working Body and the Management Committee relating to the Myanmar Special Economic Zone formed by the Myanmar Special Economic Zone Law (The State Peace and Development Council Law No. 8/2011) repealed by this Law shall be accepted as formed by this Law until the formation of the Central Body, the Central Working Body and the Management Committee under this Law.</p> <p>93. The notifications, orders, directives and procedures issued by the Myanmar Special Economic Zone Law (The State Peace and</p> <p style="text-align: right;"><small>D:\MSSEZ Law\MSSEZ Law Eng reply AG 25-9-2014\F1 Myanmar Special Economic Zone Law 2014.doc</small></p> <p style="text-align: right;"><small>38</small></p>
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Development Council Law No. 8/2011) repealed by this Law shall have the right to exercise in so far as they are not contrary to this Law.

94. The notifications, orders, directives and procedures issued by the Central Body, the Central Working Body and the relevant Special Economic Zone Management Committee shall not affect the business registered to invest in the Special Economic Zone before issuing them.

95. In implementing the provisions of this Law:

(a) the responsible Union Ministry may issue rules, regulations and by-laws with the approval of the Union Government if necessary;

(b) the Central Body, the Central Working Body and the Management Committee may issue notifications, orders, directives and procedures as may be necessary.

96. The Myanmar Special Economic Zone Law (The State Peace and Development Council Law No. 8/2011) and The Dawei Special Economic Zone Law (The State Peace and Development Council Law No. 17/2011) are hereby repealed by this Law.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

sd/ Thein Sein
President
Republic of the Union of Myanmar

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APPENDIX- I-2

EIA Procedure (2015) (English translation)

