

APPENDIX III

APPENDIX III-1

Agenda and Presentation of the Seminar on Good Practice on Social Considerations for Public and Private Developments in December 2016



Seminar for Good Practice Approaches to Land Acquisition & Resettlement Peri-Urban and Urban Environments

December 5, 2016

December 5, 2016

Venue: Rose Garden Hotel, 171 Upper Pansodan Rd, Yangon

DAY 1	SESSION TITLE	PRESENTERS
8:30-9:00	Registration and informal introductions	
9:00-9:30	Welcome Remarks Introductions	TSMC MCRB JICA
9:30-9:45	Summary of Seminar Agenda	Angela Reeman
9:45-10:15	Overview of International Standards & Requirements <ul style="list-style-type: none"> • World Bank, IFC, JICA, ADB, and others • How and when standards could be applied • Key objectives and requirements of international land acquisition & resettlement standards 	Angela Reeman Moe Aung
10:15-10:30	Coffee Break	
10:30-12:30	Good Practice Approaches to Key Land Acquisition, Resettlement and Livelihoods Challenges <ul style="list-style-type: none"> • Land Tenure and Eligibility • Compensation and Full Replacement Cost • Physical Resettlement and Relocation • Livelihoods and Income Restoration • Safeguards for Vulnerable Groups, e.g., women, elderly • Community Engagement and Grievance Mechanisms. 	Angela Reeman Moe Aung
12:30 - 1:30	Lunch	
1:30-2:45	Case Studies and Interactive Session <ul style="list-style-type: none"> • Case studies on resettlement program at Thilawa SEZ • Small Group Exercises on key resettlement issues • Group discussion on the successes, challenges and possible solutions for Yangon Region 	Naoko Katashima Junko Kikuchi Angela Reeman Moe Aung
2:45-3:00	Reflections and Wrap Up	Vicky Bowman Dr. Than Than Thwe
End.		

Seminar on Good Practice Approaches to Land Acquisition and
Resettlement including in Urban/Peri-Urban Areas (5 Dec, 2016)



*Seminar on Good Practice Approaches to Land Acquisition and
Resettlement including in Urban/Peri-Urban Areas (5 Dec, 2016)*

I. Summary of Resettlement Program for Thilawa SEZ (continued)

2. Past & Current Resettlement Work Plan (RWP) Preparation

Zone A (approx. 400 ha) :
Nov 2013: Zone A RWP was prepared.
Nov 2013-Feb 2014: Relocation of Zone A Project Affected Households (PAHs)

Remaining SEZ Area (approx. 2000 ha):
Feb 2016: Framework of Resettlement Works was prepared.

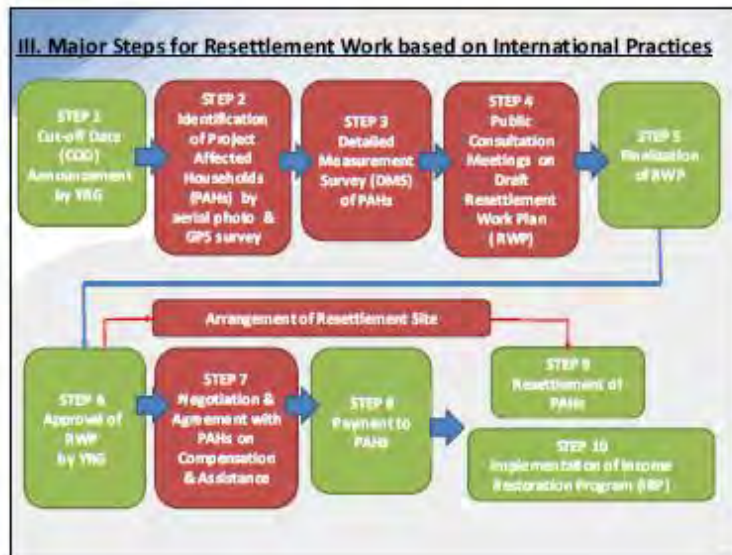
Zone B Industrial Area (approx. 262 ha):
Aug 2016: RWP for Zone B Area 2-1 was prepared.
Present: RWP for Zone B Area 2-2 is being prepared.



II. Special Features of Resettlement for Thilawa SEZ Development

- ❑ One of the international projects which require a large scale of involuntary resettlement in Myanmar and attract international attentions
- ❑ Since it is a Public-Private Partnership project, further speed is required for planning and implementation compared with normal government projects.
- ❑ Strong commitment of the Project Proponent and supporting organizations to comply with the international standards for involuntary resettlement through RWP implementation and to contribute to local development through Corporate Social Responsibility (CSR) activities.

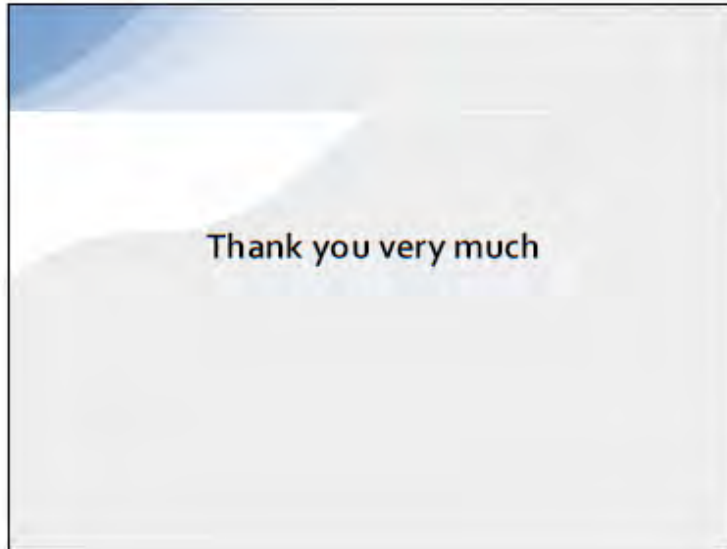
*Seminar on Good Practice Approaches to Land Acquisition and
Resettlement including in Urban/Peri-Urban Areas (5 Dec, 2016)*



IV. Challenges and Solutions

1. **Limited data on land owners and non land owner PAHs:** Using the aerial photos, satellite images, results of the GPS survey, results of the Detailed Measurement Survey (DMS) with Geographic Information System (GIS) and CAD software, the number of the PAHs was minimized to the extent possible when the phased development is planned.
2. **Lack of understanding in formulation and implementation of RWP:** Series of consultation meetings and information disclosure so that the step by step process is clearer to PAHs.
3. **Ensuring transparency:** the NGOs were invited to the meetings and negotiations on the compensation and assistance package as the witness.
4. **Resettlement Site:** Resettlement site is prepared to provide a house and a land plot to PAHs residing in SEZ Area, both PAHs with/without the legal land ownership. Continuous follow ups and monitoring are done after resettlement.

*Seminar on Good Practice Approaches to Land Acquisition and
Resettlement including in Urban/Peri-Urban Areas (5 Dec, 2016)*



APPENDIX III-2

Agenda of Seminar on Good Practice of Social Considerations in July 2017



Proposed Seminar – Good Practice Social Consideration for Public and Private Developments

26-27 July, 2017

Venue: Rose Garden Hotel

DAY 1	SESSION TITLE	PRESENTER
8:30-9:00	Arrivals	
9:00-9:30	Welcome Remarks Introductions	YRG TSMC JICA
9:30-9:45	Summary of Seminar Agenda	[To confirm]
9:45-10:15	Session 1_Social Consideration <ul style="list-style-type: none"> ▪ <i>Concept of social consideration/ performance</i> ▪ <i>International safeguards & standards for good social consideration/ performance</i> ▪ <i>Examples of good social performance for major developments</i> 	JET
10:15-10:30	Coffee Break	
10:30-12:45	Session 2_ Resettlement & Income Restoration Program <ul style="list-style-type: none"> ▪ <i>International standards for resettlement & livelihood restoration</i> ▪ <i>Livelihood activities and outcomes from Phase 1 IRP Thilawa SEZ</i> ▪ <i>Outcome evaluation and completion audits</i> ▪ <i>Summary of Resettlement & IRP at Thilawa SEZ</i> ▪ <i>Proposed IRP for Phase 2 Thilawa SEZ</i> ▪ <i>Examples of good resettlement and livelihood restoration practice</i> 	JET TSMC
12:45 - 1:45	Lunch	
1:45-3:45	Session 3_Responsible Business, Corporate Social Responsibility (CSR) and Creating Shared Value <ul style="list-style-type: none"> ▪ <i>Responsible business in Myanmar</i> ▪ <i>What is Corporate Social Responsibility (CSR)?</i> ▪ <i>Creating shared value for developments/projects</i> ▪ <i>How do responsible business, CSR, and shared value differ and what does it all mean for social performance?</i> ▪ <i>Examples and case studies to describe responsible business, CSR and shared value</i> 	MCRB JET
3:45-4:00	Coffee Break	
4:00-4:15	Reflections and Wrap-Up	[To confirm]
End DAY 1.		



Proposed Seminar – Good Practice Social Consideration for Public and Private Developments

26-27 July, 2017

Venue: Rose Garden Hotel

DAY 2	SESSION TITLE	PRESENTER
8:30-9:00	Arrivals	
9:00-10:30	Session 4_ Stakeholder Engagement <ul style="list-style-type: none"> • <i>Community engagement and why is it important?</i> • <i>Community relations versus public relations?</i> • <i>Summary of stakeholder engagement at Thilawa SEZ</i> • <i>How to develop an effective stakeholder engagement program and Stakeholder Engagement Plan</i> • <i>Group exercise of a Community Engagement Plan</i> • <i>Good practice case studies for community engagement</i> 	<i>JET</i> <i>TSMC</i> <i>[To confirm]</i>
10:30-11:00	Coffee Break	
11:00-12:30	Session 5_ Grievance and Complaint Management <ul style="list-style-type: none"> • <i>International standards for complaints management</i> • <i>Summary of grievance mechanism and management for Thilawa SEZ resettlement program</i> • <i>How to develop an effective grievance/complaint mechanism?</i> • <i>Examples of good practice for grievance management</i> 	<i>JET</i> <i>[To confirm]</i>
12:30-1:30	Lunch	
1:30-3:30	Session 6_ Social Impact Assessment & Management <ul style="list-style-type: none"> • <i>What is SIA and why is it important?</i> • <i>Social impact mitigation and management</i> • <i>Summary of Rapid SIA from Thilawa SEZ</i> • <i>How to develop an effective social management program and Social Management Plan</i> • <i>Examples of good social impact management practice</i> 	<i>JET</i> <i>[To confirm]</i>
3:30-3:30	Reflections and Wrap Up	<i>[To confirm]</i>
3:30-4:30	Coffee and Refreshment	
End DAY 2 and Seminar.		

Series of Participatory Workshops



Vocational Trainings



Food Production Training



Car Repairing Training Center



Study Trip after Food Production Training



Vocational Training

Household Visit at Relocation Site



Household visit to HH No. 43



Opening a grocery shop at home (HHs No-2)



HHs No. 42 celebrates the religious ceremony



PAPs welcoming by music (HHs No-43) and young couple at wedding ceremony (HHs No-48)

Arrangement of Infrastructures



Relocation Site



Drainage Line



Open Well and Septic Tank at Relocation site



Concrete Road Paved

Infrastructure Improvement at Relocation Site



Infrastructure Improvement at Relocation Site





Micro Finance Program



Support for Debt Reduction

10



Site Tour in Thilawa SEZ

Internal & External Monitoring

11

Internal Monitoring: Check the issue at relocation site through the year

External Monitoring: Check the degree of livelihood restoration

Weekly Field Report	
Date: 2013/05/24	
Location: Thilawa SEZ, Yangon Region	
<p>1. Objective</p> <p>The objective of this field visit was to check the progress of the construction work at the relocation site. The main focus was to see if the construction work was completed according to the schedule and if there were any problems that needed to be solved.</p>	<p>2. Summary</p> <p>The construction work at the relocation site was completed according to the schedule. There were no major problems that needed to be solved. The construction work was completed according to the schedule and if there were any problems that needed to be solved.</p>
<p>3. Photos</p>	

Weekly Report



Annual Report



APPENDIX III-3

IAIA Symposium Program, Lists of Participants, Presentation and Summary Paper

FINAL PROGRAM

IAIA Special Symposium

Resettlement and Livelihoods

MANILA, PHILIPPINES | 20-22 FEBRUARY 2017



LOCAL HOST AND PARTNER



Asian Development Bank

IN PARTNERSHIP WITH:



Philippine Learning Center for
Environment & Social Sustainability
University of the Philippines IIEC

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IAIA
International Association
for Impact Assessment

Venue

Edsa Shangri-La Hotel
1 Garden Way
Ortigas Centre
Mandaluyong City 1050
Philippines
Tel: +65 2 653 6888
www.shangri-la.com/
manila/edsashangri-la

DAILY AGENDA

MONDAY, 20 FEBRUARY

- 08:00-09:00 Registration (Foyer outside IIA rooms)
- 09:00-10:15 Opening plenary (Iia 1 & 2)
Welcome and vision for symposium
Ana Maria Esteves, IAIA President
Setting the scene from the ADI perspective
Nasim Ahmad, Deputy Director General, SOCC
concurrently Chief Compliance Officer, ADB
Connecting people and in production of Symposium Jury
Eddie Smyth, Program Chair
Keynote address
"New developments in resettlement and livelihoods:
Lessons learned from the new law (LARR 2013)"
Hukum Singh Meena, Joint Secretary, Department of
Land Resources, Government of India (IBC)
- 10:15-11:00 Group photo (Foyer) and coffee break
- 11:00-12:30 Parallel sessions A
- 12:30-13:30 Lunch (Palawan)
- 13:30-15:30 Parallel sessions B
- 15:30-16:00 Coffee break
- 16:00-17:30 Plenary panel discussion: Community voices in the
resettlement process
- 17:30-18:30 Welcome reception (Marquee)

TUESDAY, 21 FEBRUARY

- 08:45-09:45 Plenary: Development Partners Asia Half-Day
- 09:45-10:45 Development Partners Asia Half-Day breakout
sessions (Parallel sessions C)
- 10:45-11:15 Coffee break
- 11:15-12:30 Development Partners Asia Half-Day: Reports
from breakout sessions
- 12:30-13:30 Lunch (Palawan)
- 13:30-15:00 Parallel sessions D
- 15:00-15:30 Coffee break
- 15:30-17:30 Parallel sessions E