<p style="text-align: center;">ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE</p> <p>The Government of the Republic of the Union of Myanmar Ministry of Environmental Conservation and Forestry</p> <p style="text-align: center;">Notification No. 616 / 2015 Nay Pyi Taw, the 3rd Waning Day of Nadaw, 1377 M.E. (29 December, 2015)</p> <p>The Ministry of Environmental Conservation and Forestry, in exercise of the power conferred by sub-section (b) of Section 42 of the Environmental Conservation Law, hereby issues the following Procedure.</p> <p style="text-align: center;">CHAPTER I. Title and Definitions</p> <p>1. This Procedure shall be called the Environmental Impact Assessment (EIA) Procedure.</p> <p>2. The expressions contained in this Procedure shall have the same meanings as are assigned to them under the Environmental Conservation Law and Rules. In addition thereto, the following expressions shall have the meanings given hereunder:</p> <p>(a) Project means any commercial, economic, agricultural, social, academic, scientific, political or other project, activity, program, business service or undertaking, whether regarded individually or in the aggregate, the performance of which requires any approval or is licensed, restricted, or otherwise regulated to any extent by any part of the Union Government and which may have an Adverse Impact.</p> <p>(b) EIA Type Project means a Project judged by the Ministry as being likely to have potential for Adverse Impacts. It means generally those which:</p> <ul style="list-style-type: none"> Involve multiple components and many or varied pollution sources and/or pollutant types, requiring integrated EMP to be tailored specifically to mitigate such pollution; Are characterized by a high risk of significant, adverse environmental or social impact; Are of a type or size for which there is a lack of prior knowledge and experience as to what the potential adverse impacts may be and their size or significance; or Where the significance of the potential environmental or social impacts or the sensitivity/vulnerability of the recipients of those impacts requires a high level of environmental and social management expertise and skills, and continued strict control and supervision throughout the life of the Project. 	<p>(c) Initial Environmental Examination or IEE Type Project means a Project judged by the Ministry to have some Adverse Impacts, but of lesser degree and/or significance than those for EIA Type Projects. It means generally those which:</p> <ul style="list-style-type: none"> Are limited in scope or size; Have well known environmental and social impacts that for the most part are temporary, local and reversible; or Have impacts which can be mitigated and managed by well-proven and available technologies and practices but with respect to which specific controls, measures and alternatives must be assessed, designed and implemented. <p>(d) Non IEE or EIA Type Project means a Project which is neither an IEE Type Project nor an EIA Type Project.</p> <p>(e) Complex Project refers to a Project that has substantial impacts on the environment, which may include impacts beyond the borders of the jurisdiction under consideration, or a cumulative impact on other projects, or in which complex technology is applied.</p> <p>(f) Project Affected Person or PAP means a natural person, legal entity, or organization that is, or is likely to be, directly or indirectly affected by a Project or a proposed Project, including without limitation effects in the nature of legal expropriation of land or real property, changes of land category, and impacts on the ecological and environmental systems in the settlement areas of such person, entity or organization.</p> <p>(g) Adverse Impact means any adverse environmental, social, socio-economic, health, cultural, occupational safety or health, and community health and safety effect suffered or borne by any entity, natural person, ecosystem, or natural resource, including, but not limited to, the environment, flora and fauna, where such effect is attributable in any degree or extent to, or arises in any manner from, any action or omission on the part of the Project Proponent, or from the design, development, construction, implementation, maintenance, operation, or decommissioning of the Project or any activities related thereto.</p> <p>(h) Environmental Impact means the probable effects or consequence on the natural and built environment, and people and communities of a proposed Project or businesses or activities or undertaking. Impacts can be direct or indirect, cumulative, and positive or adverse or both. For purposes of this Procedure, Environmental Impacts include occupational, social, cultural, socio-economical, public and community health, and safety issues. Moreover, social impacts include Involuntary Resettlement and relating to Indigenous People.</p> <p>(i) Cumulative Impact in relation to a Project means the impact or impacts of a Project that in itself or themselves may not be significant but may become significant when added to the existing and potential impacts eventuating from similar or diverse Projects or undertakings in the same geographic area or region.</p> <p>(j) Best Available Techniques or BAT means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle avoidance, prevention, reduction, mitigation and compensation as the basis for Emission Limit</p>
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<p>Values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole, where:</p> <p>'Best' shall mean most effective in achieving a high general level of protection of the environment as a whole;</p> <p>'Available' techniques shall mean those developed on a scale which allow implementation in the relevant industrial sector, under economically and technically viable conditions taking into consideration the cost and advantages, as long as they are reasonably accessible to the operator; and</p> <p>'Techniques' shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.</p> <p>(k) Good Practice means that practice which is recognized by a consensus of relevant stakeholders (including without limitation government, industry, labour, financiers, and academia) as having been adopted by leading, reputable companies of international standard, which is capable of being adhered to within the Republic of the Union of Myanmar, and which, when carried out by or in respect of the Project, can be expected further to reduce the Adverse Impacts arising from the Project and activities related thereto.</p> <p>(l) Alternatives in relation to a proposed Project, means different realistic and feasible means of meeting the general purpose and requirements of the Project, which may include lower-impact alternatives to:</p> <ol style="list-style-type: none"> i) the property on which or location where it is proposed to undertake the Project, ii) the type of Project to be undertaken, iii) the design or layout of the Project, iv) the technology to be used in the Project, v) the operational aspects of the Project, and vi) any other substantive characteristic or aspect of the Project as deemed necessary or appropriate by the Ministry. <p>(m) Biodiversity means the variability among living organisms from all sources including, inter alia, terrestrial, atmospheric, and marine and other aquatic ecosystems and the ecological complexes of which any such ecosystem is a part; this includes diversity within species, between species, and of ecosystems.</p> <p>(n) Emission means the direct or indirect release of any emission from individual or diffuse sources into the air, water, land or any subterranean area. Emissions include emissions of solid waste, effluent, gas, noise, odor, light, radiation, vibration or heat.</p> <p>(o) Emission Limit Values or ELV is a figure specifying the concentration or load of a pollutant allowed to be emitted or discharged to the environment from a specific installation in a given period of time or per unit of production.</p> <p>(p) IEE Report means a report on an IEE Type economic activity prepared in accordance with the requirements stipulated in Article 36 and having a focus on: systematic identification and assessment of potential Adverse Impacts including Cumulative Impacts of the proposed Project, business, service or activity; systematic</p>	<p>assessment of feasible Project alternatives; and determination of appropriate measures to mitigate potential Adverse Impacts. IEE Report shall include an EMP.</p> <p>(q) EIA Report means a report on an EIA Type economic activity prepared in accordance with the requirements stipulated in Article 63 and having a focus on: systematic identification and assessment of potential Adverse Impacts including cumulative impacts of the proposed Project, business, service or activity; systematic assessment of feasible Project alternatives; and determination of appropriate measures to mitigate potential Adverse Impacts. EIA Report shall include an EMP.</p> <p>(r) EIA Report Review Body means that body to be formed by the Ministry in accordance with Article 58 of the Rules, comprising technical experts from relevant government departments, government organizations, technical organizations and civil society responsible to review and provide comments and recommendations on an EIA Report.</p> <p>(s) Construction Phase EMP means a detailed and comprehensive EMP for the construction phase of a Project. Such plan shall present all relevant commitments, Emission Limit Values, Environmental Quality Standards and other environmental requirements. The plan shall include a description of the construction works, installations, and infrastructure, and shall present an overview of Adverse Impacts, present mitigation measures and monitoring programs together with time schedules, projected budget use, overview maps, images, aerial photos, satellite images, site layout plans, cross-sections, transects, environmental management and monitoring sub-plans for each construction site, thematic sub-plans, and management procedures, as appropriate.</p> <p>(t) Operational Phase EMP means a detailed and comprehensive EMP for the operational phase of a Project. Such plan shall present all relevant commitments, Emission Limit Values, Environmental Quality Standards and other environmental requirements. The plan shall include a description of the Project operators, installations, and infrastructure, and shall present an overview of Adverse Impacts, present mitigation measures together with time schedules, projected budget use, overview maps, images, aerial photos, satellite images, site layout plans, cross-sections, transects, environmental management and monitoring sub-plans for each Project site, thematic sub-plans, and management procedures, as appropriate.</p> <p>(u) Environmental Compliance Certificate or ECC is a document having legal effect, through which the Ministry approves an IEE Report, an EIA Report, or an EMP.</p> <p>(v) Indigenous People means people with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development.</p> <p>(w) Involuntary Resettlement means the mandatory physical displacement of a PAP from their home arising from a Project, or the unavoidable loss by a PAP of productive or income-generating assets occasioned by a Project.</p> <p>(x) Ministry means the Ministry of Environmental Conservation and Forestry.</p> <p>(y) Department means the Environmental Conservation Department.</p> <p>(z) Project Proponent means any natural person, legal entity, or organization, from the public or private sector, intending to undertake, or having commenced to</p>
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<p>undertake, as relevant, a Project or any aspect of a Project (including study, survey, design, development, pre-construction, construction, operation, decommissioning, closure, and post-closure) within the territorial borders of the Republic of the Union of Myanmar, and during the period of such undertaking which has an ownership interest (legal or equitable) in the Project, or which intends (or could reasonably be expected to intend) to derive financial or other benefits from the Project of the sort which an owner would ordinarily derive.</p> <p>(aa) Project Proposal means a written document, in form, content and structure in accordance with the Ministry's requirements and guidance, accurately setting forth the key aspects and relevant details (including, inter alia, the nature and size of all known or foreseeable Adverse Impacts) of a Project or Project expansion, as the case may be, which a Project Proponent wishes to undertake, or having commenced to undertake.</p> <p>(bb) Rules means the Environmental Conservation Rules.</p> <p>(cc) Residual Impacts means predicted or actual Environmental Impacts that remain after mitigating measures have been applied, including after Project closure.</p> <p>(dd) Scoping means the process contemplated in Chapter V of this Procedure for determining the scope of an EIA (i.e. the data that need to be collected and analyzed to assess the potential Adverse Impacts of a Project) and producing a terms of reference (ToR) for preparation of an EIA Report.</p> <p>(ee) Prior Permission means the permission issued by the Ministry in respect of Projects listed in Annex 1 'Categorization of Economic Activities for Assessment Purposes', setting forth environmental conservation terms and conditions in accordance with Section 24 of the Law.</p> <p>(ff) Inspector means any consultant assigned by the Ministry, and the Department's own officers at national, regional, state, Nay Pyi Taw Union Territory and/or local offices, to conduct monitoring and inspections of a Project and activities related thereto in order to control and determine compliance by the Project with all applicable environmental and socio-economical requirements and, where possible, to prevent violations of the Project's obligations according to the Procedure. The Ministry may also, for the implementation of monitoring and inspections, enlist the assistance of officers from other relevant government departments and organizations according to the Procedure.</p> <p>(gg) Strategic Environmental Assessment refers to a range of analytical and participatory approaches that aim to integrate environmental into policies, plans and programs and evaluate the inter-linkages with economic and social considerations. The principle is to integrate environment, alongside economic and social concerns, into a holistic sustainability assessment.</p> <p style="text-align: center;">CHAPTER II.</p> <p style="text-align: center;">Establishment of the Environmental Impact Assessment Process</p> <p>3. Pursuant to Section 21 of the Law and Articles 52, 53 and 55 of the Rules, all Projects and Project expansions undertaken by any ministry, government department, organization, corporation, board, development committee and organization, local government or authority, company, cooperative, institution,</p>	<p>enterprise, firm, partnership or individual (and/or all Projects, field sites, factories and businesses including expansions of such Projects, field sites, factories and businesses identified by the Ministry, which may cause impact on environmental quality and are required to obtain Prior Permission in accordance with Section 21 of the Law, and Article 62 of the Rules) having the potential to cause Adverse Impacts, are required to undertake IEE or EIA or to develop an EMP, and to obtain an ECC in accordance with this Procedure.</p> <p>4. Any Project, field site, factory or business which is identified by Section 21 of the Law and Article 62 of the Rules requires Prior Permission, including those which exist prior to the issuance of this Procedure.</p> <p>5. In accordance with Article 68 of the Rules, small-scale Projects, field sites, factories or businesses which are not specifically identified by the Ministry, but which may impact on environmental quality and as such are required to obtain Prior Permission in accordance with Section 21 of the Law or Article 62 of the Rules, and which are also not included in Annex 1 'Categorization of Economic Activities for Assessment Purposes', shall obtain the recommendation of the Department as to whether or not such a Project has Environmental Impacts and shall comply with the terms and conditions prescribed by the Department before applying for a permit or license from the relevant ministry or governmental organization.</p> <p>6. The ECC issued by the Ministry shall reflect any terms and conditions that are contained in any relevant Prior Permission.</p> <p>7. Projects that involve involuntary Resettlement or which may potentially have an Adverse Impact on Indigenous People shall comply with specific procedures separately issued by the responsible ministries. Prior to the issuance of any such specific procedures, all such Projects shall adhere to international good practice (as accepted by international financial institutions including the World Bank Group and Asian Development Bank) on Involuntary Resettlement and Indigenous Peoples.</p> <p>8. Any Project already in existence prior to the issuance of the Rules, or the construction of which has already commenced prior to the issuance of the Rules, and which, in either case, shall be required to undertake, within the timeframe prescribed by the Department, an environmental compliance audit, including on-site assessment, to identify past and/or present concerns related to that Project's Environmental Impacts, and to:</p> <ol style="list-style-type: none"> a) develop an EIA or IEE or EMP; b) obtain an ECC; and c) take appropriate actions to mitigate Adverse Impacts in accordance with the Law, the Rules, and other applicable laws. <p>9. Any Project already in existence prior to the issuance of the Rules, or the construction of which has already commenced prior to the issuance of the Rules, shall be required to carry out an IEE or EIA as determined by the Ministry in accordance with this Procedure in respect of any proposed extension or expansion of such Project which would increase the Project size or production or would necessitate additional construction, renovation, installation or other extension or expansion related activities, if the nature and scale of such extension or expansion are such that, regarded as an independent Project without reference to the nature or scale of the Project already in existence or under construction, they would have been</p>
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<p>subject to the requirement to carry out an IEE or EIA. If no IEE or EIA is required to be carried out in respect of such Project extension or expansion, then the EMP and ECC for such Project shall be revised as necessary within the timeframe prescribed by the Department to take into consideration such extension or expansion.</p> <p>10. IEE or EIA Type Projects funded with external aid which have been approved by the Parliament prior to the issuance of the Rules and which must be implemented within a predetermined period of time, and IEE or EIA Type Projects implemented by any ministry or government organization by itself or cooperatively or jointly with other organization, shall:</p> <ol style="list-style-type: none"> a) if construction has already commenced prior to the issuance of the Rules, comply with Article 8 or shall, b) if construction has not yet commenced prior to the issuance of the Rules, be required to carry out an IEE or EIA as this Procedure may require and within the timeframe prescribed by the Department, and shall obtain the relevant ECC prior to the submission of such Project to the Cabinet. <p>11. Any expansion in respect of a Project implemented after the issuance of the Rules and which does not require an IEE or EIA (as the case may be), but such expansion would cause that Project to require an IEE or EIA (as the case may be), then the Department shall determine whether an IEE or EIA (as the case may be) of that Project shall be required and/or whether an updated, revised EMP shall be required, and then report to the Ministry.</p> <p>12. For any preliminary activities to be carried out by or on behalf of a Project Proponent before the Ministry has determined whether the Project is obliged to carry out an IEE or EIA, the Ministry shall have the right to establish and impose requirements with respect to those preliminary activities, which the Project Proponent shall be obliged to comply with as a prior condition to engaging in those preliminary activities such as to ensure that such preliminary activities do not cause Environmental Impacts.</p> <p>13. The Project Proponent shall:</p> <ol style="list-style-type: none"> a) arrange for appropriate public consultation through all phases of the IEE and EIA process as required by Articles 34, 50, and 61, and b) disclose to the public in a timely manner all relevant Project-related information in accordance with this Procedure except that which may relate to National Security concerns as informed by the Ministry. <p>14. The Ministry shall be responsible for the application and interpretation of this Procedure.</p> <p>15. The Ministry has the power and exclusive authority to:</p> <ol style="list-style-type: none"> a) define Project screening criteria; b) approve technical guidelines for IEE and EIA; c) review and approve IEE Reports; d) provide guidelines for and approve the ToR of EIA; e) review and approve EIA Reports; f) review and approve EMP, Construction Phase EMP and Operational Phase EMP; 	<ol style="list-style-type: none"> g) determine and impose Environmental Impact related conditions which will be applicable to any approval of an IEE, EIA or EMP; h) monitor and enforce compliance with the conditions set forth in an ECC and monitor and enforce the implementation of EMP, including any amendments thereof occasioned once the detailed design of the proposed Project has been finalized or by or on account of experience during implementation of the Project; i) require any Project to update its EMP and to submit such updated EMP to the Ministry for review and approval according to a schedule defined by the Ministry; j) identify and notify the registration conditions and/or procedures for a Third Person or Organization who wishes to undertake IEE or EIA; and k) perform other duties and functions relating to IEE and EIA as stipulated by the Union Government. <p>16. The EIA Report Review Body shall have the following responsibilities:</p> <ol style="list-style-type: none"> a) When requested by the Ministry, to review the EIA of any Project. b) Within the timeframe prescribed by the Ministry, to prepare an EIA Review report in regard to an EIA Report. c) In each case, prescribe the scope and content of the EIA Review report. Such scope and content may include, among other things, assessments of the following questions: <ol style="list-style-type: none"> (i) Does the EIA Report comply with this Procedure? (ii) Does the EIA Report comply with the Scoping Report and the ToR for the EIA? (iii) Does the EIA Report comply with explicit guidelines, standards, timing and criteria for review? (iv) Does the EIA Report recognize and consider the views of stakeholders? (v) Is the EIA Report complete? Does it contain sufficient, suitable and reliable information? (vi) Have all applicable environmental and social requirements been adequately identified, addressed, referred to and fully complied with in the preparation and content of the EIA Report? (vii) Have all foreseeable Adverse Impacts been identified and addressed in the preparation and content of the EIA Report? (viii) Is it likely that the measures to prevent, mitigate or minimize Adverse Impacts of the Project specified in the EIA Report will ensure that the environmental requirements will be fully complied with? (ix) Are the measures to prevent or minimize pollution from the Project effective and based on BAT and Good Practice? (x) Are there any measures or procedures which are non-compliant, or which risk leading to non-compliance, with environmental and social requirements?
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<p>(xi) Can the Project as described and presented in the EIA Report be constructed and operated without causing unacceptable Adverse Impacts?</p> <p>d) The EIA Review report shall identify any defects in the EIA investigations or in the EIA Report and shall give recommendations as to which further studies, investigations, consultations or assessments the Project Proponent must undertake and report.</p> <p>e) The EIA Review report shall, where relevant, give recommendations on conditions of the ECC.</p> <p>f) If requested by the Committee or the Ministry, the EIA Report Review Body shall present its findings at a meeting.</p> <p>Requirements concerning Third Person or Organization undertaking IEE and EIA</p> <p>17. (a) If specific terms, conditions and/or registration procedures have not been separately issued by the Ministry, any Third Person or Organization, whether foreign or domestic, who wishes to prepare an IEE and EIA shall first apply to the Department together with the information and supporting evidence indicated below, to complete such registration. Such application shall include:</p> <ul style="list-style-type: none"> i) the name, contact address and profile of the person or organization, ii) relevant experience of the person or organization, and iii) for key personnel, an outline of each person's experience in the field of environmental assessment, academic credentials, relevant certificates and accreditations. <p>(b) If specific terms, conditions and/or registration procedures have been separately issued by the Ministry, any Third Person or Organization who wishes to prepare an IEE or EIA shall first apply to the Department in accordance with the terms, conditions and/or procedures for such registration.</p> <p>18. The Department will review the materials submitted by applicants seeking to be registered in accordance with Article 17, in order to determine each applicant's suitability to carry out such assessments. Based upon the materials submitted by an applicant, the Department may register the applicant as deemed to be suitable on payment of the application fee or may refuse to register the applicant if deemed to be unsuitable in accordance with Ministry guidance. Any applicant whose registration application has been rejected may re-apply for registration after the applicant has resolved or corrected the defect(s).</p> <p>19. Registration, once completed, shall be valid for a period of three (3) years. Three (3) months prior to expiration of registration, the applicant may apply to the Department for an extension. The Department can extend the registration, with the approval of the Ministry, and on payment of the registration fee.</p> <p>20. With the guidance of the Ministry, the Department may suspend or cancel the registration of any person or organization who has been registered in accordance with Article 18 or any prior requirements, and may impose such other corrective or punitive measures as may be lawfully available to it, if the Department determines</p>	<p>that such person or organization has violated any provision of Republic of the Union of Myanmar law, or if the assessments of such person or organization contain significant errors or are materially misleading or have not been prepared in accordance with recognized standards generally applicable to such work and services and/or relevant provisions of the Law, the Rules, this Procedure or other applicable Republic of the Union of Myanmar laws. A notification of suspension or termination of registration shall be issued.</p> <p>21. (a) No person or organization who/which has not been registered by the Department shall prepare, submit or allow the submission to the Ministry of any EIA Report contemplated in this Procedure.</p> <p>(b) Persons or organizations who/which are in the process of preparing an EIA Report contemplated in this Procedure prior to the issuance of this Procedure are required to complete registration within three (3) months of issuance of the Procedure.</p> <p>22. The Department shall maintain and publish from time to time a list of all persons and organizations who/which have been registered by the Department for the preparation of IEE Reports and EIA Reports.</p> <p style="text-align: center;">CHAPTER III. Screening</p> <p>23. (a) The Project Proponent shall submit the Project Proposal to the Ministry for Screening. In accordance with this Procedure, the submission of the Project Proposal for Screening is the same as the submission of an application for Prior Permission.</p> <p>(b) The Ministry will send the Project Proposal to the Department to determine the need for environmental assessment.</p> <p>(c) Following the preliminary Screening and verification that the Project Proposal contains all required documents and related materials, subject to Articles 6, 9, 10, 11, 26 and 27 the Department shall make a determination in accordance with Annex 1 'Categorization of Economic Activities for Assessment Purposes', taking into account Article 25 and the additional factors listed in Article 28 in order to designate the Project as one of the following, and then submit their designation to the Ministry:</p> <ul style="list-style-type: none"> i) an EIA Type Project, or ii) an IEE Type Project, or iii) A Non IEE or EIA Type Project, and therefore not required to undertake any environmental assessment. <p>24. The Ministry shall also make a determination whether an EMP shall be required in respect of any Project.</p>
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<p>25. An EIA is required in all cases where the Project will be located in or will have foreseeable adverse effects on any legally protected national, regional or state area, including without limitation: (i) a forest conservation area (including biodiversity reserved area); (ii) a public forest; (iii) a park (including marine parks); (iv) a mangrove swamp; (v) any other sensitive coastal area; (vi) a wildlife sanctuary; (vii) a scientific reserve; (viii) a nature reserve; (ix) a geophysically significant reserve; (x) any other nature reserve nominated by the Minister; (xi) a protected cultural heritage area; and (xii) a protected archeological area or area of historical significance.</p> <p>26. Notwithstanding any categorization set forth in Annex 1 'Categorization of Economic Activities for Assessment Purposes', the Ministry reserves the right to change the type of the Project as necessary, if the Ministry determines that special circumstances so warrant to require a Project that would otherwise be required to complete and submit an IEE or an EIA or to exempt a Project from completing any IEE or EIA assessment.</p> <p>27. For purposes of Screening, the Ministry may at its discretion elect to treat Projects that are logically or economically linked, or which have the same or related components, or which are sequential in time, as a single Project. Components of basic infrastructure (such as an access road, transmission tower or waste disposal facility) that are required for a larger Project (such as a mine or a power plant) shall be considered to be part of that larger Project. In such circumstances, the Ministry may determine whether an IEE or an EIA will be required for the Projects that are treated as a single Project.</p> <p>28. In accordance with Article 23, in making its determination as to the type of environmental assessment a Project or Project expansion will require, the Department shall in addition to the provisions in Article 25 and the type and size categorization in Annex 1 'Categorization of Economic Activities for Assessment Purposes' consider the following factors in accordance with Ministry guidance:</p> <ol style="list-style-type: none"> a) the need for the Project to deal with an emergency situation; b) the interest of public health and safety; c) the interest of national security; d) the lifespan of the Project; e) protection of cultural and religious norms, and historical and religious heritage; f) protection of areas having a fragile ecosystem; g) areas affected by cyclones, strong storms, flooding, earthquake (including the Sagaing Fault) and areas vulnerable to natural disaster; h) protection of water resources (lakes, reservoirs, rivers, groundwater aquifers) that serve or may in the future serve as primary sources of public drinking water; i) recreation zones and pearl production areas; j) conservation and protection of biodiversity; k) introduction of exotic or alien species; l) adoption of new technologies; m) population density. 	<ol style="list-style-type: none"> n) national, regional and global climate change conditions; o) likely transboundary impacts; p) likely residual impacts or effects occurring some years after Project closure, and q) other factors as the Ministry may determine. <p>29. Within fifteen (15) working days of receiving the complete Project Proposal, the Department shall determine the type of environmental assessment (EIA, IEE, or none) which the Project will require, and the Department shall inform the Project Proponent in writing as to such determination in accordance with the Ministry guidance.</p> <p>30. The Ministry shall periodically review and, as it may deem necessary, revise Annex 1 'Categorization of Economic Activities for Assessment Purposes'.</p> <p style="text-align: center;">CHAPTER IV. Initial Environmental Examination</p> <p>31. The IEE process is outlined in the diagram set forth in Annex 2 'Environmental Assessment Procedure Flowchart'.</p> <p>32. Prior to commencement of an IEE, the Project Proponent shall inform the Department in writing as to the identity of the person(s) and/or organization, if any, who will undertake the IEE and reporting. The Project Proponent may carry out the IEE and reporting by itself or may appoint a registered person or organization according to the Article 18 to do so.</p> <p>33. Within seven (7) working days of its receipt of information about the identity of any proposed person(s) and/or organization selected by the Project Proponent to undertake the IEE, the Department will confirm in accordance with the Ministry approval whether such person(s) and/or organization are/is in good standing with the Department.</p> <p>34. The Project Proponent shall undertake the following public consultation process in regard to an IEE Type Project:</p> <ol style="list-style-type: none"> a) immediately upon commencement of the IEE, disclose relevant information about the proposed Project to the public and civil society through the Project or Project Proponent's website(s) and local media, including by means of the prominent posting of legible sign boards at the Project site which are visible to the public, and comply with technical guidelines issued by the Ministry; and b) arrange the required complement of consultation meetings as advised by the Ministry, with local communities, potential PAPs, local authorities, community based organizations, and civil society, and provide appropriate and timely explanations in press conferences and media interviews. <p>IEE Report Requirements</p> <p>35. The Project Proponent shall issue a letter of endorsement in a format prescribed by the Ministry. Such letter shall be submitted to the Department together with the IEE</p>
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<p>Report prepared either in the Myanmar language, or in the English language with an accompanying, accurate summary in the Myanmar language, and confirming:</p> <ol style="list-style-type: none"> a) the accuracy and completeness of the IEE. b) that the IEE has been prepared in strict compliance with applicable laws including this Procedure, and c) that the Project will at all times comply fully with the commitments, mitigation measures, and plans in the IEE Report. <p>36. The IEE Report shall contain the following:</p> <ol style="list-style-type: none"> a) Project description in reasonable detail with description of the project size, installations, technology, infrastructure, production processes, use of materials and resources, generation of waste, emissions and disturbances together with overview maps and site layout maps (using aerial photos and satellite images in proper scale) for each Project phase and, where relevant, project alternatives for each Project phase; b) identification of the Project Proponent including (where the Project Proponent is not a natural person but a company or other juridical entity) the identification of the owners, directors (if any) and day to day management and officers of the Project Proponent; c) identification of the IEE experts, including which expert is responsible for which part of the IEE Report; d) description of applicable laws, decrees, regulations, standards, guidelines and corporate policies related to environmental and social matters of the Project together with the relevant government agencies involved and their roles and responsibilities vis-à-vis the Project; e) description of the surrounding environmental and social conditions of the Project including maps of all relevant physical, biological, social, socio-economic and cultural features; f) identification and assessment of potential Environmental Impacts including assessment and description of Adverse Impacts and Residual Impacts with presentation of the spatial and temporal characteristics of the impacts using maps, images, aerial photos and satellite images; g) results of the public consultation and public participation processes, recommendations received from the public, and the Project Proponent's written responses to comments received during that process; h) the environmental protection measures of the Project which are intended to mitigate Adverse Impacts clearly presented together with applicable environmental and social requirements and any Residual Impacts; i) the EMP; and j) the persons, organizations and budgets needed for implementation of the EMP. 	<p style="text-align: center;">Submission of IEE Report</p> <p>37. After completing all investigations and public consultation and participation processes required for IEE Type Projects, the Project Proponent shall submit the IEE Report for the Project to the Department in both digital form and complete paper copies, together with the required service fee as prescribed by the Department.</p> <p>38. Not later than fifteen (15) days after submission of the IEE Report to the Department, the Project Proponent shall disclose the IEE Report to civil society, PAPS, local communities and other concerned stakeholders: (i) posting on the Project or Project Proponent's website(s); (ii) by means of local media (i.e. newspapers); (iii) at public meeting places (e.g. libraries, community halls); and (iv) at the offices of the Project Proponent.</p> <p style="text-align: center;">Review and Approval Process for IEEs</p> <p>39. Upon receipt of the IEE Report from the Project Proponent, the Department shall:</p> <ol style="list-style-type: none"> a) disclose the IEE Report to the public on the Ministry and/or Department website(s), and/or through other appropriate media; b) invite comments and suggestions on the IEE Report from all relevant parties including relevant government organizations, institutions, civil society organizations, and PAPS, as appropriate; c) arrange public consultation meetings at the local level, at which the Project Proponent shall present the IEE Report; and d) collect and review all comments and recommendations received, and forward the same to the Ministry to enable it to make a final decision on approval of the IEE Report. <p>40. If it is determined by the Ministry that the IEE Report does not satisfy requirements, then the Project Proponent shall be called upon by the Department to undertake necessary amendments and/or to provide supplementary information as directed by the Ministry.</p> <p>41. Upon completion of its review of the IEE Report, the Ministry shall:</p> <ol style="list-style-type: none"> a) approve the IEE Report, subject to any conditions it may prescribe, and issue an ECC; or b) require that the Project carry out an EIA, citing the reasons for this decision and informing the Project Proponent of its decision; and, in either case c) publicly disclose its decision. <p>42. The Department shall deliver the final decision of the Ministry within sixty (60) working days of receipt of an IEE Report. If the Ministry requires an IEE Report to be amended, then the due date for delivery of the Ministry's decision shall be extended accordingly.</p> <p>43. All costs incurred in completing the IEE Report disclosure and review, including the public consultation process, shall be borne by the Project Proponent.</p>
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<p style="text-align: center;">CHAPTER V. Environmental Impact Assessment</p> <p>EIA Process</p> <p>44. The EIA process is outlined in the diagram in Annex 2.</p> <p>45. The Project Proponent must appoint a registered Third Person or Organization to carry out the EIA investigation and reporting. Prior to commencement of the EIA, the Project Proponent shall inform the Department in writing as to the identity of the duly registered person(s) and/or organization it has selected to undertake the EIA investigation and reporting.</p> <p>46. Within seven (7) working days of its receipt of information about the identity of the person(s) and/or organization selected by the Project Proponent to undertake the EIA, the Department will confirm in accordance with the Ministry approval whether such person(s) and/or organization are in good standing with the Department.</p> <p>Scoping</p> <p>47. All EIA Type Projects shall undergo Scoping.</p> <p>48. The Project Proponent shall be responsible to ensure that the Scoping and the preparation of the ToR for the EIA Report are undertaken in a professional manner and in accordance with this Procedure and any applicable guidelines issued or adopted by the Ministry.</p> <p>49. The Scoping of the proposed Project shall:</p> <ol style="list-style-type: none"> a) define the study area, area of influence, time boundaries, Project phases, and potential stakeholders; b) start the process of understanding the applicable regulations and standards, and their context for Project design and completion of the EIA; c) make a provisional identification of Environmental Impacts, focusing in particular on the environmental, social and health issues that need to be addressed in subsequent EIA studies; d) provide an indication of the depth and breadth of the subsequent EIA investigations including what baseline data and information are required, what further studies and investigations must be carried out, and how such data collection, studies and investigations shall be undertaken; e) provide an opportunity for consultants, relevant authorities, project developers, and interested and affected parties to express their views and concerns regarding the proposal before an EIA proceeds; f) enable an efficient and comprehensive assessment process that saves time, resources, and costs and avoids delays; and g) identify potentially affected communities and other stakeholders with an interest in the Project. <p>50. As part of the Scoping, the Project Proponent shall ensure that the following public consultation and participation process is carried out:</p>	<ol style="list-style-type: none"> a) disclose information about the proposed Project to the public and civil society through posting on the Project or Project Proponent's website(s) and local media, including by means of the prominent posting of legible sign boards and advertising boards at the Project site which are visible to the public; and b) arrange the required complement of consultation meetings as advised by the Ministry, with local communities, potential PAPs, local authorities, community based organizations, and civil society, and provide appropriate and timely explanations in press conferences and media interviews. <p>51. The Project Proponent shall prepare a Scoping Report either in the Myanmar language, or in the English language with an accompanying, accurate summary in the Myanmar language, with the following content:</p> <ol style="list-style-type: none"> a) Executive Summary b) Context of the Project c) Overview of the Policy, Legal and Institutional Framework d) Project Description and Alternatives e) Description of the Environment together with maps in proper scale indicating all relevant features, images, aerial photos and satellite images f) Key Potential Environmental Impacts and Mitigation Measures g) Public Consultation and Disclosure h) Conclusions and Recommendations <p>52. Based on the Scoping, the Project Proponent shall prepare the ToR for the EIA investigations in accordance with applicable guidelines issued or adopted by the Ministry.</p> <p>53. The Project Proponent shall submit the completed Scoping Report and ToR to the Department for review and approval.</p> <p>54. Within fifteen (15) working days of receiving the complete Scoping Report and ToR, the Department, in accordance with Ministry guidance, shall either</p> <ol style="list-style-type: none"> a) approve the Scoping Report and ToR with or without conditions, or b) require the Project Proponent to revise the Scoping Report and/or ToR in accordance with comments of the Department. <p>EIA Investigation</p> <p>55. The Project Proponent shall ensure that the EIA investigation properly addresses all Adverse Impacts and is undertaken in accordance with the ToR as approved by the Department.</p> <p>56. The EIA investigation shall consider all biological, physical, social, economic, health, cultural and visual components of the study area, together with all pertinent legal matters relating to the environment, people and communities (including land use, resources use, and ownership of and rights to land and other resources) that may be affected by the Project during all Project phases including pre-construction, construction, operation, decommissioning, closure, and post-closure, and shall identify and assess all Adverse impacts, risks, Cumulative impacts and Residual</p>