WEDNESDAY, 22 FEBRUARY

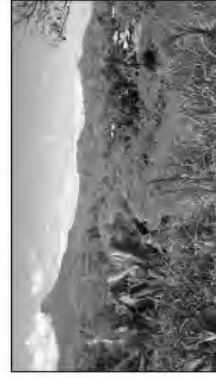
- 08:45-10:30 Parallel sessions F
- 10:30-11:00 Coffee break
- 11:00-12:30 Parallel sessions G
- 12:30-13:30 Lunch (Palawan)
- 13:30-15:00 Plenary: A way forward for resettlement
"A central resettlement agency for the Philippines"
Micheleza Guereiro, GHD, Philippines
"A global picture of development displacement"
Nadine Wälchli, IDMC, Switzerland
"Long-term livelihood impacts of Three Gorges Dam"
Brooke Wilmsen, La Trobe University, Australia
- 15:00-15:30 Coffee break
- 15:30-16:30 Plenary: Jury presentation
- 16:30-17:00 Closing ceremony
Ana Maria Esteves, IAIA President
Peter Leonard, Safeguards Advisor, The World Bank
Indira Simhadon, Principal, Social Development
Specialist (Safeguards), ADB

THURSDAY, 23 FEBRUARY

- 09:00-17:00 Post-symposium training courses
(pre-registration required)

FRIDAY, 24 FEBRUARY

- 09:00-17:00 Post-symposium training courses
(pre-registration required)



Tampakan Project, Philippines (Photo courtesy of Eddie Smyth)

2. Resettlement & Livelihoods Symposium Final Program

TECHNICAL PROGRAM OVERVIEW

		Ita 1 & 2	Ita 3	Bataan 1	Bataan 2	Lubang	Boracay 1	Boracay 2
Day One: Monday, 20 February								
0900-1100	Opening plenary							
1100-1230	Innovative resettlement practice (I): Case studies A1	PARALLEL SESSION A	Innovative resettlement practice (I): Case studies A2					
1300-1330	Innovative resettlement practice (II): Case studies B1	PARALLEL SESSION B	Innovative resettlement practice (II): Case studies B2					
1400-1700	Plenary panel discussion: Community voices in the resettlement process							
Day Two: Tuesday, 21 February								
0900-0945	Development Partners Asia Half-Day							
0945-1045	Development Partners Asia: Collaboration on resettlement: key issues, challenges, and good practice							
1045-1055								
1115-1230	Reports from Development Partners Asia Half-Day breakout sessions							
1300-1400	Resettlement planning: Case studies D1	PARALLEL SESSION D	Resettlement planning: Case studies D2					
1400-1700	Vulnerable people and livelihoods issues: Case studies E1	PARALLEL SESSION E	Vulnerable people and livelihoods issues: Case studies E2					
Day Three: Wednesday, 22 February								
0900-1030	Government and private sector-planned resettlement: Case studies F1	PARALLEL SESSION F	Government and private sector-planned resettlement: Case studies F2					
1100-1230	Monitoring and evaluation: Case studies G1	PARALLEL SESSION G	Monitoring and evaluation: Case studies G2					
1300-1500	Plenary: A way forward for resettlement							
1500-1600	Plenary: Jury preetion							
1600-1700	Closing ceremony							

PARALLEL SESSIONS

MONDAY, 20 FEBRUARY | 11:00-12:30 | PARALLEL SESSIONS A

Innovative resettlement practice (I): Case studies A1

Ita 1 & 2
 Chair: Brooke Williams
India's LARR-2013 and stakeholder engagement
 Anindya Deb
 In India, the 21st century saw major policy reform in land acquisition, resettlement and rehabilitation, culminating in 2013 in the enactment of a new law known as the Land Acquisition, Resettlement and Rehabilitation Act (LARR) 2013. This law is far more progressive than the previous Land Acquisition Act of 1962. It has a number of key features that distinguish it from the previous law. These include: 1) the introduction of the concept of proposed 'minor' irrigation projects in the central Indian state of Madhya Pradesh, 2) the introduction of a 'strategic' resettlement procedure and a formula to estimate the new legislation; 3) how consent for land acquisition, obtained or manufactured in the face of tough requirements of social and environmental impact assessment, informed consent and stakeholder participation; 4) what is the likely impact of these modified practices on the eventual livelihood outcomes for the people threatened with displacement?

Lessons learned from resettlement, Nanthoun 2, Laos
 Pierre Guadant (Co-authors: Vibarna Phommavong & Fathin Marifan)
 This in-depth analysis of the lessons learned from the resettlement program for more than 6,000 people in central Laos has broad applications. The discussion, grounded in 10 years' experience, explores how communities displaced by the Nam Thoun 2 hydropower dam were supported to rebuild their livelihoods and institutions. NZ resettlement took place in a singular context: extreme social sensitivity of Project stakeholders, flagship investment, ambitious goals and extensive pre-resettlement consultation. This led to protection and depth of social development activities, and a high level of close external monitoring. For these reasons, it is a unique and intensifying resettlement project, which nevertheless provides lessons which can be generalized across the board. Most recently, the challenge for the project is a successful closure which satisfies the requirements of the numerous external stakeholders and builds the resettled communities towards an independent and sustainable future.

Resettlement and income restoration in Thailand SZ
 Than Than Thwe (Co-author: A. H. H. H. H.)
 The first phase of Thailand SZ (H01) was inaugurated in 2015 and the remaining 2,000 ha is being developed. The approach is of great importance because it will be used as a guide for other large infrastructure projects in Myanmar. With a resettlement of 680 Project Affected Persons (PAPs), the first phase triggered a paradigmatic community organization and engagement with PAPs. Some dependence on external assistance, local stakeholders are also for PAPs. Involving these without land titles, household income, and other things, such as SZ related job training for locals are showing positive results. Stakeholder cooperation also resulted in the creation of Thailand SZ Affinity Group a dialogue platform among stakeholders, including community representatives and NGOs, for building trust and addressing challenges.

Innovative resettlement practice (II): Case studies A2

Ita 3
 Chair: Jerome Zeeuw
Resettlement social stratification
 Ang Gu (Co-author: Huijun Wang)
 This study aims to assess the changes in social stratification experienced by a relocated village resettled from a rural to an urbanizing setting, in central China, up to 345,000 resettlers have been relocated to new areas by the government. For Danjiangkou Basin resettlements, the government takes a way of urbanization through relocating resettlements to different vast distant areas around small-type cities or towns in the same province, which is distinct from city-centered urbanization that results from voluntary rural-urban migration, in situ urbanization, and the urbanization by merging villages to build new towns. This paper analyzes this kind of urbanization, which results in a social stratification process due to policy and market-individual social forces. Differences are seen in land use, house, occupation, and economics, which are main aspects of resettlement livelihoods. Resettlement urbanization may result in social structure risks.

Traditional IA with indigenous & local knowledge
 Damielo Anicio
 Traditional impact assessments commonly use a social and natural science framework for determining perceived effects of implemented projects and activities. However, current impact assessment frameworks lack consideration for indigenous peoples' worldviews and local peoples' experiences. Indigenous peoples have holistic, interrelated and substantive frameworks deeply embedded within their highly functional and habituated ecosystems, while local communities have practical and experiential knowledge regarding the linked topographies. In order to integrate the various knowledge for enriching impact assessment frameworks, this study aims to: 1) describe cases of indigenous values and local people practices related to land and livelihoods; 2) recognize gaps in using this knowledge for current impact assessment frameworks; and 3) analyze possible methods for integrating scientific, indigenous and local knowledge in impact assessments.

4. Resettlement & Livelihoods Symposium Final Program

Resettlement & Livelihoods Symposium Final Program 3

PARALLEL SESSIONS

Innovative resettlement practice (II): Case studies B2

Bia 3

Chair: Dazemo Kemp

Civic engagement in planning and implementation

Adj. Chair (Co-author: *Azard Arifin*)

This paper will explore the implementation of development for all paradigm in the context of resettlement planning and implementation and the importance of this issue in the sense of its contribution to an increase of civic engagement in resettlement and livelihood restoration program implementation. In this case, civic engagement refers to the ways in which civil society participates in the resettlement and livelihood restoration process in order to improve livelihood conditions and help the project affected communities' future. This approach explores the collaborative works of government, private sector, CSOs, local institutions, and project affected people in order to stipulate local development through the resettlement and livelihood restoration program.

Who defines a "shelter"?

Co-author: *Arifin Hamman*

The concept of physical displacements sounds straightforward: the relocation or loss of shelter. However, in an environment where shelters may be used intermittently or seasonally, determining what is an economic asset versus what is a shelter can be more complex. Drawing examples from inland and seasonal flooders in Mongolia, Armenia, and garment manufacturing communities in Indonesia, Papua New Guinea, and the Solomon Islands, this paper will work through some of the issues which need to be undertaken to determine whether the displacement is physical, economic, or both.

Climate change vulnerability and resettlement

Sarah Rogers

This paper examines the relationship between climate change vulnerability and resettlement, drawing on field research in rural China. While it is sometimes implied that the socio-economic impacts of resettlement will result in greater vulnerability, there is little empirical work on how resettlement shapes vulnerability to climate change. Using a rural livelihoods approach, I will discuss a case of poverty resettlement in North China, and provide evidence that resettled households are more vulnerable to climate change than non-resettled households. I will then outline two major implications for resettlement. First, that climate change vulnerability must be factored into resettlement planning, particularly in rural-to-rural resettlements. Second, that if resettlement regularly results in greater livelihood insecurity (and is therefore at risk of being maladaptive), as it is currently practiced it is not an effective climate change adaptation strategy.

Psycho-social impact assessment and resettlement

Michael Edelman

Resettlement involves a lot of transformation across the fundamental indices of Psycho-Social Impact, both in terms of what has been lost, what the final point becomes and all of the intermediary transitional steps of uprooting and transition. This paper draws on work with residents of communities where a toxic contamination or industrial accident has occurred and on the challenges faced by Syrian and other refugees attempting to resettle in Europe and the US. It will focus primarily on the range of resettlement issues, from with conflict, climate change, environmental disaster, displacement, among others. Key issues will include: stigma, environmental turbulence and the range of coping challenges involved; recommendations for resettlement policies and practices will be made.

MONDAY, 20 FEBRUARY | 16:00-17:50

Plenary Panel Discussion: Community voices in the resettlement process

Bia 14.2

Chair: *Amaliakaba*

First-hand accounts from communities and civil society organizations on the impacts of resettlement and proposed solutions. Speakers to be confirmed.

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PARALLEL SESSIONS

SIA of hydro power impact in southern Laos

John Pinyim (Co-author: *Dambouane Mouangyack, Phout Simmadoung & Siche Sackmone*)

Research on hydro-power impact on 11 ethnic minority villages in southern Laos employed an innovative methodology, which the researchers describe as livelihoods portfolio analysis (LPA). The approach used socio-economic survey (to evaluate with agro-ecological, village profiling and anthropological research on knowledge and change systems in livelihoods management to provide household and village clusters to local and project safeguard agents. The system disaggregates data on household livelihoods portfolios of all households in small ethnic minority villages for purposes of SIA and consultation in the planning of resettlement and livelihoods restoration. The system of reporting and analysis provides raw data on existing livelihoods systems and on their basis, in local access to resources, services and markets, for use in livelihoods restoration tailored to the needs and capacities of individual villages, households and individuals.

MONDAY, 20 FEBRUARY | 13:30-15:30 | PARALLEL SESSIONS B

Innovative resettlement practice (II): Case studies B1

Bia 14.2

Chair: *Jill Baker*

Land acquisition risk for private sector companies

Toby Wagner (Co-author: *Jon Brydon*)

As public-private partnerships (PPP) project opportunities increase, so too does the need for companies to comprehensively assess land acquisition risk as early as possible in a project cycle. This paper proposes a land acquisition risk identification, analysis and planning method for private sector companies to manage engagement with governments, lenders and project affected people. The proposed method is based on the authors' past experience in Asia and uses a differential diagnosis that considers two primary factors: time and dependency on government agents. The purpose of the method is to ensure private sector companies can implement adaptive measures to own or share risk that are ultimately beneficial for all affected parties. The method highlights distinctions between government-led and private sector-supported involuntary resettlement and strength to the case for land acquisition through negotiated resettlement, based on meaningful consultation and commercially sustainable terms.

Social Impact of Jaligede Dam construction

Bongket A. Wirayawan

The construction of Jaligede Dam in Indonesia (2017-2019) caused displacement of more than 4,000 families. Although the government had paid compensations for the loss of their land and livelihood, declining welfare is still inevitable. Most of the participants in our survey in this village stated that they suffered from the loss of income and livelihood and were deprived from adequate public facility. After a year since the implementation, the three We board had some pre-empting level in terms of income. Changes in their modes of production was one of the main reasons behind this outcome. We board had been able to manage the situation by using the existing resources. The paper will explore the reasons behind the successful compensation rather than physical resettlement was only able to mitigate the problem to a certain degree. Reformulating the resettlement strategy will certainly need to better manage the impact on the livelihood of dam-affected society in Indonesia.

A psychosocial approach to resettlement: the ISWI

Sérgio Morato (Co-author: *Luisa Lima*)

A key endeavor in resettlement projects is to turn the potential adverse impacts into development opportunities (World Bank, 2003). In this paper we describe a case study with a new tool to aid this complex task – the Index of Social Vulnerability (ISWI). The ISWI is a set of psychosocial and socio-demographic variables known to work as determinants of the impact of the resettlement event (eg. Lima and Marques, 2005; Warday and Esteves, 2012) compiled into an index that portrays the relative level of vulnerability of an individual, household, or community. The variables involve risk and protective factors from the literature and are measured using validated procedures and scales. The computation involves the weighting of these variables considering their role and contribution. The final index ranges from -1 to 1 and is framed as a vulnerability measure (Cutter, 2003) with higher levels indicating more risk factors and less protective factors and, so, predicting more adverse impacts.

Stakeholder collaboration in Philippine relocation

Mari Anthony Velasco

The dilemma confronting collective action efforts of social actors in the conduct of relocation projects in the Philippines has been prevalent. Therefore, the study inquires how and why stakeholders collaborate in relocation projects. The issue was analyzed using the institutional analysis and development framework and collective action theory. The study has utilized the comparative case study research method with fifteen randomly selected relocation projects as case subjects. The study indicated that stakeholders consider pre-conditional factors in deciding to engage in collaborative housing initiatives. The elements that fundamentally affected the collaborative process are: (a) context, the dynamics of collaboration revolves around the interactions of stakeholders based on the information shared, the process of communication, patterns of relations through informal agreements and community norms. In terms of outcomes, relations can be observed in each of the case.

PARALLEL SESSIONS

TUESDAY, 21 FEBRUARY | 08:45-12:30

Development Partners Asia Half-Day

08:45-09:30 Development partners collaboration on resettlement: Key issues, challenges, and good practice

HA 142

Chair: Heath Guncill & ADB

Featuring representatives from Asian Development Bank, Asian Infrastructure Investment Bank, Department of Foreign Affairs, Australia, European Bank for Reconstruction and Development, International Finance Corporation, Japan International Cooperation Agency, and The World Bank.