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<p>Impacts for environment, social and, if relevant, health that potentially could arise from the Project.</p> <p>57. The investigations shall include all necessary data collection, technical studies, modeling, field surveys, field sampling, laboratory analysis, engineering designs and calculations, and consultations to determine and document that all feasible measures are taken to ensure that all Residual Impacts are within applicable limits and are acceptable to the Ministry and interested and affected persons.</p> <p>58. The investigation shall also include an analysis of Alternatives. Such analysis shall include a description of each Alternative, and an assessment and comparison of the Adverse Impacts, required mitigation measures and Residual Impacts of the Alternatives.</p> <p>59. The Project Proponent is obliged to use, comply with and refer to applicable national and international standards adopted by the Union Government and/or the Ministry, or, in the absence of relevant national or adopted international standards, such standards as may be agreed with the Ministry.</p> <p>60. The EIA shall consider the views, concerns, and perceptions of stakeholders, communities and individuals that could be affected by the Project or who otherwise have an interest in the Project. The EIA shall include the results of consultations with the public, affected populations and other stakeholders on the environmental and social issues. The concerns raised during such consultations shall be considered in assessing impacts, designing mitigation measures, and in the development of management and monitoring plans.</p> <p>61. As part of the EIA investigations, the Project Proponent shall undertake the following consultation process:</p> <ol style="list-style-type: none"> a) timely disclosure of all relevant information about the proposed Project and its likely Adverse Impacts to the public and civil society through local and national media, the website(s) of the Project or Project Proponent, at public places such as libraries and community halls, and on sign boards at the Project site visible to the public, and provide appropriate and timely explanations in press conferences and media interviews; b) arrange consultation meetings at national, regional, state, Nay Pyi Taw Union Territory and local levels, with PAPs, authorities, community based organizations and civil society; c) consultations with concerned government organizations including the Ministry, the concerned sector ministry, regional government authorities and others; and d) field visits for the Ministry and concerned government organizations. <p>EIA Report Requirements</p> <p>62. The Project Proponent shall issue a letter of endorsement in a format prescribed by the Ministry. Such letter shall be submitted to the Department together with the EIA Report prepared either in the Myanmar language, or in the English language with an accompanying, accurate summary in the Myanmar language, confirming:</p> <ol style="list-style-type: none"> a) the accuracy and completeness of the EIA; b) that the EIA has been prepared in strict compliance with applicable laws including this Procedure and with the ToR for the EIA; and 	<p>c) that the Project will at all times comply fully with the commitments, mitigation measures, and plans in the EIA Report.</p> <p>63. The Project Proponent is responsible for the preparation of an EIA Report which shall contain the following:</p> <ol style="list-style-type: none"> 1.0 Executive Summary 2.0 Introduction <ol style="list-style-type: none"> 2.1 Presentation of the Project Proponent 2.2 Presentation of the Environmental and Social Experts 2.3 Presentation of the Health Experts for Projects with Health Impacts 3.0 Policy, Legal and Institutional Framework <ol style="list-style-type: none"> 3.1 Corporate Environmental and Social Policies (if applicable) 3.2 Policy and Legal Framework, including existing applicable laws and rules, international Conventions, Treaties and Agreements, and national and international standards and guidelines 3.3 Contractual and other Commitments 3.4 Institutional Framework 3.5 Project's Environmental and Social Standards 3.6 Health Standards for Projects with Health Impacts 4.0 Project Description and Alternative Selection <ol style="list-style-type: none"> 4.1 Project Background 4.2 Project Location, overview map and site layout maps 4.3 Project Development and Implementation Time Schedules 4.4 Description of the project size, installations, technology, infrastructure, production processes, use of materials and resources and generation of waste, emissions and disturbances, including the devices and measures to control emissions and disturbances, all together with overview maps and site layout maps and design drawings for each Project phase (pre-construction, construction, operation, decommissioning, closure and post-closure) 4.5 Description of the selected Alternative(s) by Project phase (pre-construction, construction, operation, decommissioning, closure and post-closure) 4.6 Comparison and Selection of the preferred Alternatives 5.0 Description of the Surrounding Environment <ol style="list-style-type: none"> 5.1 Setting the Study Limits 5.2 Methodology and Objectives 5.3 Public Administration and Planning: Identification and summary of the main relevant elements in socio-economic development plans, spatial plans, and
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<p>sector plans at Union Government, State or Region, City and Township levels</p> <p>5.4 Legally protected national, regional or state areas, including without limitation: (i) forest conservation areas (including biodiversity reserved areas); (ii) public forests; (iii) parks (including marine parks); (iv) mangrove swamps; (v) any other sensitive coastal areas; (vi) wildlife sanctuaries; (vii) scientific reserves; (viii) nature reserves; (ix) geophysically significant reserves; (x) any other nature reserve nominated by the Minister; (xi) protected cultural heritage areas; and (xii) protected archeological areas or areas of historical significance.</p> <p>5.5 Physical Components: Description with data and maps of (i) topography; (ii) water resources; (iii) geology and soils, hydrology/hydrogeology; (iv) environmental quality; (v) climate; (vi) vegetation cover; and (vii) natural hazards including earthquakes, tsunamis, extreme weather events, flooding, drought, wildfires and others</p> <p>5.6 Biological Components: Descriptions and maps on fauna and flora including abundance, spatial distribution of rare, endangered and vulnerable species, and species of economic and health/nutritional values, and maps and description of valued or sensitive environmental areas and habitats</p> <p>5.7 Infrastructure and Services: Location and size or capacity of transport infrastructure, public utilities and services</p> <p>5.8 Socio-Economic Components: Income and livelihoods, living conditions and access to public services and natural resources, land use maps, population distribution maps, maps and charts of other socio-economic indicators such as poverty, employment and education</p> <p>5.9 Public Health Components: Mortality and morbidity, occurrence of diseases, accidents and injuries, and social health determinants</p> <p>5.10 Cultural Components: Description and maps of cultural, historical, and religious sites, structures and objects, and objects with high aesthetic value; description of traditional knowledge and beliefs, and cultural practices</p> <p>5.11 Visual Components including where applicable landscape, city scape and sea scape using three dimensional models</p> <p>6.0 Impact and Risk Assessment and Mitigation Measures</p> <p>6.1 Impact and Risk Assessment Methodology</p> <p>6.2 Impact and Risk Identification, Assessment and Mitigation. For each Project phase (pre-construction, construction, operation, decommissioning, closure, and post-closure):</p> <p>6.2.1 Identification and assessment of potential Environmental Impacts including (i) physical, biological, social, socio-economic, health, cultural, and visual impacts; (ii) potential impacts on climate change such as greenhouse gas emissions and loss of carbon sinks or stocks; and (iii) identification of impacts of climate change on the Project based on available climate change predictions from designated national authorities or international scientific research bodies</p>	<p>6.2.2 Identification and assessment of the likelihood and severity of natural and industrial hazards relevant to the Project</p> <p>6.2.3 The design, layout, functioning, management and implementation of appropriate impact and risk mitigation measures</p> <p>6.2.4 Characterization and assessment of any Residual Impacts and risks and comparison with applicable regulations, standards and guidelines</p> <p>6.2.5 Comprehensive monitoring plan</p> <p>6.3 Relevant maps, aerial photos, satellite images in proper scale clearly indicating the location of sources of Adverse Impacts, the spatial and temporal distribution of such impacts and with reference to the Description of the Surrounding Environment, the components that are likely to be impacted and the nature of the impacts.</p> <p>7.0 Cumulative Impact Assessment</p> <p>7.1 Methodology and Approach</p> <p>7.2 Cumulative Impact Assessment</p> <p>7.2.1 Brief description and map of relevant existing and future private and public projects and developments</p> <p>7.2.2 Identification and assessment of the potential cumulative impacts on the components in the surrounding environment and the Project's contribution to such impacts</p> <p>7.2.3 Determination of the leverage and influence that the Project may have over the significant and project related cumulative impacts</p> <p>7.2.4 Description of measures to mitigate the Project's contribution to the cumulative impacts</p> <p>8.0 Environmental Management Plan</p> <p>8.1 Project Description by Project phase (pre-construction, construction, operation, decommissioning, closure and post-closure)</p> <p>8.2 Project's Environmental, Socio-economic and, where relevant, Health Policies and Commitments, legal requirements and institutional arrangements</p> <p>8.3 Summary of Impacts and Mitigation Measures</p> <p>8.4 Overall budget for implementation of the EMP</p> <p>8.5 Management and Monitoring Sub-Plans by Project phase (pre-construction, construction, operation, decommissioning, closure and post-closure); the Management and Monitoring Sub-Plans shall address and satisfy all relevant environmental and social management and monitoring issues such as but not limited to noise, vibrations, waste, hazardous waste, wastewater and storm water, air quality, odor, chemicals, water quality, erosion and sedimentation, biodiversity, occupational and community health and safety, cultural heritage, employment and training, and emergency response</p>
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<p>8.6 Content of each Sub-Plan</p> <ul style="list-style-type: none"> 8.6.1 Objectives 8.6.2 Legal Requirements 8.6.3 Overview maps and site layout maps, images, aerial photos, satellite images 8.6.4 Implementation Schedule 8.6.5 Management Actions 8.6.6 Monitoring Plans 8.6.7 Projected Budgets and Responsibilities <p>9.0 Public Consultation and Disclosure</p> <ul style="list-style-type: none"> 9.1 Methodology and Approach 9.2 Summary of consultations and activities undertaken 9.3 Results of Consultations 9.4 Further ongoing Consultations 9.5 Disclosure <p>Submission of EIA Report</p> <p>64. After completing all investigations and public consultation and participation processes required for EIA Type Projects, the Project Proponent shall submit the EIA Report to the Department in both digital form and complete paper copies, together with the required service fee as prescribed by the Department.</p> <p>65. Not later than fifteen (15) days after submission of the EIA Report to the Department, the Project Proponent shall disclose the EIA Report to civil society, PAPS, local communities and other concerned stakeholders: (i) by means of national media (i.e. newspapers); (ii) the website(s) of the Project or Project Proponent; (iii) at public meeting places (e.g. libraries, community halls); and (iv) at the offices of the Project Proponent.</p> <p>66. Upon receipt of the EIA Report, the Department will make the EIA Report publicly available.</p> <p>Review and Approval Process for EIA Report</p> <p>67. Upon receipt of the EIA Report from the Project Proponent, the Department shall:</p> <ul style="list-style-type: none"> a) submit the EIA Report to the EIA Report Review Body for comment and recommendations; b) invite comments and suggestions on the EIA Report from all relevant parties including involved government organizations, institutions, civil society organizations, and PAPS, as appropriate; d) arrange public consultation meetings at national, regional, state, Nay Pyi Taw Union Territory and local levels where the Project Proponent shall present the EIA Report; and 	<ul style="list-style-type: none"> e) collect and review all comments and recommendations received, including those of the EIA Report Review Body, and forward the same to the Ministry to enable it to make a final decision on approval of the EIA Report. <p>68. If it is determined by the Ministry that the EIA Report does not satisfy requirements, then the Project Proponent shall be called upon by the Department to undertake the necessary amendments as directed by the Ministry. The Ministry shall deliver its final decision within ninety (90) working days of receipt of the EIA Report. In case of Complex Projects, or if the Ministry requires the EIA Report to be amended, then the timeline will be extended accordingly.</p> <p>69. All costs incurred in completing the EIA Report disclosure and review, including the public consultation process, shall be borne by the Project Proponent.</p> <p>70. Upon completion of its review of the EIA Report, the Ministry shall:</p> <ul style="list-style-type: none"> a) approve the EIA Report with the guidance of the Committee, subject to any conditions as may be prescribed, and issue an ECC; or b) inform the Project Proponent of its decision to reject the EIA Report and cite reasons for doing so (grounds for rejection of an EIA Report shall be in accordance with guidance from the Ministry); and, in either case c) publicly and timely disclose its decision by appropriate means. <p style="text-align: center;">CHAPTER VI. Appeal Process</p> <p>71. Within thirty (30) days of public disclosure that the EIA Report has been approved or rejected by the Ministry, any Project Proponent, person or organization which submitted the EIA Report in accordance with this Procedure, and any other person or organization potentially affected by any Adverse Impacts of the Project, shall have the right to file an appeal to the Committee through the Ministry with respect to the Ministry decision to reject or approve such EIA Report, provided, however, that:</p> <ul style="list-style-type: none"> a) no appeal of a decision by the Ministry to reject an EIA Report shall be allowed, except where the appellant has specifically alleged that such rejection was not duly made in accordance with this Procedure or that such rejection was based upon an unsubstantiated or unjustified decision by the Ministry; b) not more than one (1) appeal on the same case shall be allowed with respect to a decision by the Ministry; and c) no condition prescribed by the Ministry shall be subject to appeal by a Project Proponent. <p>72. With respect to any appeals allowed that are received by the Ministry within the appeal submission period, the Ministry shall, within fifteen (15) days of receipt of such appeals, forward the appeals to the Committee for consideration.</p> <p>73. The Committee shall, within thirty (30) working days of its receipt of a forwarded appeal from the Ministry, consider that appeal and make a decision to:</p> <ul style="list-style-type: none"> a) uphold the decision of the Ministry, or
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<p>b) instruct the Ministry to require the Project Proponent to revise and resubmit the EIA Report to the Ministry, or</p> <p>c) instruct the Ministry to alter, revise or cancel its decision on the EIA Report and cite its grounds for such instruction.</p> <p>74. The decision of the Committee shall be final.</p> <p>75. The Ministry shall inform the Committee decision to the appellant and the Project Proponent. Upon receipt of the decision from the Committee, the Ministry shall publicly disclose any reversal or modification of its decision concerning an EIA Report.</p> <p style="text-align: center;">CHAPTER VII. Environmental Management Plan</p> <p>76. For Project types which require EMP according to the Article 55 (a) of the Rules or Article 24 of the Procedure, the Project Proponent may prepare an EMP by itself or may appoint a person or organization who is registered according to the Article 18.</p> <p>77. The Project Proponent shall issue a letter of endorsement in a format prescribed by the Ministry according to the Article 63. Such letter shall be submitted to the Department prepared either in the Myanmar language, or in the English language or both. The Project Proponent shall submit the EMP to the Department in both digital form and complete paper copies, together with the required service fee as prescribed by the Department, and confirming:</p> <ol style="list-style-type: none"> a) the accuracy and completeness of the EMP; b) that the EMP has been prepared in strict compliance with applicable laws including this Procedure; and c) that the Project will at all times comply fully with the commitments, mitigation measures, and plans in the EMP. <p>78. Upon Receipt of the EMP from the Project Proponent, the Department shall review and submit to the Ministry to enable it to make a final decision on approval of the EMP.</p> <p>79. If it is determined by the Ministry that the EMP does not satisfy requirements, then the Project Proponent shall be called upon by the Department to undertake necessary amendments and/or to provide supplementary information as directed by the Ministry.</p> <p>80. Upon completion of its review of the EMP, the Ministry shall:</p> <ol style="list-style-type: none"> a) approve the EMP, subject to any conditions it may prescribe, and issue an ECC; or b) require that the Project carry out an IEE or EIA, citing the reasons for this decision and informing the Project Proponent of its decision; and, in either case c) publicly disclose its decision. <p>81. The Department shall deliver the final decision of the Ministry within thirty (30) working days of receipt of an EMP. If the Ministry requires an EMP to be amended,</p>	<p>then the due date for delivery of the Ministry's decision shall be extended accordingly.</p> <p>82. Any additional costs associated with reaching a determination regarding Project types which require EMP shall be borne by the Project Proponent.</p> <p style="text-align: center;">CHAPTER VIII. Environmental Consideration in Project Approval</p> <p style="text-align: center;">Project Approval Requirements</p> <p>83. For Projects that require an IEE or EIA, before any permit is granted or issued by any ministry, or any other competent authority in respect of any application to proceed with implementation of such Projects, an ECC shall first have been duly issued by the Ministry in accordance with this Procedure.</p> <p>84. All Projects and activities, whether categorized in Annex 1 'Categorization of Economic Activities for Assessment Purposes' as requiring an IEE, an EIA, nor neither: (i) are obliged to obtain all required authorizations, permits, licenses and approvals and to comply with all applicable laws, regulations, procedures, ministerial directives, zoning, planning requirements, and other governmental requirements, and (ii) shall remain subject to any environmental and/or social conditions which the Ministry may impose as a condition to the commencement or continuation of construction or operation of that Project or activity.</p> <p>85. Any proposed Project or activity which has been determined not to require an EIA or IEE (whether because it is below the indicated IEE threshold or is not listed in the categorization below) shall nonetheless be subject to the imposition of any conditions deemed appropriate by the Ministry as part of the review, approval and permitting procedure of the Government.</p> <p>86. When the relevant ministry or authority has given approval (prior permission, license, permit or register) to a Project for which an ECC has been issued, it shall notify the Ministry of such approval.</p> <p style="text-align: center;">Environmental Compliance Certificate, Conditions and Revisions to Conditions</p> <p>87. Upon receipt of the written approval from the relevant authority, the Project Proponent shall commence implementation of the Project strictly in accordance with the conditions attached to the ECC and including the EMP, within such time as may be prescribed by the Ministry.</p> <p>88. The Project Proponent shall commence substantial implementation of the Project within the first two (2) years after the issuance of the ECC, and not later than thirty (30) days after such commencement shall notify the Department in writing of the date of commencement, and identify the activities constituting substantial implementation of the Project.</p> <p>89. The Project Proponent shall be required to carry out and submit for the Ministry's approval a new assessment (IEE or EIA, as the case may be) if substantial Project commencement has not occurred within two (2) years after obtaining the ECC, unless the Project Proponent has applied in writing providing reasons why it has not</p>