09:30-09:45 Introduction to Parallel Sessions C: Breakout sessions

HA 142

Parallel Sessions C: The main areas of IFC policy and standards

Case study: C1: Encroachment in urban resettlement (Belize 1)

Case study: C2: Livelihood restoration (Belize 2)

Case study: C3: Grievance redress mechanism and consultation (Uganda)

Case study: C4: Monitoring (Kenya 1)

Case study: C5: Evaluation of losses (Kenya 2)

10:45-11:15 Coffee break

11:15-12:30 Reports from Parallel Sessions C

HA 142

TUESDAY, 21 FEBRUARY | 13:50-15:00 | PARALLEL SESSIONS D

Engaging communities and civil society in resettlement, planning and implementation: Case studies D1

HA 142

Chair: Helen Sy

Discourse in advisory committee for ICA projects

Takiko Mizoguchi

Since 1994 an advisory committee on environmental and social considerations has been involved in discussions for relatively large-scale projects of Japan International Cooperation Agency (JICA). The committee has often discussed the quality of resettlement and livelihood of project affected people. As the chair of this committee, I have been involved in those kinds of discussions. This paper will provide the outlines of our discussions and challenges for better implementations.

MDR in China: institutions and local practices

Xiyun Yang (Co-author: Peter Ho)

Recent developments in the rural landscape have led to a plethora of interventions, being designed that have significant implications for the rural landscape in India. Its ramifications for the rural population cannot be overstated. My paper traces the trajectories of change in one location of Rajasthan in a western semi-arid ecological zone to configure the overlapping transitions that are ongoing and the pendescapes that emerge as a result of such transitions—how are people's relations impacted and what are the likely fallout of such changes on the most vulnerable communities. In this process of transition in land use and occupational shifts, the paper seeks to examine the ways in which a generated process could delineate a more realistic approach and how the pitfalls of conflicting interests and vulnerable livelihoods could be resolved using existing policy and legal frameworks.

When can we organize the change can be sustainable

Some Perissinaki

Recent developments in the rural landscape have led to a plethora of interventions, being designed that have significant implications for the rural landscape in India. Its ramifications for the rural population cannot be overstated. My paper traces the trajectories of change in one location of Rajasthan in a western semi-arid ecological zone to configure the overlapping transitions that are ongoing and the pendescapes that emerge as a result of such transitions—how are people's relations impacted and what are the likely fallout of such changes on the most vulnerable communities. In this process of transition in land use and occupational shifts, the paper seeks to examine the ways in which a generated process could delineate a more realistic approach and how the pitfalls of conflicting interests and vulnerable livelihoods could be resolved using existing policy and legal frameworks.

Resettlement & Livelihood Symposium Final Program 7

PARALLEL SESSIONS

Integrate vulnerability index for children

Stephanie Sangalang

Typhoon Haiyan has had different economic, health, and social impacts on children, who may be less resilient to resettlement. Many vulnerability indicators for children exist but these indices are often fragmented/lack consistency. The purpose of this study is to do a scoping review of existing vulnerability indicators developing an integrated vulnerability index (IVI) for children and apply the IVI to children who have been resettled after Typhoon Haiyan. To identify vulnerability indicators, a literature search will be done. Findings will be used to create a framework for the IVI, which will examine vulnerability at the individual, household, and community levels. Indicators will be categorized according to domains such as health, nutrition, safety and security. Finally the IVI will be used to examine the impact of resettlement on children's vulnerability and resilience after Typhoon Haiyan. Findings from this study may be useful for resettlement planning and disaster risk management.

Effectiveness of non-state legal systems

Saikat K

Although this is not surprising due to the limitations of state laws to address the complexity of management concerns of artisanal fisheries that arise from the intricate social ecological interrelations, non-state institutions cooperate or cooperate with state laws in a variety of contexts to manage technology, trade, and socio-economic concerns in a globalizing world. The analysis shows that informal, community-based management institutions and strategies are still relevant, especially in regions where state institutions are weak. The paper recommends that the state should strengthen communitarian efforts towards fisheries governance by recognizing the relevance of informal institutions.

Vulnerable people and livelihoods issues: Case studies E2

HA 3

Chair: Robert Berdy

Household, livelihoods, and resettlement

Aamir Babuts (Co-author: John Owens & Deanna Kemp)

In training and resettlement practice, one critical oversight is the conceptualisation of households in the formulation of livelihood reconstruction initiatives. While households have received considerable attention in development studies, principally in relation to sustainable livelihood activities, the substance of this research continues to evade the attention of policy makers and practitioners in the mining industry. This article highlights the importance of household-level analysis in mining industry policy and resettlement practice. The authors argue that unless the material pressures and possibilities for impoverishment and improvement are realised at the household level, livelihood restoration practice in MDR will continue to stagnate.

Livelihood adaptation in Dar es Salaam, Tanzania

Nyendero Mushi (Co-author: Fahim Muzumara & Shyue-Ng Huijames)

In most developing countries, most resettlement challenges are attributed to the lack of a comprehensive legislation on resettlement activities. As a consequence, resettlement is reduced to relocation and livelihood rehabilitation on an individual basis. This paper focuses on the adaptation strategies employed by the 894 households that were relocated due to the expansion project of the Julius Nyerere Airport in Dar es Salaam. The findings of the study on this community focused on socioeconomic changes and revealed that resettleses experienced a number of changes including loss of income and employment opportunities. We try to conceptualize the self-organizing ability of these households to use their own initiatives to diversify and improve their incomes. An understanding of the ability of the resettleses to self-relocate and adapt in a new environment is important to open-up dialogue for special procedures and policy considerations in resettlement activities.

Livelihoods restoration: Practical Insights

Fahim Muzumara (Co-author: Clotilde Goulet)

This paper presents the process of constructing a Livelihood Restoration Plan (LRP) compliant to IFC standards in a particularly complex environment: the economic displacement of artisanal sandminers as a result of the artificial Hydropower Project in Cameroon. This advanced LRP is the outcome of a tailor-made participatory process and has been widely endorsed by local, national, and international stakeholders. The paper focuses on how context-specific measures have been designed and how multiple—sometimes contradictory—challenges have been overcome: collection of critical baseline data and validation of income loss at the informal sector, need for an iterative process (seasonal patterns, highly volatile activity) and imperative project timeline, predictability challenges (land tenure mobility, individual adaptation strategies, unavailability of IFC requirements of livelihood restoration objectives).

Evaluation of development-induced relocations

Kenneth M. Brown (Co-author: David DeWaal & Kevin Marra)

The development of the Eco-Wyami Neptune 400 KV transmission powerline has seen some of the people of Inguza Hill Local Municipality in the Eastern Cape relocated from their original place of residence. This research evaluated the process that was implemented when relocating the affected people in the Inguza Hill Local Municipality, covering villages within Luskiski and Flagstafftown. This study provides a response to the research question, which was: Did the relocations improve the socio-economic and environmental sustainability of the people in Inguza Hill Local Municipality? The evaluation process of the study followed a systematic methodology, which entails (i) investigating and analysing the social impact indicators identified during the relocations; (ii) evaluating and comparing key socio-economic and environmental indicators in Inguza Hill Local Municipality; and (iii) making recommendations to improve the relocation process.

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PARALLEL SESSIONS

Engaging communities and civil society in resettlement planning and implementation: Case studies D2

11a3

Chair: Liz Wili

Land tenure, governance, and resettlement of an ejido

Andrés Ricárdez

There are very few experiences in Mexico with the resettlement of an ejido. The ejido is a landhold from the Mexican Revolution and agrarian reform that entered Mexico's rural land tenure with the ejido paramount model for ownership legitimacy and governance. The different federal administrations considered the ejido structure with legal and tax exceptions. Those exceptions were protective but at the same time resulted in a prostrate land excluded economic resource for the country. This changed in the beginning of the XXI century with a mattempt to modernize the economic use of ejidos land and mineral resources underneath. This paper describes this shift in land tenure and, through a real case, it conducted to a mining operation that required to resettle an ejido. It will demonstrate the social evolution in terms of change in ownership interests and governance that allowed for a crucial decision as to resettle the whole ejido.

Olefiata IV geothermal resettlement project

Coron Facion

Community engagement is identified as one of the key factors to business success within both private and public sectors. KenGen's access in the implementation of the Olefiata IV power plant and the subsequent resettlement of Project Affected Persons (PAPs) was due to effective community and civil society engagement during the planning and implementation process. Invoking communities in the planning stage helps to create a sense of project ownership and provides a basis for productive relationships and improved dialogue in order to obtain broader support outside-in for the project. It will be to gather useful data and ideas for more sustainable decision-making. This paper will highlight how KenGen successfully engaged with communities and civil society during planning and implementation of the Olefiata IV geothermal resettlement and implementation plan (RAP).

The bird, the bank, and the bombing range

Jaron Pimentel

IDA Credit 4466 for road improvements in Honduras included an unusual condition of disbursement: creation of a 2000-hectare conservation area to protect a local bird. As no money was made available to purchase this land, local landowners were presented with an ultimatum: donate the required area or give up their hopes of an all-weather road. Some threatened to kill every remaining bird on sight, others eventually signed over parts of their lands. This presentation examines how involuntary restrictions on access to legally designated protected areas can be justified without the knowledge, participation or consent of the affected people.

TUESDAY, 21 FEBRUARY | 1:530-17:30 | PARALLEL SESSIONS E

Vulnerable people and livelihoods issues: Case studies E1

11a12

Chair: Susanna Price

Livelihood restoration plan for vulnerable persons

Arnd Arlin Co-author: Aki Alizari

Vulnerable people are adversely affected by resettlement more than others due to the limitation in claiming or taking advantage of resettlement as a source and related development benefits. The crucial issues often faced by the project initiator are about objectivity and validity in determining who are the vulnerable people and coupled with how to design a suitable livelihood restoration program for the vulnerable persons. Vulnerability may be assessed in the context of pre-existing and potential hardship vulnerability caused by projects related to physical and economic displacement. Through the application of Sustainable Livelihood Framework, the designing of livelihood restoration plans for vulnerable people and their households could be implemented based on identification of the livelihood assets—i.e. natural capital, human capital, physical capital, and social capital—and their vulnerability context.

Resettlement impact analysis on aged persons

Ayajan Werni Co-author: Radoslaw Chmiel

Aged persons are a special group among the land-losers peasants, and the number increases rapidly because of the coming of an aging society. They have significantly more dependence on their land, housing, and rural way of life than other groups. How to protect the interests of the land-losers aged persons and properly resolve their problems of old age security, so that they can enjoy a sense of earth and being long, good health, and a feeling of personal worth, is a problem that cannot be avoided. Based on the analysis of changes in the life of the aged persons, this article takes apart the profit and loss for the elderly brought on by the housing replacement, land replacement, and the role replacement as a result of land acquisition and house demolition through a case study in an ADB-financed project in Nanjing and also gives some suggestions.

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PARALLEL SESSIONS

WEDNESDAY, 22 FEBRUARY | 08:45-10:30 | PARALLEL SESSIONS F

Government and private sector-planned resettlement: Case studies F1

11a1

Chair: Angelo Resman

Addressing gaps in a government-led resettlement

Kathleen Wilhoze Co-author: Aki Aylor-Corral

In March 2014, MIGA guaranteed an investment connected with the upgrade of National Highway 20 in Vietnam. The project affected several thousand households in two provinces, Lam Dong and Dong Nai. At appraisal, MIGA reviewed and approved a resettlement framework, which would be implemented by District Land Development Departments. During monitoring, however, it was identified that the agreed upon resettlement framework was not being implemented. The deficiencies were in both process (e.g., lack of complete census of affected households requiring relocation before compensation was paid) and implementation (e.g., compensation not at replacement cost). MIGA worked closely with relevant government departments and the project developer to ensure compliance with Performance Standard 5. Specific measures included retroactive "top-up" compensation and the introduction of independent monitoring to supervise the resettlement process.

Philippine BS system to planning resettlement

Reed/Hee Pedroza

The EA requirement in the Philippines is intended to identify and analyze the environmental impacts of undertakings, and to provide guidance on environmental management at various stages of the project cycle. A positive evaluation of the EA results in issuance of an Environmental Compliance Certificate (ECC) intended to represent the environmental compliance commitment confirmed to by the project proponent. The EA and ECC lay down a framework for incorporating environmental management concerns through proper management of the projected environmental impacts that may include physical displacement of settlements and impacts to livelihood. Much information useful in planning resettlement and livelihood projects is generated through the EA process. The paper shall tackle challenges and opportunities in effectively communicating this information to key stakeholders as the implementing agency in charge of the EA process is different from the implementing agency for resettlement and livelihood.

3-D ROW to minimize involuntary resettlement impact

Kerf Ogura

The paper proposes utilization of three-dimensional Right-of-Way (3-D ROW) development for the urban infrastructure development by reallocating urban space to both private and public ownership within the same community. Involuntary resettlement is unavoidable when building an urban highway network in a highly-dense city; thus, 3-D ROW approach gives an effective solution to minimize involuntary resettlement and restore livelihood of project affected persons in an overpopulated city.

Government-planned resettlement and community issues in resettlement: Case studies F2

11a15

Chair: Frank Vercloey

Empowerment community around the mine in Madura Island

Indah Qur'ani

The research focus on empowerment community around a mine based on the principle of justice. This study was conducted in Madura Island, East Java, Indonesia. This study investigates the implementation of the empowerment of communities around the mine, evaluating them and then formulating an appropriate model based on the principle of justice for all or government, community, and business. The study also identifies the role of the companies in relation to empowerment community and poverty alleviation, as well as economic prosperity. The conflicts within the community around the mine are economic and social inequalities experienced by the absence of legal remedies capable of solving the problem. The community around the mine is more rights in the middle of the mining wealth.

Identity formation in resettlement planning

Cindy Bryson Co-author: Michéle G. Guerrero

The paper discusses the opportunity for community identity formation activities to be implemented before relocation and extended beyond common community participatory planning and implementation processes. Using the Philippines as a study country, we highlight the opportunity to engage people through conceptualized dialogic ways they want to live, visualize in a manner which is well-suited to local norms, practices, and values. The Philippines and other countries are currently engaged in projects that require the displacement of people. The paper argues that the planning and implementation of such projects should be based on a sense of community and belonging that is multidisciplinary, culturally appropriate, and sometimes unconventional approaches in order to create a strong sense of community and belonging for affected people and relocated.

Lessons learned from the resettlement of Mongolian herders

Reiguniao Shurka & Jennifer Bowcock

This presentation will discuss the issues faced and solutions proposed when acquiring land and resettling herders on the Oyu Tolgoi Project in Mongolia.

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PARALLEL SESSIONS

WEDNESDAY, 22 FEBRUARY | 11:00-12:30 | PARALLEL SESSIONS G

Monitoring and evaluation: Case studies G1

14.1

Chair: Steven Jenity
Livelihood restoration in urban environments

Aljo Ballesteros (Co-author: Liz Maki)
With the rapid industrialization in Asia has come rapid transition of societies from rural to urban. Combined with the stated objective of increasing industrialization and a movement away from agriculture subsistence in a number of countries, it is increasingly common to see resettlement programs which are designed to move people from rural to urban areas. Programs are being designed to help people find employment opportunities in urban areas. However, the rural to urban migration has led to a number of challenges: livelihood restoration for displaced populations, issues of land use, highly competitive job markets in many Asian urban areas, age and gender impacts on livelihood opportunities, and the transition shock.

Transitioning livelihoods amid rapid growth

Alison Stockwell (Co-author: Gary MacDonell)
In Southeast Asia, population growth, limited land, and the demand for more energy and infrastructure are making displacement of rural communities a reality. In turn, rural livelihoods must adapt to these changes—ever more diversifying household income across agriculture, industrial, and service sectors. Amid such rapid change, is restoration of livelihoods to their prior state possible or sustainable? This paper presents lessons learned in transitioning the livelihoods of households displaced in a government-led resettlement for a large infrastructure project in Vietnam. In compliance with IFC PS.5, in the context of growing economic zone, displaced people face the additional pressures of adapting to a new wage-based economy and the social and demographic change that comes with it. Topics include: coping with data challenges, conceptualizing "transitioned" and sustainable livelihoods, coordinating activities with local government, and monitoring and evaluation of interventions.

Coping strategies in cities: Analytical framework

Gillian Cornish
Urbanization trends in SE Asian countries will lead to greater pressure on lands, new development and upgrades to existing infrastructure occur. The urban poor must occupy vacant lands and shacks; adjacent to planned development are modest risk, or urban displacement and possible resettlement. By better understanding the complex of responses to urban displacement and poor people can more effectively respond to the effects of displacement. The framework presented in this paper focuses on the effects of displacement on the livelihoods and economic assets of rural resettled. It assesses that people develop coping strategies in response to being resettled, categorized as either socio-economic responses at household level or collective action responses at a community level. The framework provides a way to ascertain how people use their assets, resources, and capabilities to adjust to their new environments.

Monitoring and evaluation: Case studies G2

14.2

Chair: Charlotte Boley

Capturing the ripple effects of resettlement

Katherine Witt (Co-authors: Will Rubin & Jo-Anne Everingham)
As for projects both draw populations to and displace them from the region, incoming and outgoing populations can create significant impacts where they settle, including housing costs and placing demand on essential services. This movement can result in significant social and economic changes and creates a region undergoing significant source development in a first-world setting. The ripple effects of displacement and resettlement are described in this paper. We report on an intensive study to capture for incoming low-income families and decline in social cohesion. This paper describes the types of effects identified to date, explore the potential for similar ripple effects to occur in developing countries, and outlines the methods employed to identify and characterize these effects and to point toward potentially effective responses to them.

Using control groups for resettlement monitoring

Ugo Sirtajulu
International standards suggest that the resettled people should be "better off" for a resettlement project to be considered successful. Yet, deciding whether a community is better off is neither easy nor straightforward. Firstly, there are often achievements as well as disappointments and a project would rarely be a total success or failure. Secondly, resettlement is a long-term phenomenon and time passes, they find it difficult to distinguish the impacts of resettlement from other changes in the community. This paper explores the use of control groups in resettlement monitoring to assess the actual changes in the community that have been or will be. Using case studies from Turkey, Kenya, and Vietnam, this paper explores the insights that can be obtained by using control groups in resettlement monitoring and evaluation.

PARALLEL SESSIONS

WEDNESDAY, 22 FEBRUARY | 13:30-15:00

Resettling the resettlement process: post-conflict

14.3

Chair: Adriano Simolon
A central resettlement agency for the Philippines

Michelle Guerrero (Co-author: Cindy Byson)
In the Philippines, challenges in resettlement planning and implementation are compounded by different policies and approaches practiced by the various government agencies involved in land identification and acquisition, relocation, housing, and livelihood restoration. This paper explores pre-existing policies and practices and offers suggestions for a re-organization of responsibilities under a single, central agency and set of policies. Discussion will be based on project experiences of the authors and follow GHJ specialists involved in resettlement planning processes in the Philippines. This centralized agency, in our opinion, could conceivably be modeled on the current National Commission for Indigenous People, which accepts applications, conducts research, acts as mediator (where necessary), ensures adequate representation for vulnerable people, and issues appropriate certification for use and appropriation of ancestral domain land.

Global picture of development displacement

Nadir Ridgway
The Internal Displacement Monitoring Centre (IDMC) was established in Geneva in 1988 to monitor internal displacement around the world. Until 2015, IDMC has been publishing and publishing the global figures on internal displacement, those caused by natural disasters and by conflict. In 2015, IDMC broadened its reporting by also including development displacement under both states of peace and for pro-fit projects. This paper discusses why and how we will carry out this crucial new activity, to construct a knowledge tool (revision until now a global map of this part of global development)—to measure risks, adverse impacts, policies, and possible improvement strategies. To build this huge task, IDMC needs and invites all the support that practitioners can provide. This paper summarizes IDMC's data-collection methodology and challenges and seeks feedback and suggestions for establishing processes of regular transmittal of such data to IDMC.

Long-term livelihood impacts of Three Gorges Dam

Becky Wilman
In 2015 the construction of the Three Gorges Dam on China's Yangtze River officially ended. For over two decades, the 1.3 million people it displaced have been busy rebuilding their livelihoods. To assist them, the Chinese government used a unique toolbox of policy and incentives to stimulate the local economy. Whether the resettler benefits from such initiatives is not yet understood. This paper offers the first longitudinal analysis of the resettlers' livelihoods. Changes in income, food security, and social wellbeing are analyzed across three periods: pre-resettlement, post-resettlement (2003-2011), and final (2011-2013). The majority of resettlers were struggling to meet even their basic needs, but eight years later, the gains have been substantial. Even more significant is the improvement in the livelihoods of the poorest resettlers. This paper is the first indication that the resettlers are recovering from the upheaval of the world's largest dam.

WEDNESDAY, 22 FEBRUARY | 15:30-16:30

Plenary: Jury presentation

14.4

Chair: Eólaí Smyth

The five-member Jury answers the question, "What have you heard at the symposium that can promote resettlement practice as a development opportunity?"

OTHER ACTIVITIES & GENERAL INFORMATION

POST-SYMPOSIUM TRAINING COURSES

Post-symposium training courses will be held from 0800 - 1700 on Thursday, 23 February, and Friday, 24 February. All courses will be held at ADB Headquarters; participants were contacted in advance with specific training course information. For more information on these courses and training course participation criteria, registrations will not be accepted. For full course details, visit <http://conferences.iaa.org/manila-2017/teaching.php>.

WELCOME RECEPTION

The welcome reception is an excellent opportunity to network, meet old friends and colleagues, and make new ones to get your symposium off to a great start.

Monday, 20 February | 17:30-18:30

Location: Marquee (2nd Floor), Edsa Shangri-La Hotel

SHARE WITH PHOTOS

Participants are encouraged to share symposium photos with headquarters staff by posting on IAA's Facebook page and other uses. Please identify the location, the individuals pictured, and the photographs and send your photos to info@iaa.org.

If you are posting symposium photos on your Instagram, Facebook, or Twitter account, please tag #iasasymposium so the photos can be collected and shared throughout IAA, as well.

LIVE TWITTER FEED

Are you keen to share your thoughts on a presentation or reflect on the day's events? Symposium participants are encouraged to tweet throughout the event on the hashtag #iasasymposium. A summary of the tweets will be posted in the symposium proceedings.

ACCOMMODATIONS AND TRANSPORTATION

ADB has suggested several hotels near the symposium venue. For booking instructions, visit <http://conferences.iaa.org/manila-2017/plan-your-stay.php>.

Transportation suggestions for Manila airport arrivals and departures, including rates of the airport terminals, are available at <http://conferences.iaa.org/manila-2017/plan-your-stay.php>.

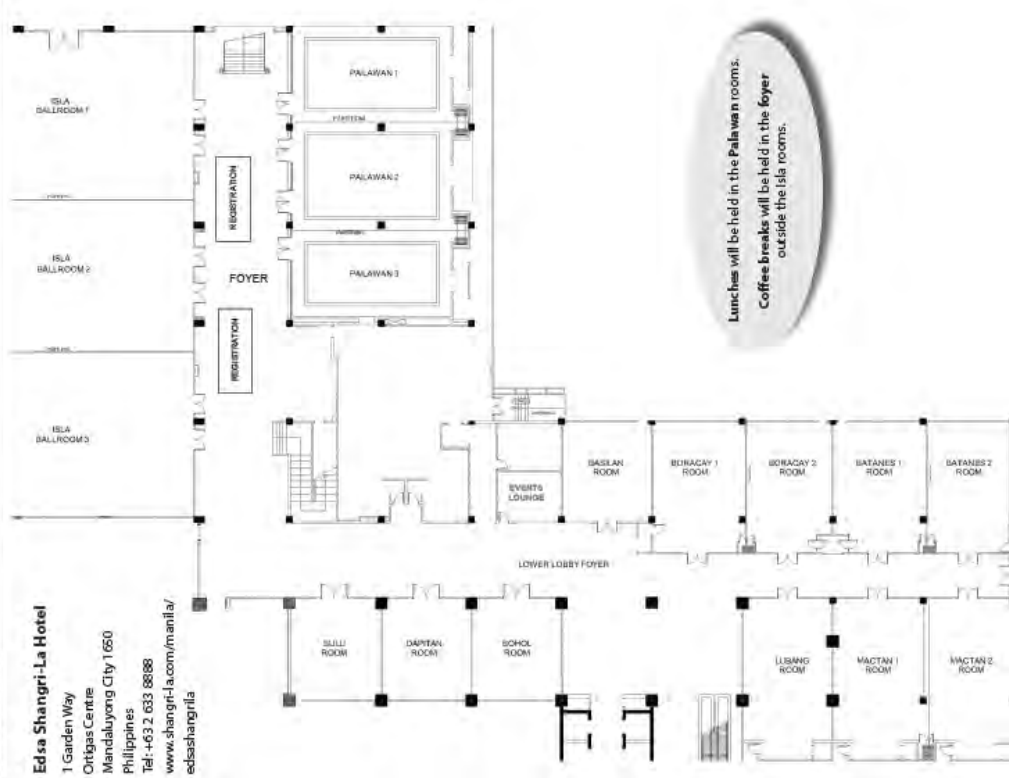
MEALS

The symposium registration fee includes lunches and coffee breaks on 20, 21, and 22 February. Based on registration forms, IAA has estimated a percentage of the grain-in meals. This does not guarantee accommodation of individual preference or special need.

VENUE MAP

Edsa Shangri-La Hotel

1 Gauden Way
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www.shangri-la.com/manila/
edsashangri-la.com



14. Resettlement & Livelihoods Symposium Final Program

LANGUAGE USED

English is the primary language used at IAA events. Unless otherwise noted, all sessions will be held in English.

INTERNET ACCESS AND BUSINESS SERVICES

Free guest wifi is available throughout the venue.

PowerPoint projector and laptop computer will be provided in each session room. Additional equipment requests were due to IAA HQ by 5 January. Presenters are responsible for supplying their own session materials.

Because of rental costs that would necessarily be passed on to all delegates in the form of higher registration fees, IAA does not provide copying, printing, computers, or other business services.

VIDEO/AUDIO POLICY

Individuals officially identified by IAA (may photograph, video tape, and/or audiotape symposium events; by attending the symposium, you agree to allow your image to be used by IAA.

To foster sharing of information and open discussions, IAA encourages presenters and panelists to speak freely and respectfully share their knowledge and experience. During technical sessions, individuals are not permitted to record with personal audio or visual equipment or other recording devices such as cell phones, cameras, or recorders, without permission from the speaker.

INSURANCE AND LIABILITY

IAA, the organizing committee, and the venue will not be responsible for medical expenses, accidents, losses or other unexpected damage to property belonging to conference participants, either during or as a result of the conference and during all events. Participant are strongly advised to arrange their own insurance for health and accident, lost luggage, and trip cancellation.

ACCESSIBILITY

Attendees with a disability and/or special accessibility needs were asked to contact IAA HQ by 1 February to make arrangements. If you have a disability and/or have special accessibility need, and require assistance, please advise IAA staff at the registration desk. However, we cannot guarantee accommodation of requests made on-site.

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PROGRAM COMMITTEE

Eddie Smyth, Chair
Indira Simbolon
Aura Mattias
Peter Leonard

Deanna Kemp
Frank Vancly
Jill Baker

ABOUT ADB

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to the world's poor. ADB is committed to helping them reach the goal of sustainable economic growth, shared prosperity and regional integration. Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grant, and technical assistance.



Asian Development Bank

ABOUT IAI

IAIA is the International Association for Impact Assessment, organized in 1990 to bring together researchers, practitioners, and users of various types of impact assessment from all parts of the world. IAIA involves people from many disciplines and professions. Our members include corporate planners and managers, public interest advocates, government planners and administrators, private consultants and policy analysts, university and college teachers and their students. IAIA has members from over 120 nations.

For 36 years IAI has been holding annual conferences and events all over the world to promote best practices in impact assessment.

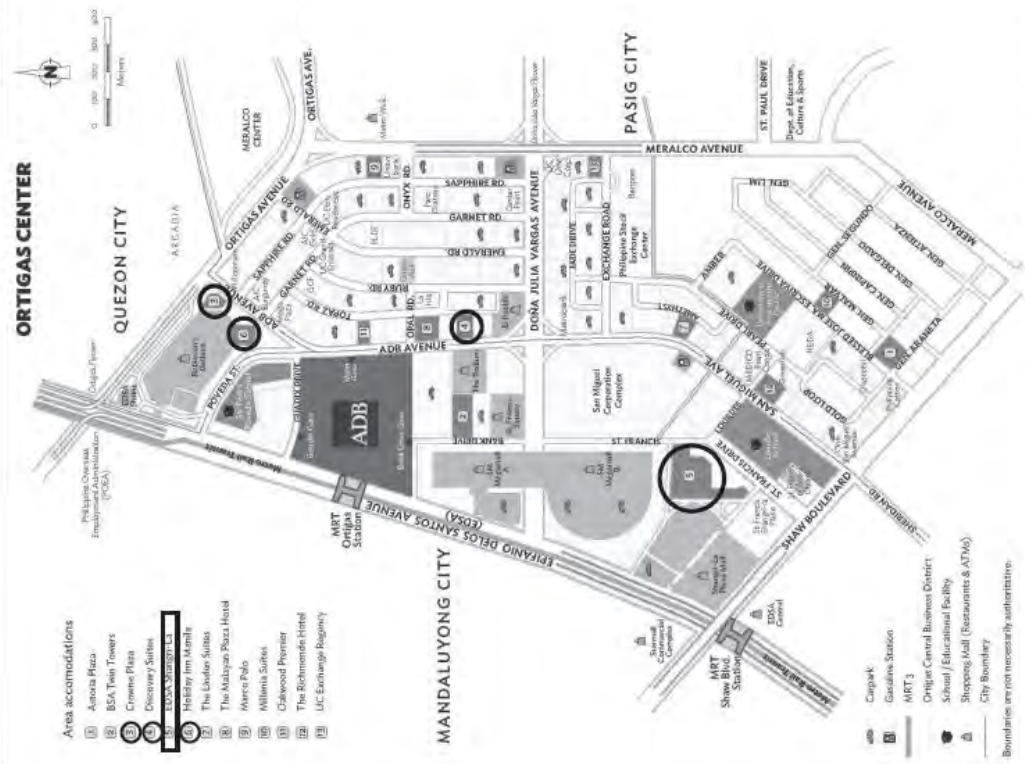


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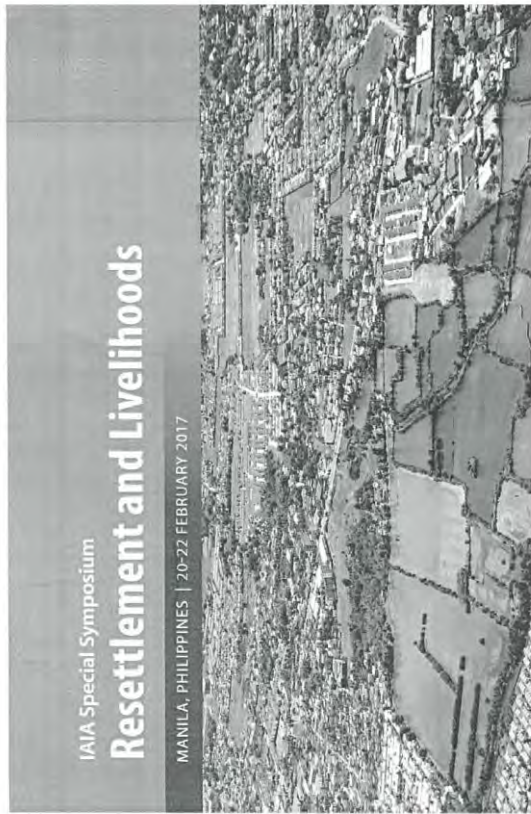


Manila skyline

CITY MAP



Resettlement & Livelihood Symposium Final Program 15



PARTICIPANTS LIST

This document contains contact information for all delegates registered by 7 February 2017.