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<p>been able to commence substantial implementation of the Project, indicating what further period of time is needed before substantial commencement of the Project can take place, and the Ministry has in its discretion granted an extension.</p> <p>90. An ECC is granted in respect of a specific, clearly identified Project. The ECC must specify:</p> <ol style="list-style-type: none"> a) the registered name and registered office address of the Project Proponent to whom the ECC is issued; b) the documentation (IEE Report/EIA Report) that the Project Proponent submitted to the Ministry and on the basis of which the ECC has been issued; c) a map, images, aerial photos and satellite images showing the geographic location(s) of the Project and each of its components; d) the Project type and layout with an overview of activities, installations, operations, production capacity, production methods, and waste generation; and e) Project phases and timing (the commencement and conclusion dates of each). <p>91. The Ministry may prescribe conditions of an ECC. Such conditions may encompass any or all of:</p> <ol style="list-style-type: none"> a) General management: (i) procedures and management systems to identify, control, prevent or minimize all Adverse Impacts; (ii) procedures to ensure compliance with all environmental and social commitments; (iii) procedures to implement the measures described in the EMP, Construction Phase EMP, and/or Operational Phase EMP, as the case may be; (iv) procedures to improve the environmental and social performance of the Project; (v) organization with qualified environmental and social personnel; and (vi) documentation, reporting and information disclosure procedures; b) Emissions: (i) Emissions not allowed; (ii) Emission Limit Values in terms of types, substances, loads, concentrations, rates, timing, duration, frequency, seasons, and Project phase; (iii) Emission points; (iv) form and media; (v) recipients; (vi) contribution to Environmental Quality Standards; and (vii) statistical methods for determining compliance; c) Use of energy and natural resources: amounts, type, origin of resource, rates, effectiveness of use, and waste generation; d) Pollution Prevention: Effectiveness of production or construction methods or waste storage and treatment facilities to prevent or, where this is not practicable, to minimize pollution, and to prevent or minimize the risk of pollution; e) Nature conservation and management: (i) protection and rehabilitation of sites, environments or species; (ii) effectiveness of environmental measures to prevent or minimize Adverse Impacts on certain environments or species; and (iii) biodiversity offsets; f) Cultural resources: (i) protection of cultural heritage sites, structures and objects, and (ii) procedures for dealing with archeological finds; 	<ol style="list-style-type: none"> g) Hazardous or toxic materials including waste: (i) limits to the types, categories, and amounts; and (ii) methods and systems of collection, storage, handling, transport, treatment and disposal; h) Waste management: (i) limits to the types, categories, and amounts of waste (liquid, solid, atmospheric) generated; (ii) methods and systems of collection, storage, handling, transport, treatment and disposal; and (iii) recycling or reuse of wastes; i) Transport and access: (i) access points; (ii) means of transport of materials and people to and from the Project; (iii) transport routes for products, materials or waste; and (iv) access control measures; j) Decommissioning, rehabilitation, clean up and closure: (i) sites, areas/environments and facilities; (ii) objectives and standards; (iii) site conditions and after use; (iv) timing; and (v) controls and monitoring; k) Control measures: (i) prevention of accidents and responses to emergency conditions; (ii) measures and procedures in case of accidents, incidents, and operational irregularities; (iii) control and maintenance of pollution prevention/minimization measures; and (iv) safety zones; l) Monitoring: (i) parameters; (ii) methods; (iii) sampling and analyses; (iv) point of monitoring; (v) frequency; (vi) timing; (vii) data management; (viii) maintenance and control of monitoring equipment; and (ix) documentation and reporting; m) Documentation and reporting: (i) parameters and issues that must be documented and reported; (ii) types and methods; (iii) frequency and timing; (iv) quality controls; and (v) recipients; n) Financial guarantee: (i) type of guarantee; (ii) amount; (iii) timing; (iv) application; and (v) type and financial capacity of guarantor; o) Funding of inspection by the Ministry: (i) amounts; (ii) payment procedure; and (iii) timing and frequency; and p) Contributions to the Environmental Management Fund in accordance with Article 30 of the Rules: (i) pollution charges (emissions, waste), and (ii) charges on the use of natural resources and benefits from ecosystem services. <p>92. The Ministry may, upon joint application of a Project Proponent and a proposed transferee, transfer to the proposed transferee an ECC or any part of an ECC.</p> <p>93. An ECC issued by the Ministry shall be valid for a period of five (5) years from the date of issuance. Six (6) months prior to expiration of an ECC issued by the Ministry, the Project Proponent may apply to the Ministry for an extension.</p> <p>94. The Ministry may unilaterally modify conditions in the ECC and/or require the Project Proponent to revise and resubmit the EMP to the Ministry for review and approval, if at any time the Ministry determines that:</p> <ol style="list-style-type: none"> a) the mitigation measures are insufficient or inadequate to mitigate the actual or likely impacts of the Project; b) new information becomes known as to how harmful the Adverse Impacts of the Project are, or are likely to be or become;
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<p>c) the Project has Adverse Impacts which could not be foreseen at the time the originally approved IEE Report / EIA Report and EMP were approved;</p> <p>d) the Adverse Impacts of the Project are greater than those anticipated impacts that formed the basis for the preparation, submission, and approvals of the original IEE Report/EIA Report and EMP and the issuance of the ECC and conditions therein;</p> <p>e) new techniques conforming to the definition of BAT are available which would significantly reduce the Adverse Impacts of the Project;</p> <p>f) the Adverse Impacts of the Project can be reduced through adherence to Good Practice without commercially significant extra cost to the Project; or</p> <p>g) the measures/conditions are unnecessary to mitigate the Adverse Impacts.</p> <p>95. In case of major changes in size, scope, location, layout, technology, risk associated with foreseeable Adverse Impacts, production methods or pollution prevention/mitigation measures of the Project, or an expansion or second phase development is proposed, the Project Proponent shall notify the Ministry and provide supporting documentation of such changes within the timeframe as may be prescribed.</p> <p>96. The Ministry shall, upon consideration of the supplemental documentation, if any, make a decision on modifications to the conditions in the ECC or require that a new EIA, IEE or EMP, as the case may be, shall be prepared and submitted.</p> <p>97. For EIA Type Projects with comprehensive construction works, the Ministry may include as a condition in the ECC that the Project Proponent shall prepare and submit to the Department a detailed Construction Phase EMP for review and approval prior to the intended start of construction works of the Project.</p> <p>98. For EIA Type Projects, the Ministry may include as a condition in the ECC that the Project Proponent shall prepare and submit to the Department a detailed Operational Phase EMP for review and approval prior to the intended start of operations of the Project.</p> <p>99. The Department may require that a Construction Phase EMP or Operational Phase EMP, as the case may be, shall be periodically updated and resubmitted to the Department in accordance with Ministry guidance for its review and approval.</p> <p>100. The Project Proponent shall incorporate all relevant environmental commitments and requirements set forth in the EIA Report, Construction Phase EMP and/or Operational Phase EMP as the case may be, and in the ECC, applicable Emission Limit Values and Environmental Quality Standards, into detailed designs, construction contract specifications, and contracts on Project operations related to any part of the Project.</p> <p>101. In case the Department finds that changes to the Project, the Project site or Adverse Impacts of the Project warrant revisions to the EMP, Construction Phase EMP, or Operational Phase EMP as the case may be, then the Department may require the Project Proponent to prepare and submit a revised EMP, Construction Phase EMP, or Operational Phase EMP, as the case may be to the Department for review and approval.</p>	<p>Responsibility for all Adverse Impacts</p> <p>102. The Project Proponent shall bear full legal and financial responsibility for:</p> <ol style="list-style-type: none"> a) all of the Project Proponent's actions and omissions and those of its contractors, subcontractors, officers, employees, agents, representatives, and consultants employed, hired, or authorized by the Project acting for or on behalf of the Project, in carrying out work on the Project, and b) PAPs until they have achieved socio-economic stability at a level not lower than that in effect prior to the commencement of the Project, and shall support programs for livelihood restoration and resettlement in consultation with the PAPs, related government agencies, and organizations and other concerned persons for all Adverse Impacts. <p>103. The Project Proponent shall fully implement the EMP, all Project commitments, and conditions, and is liable to ensure that all contractors and subcontractors of the Project comply fully with all applicable Laws, the Rules, this Procedure, the EMP, Project commitments and conditions when providing services to the Project.</p> <p>104. The Project Proponent shall be responsible for, and shall fully and effectively implement, all requirements set forth in the ECC, applicable Laws, the Rules, this Procedure and standards.</p> <p>105. The Project Proponent shall timely notify and identify in writing to the Ministry, providing detailed information as to the proposed Project's potential Adverse Impacts.</p> <p style="text-align: center;">CHAPTER IX. Monitoring</p> <p>106. The Project Proponent shall, during all phases of the Project (pre-construction, construction, operation, decommissioning, closure and post-closure), engage in continuous, proactive and comprehensive self-monitoring of the Project and activities related thereto, all Adverse Impacts, and compliance with applicable laws, the Rules, this Procedure, standards, the ECC, and the EMP.</p> <p>107. The Project Proponent shall notify and identify in writing to the Ministry any breaches of its obligations or other performance failures or violations of the ECC and the EMP as soon as reasonably possible and in any event, in respect of any breach which would have a serious impact or where the urgent attention of the Ministry is or may be required, within not later than twenty-four (24) hours, and in all other cases within seven (7) days of the Project Proponent becoming aware of such incident.</p> <p>108. The Project Proponent shall submit monitoring reports to the Ministry not less frequently than every six (6) months, as provided in a schedule in the EMP, or periodically as prescribed by the Ministry.</p> <p>109. The monitoring reports shall include:</p> <ol style="list-style-type: none"> a) documentation of compliance with all conditions; b) progress made to date on implementation of the EMP against the submitted implementation schedule;
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<p>c) difficulties encountered in implementing the EMP and recommendations for remedying those difficulties and steps proposed to prevent or avoid similar future difficulties;</p> <p>d) number, and type of non-compliance with the EMP and proposed remedial measures and timelines for completion of remediation;</p> <p>e) accidents or incidents relating to the occupational and community health and safety, and the environment; and</p> <p>f) monitoring data of environmental parameters and conditions as committed in the EMP or otherwise required.</p> <p>110. Within ten (10) days of completing a monitoring report as contemplated in Article 108 and Article 109 in accordance with the EMP schedule, the Project Proponent shall make such report (except as may relate to National Security concerns) publicly available on the Project's website, at public meeting places (e.g. libraries, community halls) and at the Project offices. Any organization or person may request a digital copy of a monitoring report and the Project shall, within ten (10) days of receiving such request, submit a digital copy via email or as may otherwise be agreed upon with the requester.</p> <p style="text-align: center;">Monitoring and Inspection by the Ministry, Relevant Government Departments and Organizations</p> <p>111. The Ministry has the right, using the Department's officers at national, regional, state, Nay Pyi Taw Union Territory and/or local offices, the services of any consultant, or both, to conduct monitoring and inspections of a Project and activities related thereto in order to control and determine compliance by the Project with all applicable environmental and socio-economical requirements and, where possible, to prevent violations of the Project's obligations. The Ministry may also, for the implementation of monitoring and inspections, enlist the assistance of other relevant government departments and organizations.</p> <p>112. If, upon inspection, the Ministry identifies any non-compliance with the conditions in the ECC, the Ministry may require the Project Proponent to undertake remedial measures and/or may impose penalties as provided for in this Procedure.</p> <p>113. For purposes of monitoring and inspection, the Project Proponent:</p> <ol style="list-style-type: none"> a) shall grant to the Ministry and/or its representatives, at any time during normal working hours, access to the Project's offices and to the Project site and any other location at which the Project activities or activities related to the Project are performed; and b) from time to time as and when the Ministry may reasonably require, shall grant the Ministry access to the Project's offices and to the Project site and any other location at which the Project activities or activities related to the Project are performed. <p>114. In carrying out any inspection, the Ministry may take photographs and make other audio and video recordings of any type, take soil, sediment, water, and air samples, and examine computers, copy documents including digital files, interview persons, and carry out any other investigation which the Ministry believes to be necessary or</p>	<p>appropriate. The Ministry, as it deems necessary, may carry out such inspection in coordination with any other ministries.</p> <p>115. In the event of an emergency, or where, in the opinion of the Ministry, there is or may exist a violation or risk of violation of the compliance by the Project with all applicable environmental and social requirements, the Project shall grant full and immediate access to the Ministry at any time as may be required by the Ministry.</p> <p>116. The Ministry's inspections may include without limitation sites, facilities, vehicles, computers, archives, documents and all other forms and types of media and information storage, and persons.</p> <p>117. The Project Proponent shall further ensure that the Ministry's rights of access hereunder shall extend to access by the Ministry to the Project's contractors and subcontractors.</p> <p>118. Where, in the opinion of the Ministry, the Project is not in compliance with its obligations, the Ministry shall promptly inform the Project.</p> <p>119. The Ministry may recommend and warn the Project to strictly implement its obligations. The Ministry reserves the right to post any warning on the Ministry and/or Department websites or to require the Project to post and retain such warning on the Project's website, or both, or to effect disclosure to the public in other appropriate ways.</p> <p>120. The Ministry shall indicate the manner in which environmental and social obligations are not being complied with by the Project Proponent, and shall give the Project a specified time period (determined by the Ministry to be reasonable under the circumstances) within which to bring the Project into compliance.</p> <p>121. Where, in the opinion of the Ministry, the Project Proponent is not in compliance with, or is likely not to comply with, its environmental and social obligations, the Ministry may take such enforcement actions as the Ministry thinks appropriate as are set out in any applicable law, including without limitation the right to suspend the Project operation, and the right of the Ministry to employ any qualified third party to correct such non-compliance at the Project Proponent's sole expense.</p> <p>122. All costs of the Ministry to conduct inspection and monitoring of the Project shall be borne by the Project Proponent. Such costs shall not exceed that which is necessary to ensure the Project's compliance with the Project commitments as set out in the EMP and in the ECC.</p> <p style="text-align: center;">CHAPTER X. Strategic Environmental Assessment</p> <p>123. a) To ensure the achievement of a generally high level of environmental and social protection with respect to Projects and other economic activities in and throughout the Republic of the Union of Myanmar and its political and geographic subdivisions, and to facilitate the prompt and effective integration of relevant environmental and social considerations into public policy and planning, the Ministry may require that policies, strategies, development plans, frameworks and programs that are prepared or contemplated by Union</p>
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<p>Ministries, the governments and authorities of Regions, States, Self-Administered Zones, Self-Administered Divisions, the Nay Pyi Taw Union Territory, Cities and Townships, and other individuals or organizations shall be screened for potential environmental and social impacts in accordance with strategic environmental assessment guidelines issued by the Ministry.</p> <p>b) Where such Screening indicates that any such policy, strategy, development plan, framework or program may have a significant environmental or social impact, the Ministry may require the authority responsible for such policy, strategy, development plan, framework or program to undertake a properly scoped study to identify and assess the potential environmental and social impacts, and to prepare and incorporate into such policy, strategy, development plan, framework or program an environmental and social management and monitoring framework comprehensively addressing such impacts.</p> <p>124. The Ministry may require that Projects and other economic activities that derive from such policy, strategy, development plan, framework or program that are prepared or contemplated by Union Ministries, the governments and authorities of Regions, States, Self-Administered Zones, Self-Administered Divisions, the Nay Pyi Taw Union Territory, Cities and Townships, and other individuals or organizations and which have been required to undertake a study to identify and assess the potential environmental and social impacts (as stipulated above) shall be developed and implemented (sited, designed, constructed and operated) in accordance with the environmental and social management and monitoring framework of such policy, strategy, development plan, framework or program.</p> <p style="text-align: center;">CHAPTER XI. Administrative Punishment</p> <p>125. The Ministry shall have the right to impose penalties on a Project for any breach by the Project, the Project Proponent, or any contractor or subcontractor of the Project or any other Person acting on behalf of the Project, of commitments as set forth in the Prior Permission. In addition it shall take action in imposing other administrative punishment.</p> <p>126. The imposition of such penalties and administrative punishment on the Project shall be subject to:</p> <ol style="list-style-type: none"> a) with respect to the first occurrence of any such breach, violation or performance failure, receipt by the Project Proponent of prior written notice and expiration of a reasonable cure period not exceeding sixty (60) days. b) the Project Proponent shall not be entitled under (a) to receive any warning or receive the benefit of any cure period with respect to the recurrence of any such breach, violation or performance failure that occurs within five (5) years from the date of the initial breach, violation or performance failure prior to the imposition of applicable penalties by the Ministry. <p>127. Penalties are imposed and required to be paid in addition to any costs of remediation, clean up, and compensation that may be incurred by the Ministry. Penalties imposed pursuant to this Procedure are in addition to any penalties that</p>	<p>may be imposed under any other applicable law or regulation, the Rules or this Procedure.</p> <p>128. The payment of penalties by the Project Proponent shall not relieve the Project of liability, if any, for claims that may be asserted against the Project by third parties with respect to damage incurred and/or injury suffered arising out of the Project's performance or any breaches or performance defects by the Project.</p> <p>129. Penalties payable to the Ministry and administrative punishments under this Procedure are as set forth in Annex 3 'Prescribed Penalties Under Procedure' hereto.</p> <p>130. The Department shall prepare and submit to the Ministry the list of administrative punishments applicable to Projects.</p> <p>131. With respect to Projects which continue to be non-compliant with this Procedure after the imposition of administrative punishment, the Ministry shall both contemplate criminal punishment provided for under Article 32 of the Law, and inform the relevant government departments and organizations having authority to issue licenses, permits or registrations, to take necessary action.</p> <p style="text-align: right;">(Win Tun) Union Minister</p>
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ANNEX 1