LOCAL HOST AND PARTNER



IN PARTNERSHIP WITH



Philippine Learning Center for
Environment & Social Sustainability,
University of the Philippines-NEC



PROGRAM ADDENDUM

Please note the following changes to the final program:

- MONDAY, 20 FEBRUARY | 1:30 P.M.–3:30 P.M. | ISLA 3**
Innovative resettlement practice (II): Case studies B2
Cancelled presentation: Psycho-social impact assessment and resettlement (Michael Edelstein)
New presentation: Introducing a new framework for social impact assessment and resettlement (Eddie Smyth)
- MONDAY, 20 FEBRUARY | 4 P.M.–5:30 P.M. | ISLA 1 AND 2**
Plenary Panel Discussion: *Community voices in the resettlement process*
New panelist: Bryann L. De Mesa, Community Organizers Multiversity—Presentation will focus on Alliance of People's Organization along Manggahan Floodway's (APOAMF) People's Plan process and their experience and engagement with government agencies including their advocacy for in-city housing resettlement.
New panelist: Pleth Duch, Cambodian Centre for Human Rights—Presentation will focus on issues surround land tenure, resettlement, and livelihood issues in Cambodia.
New panelist: Enriqueta G. Catayong, also known as "Tita Kits"—As the leader of the community-driven resettlement program known as AMNACA, she will speak about her community's experience of resettlement in the Philippines.
- TUESDAY, 21 FEBRUARY | 1:30 P.M.–3 P.M. | ISLA 1 AND 2**
Engaging communities and civil society in resettlement planning and implementation: Case studies D1
Cancelled presentation: When women organize the change can be sustainable (Soma Parthasarathy)
New presentation: "Make Way! The Kuno story"—This film by Shankar Chandra is shot in and around the Kuno wildlife sanctuary in the state of Madhya Pradesh, India. The film explores multiple meanings of forests for local, regional, national, and global actors.
- TUESDAY, 21 FEBRUARY | 1:30 P.M.–3 P.M. | ISLA 3**
Engaging communities and civil society in resettlement planning and implementation: Case studies D2
Cancelled presentation: Oikaria IV geothermal resettlement project (Haron Kiraison)
Cancelled presentation: The bird, the bank, and the bombing range (Jason Palement)
New presentation: Finima Resettlement for the Nigeria LNG Project (Edward T. Bristol-Alagbariya)
New presentation: Drivers of intensive agriculture expansion in Ampusungan Watershed Benguet, Philippines (Domeslon F. Balangen)
- TUESDAY, 21 FEBRUARY | 3:30 P.M.–5:30 P.M. | ISLA 1 AND 2**
Vulnerable people and livelihoods issues: Case studies E1
Cancelled presentation: Effectiveness of non-state legal systems (Baiju K.K.)
New presentation: Lives in limbo: The impact of operational uncertainty on companies and communities in the mining sector (Rebekah Ramsay)
- WEDNESDAY, 22 FEBRUARY | 8:45 A.M.–10:30 A.M. | BATANES 1 AND 2**
Government-planned resettlement and community issues in resettlement: Case studies F2
Cancelled presentation: Empowerment community around the mine in Madura Island (Indah Qurbani)
New presentation: Resettlement of community by Kengen at the Oikaria 280MW power plant in Kenya (Elizabeth Mwangi-Gachau).
- WEDNESDAY, 22 FEBRUARY | 11 A.M.–12:30 P.M. | BATANES 1 AND 2**
Monitoring and evaluation: Case studies G2
Cancelled presentation: Capturing the ripple effects of resettlement (Katherine Witt)
New presentation: Introducing a university-based research and practice consortium on mining and resettlement (Deanna Kemp)

First Name	Last Name	Organization	Country	E-Mail Address
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Resettlement and Income Restoration in Thilawa SEZ

*– Lessons from the first & second
phases and emerging good practices –*

Thilawa SEZ Management Committee (TSMC)
Yangon Region Government (VRG)

20 February 2017

Contents of Today's Presentation

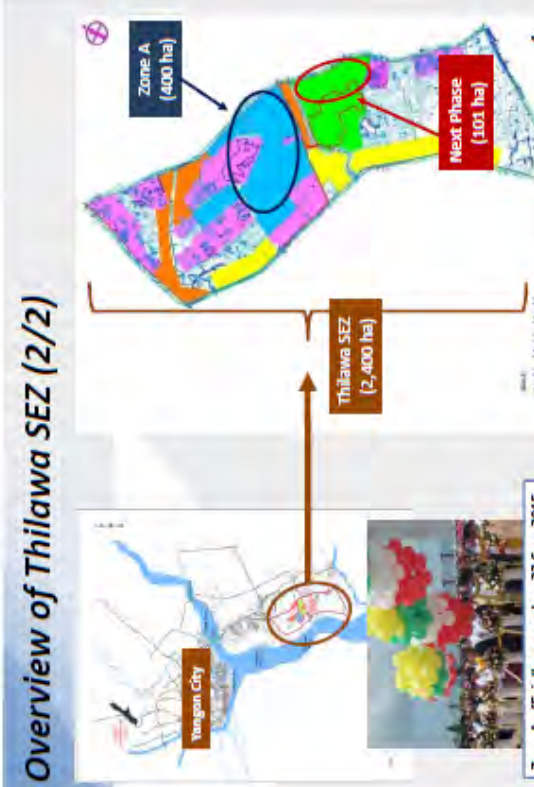
- Overview of Thilawa SEZ
- Some Background of Resettlement and Income Restoration in Thilawa
- Resettlement Work Plan (RWP) for Thilawa SEZ
- Major Steps for Resettlement Work based on International Practices for this Project
- Special Features of Resettlement for Thilawa SEZ Development
- Challenges and Solutions
- Questions & Answers

Overview of Thilawa SEZ (1/2)



- Thilawa is about 1 hour's drive from Yangon City
- One of the national flagship projects to attract FDI
- Out of total 2,400 ha, 400 ha industrial area (Zone A) is now in operation
- Land acquisition for the next phase (101 ha) has just been completed and ground-breaking ceremony is scheduled on 24 February, 2017

Overview of Thilawa SEZ (2/2)



Zone A officially opened on 23 Sep, 2015

Some Background of Resettlement and Income Restoration in Thilawa

- Out of 2,400 ha, about 2,100 ha was acquired in 1997 for industrial zone development
- Land/structure/crop were compensated and each PAH living in the project area received a housing plot in 1997
- But the project did not materialize and some PAHs returned to the project area over time, although the land title was transferred to the government
- PAHs in Zone A was compensated in 1997, but given the above complicated conditions, assistance including a resettlement site and crop compensation was provided again in 2013
- The area targeted for next phase was not compensated in 1997, and thus land acquisition and resettlement are being implemented as per Myanmar laws and international practices

5

Resettlement Work Plan (RWP) for Thilawa SEZ

Since there is no law or guideline to prepare the Resettlement Plan in Myanmar yet, the RWP was prepared as per the international practices.



- Nov 2013: RWP for Zone A (400 ha) was prepared.
- Nov 2013 - Feb 2014 : Relocation of Zone A PAHs
- Feb 2016: Framework of Resettlement Works was prepared to guide the preparation of the individual RWPs for the remaining 2,000 ha area
- And Individual RWP for each development is being prepared
- Aug 2016: RWP for Zone B Area 2-1
- Jan 2017: RWP for Zone B Area 2-2 East
- Under preparation: RWPs for other areas



Framework of Resettlement Works

6

Major Steps for Resettlement Work based on International Practices for this Project



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Special Features of Resettlement for Thilawa SEZ Development

- One of the international projects with a large scale of involuntary resettlement in Myanmar and thus attract international attentions, e.g. from NGOs and CSOs
- Thilawa SEZ is a Public-Private Partnership project and thus more speed and greater flexibility are required for planning and implementation compared with normal government-sponsored project
- Strong commitment of the Project Proponent and supporting organizations to comply international standards for involuntary resettlement and to contribute local development through Corporate Social Responsibility (CSR) activities.
- As for the area where land acquisition is not completed, there are land owners who purchased farmland for a business purpose and not a farming purpose by expecting the higher land compensation rate.

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Challenges and Solutions (1/2)

Zone A (Partially applicable to next phase)

1. **Unfamiliarity with transparent consultation/negotiation:** Open, transparent and two-way consultation and consensus-building through negotiation are something new in Myanmar
2. **Resettlement Site:** PAHs without land title to be resettled; Flooding and water quality issues raised by Zone A PAHs
3. **Transition from land-based livelihood to non land-based livelihood:** Transition to non land-based livelihood posed challenges to some PAHs after resettlement
4. **Lack of Experience of Having/Using Large Amount of Money:** Compensation and assistance money may be misused and not used for restoring/improving livelihood

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1. Unfamiliarity with Transparent Consultation/Negotiation (1)

Open, transparent and two-way consultation and consensus-building through negotiation are something new in Myanmar

Zone A (Partially applicable to next phase)

- Extensive consultation meetings were organized in a transparent way (e.g. 1 week advance notice, not excluding non-PAH participation)
- Local leaders (e.g. current/former village administrator) also attend the meetings as observer
- Multi-stakeholder Advisory Group (MSAG) consisting of community representatives including PAPs, government, developer, SEZ locators (tenants), CSOs, and local and international NGOs was established as a dialogue platform for building trust and addressing challenges
- MSAG was started from an informal meeting on 19 Feb 2015 and had 4 official meetings by March 2016. The evaluation report on MSAG was also prepared in July/August 2016.
- From January 2017, consultation and dialogue between local communities (approx. 10 villages around the project area) and the developer continue as Thilawa Community Coordination Meeting for information sharing and more direct discussions.



2nd MSAG Meeting

Challenges and Solutions

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Challenges and Solutions (2/2)

Next Phase

5. **Complicated Land Ownership and Land Use Pattern:** Unofficial land transaction is fairly common in Myanmar, and some PAHs even sold land that they do not own
6. **Difficulty in deciding the Land Market Value:** As in many other countries, records of land transaction are very limited. The gaps exist between the market rate decided by the Government and the amount PAHs requested
7. **Adjustment between Cut-Off Date, Census and Resettlement:** Demographic conditions of some PAHs have changed since cut-off date

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1. Unfamiliarity with Transparent Consultation/Negotiation (2)

Next Phase

- Additionally witnesses (two local NGOs) attend negotiation meetings and signing events, and submit reports evaluating transparency fairness of the meetings.



Participation of witness in consultation meetings



Witness's report

Challenges and Solutions

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Challenges and Solutions

2. Resettlement Site (Zone A: 68 PAHs)

PAHs without land title to be resettled

- PAHs who were already compensated and received a land plot in 1997 also received a land plot in the resettlement area in 2013.
- Additionally, necessary actions are being taken to grant land title of the land plot in the resettlement site to these PAHs.

Flooding and water quality issues raised by Zone A PAHs

- Ground level was increased by earth filling as per PAHs' requests to avoid flooding in rainy season.
- Improved water supply system with Submersible Pump, Iron Removal Plant, Elevated Water Tank and Distribution Pipeline was installed.
- Water meter is installed to each house and training for using/ maintaining the system is provided.
- Same system will be installed for PAHs of the next phase.

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Challenges and Solutions

2. Resettlement Site (Next phase: 83 PAHs)

PAHs requested to move as soon as possible, while necessary infrastructure at the resettlement site will be ready in April 2017

Many PAHs want to hire contractor jointly for house construction

- Special arrangement for temporary relocation was made so that PAHs can move to temporary residence (e.g. relative's house) until the resettlement site is ready.
- Discussion is underway about hiring contractor, construction cost and specification of houses with the support of TSMC to ensure quality standards are maintained.
- Discussion is underway about expanding capacity of local school to accommodate more students in the neighbourhood.
- Joint meetings with relocated PAHs and host community to promote harmonization with host community.

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Challenges and Solutions

3. Transition from land-based livelihood to non land-based livelihood

After relocation, some Zone A PAHs had difficulties to change jobs from land-based livelihood which provides them with food, income and safety-net

Zone A

- Social welfare support financing was provided in three trenches to each PAH as additional transition support.
- Later on, 3 acres of land behind the resettlement site is opened up to 68 PAHs as a common land which also can be used as home garden.
- A bigger housing plot (40' x 50') is provided, improvement from 25' x 50' in Zone A, so that PAHs can have home garden at their own plot.

Next Phase

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Challenges and Solutions

Assistance to find alternative livelihood

Gaps exist between prevailing education and skill levels of local people and ones expected by potential employers in SEZ. This creates challenge for local people to take advantage of economic opportunities created by SEZ

Zone A

TSMC (and some investors) provides support to fill the gaps

- Assistance for CV preparation for applying a job in SEZ
- Support in job matching, connecting employers (developer + locators in SEZ) and job seekers (local people)
- Vocational training to fill the skills/capacity gaps which is open to interested PAPs and local communities
- As a total, 29 PAPs are currently working at companies in Thilawa SEZ, and 19 PAPs used to work.

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Challenges and Solutions

4. Lack of Experience of Having/Using Large Amount of Money (1)

There is risk that compensation and assistance money is misused and not used for restoring/improving livelihood

Zone A

- Money management & household account management training was provided.
- Compensation and assistance money was mostly provided in 2 to 4 instalments to avoid misuse. House compensation was provided in 3 instalments as per the progress of construction.
- Microfinance program led by local monk
- Some PAHs borrowed money from a loan shark. Government also intervened to lower the interest to legal level to support PAH's smooth transition.

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Challenges and Solutions

4. Lack of Experience of Having/Using Large Amount of Money (2)

There is risk that compensation and assistance money is misused and not used for restoring/improving livelihood

Next Phase

Since the compensation and assistance amount is larger due to land compensation, more mitigatory actions were taken to avoid misuse.

- Mandatory household account management training for all PAHs
- When PAP signs an agreement, s/he is requested to sign on behalf of all family members and that s/he will use the money in consultation with other members
- Compensation and assistance money is provided through bank transfer to reduce the risk of misuse and/or theft and to earn interests
- A briefing session about the benefits of bank account is being arranged (by local bank staffs) to mitigate PAHs' mistrust and unfamiliarity of private bank

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Challenges and Solutions

5. Complicated Land Ownership and Land Use Pattern (1)

Unofficial land transaction is fairly common in Myanmar, and some PAHs even sold land that they do not own

Next Phase

- Several meetings were convened to identify the original (as registered in the government cadastre map) and *de facto* landowner who bought land from the original owner
- *De facto* landowners receive the same land compensation as the original landowner as long as their land-ownership status is confirmed at the meeting by written evidence (record of transaction, tax receipt etc.)
- If land ownership is in dispute, land compensation is kept in the bank account until the dispute is resolved as per Land Acquisition Act 1894



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Challenges and Solutions

5. Complicated Land Ownership and Land Use Pattern (2)

Different entitlements are to be provided to PAHs depending on land ownership; However,

Next Phase

Official boundary




- Registered area of farmland does not always match with actual cultivation area
- Some landowners complain that land users receive compensation for crops/trees they grow on someone's land (without prior agreement, in some cases)

Paddy/Crop measurement with GPS and discussion with landowners/users so that assistance can be provided based on the real situation and based on mutual consent between land owners and users

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Using Different Types of Data to Establish Project Boundary to Minimize Negative Impacts



Revised project boundary to avoid cultivation area

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6. Difficulty in deciding the Fair Land Market Value

Existing or latest land transaction record is very limited since local people paid little attention to the official procedure. Besides, legally land transaction was not allowed after the announcement of Thilawa SEZ development.

Next Phase

- In 2014, 273 samples of farmland transaction data between 2010-2014 were collected from the existing official records and interviews around the project site.
- After considering (1) PAHs' voices during past consultation meetings when preparing the RWP and (2) inflation after the above-mentioned survey, the possible range of land compensation was preliminarily decided by the government and stakeholders.
- Government had series of consultation meetings with land owners and reached the agreement with majority of local land owners.

The gap between government official rate and PAH's requested amount was filled by additional assistance after series of consultation meetings with PAHs and stakeholders.

Challenges and Solutions

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7. Adjustment between Cut-Off Date, Census and Resettlement

Demographic conditions of some PAHs have changed since cut-off date, for example:

Next Phase

- Some PAHs were not "elderly" at the time of cut-off date, but become "elderly" at the time of resettlement
- Some PAHs have become women-headed as male household head passed away after cut-off date
- Young children now go to school

Demographic information, particularly ones related to vulnerability status was updated to provide assistance based on the conditions at the time of resettlement considering these entitlements are additional social assistance.



Application Letter for (Temporary) Submission from a Widow as a Evidence

Challenges and Solutions

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Examples of Retrofitting Entitlements

- Some PAH stopped cultivation in anticipation of construction work
 - One-year extra compensation added to rice compensation
- Some PAHs desire to construct new houses jointly
 - House compensation for such PAHs is pooled in a bank account and may be used jointly
- Pregnant PAP identified at the time of negotiation
 - Pregnancy added to the category of vulnerability
- Original land users continue cultivation after they sold out the land
 - Apportionment of compensation decided based on mutual agreement between original and current landowner



TSMC continues to support PAH regularly

Challenges and Solutions

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Resettlement and Income Restoration in Thilawa SEZ

– Lessons from the first & second phases development and emerging good practices –

Dr. Than Than Thwe¹, U Tun Naing Ko² and Daw Ai Ai Khaing³

Thilawa SEZ is one of the national flagship projects in Myanmar to attract Foreign Direct Investment. Out of the total area of 2,400 ha, 400 ha industrial area (Zone A) was inaugurated in September 2015. In remaining 2000 ha, which is divided into smaller development areas, development proceeds in a step-by-step manner. An area covering 101 ha has been earmarked for the next phase of development, and land acquisition, resettlement and livelihood restoration works are currently underway.

For most part of Thilawa SEZ including Zone A, land acquisition was completed in the 90s when there was a plan to develop an industrial zone there. The area was left undeveloped for more than a decade, and some Project Affected Households (PAHs) who were compensated then returned to the area over time. Given the above conditions, the Cut-off Date for the entire SEZ was set on April 4, 2013, and eligible PAHs who were either living or doing livelihood activities in Zone A at the time of the Cut-off Date received assistance including a housing plot in a resettlement site for the resident PAHs. Unlike Zone A, land acquisition was not completed for areas targeted for the next phase. Therefore, land acquisition and resettlement works are being undertaken as per Myanmar laws and international standards. The paper summarizes key lessons and good practices based on the experience from resettlement works for Zone A as well as ongoing efforts for the next phase.

The paper identifies seven challenges and solutions that were provided or are being provided in resettlement works for Thilawa SEZ. Many of them are common challenges between Zone A and the next phase, but first four challenges are more relevant to Zone A resettlement while the remaining three are more relevant to the resettlement works for the next phase. A summary of the challenges and solutions are provided below:

1. *Unfamiliarity with transparent consultation*: consensus-building through open, transparent and two-way consultation are something new for most stakeholders under the new democratic government.
 - In addition to formal consultation meetings, a number of follow-up meetings have been held in response to PAHs' request to clarify resettlement-related issues and provide more information. Also, local leaders as well as witness (local NGOs) attend the meetings to ensure that the meetings are carried out in an open and free atmosphere.

¹ Joint Secretary, Thilawa SEZ Management Committee

² Deputy Director, Yangon Region Government

³ Community Relation Officers, Myanmar Japan Thilawa Development Limited

2. *Arrangement of the resettlement site:* Zone A resettlement site is equipped with basic infrastructure such as electricity and water supply, which is an improvement from the original living conditions of PAHs. Partly due to heightened expectation among PAHs, however, there were some complaints about drainage during the monsoon season and well-water quality during the dry season.
 - Ground level was elevated by earth filling to avoid inundation in the monsoon season. Also, an improved water supply system with the submersible pump, iron removal plant, elevated water tank and distribution pipeline was installed to ensure clean water supply to all houses.
3. *Transition from land-based to non land-based livelihood:* resettlement and transition to non land-based livelihood poses challenges to some PAHs whose pre-resettlement livelihood centered on farming and grazing.
 - Thilawa SEZ Management Committee (TSMC) and Myanmar Japan Thilawa Development Limited (MJTD) are providing various vocational trainings ranging from car driving, car repairing, basic computer skill, electricity installing, food production, and tailoring to language skill to PAPs to support their transition. Job-matching support is also provided to investors in the SEZ looking for workers and PAPs seeking jobs. Recognizing the challenges that some PAHs faced, additional transition support was provided to Zone A PAHs. For enhancing safety net, three acres of land behind Zone A resettlement site is provided as a common land which can be used as home garden. For the next phase, the plot size was increased from 25' x 50' to 40' x 50' so that PAHs can have home garden at their own plot.
4. *Lack of experience of having/using large amount of money:* there is a risk that compensation and assistance money is not used for restoring/improving livelihood, which is a global common challenge of resettlement. In addition, PAHs who are not used to handling a large amount of money may be susceptible to the approach of rogue people who try to take advantage of them, leading to a situation where compensation and assistance money is not used for restoring/improving livelihood.
 - Mandatory management training is required for all PAHs and both the household head and his/her spouse are invited. In addition, a household head (or recipient of the compensation and assistance) is requested to sign on behalf of all family members and to ensure that the s/he will use the money in consultation with other members. Also, a briefing session by local bank staffs for PAHs is being arranged to alleviate general mistrust in bank and lack of knowledge about benefits to use the bank account.
5. *Complicated land ownership:* Unofficial land transaction is common in Myanmar, and some PAHs even sold land that they do not own.
 - Several meetings were convened to identify and confirm the original landowner (as

registered in the government cadastre map) and current landowner who bought land from the original owner. Regardless of the nature of transaction, current landowners receive the compensation as per the entitlement matrix of the Resettlement Work Plan as long as their land-ownership status is confirmed at the meeting and substantiated by written evidence such as the record of transaction.

6. *Difficulty in deciding the fair compensation price for land:* As in many other countries, records of land transaction are very limited in Myanmar. Also, gaps existed between the market price of the land and the price that some PAHs demanded.

→ The Myanmar government estimated compensation price for land based on market price. The compensation price was finalized through negotiation with PAHs and consultation with other stakeholders.

7. *Consideration between the Cut-Off Date, census and resettlement:* The resettlement for the next phase takes place a few years after the Cut-Off Date and thus there are several changes in demographic and socio-economic characteristics of some PAHs (e.g. PAPs became elderly or woman-headed).

→ Demographic information, particularly ones related to the vulnerability status, was updated to provide assistance based on the conditions at the time of resettlement. Examples of “retrofitting” entitlements include considering PAPs who became elderly or widow after the Cut-off Date as vulnerable.

Thilawa SEZ is an ongoing project, and the paper presents preliminary results of collaborative efforts by TSMC, Yangon Region Government, MJTD and other stakeholders who are committed to make Thilawa a good example for other SEZs as well as large infrastructure projects involving large-scale resettlement in Myanmar.

APPENDIX III-4
IAIA Training agenda

Agenda of Training Course

Day 1	Session Title	Presenter
8:30 – 9:00	Registration and Tea and Coffee	
9:00 – 9:15	Welcome and overview of agenda	Liz Wall Angela Reeman
9:15– 10:00	Introduction of participants and brief description of experience	Workshop Participants
10:00 - 10:30	Overview of International Good Practice Standards for Resettlement and Livelihood Restoration <ul style="list-style-type: none"> - IFC Performance Standard 5 (2012) - World Bank E&S Standard 5 (2016) - Asian Development Bank - Safeguard Requirement 2 	Liz Wall
10:30 – 10:45	Coffee Break	
10:45 – 12:00	Overview of key resettlement challenges globally and specific to Asia <ul style="list-style-type: none"> - Security of tenure - Management of cash compensation (including multi-generational impacts) - Government led resettlement - Self-construction of new houses - Livelihood transition (including rural to urban and fishing based livelihoods) - Legacy land issues - Monitoring and evaluation 	Angela Reeman
12:00 – 12:30	Pooling of cases/questions from training participants which warrant further discussion	Liz Wall
12:30 – 1:30	Lunch	
1:30 – 3:15	Discussion on importance of stakeholder engagement and effective grievance mechanism in the resettlement context. Case Study 1: The challenges presented by Government led resettlement, including cash compensation and self-construction of new homes (Vietnam)	Angela Reeman
3:15 – 3:30	Coffee Break	
3:30 – 4:00	Case Study 2: Security of tenure in areas with complex land ownership conditions (Papua New Guinea and Vietnam)	Liz Wall
4:00 – 4:45	Case Study 3: Timing and approach to compensation for multi-generational impacts (Indonesia and Papua New Guinea) [Interactive discussion around the issues facing a company compensating households for multi-generational impacts]	Liz Wall
4:45 – 5:00	Day One Wrap-Up	

Day 2	Session Title	Presenter
9:00 – 9:15	Reflections on Day 1 and Review of Day 2 Agenda	Angela Reeman
9:15– 10:30	Workshop discussion to address specific issues of concern raised by participants (content to be determined during participant introduction on Day 1)	Liz Wall and Angela Reeman
10:30 – 10:45	Coffee Break	
10:45 – 11:30	Case Study 4: Dealing with an imperfect baseline dataset and other issues when looking to assess resettlement completion (Mongolia and Papua New Guinea)	Liz Wall
11:30 – 12:30	Case Study 5: Management of Unresolved Historical “Legacy” Land Issues (Myanmar)	Angela Reeman
12:30 – 1:30	Lunch	
1:30 – 2:30	Case Study 6: Livelihood Transition (Vietnam, Indonesia, Myanmar) [Cases addressing the challenges faced with livelihood transition including rural to urban and fishing based livelihoods]	Angela Reeman
2:30 – 3:15	How do you know when resettlement and livelihood restoration is complete? [A review of monitoring and evaluation approaches needed to support resettlement completion assessments/audits]	Liz Wall
3:15 – 3:30	Coffee break	
3:30 – 4:30	Follow-up on workshop discussion from morning and any new cases people want to discuss	Liz Wall Angela Reeman
4:30-5:00	Workshop Wrap-Up and Conclusion	Liz Wall Angela Reeman

Resettlement and Livelihoods Symposium - Training Course #1
Resettlement and Livelihood Restoration in Asia

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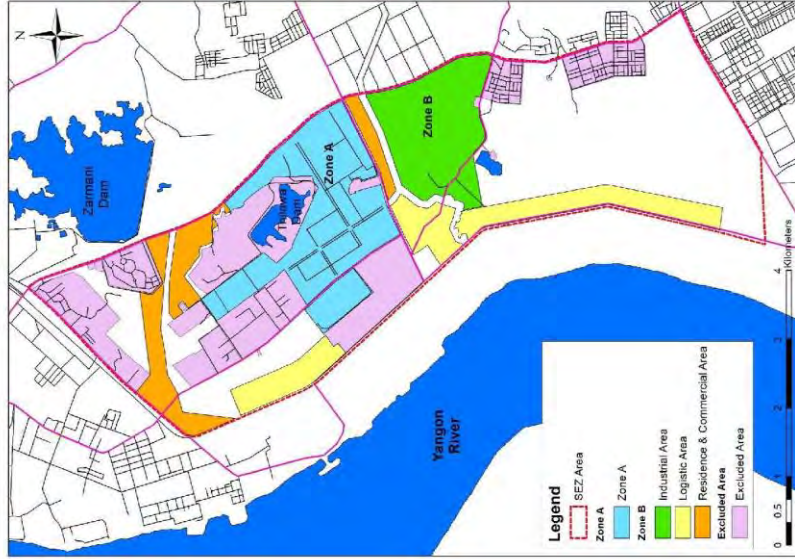
APPENDIX III-5

Guideline of Land Acquisition and Resettlement for Thilawa SEZ



Technical Assistance for Enhancing Capabilities of
Resettlement Work Plan Formulation and Implementation in Myanmar
March 2019