Categorization of Economic Activities for Assessment Purposes

- a. This Annex provides guidance as to whether an IEE or EIA is required for any proposed project or activity. If, as a result of that determination, an IEE or an EIA is determined to be required, then the proponent of the project or activity will be obliged to prepare, obtain approval for, and implement an appropriate EMP in respect of the proposed project or activity. Any appeal from such determination must be made in accordance with the EIA Procedure.
- b. If a Project Proponent of an existing project or activity intends to expand that project or activity, then the Department shall consider and use the type and size thresholds specified in the categorization below as the basis for determining whether such expanded project or activity will be required to conduct any additional assessment, either in the form of an IEE, an EIA or an EMP.
- c. If a production capacity included in the categorization below has not been explicitly expressed as a total production capacity (e.g. installed capacity for energy production), then the applicable production capacity threshold shall be the total production output under normal operations.
- d. The Ministry reserves the right to interpret, clarify and amend this Annex from time to time as and when it deems necessary in accordance with the Article 30 of the Procedure.

No.	Type of Economic Activity	Criteria for IEE Type Economic Activities	Criteria for EIA Type Economic Activities
SPECIAL INVESTMENT PROJECTS			
1.	Projects in which investment is decided by the Parliament or the government cabinet or the President.	-	All sizes
ENERGY SECTOR DEVELOPMENT			
2.	Hydro Power Plants	Installed capacity ≥ 1 MW but < 15 MW Reservoir volume (full supply level) < 20,000,000 m ³ Reservoir area (full supply level) ≥ 400 ha	Installed capacity ≥ 15 MW Reservoir volume (full supply level) ≥ 20,000,000 m ³ Reservoir area (full supply level) ≥ 400 ha
3.	Nuclear Power Plants	-	All sizes
4.	Natural Gas or Bio Gas Power Plants	Installed capacity ≥ 5 MW but < 50 MW	Installed capacity ≥ 50 MW
5.	Coal-fired Power Plants	Installed capacity ≥ 1 MW but < 10 MW	Installed capacity ≥ 10 MW
6.	Power Plants from Waste Products	Installed capacity ≥ 50 MW	All activities where the Ministry requires that the Project shall undergo EIA
7.	Geothermal Facilities	Installed capacity ≥ 5 MW but < 50 MW	Installed capacity ≥ 50 MW
8.	Combined Cycle Power Plants (Gas & Thermal)	Installed capacity ≥ 5 MW but < 50 MW	Installed capacity ≥ 50 MW
9.	Thermal Power Plants (other than the types in items 4, 5, 6, 7 and 8)	Installed capacity ≥ 5 MW but < 50 MW	Installed capacity ≥ 50 MW
10.	Wind Power Plants	Installed capacity ≥ 5 MW but < 50 MW	Installed capacity ≥ 50 MW
11.	Solar Power Plants	Installed capacity ≥ 50 MW	All activities where the Ministry requires that the Project shall undergo EIA
12.	Onshore Oil and Gas Seismic Surveys	All sizes	All sizes
13.	Onshore Oil and Gas Exploration Drilling	-	All sizes
14.	Onshore Oil and Gas Production Drilling and production activities, transportation activities including storage facilities, ancillary and support operations.	-	All sizes

15.	Offshore Oil and Gas Seismic Surveys	All sizes	All sizes
16.	Offshore Oil and Gas Exploration Drilling	-	All sizes
17.	Offshore Oil and Gas Production Drilling and production activities, offshore platform operations, offshore transportation, compressor stations and ancillary and support operations and decommissioning	-	All sizes
18.	Hydrogen Refineries or Natural Gas Refineries	-	All sizes
19.	Storage Facilities for Petroleum Products (aged petroleum products) and other petroleum products such as naphtha and petroleum liquid products such as naphtha, gasoil, kerosene, diesel fuel, waste, and lubes)	-	All sizes
20.	Oil Refineries	-	All sizes
21.	Oil or Natural Gas Terminals	-	All sizes
22.	Petroleum Deposits or Liquid Gas Deposits	Storage capacity Petroleum < 10,000 L Liquid gas < 500 L	Storage capacity Petroleum ≥ 10,000 L Liquid gas ≥ 500 L
23.	Oil or Gas Transmission or Distribution Systems	-	All sizes
24.	Compressor Stations for Petroleum Gas and compressed natural gas	Storage capacity ≥ 10 m ³ (10,000 L) for storage capacity	All activities where the Ministry requires that the Project shall undergo EIA
25.	Petroleum-based Organic Chemicals Manufacturing	-	All sizes
26.	Electric Power Transmission Lines ≥ 110 kV but < 230 kV	≥ 50 km	All activities where the Ministry requires that the Project shall undergo EIA
27.	Electrical Power Transformers Lines ≥ 230 kV	All sizes	All activities where the Ministry requires that the Project shall undergo EIA
28.	High Voltage (250 kV and 500 kV) Transformer Stations	≥ 4 ha	All activities where the Ministry requires that the Project shall undergo EIA

54.	Non-Aleohol Factories (soas, soft drink, mineral water production)	≥ 100,000 ltr if production is operating a maximum of 10 hrs	≥ 200,000 ltr	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100,000 ltr if production is operating a maximum of 10 hrs	≥ 200,000 ltr
55.	Ice Factories	≥ 500 t/d but < 2,000 t/d	≥ 500 t/d but < 2,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 500 t/d but < 2,000 t/d	≥ 2,000 t/d
56.	Bottling Water Factories (for bottled/refined water)	≥ 100,000 l/d	≥ 100,000 l/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100,000 l/d	≥ 2,000 t/d
57.	Tobacco Processing Plants	≥ 1 t/d but < 15 t/d product	≥ 1 t/d but < 15 t/d product	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 1 t/d but < 15 t/d product	≥ 15 t/d product
Garments, Textiles and Leather Products						
58.	Textile Manufacturing Facilities (production of yarn, fabric, garments and finished goods based on natural fibres, synthetic fibre and/or blends)	All sizes	All sizes	All facilities where the Ministry requires that the Project shall undergo EIA	All sizes	≥ 10 t/d
59.	The treatment (bleaching, desizing, mercerization) or dyeing of Textiles or Fabrics	≥ 1 t/d but < 10 t/d	≥ 1 t/d but < 10 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 1 t/d but < 10 t/d	≥ 10 t/d
60.	Leather Products Manufacturing (includes synthetic leather, cowhide, horsehide, crocodile, snake, etc.)	≥ 1 t/d but < 10 t/d	≥ 1 t/d but < 10 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 1 t/d but < 10 t/d	≥ 10 t/d
61.	Tanning and Leather Finishing	≤ 12 t/d finished products	≤ 12 t/d finished products	All facilities where the Ministry requires that the Project shall undergo EIA	≤ 12 t/d finished products	≥ 12 t/d finished products
Wood Manufacturing						
62.	Sawmilling and Manufactured Wood Products	Sawmills: input ≥ 3,000 m ³ /a but < 40,000 m ³ /a Wood products: input ≥ 1,000 m ³ /a but < 40,000 m ³ /a	Sawmills: input ≥ 3,000 m ³ /a but < 40,000 m ³ /a Wood products: input ≥ 1,000 m ³ /a but < 40,000 m ³ /a	All facilities where the Ministry requires that the Project shall undergo EIA	Sawmills: input ≥ 3,000 m ³ /a but < 40,000 m ³ /a Wood products: input ≥ 1,000 m ³ /a but < 40,000 m ³ /a	≥ 15,000 m ³ /a
63.	Board and Particle-based Products, Manufacturing (board and particle-based products, plywood and fibreboard) as well as other wood-based products (panels such as single, core, agglomer, veneer, etc.)	≥ 600 m ³ /d or ≥ 420 t/d	≥ 600 m ³ /d or ≥ 420 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 600 m ³ /d or ≥ 420 t/d	≥ 500 t/d
64.	Pulp and/or Paper Mills	≥ 20 t/d but < 50 t/d	≥ 20 t/d but < 50 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 20 t/d but < 50 t/d	≥ 50 t/d
65.	Printing or Other Surface Treatment Facilities (using board and particle-based products, plywood and fibreboard) as well as other wood-based products (panels such as single, core, agglomer, veneer, etc.)	≥ 6 t/d but < 150 t/d consumption of organic solvents	≥ 6 t/d but < 150 t/d consumption of organic solvents	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 6 t/d but < 150 t/d consumption of organic solvents	≥ 200 t/a consumption of organic solvents

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AGRICULTURE, LIVESTOCK AND FORESTRY DEVELOPMENT						
29.	Plantation Industry Crop Production (e.g., rubber, palm oil, cocoa, coffee, tea, bananas, sugar cane)	≥ 500 ha but < 5,000 ha	≥ 500 ha	≥ 5,000 ha	≥ 500 ha but < 5,000 ha	≥ 5,000 ha
30.	Annual Crop Production (e.g., cereals, pulses, mols, soybean, oilseeds, etc.)	≥ 500 ha but < 3,000 ha	≥ 500 ha	≥ 3,000 ha	≥ 500 ha but < 3,000 ha	≥ 3,000 ha
31.	Livestock Farms (e.g., cows, buffaloes, horses, goats, sheep and others)	≥ 500 livestock units but < 3,000 livestock units	≥ 500 livestock units but < 3,000 livestock units	≥ 3,000 livestock units	≥ 500 livestock units but < 3,000 livestock units	≥ 3,000 livestock units
32.	Farms for Poultry and Other Commercially Raised Poultry	Fowl (poultry, ducks, turkeys) ≥ 5,000 but < 20,000 Cattle ≥ 1,000 but < 5,000 Goats ≥ 10,000 but < 50,000 Pigs ≥ 5,000 but < 20,000 Others ≥ 2,000 but < 10,000	Fowl (poultry, ducks, turkeys) ≥ 5,000 but < 20,000 Cattle ≥ 1,000 but < 5,000 Goats ≥ 10,000 but < 50,000 Pigs ≥ 5,000 but < 20,000 Others ≥ 2,000 but < 10,000	≥ 20,000 fowls ≥ 5,000 cattle ≥ 50,000 goats ≥ 20,000 pigs ≥ 10,000 others	Fowl (poultry, ducks, turkeys) ≥ 5,000 but < 20,000 Cattle ≥ 1,000 but < 5,000 Goats ≥ 10,000 but < 50,000 Pigs ≥ 5,000 but < 20,000 Others ≥ 2,000 but < 10,000	≥ 20,000 fowls ≥ 5,000 cattle ≥ 50,000 goats ≥ 20,000 pigs ≥ 10,000 others
33.	Pig Farms	Total water surface ≥ 2 ha but < 25 ha	Total water surface ≥ 2 ha but < 25 ha	≥ 25 ha	Total water surface ≥ 2 ha but < 25 ha	≥ 25 ha
34.	Transect Fish Rearing and Aquaculture (in ponds, tanks, ponds, ponds, etc.)	Total water surface ≥ 1 ha but < 25 ha	Total water surface ≥ 1 ha but < 25 ha	≥ 25 ha	Total water surface ≥ 1 ha but < 25 ha	≥ 25 ha
35.	Other Aquaculture (e.g., shrimp, etc.)	Total water surface ≥ 1 ha but < 25 ha	Total water surface ≥ 1 ha but < 25 ha	≥ 25 ha	Total water surface ≥ 1 ha but < 25 ha	≥ 25 ha
36.	Other Aquaculture (e.g., shrimp, etc.)	Total water surface ≥ 1 ha but < 25 ha	Total water surface ≥ 1 ha but < 25 ha	≥ 25 ha	Total water surface ≥ 1 ha but < 25 ha	≥ 25 ha
37.	Raising and Caring for Wild Animals	All sizes	All facilities where the Ministry requires that the Project shall undergo EIA	All facilities where the Ministry requires that the Project shall undergo EIA	All facilities where the Ministry requires that the Project shall undergo EIA	All facilities where the Ministry requires that the Project shall undergo EIA
38.	Reptile Farms	Alligators, monitor lizards or pythons ≥ 1,000 alligators, monitor lizards or pythons ≥ 5,000 snakes or other reptiles	All facilities where the Ministry requires that the Project shall undergo EIA	All facilities where the Ministry requires that the Project shall undergo EIA	All facilities where the Ministry requires that the Project shall undergo EIA	All facilities where the Ministry requires that the Project shall undergo EIA
39.	Clean-cut Logging	≥ 500 ha	≥ 500 ha	≥ 500 ha	≥ 500 ha	≥ 500 ha
40.	Concession Forest	< 10,000 ha	< 10,000 ha	≥ 10,000 ha	< 10,000 ha	≥ 10,000 ha
41.	Irrigation Systems	≥ 100 ha but < 5,000 ha	≥ 100 ha but < 5,000 ha	≥ 5,000 ha	≥ 100 ha but < 5,000 ha	≥ 5,000 ha
Manufacturing						
Food and Beverage Manufacturing						
42.	Meat Processing Plants (slaughter of cattle, pigs, sheep and other livestock)	≥ 15 t/d but < 50 t/d carcass production and commercially raised fowls	≥ 15 t/d but < 50 t/d carcass production	≥ 50 t/d carcass production	≥ 15 t/d but < 50 t/d carcass production	≥ 50 t/d carcass production
43.	Poultry Processing Plants (slaughter of poultry and other commercially raised fowls)	≥ 15 t/d but < 50 t/d carcass production	≥ 15 t/d but < 50 t/d carcass production	≥ 50 t/d carcass production	≥ 15 t/d but < 50 t/d carcass production	≥ 50 t/d carcass production
44.	Fish Processing Plants	≥ 15 t/d but < 75 t/d	≥ 15 t/d but < 75 t/d	≥ 75 t/d	≥ 15 t/d but < 75 t/d	≥ 75 t/d
45.	Oil, Cereals, Grains, Cereals, Cereals, and Cereals (e.g., rice, wheat, etc.)	≥ 10 t/d but < 20 t/d	≥ 10 t/d but < 20 t/d	≥ 20 t/d	≥ 10 t/d but < 20 t/d	≥ 20 t/d
46.	Other Food Processing Plants (e.g., flour, etc.)	≥ 200 t/d raw m.l. on annual average basis	≥ 200 t/d raw m.l. on annual average basis	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 200 t/d raw m.l. on annual average basis	All facilities where the Ministry requires that the Project shall undergo EIA
47.	Manufacture of Animal Feeds	≥ 100 t/d but < 300 t/d product	≥ 100 t/d but < 300 t/d product	≥ 300 t/d product	≥ 100 t/d but < 300 t/d product	≥ 300 t/d product
48.	Vegetable Oil Production and Processing Facilities	≥ 100 t/d but < 300 t/d product	≥ 100 t/d but < 300 t/d product	≥ 300 t/d product	≥ 100 t/d but < 300 t/d product	≥ 300 t/d product
49.	Manufacture of Starches and Starch Products	≥ 100 t/d but < 300 t/d product	≥ 100 t/d but < 300 t/d product	≥ 300 t/d product	≥ 100 t/d but < 300 t/d product	≥ 300 t/d product
50.	Manufacture of Grain Mill Products (grain milling, rice, etc.)	≥ 100 t/d but < 300 t/d product	≥ 100 t/d but < 300 t/d product	≥ 300 t/d product	≥ 100 t/d but < 300 t/d product	≥ 300 t/d product
51.	Manufacture of Sugar (seasoning powder)	≥ 50 t/d but < 100 t/d	≥ 50 t/d but < 100 t/d	≥ 100 t/d	≥ 50 t/d but < 100 t/d	≥ 100 t/d
52.	Sugar Manufacturing Plants	≥ 50 t/d but < 300 t/d	≥ 50 t/d but < 300 t/d	≥ 300 t/d refined sugar	≥ 50 t/d but < 300 t/d	≥ 300 t/d refined sugar
53.	Alcohol, Wine and Beer Production Facilities	≥ 50,000 ltr but < 500,000 ltr product	≥ 50,000 ltr but < 500,000 ltr product	≥ 500,000 ltr product	≥ 50,000 ltr but < 500,000 ltr product	≥ 500,000 ltr product

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Chemicals Manufacturing						
66.	Large Volume Inorganic Compounds Manufacturing and Coal Tar Derivatives (e.g., sulphuric acid, phosphoric acid, nitric acid, etc.)	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
67.	Pharmaceuticals Manufacturing Plants	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
68.	Chemical Processing Plants (processing of coal into gas)	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
69.	Chemical Processing Plants (processing of coal into gas)	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
70.	Plastics Manufacturing, Formulation and Packaging Plants	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
71.	Chemicals Manufacturing Plants (e.g., urea, etc.)	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
72.	Pharmaceuticals and Biotechnology Manufacturing Plants	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
73.	Pharmaceuticals and Biotechnology Manufacturing Plants	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
74.	Pharmaceuticals and Biotechnology Manufacturing Plants	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
75.	Other Chemical Products Manufacturing Plants (e.g., urea, etc.)	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
76.	Explosives Manufacturing Plants	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
77.	Manufacturing of Explosives and Other Firefighting Products	≥ 100 t/d but < 1,000 t/d	≥ 100 t/d but < 1,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 100 t/d but < 1,000 t/d	≥ 1,000 t/d
78.	Manufacturing of CO ₂ Gas and Filling and Liquefying Industrial Gases	≥ 1,000 t/d but < 3,000 t/d	≥ 1,000 t/d but < 3,000 t/d	All facilities where the Ministry requires that the Project shall undergo EIA	≥ 1,000 t/d but < 3,000 t/d	≥ 3,000 t/d
79.	Manufacture of Glass and Ceramics	All sizes	All facilities where the Ministry requires that the Project shall undergo EIA	All facilities where the Ministry requires that the Project shall undergo EIA	All sizes	All facilities where the Ministry requires that the Project shall undergo EIA

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107.	Hazardous Waste Recycling, Recovery or Reuse	< 10 t/d	> 10 t/d
108.	Wastewater Treatment Plants (sanitized systems)	-	All sizes
109.	Wastewater and Storm Water Collection Systems	Length > 1 km but < 10 km	≥ 10 km
Water Supply			
110.	Groundwater Development for Industrial, Agricultural and Service Development	< 4,500 m ³ /d	> 4,500 m ³ /d
Infrastructure and Service Development			
111.	Dams and Reservoirs	Dam height < 10 m and Reservoir area < 400 ha	Dam height ≥ 10 m or Reservoir area ≥ 400 ha
112.	Urban River and Channel Land Filling when impacts on the Public	Length < 2 km and Area < 50 ha	Length ≥ 2 km or Area ≥ 50 ha
113.	Other Large Civil Works Construction (embankments, seawalls, offshore basins, etc.)	Length < 2 km and Area < 50 ha	Length ≥ 2 km or Area ≥ 50 ha
114.	Dredging	Total < 500,000 t	Total ≥ 500,000 t
115.	River Channel Conservation (surface water & water volume control)	All sizes	All sizes
116.	Water Conservation (surface water & water volume control)	All sizes	All activities where the Ministry requires that the Project shall undergo EIA
117.	Water Conservation (groundwater, surface water, and other forms)	Area < 25 ha	Area ≥ 25 ha
118.	Industrial Zone Construction and Development	All sizes	All sizes
119.	Hempfields	All sizes	All activities where the Ministry requires that the Project shall undergo EIA
120.	Cementeries and Crematoria (for burial, incineration and other forms)	All sizes	All sizes
121.	Tourism or Hospitality Development	≥ 80 rooms but < 200 rooms or	≥ 200 rooms or

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122.	Coastal roads	total dilution area > 500,000 m ² but < 500,000 m ²	total dilution area > 500,000 m ²
Transportation			
123.	Railways and Tramways (construction and operation)	Length < 5 km	Length ≥ 5 km
124.	Rolling Stock	Length < 0.5 km	Length ≥ 0.5 km
125.	Airports and Runway Construction	Runway length < 2,100 m	Runway length ≥ 2,100 m
126.	Airports and Runways (new construction)	Length < 2 km	Length ≥ 2 km
127.	Bridges, River Bridges and Viaducts (upgrading)	Length > 300 m	All activities where the Ministry requires that the Project shall undergo EIA
128.	Tunnels	Length < 1 km	Length ≥ 1 km
129.	Expressways and Highways (ASEAN Highway Star data, new construction or widening)	Length > 2 km but < 60 km	Length ≥ 100 km
130.	Other Roads (state, region, urban, new construction)	Length > 50 km but < 100 km	Length > 100 km
131.	Road Improvement (upgrading or new construction)	Length > 50 km	All activities where the Ministry requires that the Project shall undergo EIA
Mining			
132.	Excavation of Rock, Gravel or Sand from a River or Construction, Building and Ceramic Minerals	≥ 1,000 m ³ /a but < 50,000 m ³ /a	≥ 50,000 m ³ /a
133.	Excavation (aggregates, limestone, silica, clay, etc.)	< 200 acre and < 100,000 t/a	≥ 200 acre or ≥ 100,000 t/a
134.	Extraction and Refining of Industrial Minerals (beryllium, fluorite, phosphate, potash, salt, soda ash, asbestos)	< 200 acre and < 100,000 t/a	≥ 200 acre or ≥ 100,000 t/a
135.	Extraction of Ferrous, Non-Ferrous, Metal and Precious Metal Ore Except Coal (from manganese chromite, bauxite, and Pechblende)	< 50 acre and < 50,000 t/a	≥ 50 acre or ≥ 50,000 t/a

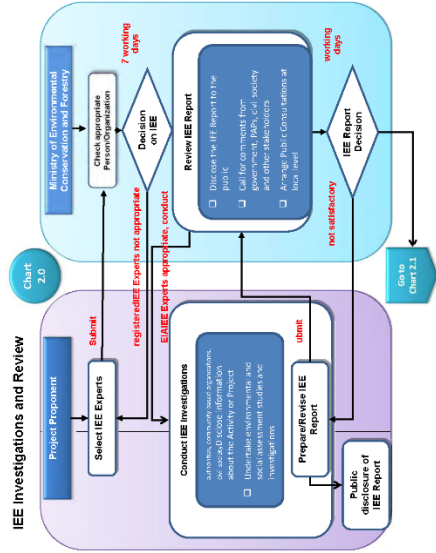
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80.	Cement, Tile and Sanitary Ware Manufacturing Plants	≥ 1,000 t/a fine overhead or ≥ 10,000 t/a ceramic tiles	All activities where the Ministry requires that the Project shall undergo EIA
Manufacture of Construction Materials			
81.	Cement and Lime Manufacturing Plants	Cement > 50 t/h Lime > 50 t/h	Cement > 50 t/h Lime > 50 t/h
82.	Clinker Plants	All sizes	All activities where the Ministry requires that the Project shall undergo EIA
83.	Other Construction Supplies and Materials Production	≥ 50,000 t/a but < 100,000 t/a	≥ 100,000 t/a
Metal, Machinery and Electronics			
84.	Asphalt Production Plants	Non-ferrous metal > 20 t/d molting capacity, except for lead and cadmium < 4 t/d molting capacity	Non-ferrous metal > 20 t/d molting capacity, except for lead and cadmium < 4 t/d molting capacity
85.	Base Metal Smelting and Refining Plants (base metal smelting and refining of lead, zinc, iron, nickel, magnesium, and titanium)	Non-ferrous metal > 20 t/d molting capacity, except for lead and cadmium < 4 t/d molting capacity	Non-ferrous metal > 20 t/d molting capacity, except for lead and cadmium < 4 t/d molting capacity
86.	Manufacture of Pig Iron, Raw and Low Alloy Steel from Iron Ore or Scrap Metal	Non-ferrous metal > 20 t/d molting capacity, except for lead and cadmium < 4 t/d molting capacity	Non-ferrous metal > 20 t/d molting capacity, except for lead and cadmium < 4 t/d molting capacity
87.	Foundries (casting ferrous (iron and steel) and non-ferrous metal)	Production capacity > 5 t/d but < 20 t/d	Production capacity > 20 t/d
88.	Non-ferrous Metal Melting, Smelting and Refining	Production capacity > 5 t/d but < 20 t/d	Production capacity > 20 t/d
89.	Ship and Ship Building Enterprises	< 20,000 t lifting capacity	≥ 20,000 t lifting capacity
90.	Locomotives and Other Railway Rolling Material	< 100 vehicles	≥ 100 vehicles
91.	Metal, Plastic, Fibre and Rubber Products Manufacturing Plants (rubber processing operations and manufacture of metal, plastic, fibre, and rubber)	≥ 5,000 m ³ production area, or ≥ 6 t/h consumption of organic solvents	All activities where the Ministry requires that the Project shall undergo EIA
92.	Rubber and Latex Processing Plants	≥ 2,000 t/a	All activities where the Ministry requires that the Project shall undergo EIA
93.	Vehicle Tire Manufacturing Plants	≥ 5,000 m ³ production area, or	All activities where the Ministry requires that the Project shall undergo EIA
Manufacture of Consumer Goods			
94.	Semiconductors and Other Electronics Manufacturing Plants (manufacturing of semiconductors, printed circuit boards, printed wiring assemblies, sensors, business components, and magnetic devices)	≥ 8 t/h consumption of organic solvents	All activities where the Ministry requires that the Project shall undergo EIA
95.	Plastics (computer, communication equipment, consumer electronics housing, washing food, warm water, and other plastic products, laboratory equipment, electric motors, electric lighting, etc.)	≥ 5,000 m ³ production area or ≥ 6 t/h consumption of organic solvents	All activities where the Ministry requires that the Project shall undergo EIA
96.	Batteries and Accumulators Manufacturing Plants	< 3,000 t/a	≥ 3,000 t/a
97.	Machinery, Vehicle and Equipment Manufacturing	≥ 5,000 m ³ production area or ≥ 2,000 t/a consumption of organic solvents	All activities where the Ministry requires that the Project shall undergo EIA
98.	Motor Vehicle and Motor Bike Assembly Plants	≥ 6 t/h consumption of organic solvents	All activities where the Ministry requires that the Project shall undergo EIA
99.	Motor Vehicle Accessories, Related Equipment and Engine Manufacturing Factories	≥ 5,000 m ³ production area or ≥ 6 t/h consumption of organic solvents	All activities where the Ministry requires that the Project shall undergo EIA
100.	Motor Vehicle Maintenance Workshops	Utilization area > 5,000 m ²	All activities where the Ministry requires that the Project shall undergo EIA
101.	Car Breaking	< 10 vehicles/d	≥ 10 vehicles/d
102.	Weapons and Ammunition Manufacturing Plants	< 50 motorbikes/d	≥ 50 motorbikes/d
Waste Management			
103.	Non-Hazardous Waste Disposal Facilities	Landfills > 10 t/d and total capacity > 25,000 t	Landfills > 10 t/d or total capacity > 25,000 t
104.	Non-Hazardous Waste Incinerators	< 5 t/h	≥ 5 t/h
105.	Non-Hazardous Waste Recycling, Recovery or Reuse Facilities	< 50 t/d	≥ 50 t/d
106.	Hazardous Waste Disposal Facilities	-	All sizes