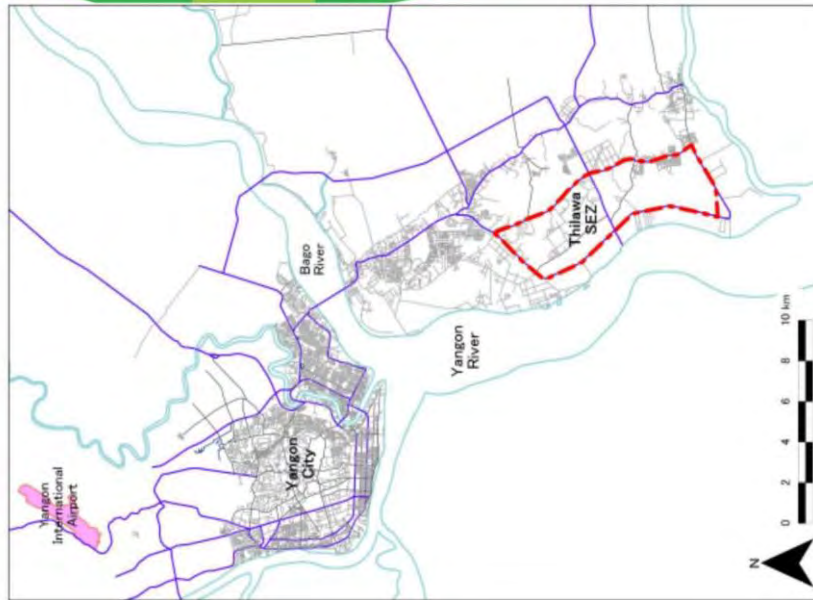
Guideline for Land Acquisition and Resettlement in Thilawa SEZ



Map 2 Development Area of Zone A and Zone B

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Guideline for Land Acquisition and Resettlement in Thilawa SEZ



Map 1 Location of Thilawa SEZ

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Guideline for Land Acquisition and Resettlement in Thilawa SEZ

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Guideline for Land Acquisition and Resettlement in Thilawa SEZ

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Guideline for Land Acquisition and Resettlement in Thilawa SEZ

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> **List of Attachments**

Attachment 3-1 Comparison between Laws in Myanmar and JICA Guidelines	English	Burmese
Attachment 5-2-1 Notice of COD	✓	✓
Attachment 5-3-1 Sample invitation letter form for land entitlement confirmation village level meetings	✓	✓
Attachment 5-3-2 Sample attendance list form land entitlement confirmation village level meetings	✓	✓
Attachment 5-3-3 Sample minutes of the meeting form land entitlement confirmation village level meetings	✓	✓
Attachment 5-3-4 DMS Questionnaire Form	✓	✓
Attachment 5-3-5 DMS Excel Sheet for data entry	✓	✓
Attachment 5-3-6 Methodology of market value survey with formats	✓	✓
Attachment 5-3-7 Actual Timeline of RWP implementation for Area 2-1 and 2-2 East	✓	✓
Attachment 5-3-8 Sample invitation letter form for Public Consultation Meeting (PCM)	✓	✓
Attachment 5-3-9 Sample notice form for PCM	✓	✓
Attachment 5-3-10 PCM presentation material used in a PCM of the latest RWP	✓	✓
Attachment 5-3-11 Sample participant list for PCM	✓	✓
Attachment 5-3-12 Sample feedback form for PCM	✓	✓
Attachment 5-3-13 Sample comment form for draft RWP	✓	✓
Attachment 5-3-14 Sample newspaper advertisement for draft RWP disclosure	✓	✓
Attachment 5-3-15 Sample approval letter for RWP	✓	✓
Attachment 5-3-16 Sample newspaper advertisement for final RWP disclosure	✓	✓
Attachment 5-4-1 Definition of house and hut	✓	✓
Attachment 5-4-2 Example of draft calculation sheet of Microsoft Access	✓	✓
Attachment 5-4-3 Format of agreements	✓	✓
Attachment 5-4-4 Sample time schedule format	✓	✓

Guideline for Land Acquisition and Resettlement in Thilawa SEZ

List of Abbreviations

ADB	Asian Development Bank
COD	Cut-off Date
DMS	Detailed Measurement Survey
DUHD	Department of Urban and Housing Development
ESF	The Environmental and Social Framework
ESS	Environmental Social Standards
FDI	Foreign Direct Investment
GAD	General Administration Department
GIS	Geographic Information System
IRP	Income Restoration Program
IRPIC	Income Restoration Program Implementation Committee
JICA	Japan International Cooperation Agency
MJTD	Myanmar Japan Thilawa Development Limited
MMST	MMS Thilawa Development Co., Ltd.
MINPED	Ministry of National Planning and Economic Development
MOC	Ministry of Construction
MOHA	Ministry of Home Affairs
MTSH	Myanmar Thilawa SEZ Holding Public Limited
NGO	Non-Governmental Organization
NRC	National Registration Card
OP	World Bank Operational Policy
PAH	Project Affected Household
PCM	Public Consultation Meeting
PAP	Project Affected Person
PPT	Power Point
Q&A	Question and Answer
RIC	Relocation Implementation Committee
RWP	Resettlement Work Plan
SEZ	Special Economic Zone
SLRD	Settlement and Land Record Department (= Current "Department of Agricultural Land Management and Statistics")
T/A	Technical Assistance
TCMP	Thilawa SEZ Complaints Management Procedure
TSMC	Thilawa SEZ Management Committee
UN-HABIT	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees.

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Guideline for Land Acquisition and Resettlement in Thilawa SEZ

Attachment 5-4-5	Sample invitation letter for negotiation meeting	✓	✓
Attachment 5-4-6	Sample format of participant list of negotiation meeting	✓	✓
Attachment 5-4-7	Sample formats for ground confirmation	✓	✓
Attachment 5-4-8	Sample format of proxy letter	✓	✓
Attachment 5-4-9	Sample format of permission letter	✓	✓
Attachment 5-4-10	Sample invoice	✓	✓
Attachment 5-4-11	Sample payment record	✓	✓
Attachment 5-4-12	Sample award	✓	✓
Attachment 5-4-13	Presentation and brochure used in money management training for PAH	✓	✓
Attachment 5-4-14	Monitoring system of self-relocation status of PAH	✓	✓

vii

WB	The World Bank
YRG	Yangon Region Government

CHAPTER 1 INTRODUCTION

1.1 Background and Objectives of the Guideline

Under the current administration established in November 2011, the Government of Myanmar has given priority to Foreign Direct Investment (FDI) as a key factor in the development of the nation. In particular, the Government expects Thilawa, Dawei, and Kyaukpadaung Special Economic Zone (SEZ) to play an important role in its economic development. This approach for economic development by FDI increased the need of capacity enhancement of the Government to implement land acquisition and involuntary resettlement in line with the international standards.

Since November 2013, the development of Thilawa SEZ covering approximately 2,400 ha has started in association with land acquisition and involuntary resettlement. As the experience of the Government in land acquisition and involuntary resettlement complying with the international standards was limited, Japan International Cooperation Agency (JICA) has initiated a technical assistance (T/A) project for planning and implementation of land acquisition and involuntary resettlement for the Government, especially Yangon Region Government (YRG) and Thilawa SEZ Management Committee (TSMC), which are responsible for land acquisition and resettlement works for the Thilawa SEZ project. The assistance provided through this T/A covers every steps of land acquisition and resettlement works such as conduct of the detailed measurement survey (DMS) on the project affected households (PAHs), preparation of resettlement work plans (RWPs) for Zone A and Zone B development and their approval procedures including organization of a series of public consultation meetings, preparation and implementation of negotiations to make agreements with PAHs on land acquisition and resettlement, and monitoring of resettlement.

As a result of this T/A, their capacity for the works complying with the international standards has been developed steadily, and the lessons learnt from the experiences in Thilawa were accumulated. In order for effective utilization of the accumulated learnings for capacity enhancement of the Government for implementation of smooth development of Thilawa SEZ in the next phases, a guideline for land acquisition and resettlement in Thilawa SEZ has been developed considering continuous resettlement works for development of Thilawa SEZ.

1.2 Contents of the Guideline

This guideline introduces the step by step procedures and the key points for land acquisition and resettlement by the Government in adherence with the international standards. This guideline is supposed to be utilized mainly by the officers of the Government in charge of land acquisition and resettlement, namely the officers of YRG including Southern District, Thanlyin Township, Kyauktan Township and TSMC, so that they will be able to use this as a guiding tool when they start to engage in resettlement works, or when they face difficulties in the course of implementation in Thilawa SEZ.

- This guideline is composed of seven chapters and annexes as follows:
- Chapter 1 introduces the objectives of the guideline and its usage;
 - Chapter 2 summarizes land acquisition and resettlement works implemented in Thilawa SEZ Zone A and Zone B;
 - Chapter 3 introduces international legal framework of land acquisition and resettlement and highlights gaps between national and international legal framework in this sector;
 - Chapter 4 outlines the key stakeholders and organizational structure for implementation of the procedures;
 - Chapter 5 outlines the procedure structured based on the experience of Thilawa SEZ for the areas where land acquisition is required.

- Chapter 6 outlines the procedure likewise chapter 5 for the areas where land acquisition is NOT required, and
- Chapter 7 compiles the recommendations for YRG and TSMC.
- Attachments to this guideline provides list of useful additional information resources/ templates. It is recommended to refer to Chapter 5 for future development entailing land acquisition, while Chapter 6 could be referred for development without association of land acquisition such as Area 2-2, West, Area 2-3, and Area 2-4.

CHAPTER 2 LAND ACQUISITION AND RESETTLEMENT WORKS IMPLEMENTED IN THILAWA SEZ (ZONE A AND ZONE B)

2.1 Preparation of Resettlement Work Plan (RWP) of Zone A and Zone B

The development of Thilawa SEZ has been implemented since 2013 in phased approach with incremental steps since the entire area is too large to develop at once. As of February 2019, Zone A (formerly called as Class A) and phases 1 to 3 of Zone B out of 2,400 ha has been developed with association of land acquisition and involuntary resettlement. The area whose RWP has been developed is shown in Figure 2-1.

Firstly, the RWP of Zone A was developed followed by preparation of supplemental RWP of its expanded area, and then the resettlement framework for the entire SEZ for 2,000 ha were developed subsequently. After the development of the framework, RWPs covering the areas of phases 1 to 3 of the industrial area of Zone B have been developed. Table 2-1 shows the developed Resettlement Framework for the entire Thilawa SEZ and RWPs of Zone A and Zone B of the SEZ which are available at the Web-site of TSMC (<http://myanmarthilawa.gov.mm/resettlement-dlap>).

Table 2-1 List of Approved Framework / RWPs of Thilawa SEZ

Title of Framework/ RWP	Published / year
RWP for Zone A (Class A)	Nov. 2013
RWP for Expanded Area for Zone A (Class A) (as Supplemental RWP for RWP for Zone A)	Jan. 2016
Resettlement Framework for 2000ha Development Area of Thilawa SEZ	Feb. 2016
RWP for Area 2-1	Aug. 2016
RWP for Area 2-2 East	Jan. 2017
RWP for Expanded Area of Area 2-1 (as Supplemental RWP for RWP for Area 2-1)	Feb. 2018
RWP for Expanded Area 2 of Area 2-1 (as Supplemental RWP for RWP for Area 2-1)	Nov. 2018
RWP for Area 3-1 and Related Area	Jan. 2019

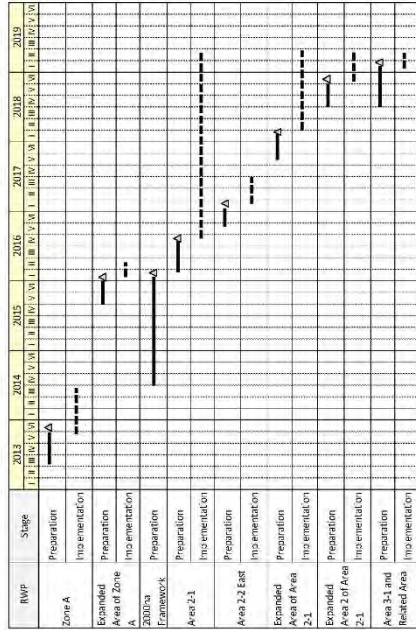


Figure 2-2 Actual Schedule for RWP Preparation and Implementation in Thilawa SEZ

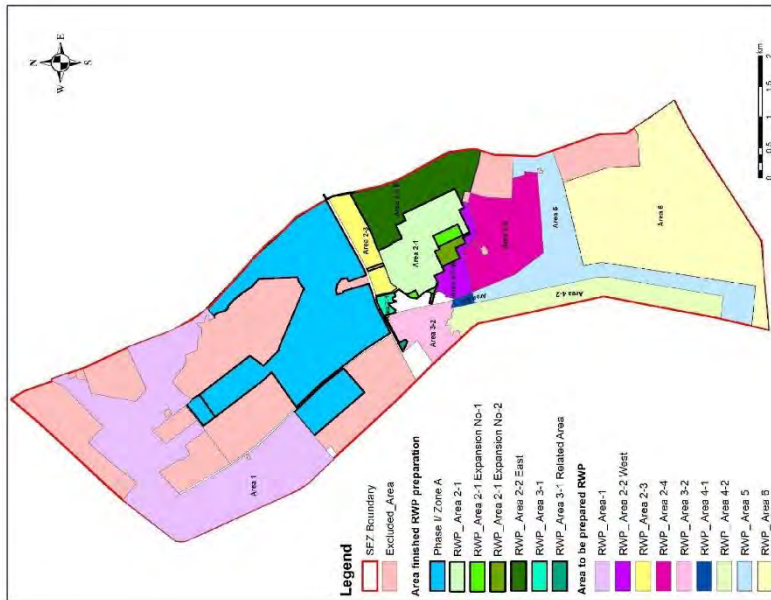


Figure 2-1 Areas whose RWPs have been prepared and implemented in Thilawa SEZ

2.2 Schedule of Preparation and Implementation of the RWPs in Zone A and Zone B

The actual time schedule of preparation and implementation of RWPs and the Framework is shown in Figure 2-2.

CHAPTER 3 LEGAL FRAMEWORK

It is essential to comply with both of national legal framework and international policies on land acquisition and resettlement. Since several gaps among the national regulations and international practices exist, it is important to analyze the gaps and develop measures to fill the gaps to satisfy both works.

3.1 Relevant Laws and Regulations in Myanmar

There is no law that governs the whole procedures of land acquisition and resettlement in a comprehensive manner in Myanmar, however there are several relevant laws and regulations as shown in Table 3-1 which are applicable to lower Myanmar where the Thilawa SEZ is located.