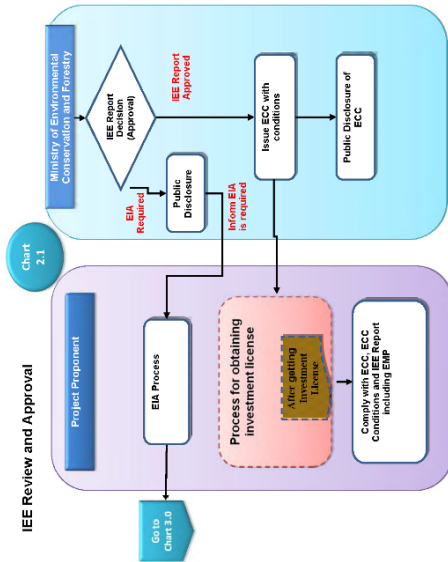
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136.	Refining of Metal Mineral Ore (without using hazardous chemicals)	< 50,000 t/a	≥ 50,000 t/a
137.	Refining of Metal Mineral Ore (using hazardous chemicals)	< 25,000 t/a	≥ 25,000 t/a
138.	Extraction and Refining of Gold Ore (without using hazardous chemicals)	< 20 acre	≥ 20 acre
139.	Extraction and Refining of Gold Ore (using hazardous chemicals)	< 20 acre	≥ 20 acre
140.	Coal Mining (underground and surface)	< 25,000 m ² a	≥ 25,000 m ² a
141.	Mining, including Drilling of Heavy Mineral Sands (tungsten, tin, zircon, lithium, niobium, tantalum)	< 1,000,000 m ² a	≥ 1,000,000 m ² a

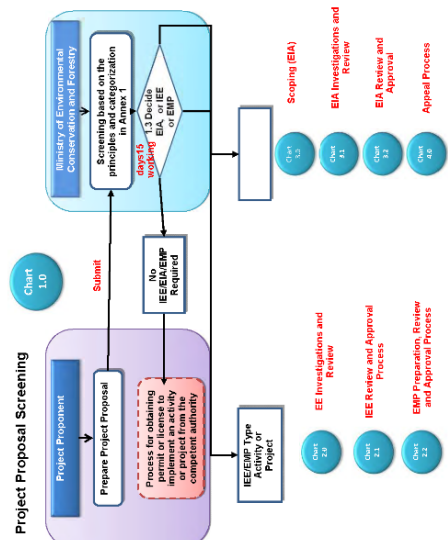
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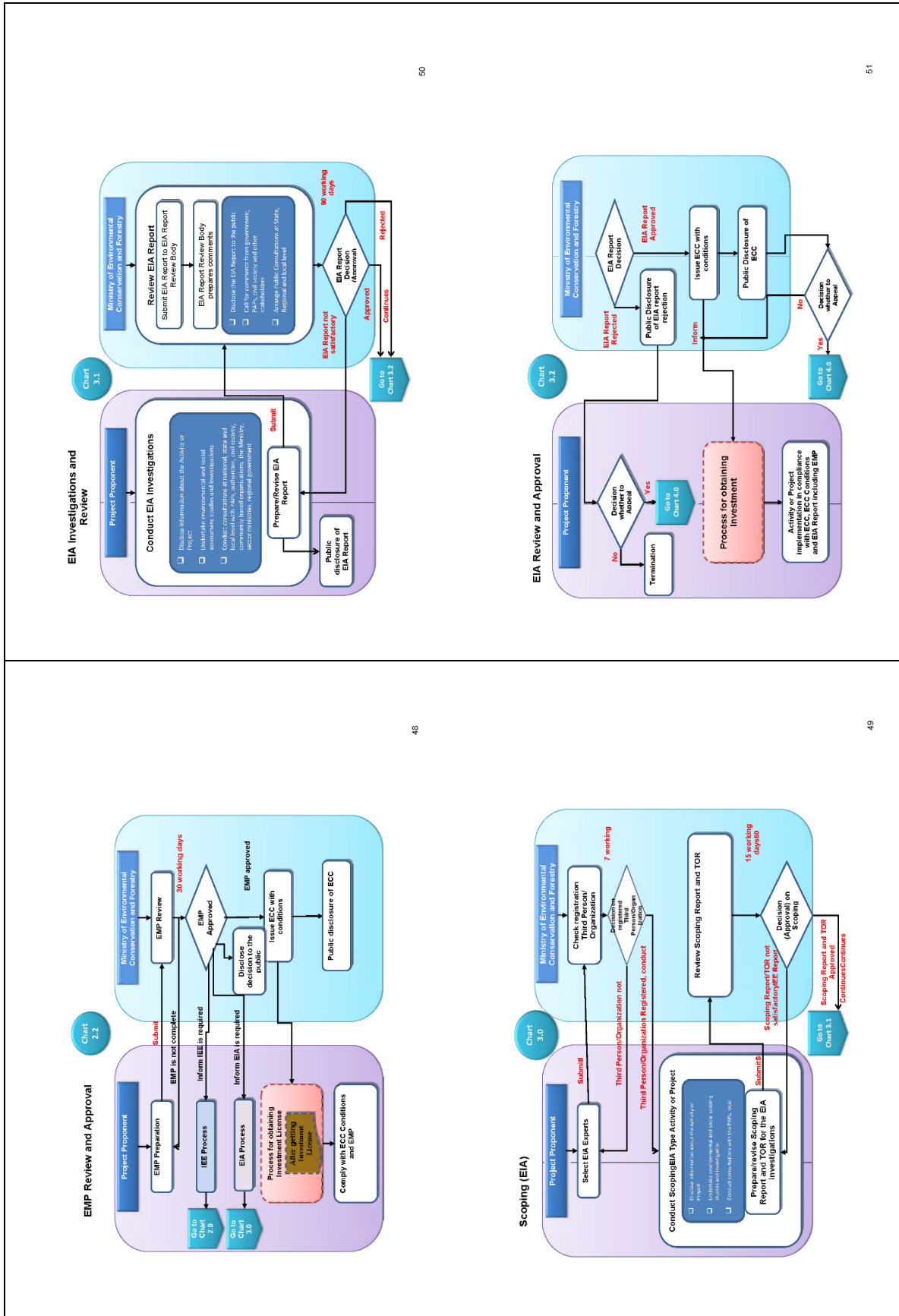
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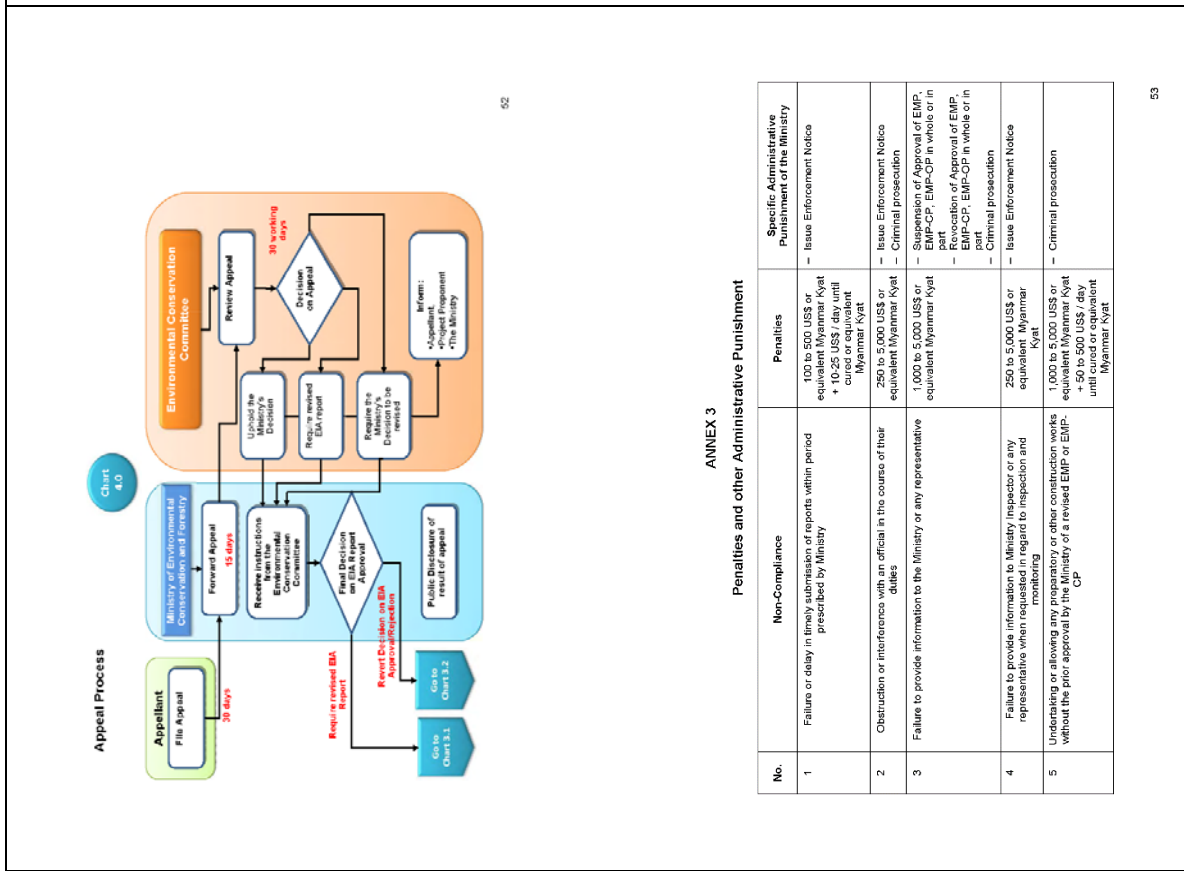
No.	Non-Compliance	Penalties	Specific Administrative Punishment of the Ministry
6	Operating/implementing without a permit, or approval by the Ministry of an EMP or EMP-CP	1,000 to 5,000 US\$ or equivalent Myanmar Kyat + 50 to 500 US\$ / day until cured or equivalent Myanmar Kyat	- Criminal prosecution
7	Non-compliance with an Enforcement Notice or Suspension Notice issued by the Ministry	2,000 to 10,000 US\$ or equivalent Myanmar Kyat + 100-500 US\$ / day until cured or equivalent Myanmar Kyat	- Suspension of Approval of EMP, EMP-CP or EMP-OP in whole or in part - Revocation of Approval of EMP, EMP-CP or EMP-OP in whole or in part
8	Failure to notify to the Ministry of any knowledge of an imminent threat of environmental damage	1,000 to 5,000 US\$ or equivalent Myanmar Kyat	- Issue Enforcement Notice - Suspension of Approval of EMP, EMP-CP or EMP-OP in whole or in part - Revocation of Approval of EMP, EMP-CP or EMP-OP in whole or in part
9	Failure to take reasonable steps to prevent an imminent threat of damage to the environment, social, human health, livelihoods, or property, where applicable based on the EMP, EMP-CP or EMP-OP	2,500 to 10,000 US\$ or equivalent Myanmar Kyat	- Issue Enforcement Notice - Suspension of Approval of EMP, EMP-CP or EMP-OP in whole or in part - Revocation of Approval of EMP, EMP-CP or EMP-OP in whole or in part

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No.	Non-Compliance	Penalties	Specific Administrative Punishment of the Ministry
10	Failure to comply with conditions in the ECC and allowable Emission Limit Values	1,000 to 10,000 US\$ or equivalent Myanmar Kyat	- Issue Enforcement Notice - Suspension of Approval of EMP, EMP-CP or EMP-OP in whole or in part - Revocation of Approval of EMP, EMP-CP or EMP-OP in whole or in part
11	Failure to pay compensation amounts required in respect of social impacts	1,000 to 10,000 US\$ or equivalent Myanmar Kyat	- Issue Enforcement Notice - Suspension of Approval of EMP, EMP-CP or EMP-OP in whole or in part - Revocation of Approval of EMP, EMP-CP or EMP-OP in whole or in part
12	Failure to fully restore social conditions upon resettlement	1,000 to 10,000 US\$ or equivalent Myanmar Kyat	- Issue Enforcement Notice - Suspension of Approval of EMP, EMP-CP or EMP-OP in whole or in part - Revocation of Approval of EMP, EMP-CP or EMP-OP in whole or in part

Notes:
1. All penalty amounts set forth in this Annex are denominated in United States Dollars (US\$) and are subject to annual inflation adjustment.
2. Abbreviations are as follows:
EMP = Environmental Management Plan
EMP-CP = Environmental Management Plan - Construction Phase
EMP-OP = Environmental Management Plan - Operational Phase

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ANNEX 3
Penalties and other Administrative Punishment

No.	Non-Compliance	Penalties	Specific Administrative Punishment of the Ministry
1	Failure or delay in timely submission of reports within period prescribed by Ministry	100 to 500 US\$ or equivalent Myanmar Kyat + 100 to 500 US\$ / day until cured or equivalent Myanmar Kyat	- Issue Enforcement Notice
2	Obstruction or interference with an official in the course of their duties	250 to 5,000 US\$ or equivalent Myanmar Kyat	- Issue Enforcement Notice - Criminal prosecution
3	Failure to provide information to the Ministry or any representative	1,000 to 5,000 US\$ or equivalent Myanmar Kyat	- Suspension of Approval of EMP, EMP-CP, EMP-OP in whole or in part - Revocation of Approval of EMP, EMP-CP, EMP-OP in whole or in part - Criminal prosecution
4	Failure to provide information to Ministry Inspector or any representative when requested in regard to inspection and monitoring	250 to 5,000 US\$ or equivalent Myanmar Kyat	- Issue Enforcement Notice
5	Undertaking or allowing any preparatory or other construction works without the prior approval by the Ministry of a revised EMP or EMP-CP	1,000 to 5,000 US\$ or equivalent Myanmar Kyat + 50 to 500 US\$ / day until cured or equivalent Myanmar Kyat	- Criminal prosecution

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