Table 3-1. Major Laws for Land Acquisition/ Resettlement

➤ Farmland Law, 2012
➤ Farmland Rules, 2012
➤ Vacant, Fallow and Virgin Lands Management Law, 2012
➤ Vacant, Fallow and Virgin Lands Management Rules, 2012
➤ Special Economic Zone Law 2014
➤ Constitution of the Republic of the Union of Myanmar, 2008
➤ Transfer of Immovable Property Restriction Law, 1987
➤ The Law Amending the Disposal of Tenancies Law, 1965
➤ The Lower Burma Town and Village Land Act, 1899
➤ Land Acquisition Act, 1894 (Amended by the Government of Burma (Adaptation of Laws) Orders, 1937 and Burma Act 27, 1940
➤ The Land and Revenue Act 1876 (Amended in 1945 (Burma Act No 12), 1946 (Burma Act No 64), and 1947 (Burma Act No 6)
➤ The Lower Burma Land Revenue Manual, 1876
➤ Development Committee Law, 1993
➤ Directions of Central Land Committee
➤ Environmental Impact Assessment Procedures, 2015

Source: Prepared based on "Guidance Note on Land Issues Myanmar" UNHCR, UN-HABITAT

3.2 International Practices on Involuntary Resettlement

Major international policies and guidelines applicable to involuntary resettlement are listed below:

- (1) World Bank (WB) Safeguard Policy: Operational Policy on Involuntary Resettlement (OP 4.12)¹
- (2) JICA Guidelines for Environmental and Social Considerations, April, 2010 (JICA Guidelines)
- (3) Asian Development Bank (ADB) Safeguard Policy: Safeguard Policy Statement 2009 (SPS)

¹ The Environmental and Social Framework (ESF) was launched on 1 October 2016 by the WB. One of the contents of the ESF is the 10 Environmental Social Standards (ESS) which includes Land Acquisition, Restrictions on Land Use and Involuntary Resettlement as ESS5. This ESS5 is also referred.

The features of important international practices are summarized as the following important principles of the JICA Guidelines.

Important Principles of JICA Guidelines on Land Acquisition and Involuntary Resettlement

1. As per the international safeguard standards, certain informal occupants are considered as Project Affected Persons (PAPs) and entitled to receive respective compensation or assistance. Such informal occupants include a) squatters and encroachers who were identified before the Cut-off Date (COD) of the project and b) the informal occupants/users with customary/traditional rights or any other recognized right. For instance, in principle, such an informal occupant is entitled to the compensation and assistance for the loss of income and structures if affected by the project.
2. As for Thilawa SEZ Project, PAPs without land ownership are not considered squatters but considered the entitled PAPs.
3. Special attention needs to be paid to a) landless farmers, b) landless residents, 3) PAPs who needs to change jobs after resettlement and land acquisition such as landless farmers without farmland. The proper mitigation measures should be provided to minimize such negative impacts on PAPs.
4. Two-way meaningful consultation or dialogue is important and needs to be ensured for involuntary resettlement as per international standard.
5. Transparency in the land acquisition and resettlement steps is important in terms of land owner's right.
6. Compensation payment needs to be provided to PAHs before relocation.
7. In principle, if the resettlement site is required, the resettlement site also needs to be ready before relocation.
8. Although the preliminary informal discussions/negotiations with PAHs could be started before finalization of the Resettlement Work Plan (RWP), the official land acquisition procedure needs to be completed after finalization of the final RWP.

3.3 Gap Analysis and Gap Filling Measures

Land acquisition and resettlement for the Thilawa SEZ project have been realized in accordance with international standards (i.e. the JICA Guidelines) and Myanmar legislation (e.g. Land Acquisition Act, 1894) by means of several measures to fill the gaps between the national legislation and international practices. The gaps among these international practices and Myanmar legislations as well as their requirements are described in detail in Attachment 3-1.

CHAPTER 4 KEY STAKEHOLDERS FOR LAND ACQUISITION AND RESETTLEMENT IN THILAWA SEZ

The key stakeholders for land acquisition and resettlement for the Thilawa SEZ project can be divided mainly into two groups; (i) Organizations which implement or support implementation of land acquisition and resettlement; and (ii) PAHs or PAsP required to be displaced physically and/or economically.

4.1 Organizations for Land Acquisition and Resettlement

The organizational structure for implementing land acquisition and resettlement is shown in Figure 4-1. YRG and TSMC are primary responsible for the implementation of land acquisition, resettlement, and also income restoration program (IRP). Steering Committee has been set up for functioning as a supervising body of the entire relocation/resettlement and IRP implemented by YRG and TSMC. Relocation Implementation Committee (RIC) and Income Restoration Program Implementation Committee (IRPIC) has been established as the committees for implementation of relocation of PAHs and income restoration for PAsPs, respectively, with the members.

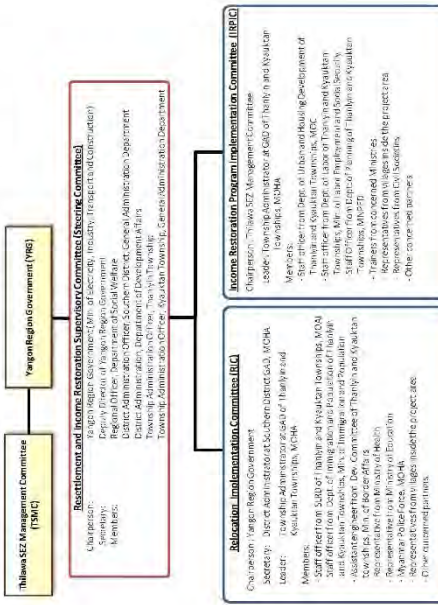


Figure 4-1 Structure for Implementation of Relocation and Income Restoration Program

(1) YRG and TSMC
YRG mainly implements the concerned works with supports from TSMC.

(2) Resettlement and Income Restoration Supervisory Committee, Relocation Implementation Committee (RIC) and the Income Restoration Program Implementation Committee (IRPIC)
Under the supervision of the Resettlement and Income Restoration Supervisory Committee (Steering Committee), the RIC and the IRPIC at district and township levels are implementing relocation/resettlement works including IRP activities of the Thilawa SEZ on behalf of YRG and TSMC. The representatives of RIC sign on the agreement documents with the PAP.

(3) Project Affected Community

Project Affected Community refers to communities (wards and villages) that are directly affected by the development of Thilawa SEZ. The administration officers of wards and villages support YRG, TSMC, RIC and IRPIC through assistance for coordination and communication among YRG, TSMC and the PAsPs.

(4) Developer – MITD

A local enterprise, Myanmar Japan Thilawa Development, Ltd. (MITD) was founded jointly by four shareholders from Japan and Myanmar in October 2013 to develop and operate industrial complexes in Thilawa SEZ. While 49% of its shares are held by Japanese side (MMSTD (MMS Thilawa Development Co., Ltd.), JICA), 51% of them by Myanmar side (TSMC (Thilawa SEZ Management Committee) and MTSH (Myanmar Thilawa SEZ Holdings Public Limited)) as shown in Figure 4-2. MITD bears compensation of the loss of assets of the PAsPs in accordance with the RWP's following Chapter 17 of the Myanmar Special Economic Zones Law as shown in the Box below.

Chapter 17 of the Myanmar Special Economic Zones Law

80. The developer or the investor -
(a) shall pay the agreed expenditures for transfer, resettlement and compensation if houses, buildings, gardens, paddy fields, fruit-bearing plants and plantations on the land are required to be cleared or transferred;
(b) shall, as necessary, negotiate with the management committee in order to ensure that the persons who have to leave the land do not fall below their previous standard of living, their fundamental needs are fulfilled and the transfer is easy and smooth;

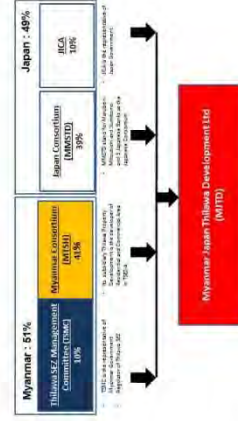


Figure 4-2 Stakeholders of Thilawa SEZ Development

Source: MITD Website²

² <https://www.mitd.com.mm/en/pany-profile>

4.2 Project Affected Household (PAH) and Project Affected Person (PAP)

A PAH refers to a household affected by the development of Thilawa SEZ in different ways. This includes physically displaced PAHs (their houses are affected and thus they need to be relocated), economically displaced PAHs (their livelihood activities are affected) or both. Some have formal land titles (SLRD) while others live/cultivate the land without formal titles.

Compensation and assistance will be provided to those who invested in land, structures or crops to be affected by the Project. PAHs could be categorized into several types with criteria of i) whether they own land or not; ii) whether they reside or not; and iii) whether they carry out cultivation or not. Regarding landowner PAHs, they are further categorized into a) those listed or not listed in the SLRD records and b) they are local landowners or business ones. Relations of assistance/compensation and types of PAHs are shown in Figure 4-3 and 4-4 and Table 4-1.

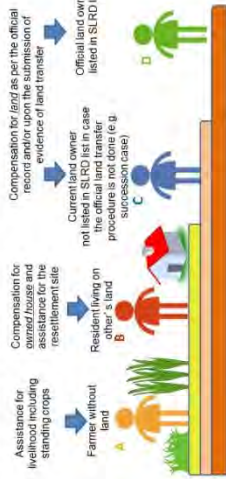


Figure 4-3 Type of PAHs in the area where land acquisition is required and compensation

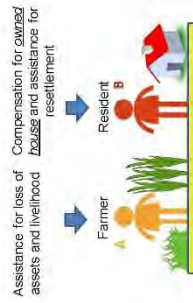


Figure 4-4 Type of PAHs in the area where land acquisition is NOT required and compensation

Table 4-1 Categorization of PAHs

Landowner	Category		Assistance (brief summary)	Type of PAHs in Figure 4-3&4-4
	Resident	Farmer		
○	○	○	Compensation for land Loss of asset (house) Compensation for crop	-
○	○	×	Compensation for land Loss of asset(house)	-
○	×	×	Compensation for land Loss of asset(house)	C, D
×	○	○	Compensation for crop	B
×	×	○	Compensation for land Loss of asset (house)	A
×	○	○	Compensation for crop	-
○	×	○	Compensation for land Compensation for crop	-

Legend ○: Yes to the criteria, ×: No to the criteria

CHAPTER 5 LAND ACQUISITION AND RESETTLEMENT PROCEDURES (in the Areas where Land Acquisition Procedures are Required)

5.1 Entire Procedure of Land Acquisition and Resettlement

Land acquisition and resettlement for Thilawa SEZ in Zone B area (where land acquisition procedures are required) have been planned and implemented with several key steps as shown in Figure 5-1. For the future development in the areas where land acquisition procedures are required, same steps need to be taken (but COD has been announced for the entire Thilawa SEZ area). This Chapter describes both procedures of land acquisition and resettlement. The underlined descriptions are related to only land acquisition. When target area does not require land acquisition, the underlined descriptions shall be skipped in implementation.



Figure 5-1 Land Acquisition and Resettlement Procedure

5.2 Planning Stage

(1) Step 1: Announcement of Cut-off Date (COD)

The cut-off date (COD) is the date when the project is formally decreed by the relevant authorities to stakeholders. Persons who occupy the project area after the COD are not eligible for resettlement assistance. April 4, 2013, which was the initiation day of the census (the April Census, 2013) was declared as the COD by YRG for the entire Thilawa SEZ based on the safeguard policy of World Bank. This COD basically continues to be applied for the future target areas of Thilawa SEZ. The notice of COD is shown in Attachment 5-2-1.

For the announcement of COD, the Collector of Southern District issues i) notice letters to TSMC and other government offices, ii) individual notice letters to the SLRD listed landowners, and iii) declaration to Thanlyin and Kayuktan Township GADs.

(2) Step 2: Confirmation of Development Area Boundary

Based on the data on the status of land ownership, location of residents and cultivation areas, MJTD in consultation with TSMC/YRC works on optimization of the development area of each development phase taking into consideration development needs, and then the boundary of the next development area shall be fixed with agreement of stakeholders.

(3) Step 3: Identification of Project Affected Households (PAHs) and Project Affected Peoples (PAPs)

Eligibility of residents and cultivators of the target areas shall be confirmed with various evidences such as i) the census and socio-economic survey including the April Census (2013), ii) receipt of the eviction notice (January 2013), or iii) the aerial photo taken on the COD.

Eligibility of landowners will be confirmed basically with the SLRD list³. In case the current landowners are different from the SLRD listed landowners, the landownership shall be confirmed at village level confirmation meetings with attendance of members of Village Committee, Township officers, TSMC/YRC officers, witnesses and with the current landowners who shall submit evidences of their land ownership. The evidence shall be official tax receipts of the land which paid by the current landowners, land transaction records signed by the SLRD listed landowner and the current landowner (land all the relevant stakeholders of the land) etc. These evidences and land transaction processes will be verified by all the stakeholders at the meetings and land ownership can be stated in the minutes of the meeting signed by all the attendants of the meeting.

(4) Step 4: Detailed Measurement Survey (DMS)

In order to supplement socio-economic data/information of the census (April 2013) and to confirm assets of PAHs/PAPs (residents and cultivators) for the 2000 ha development area, DMS was conducted from April 2014 to October 2015 jointly by household head, Township representatives, and TSMC representatives. All the original results of DMS is filed and scanned for the future references, and entered in Word and Excel format for future analysis.

In case that DMS could not be conducted due to unknown landownership or difficulty in contacting with the PAHs, additional DMS shall be conducted in the same manner for the newly identified PAHs/PAPs for the future target areas.

(5) Step 5: Resettlement Work Plan (RWP)

Since there is no law or guideline to prepare a resettlement plan or resettlement action plan in Myanmar, RWP shall be prepared as per the international practices.

In order to provide overall resettlement and assistance policy for the 2000ha Thilawa SEZ area, the Framework of Resettlement Works (the Framework) was prepared in February 2015. Individual RWP shall be prepared as per the principles described in the Framework and with fine-tunes considering the nature of impacts on the PAHs of the development area.

Steps of preparation of RWP are shown in Table 5-1.

³ SLRD list in this guideline signifies the Notification (1/09/2015) issued by SLRD which records the land ownership as of 30 April 2015.

Steps	Actions and Remarks	References
	<p>Participants: Representatives from YRG/TSMC, Township Level Committee (at least SLRD), local leaders (e.g. Village Administrators, 100 Household Heads, etc.), Witness</p> <ul style="list-style-type: none"> Minutes of the meetings shall be recorded and all of the submitted documents by the potential landowners shall be copied and filed for future references. 	
4. Conduct supplemental DMS (if required)	<ul style="list-style-type: none"> Conduct additional DMS of PAHs whose DMS were not yet conducted. In addition to new landowners identified in step 3 above, there is possibility that cultivate-only PAHs (i.e. cultivate vegetables but do not live in or own land in the SEZ area) might not have been surveyed by the DMS in 2014/2015. DMS will be jointly done by household head, representatives from TSMC/YRG and concerned departments of Township (e.g. SLRD for land, forest department for trees, agriculture department for crops) with using the same Questionnaire Form as used in past DMS. If PAHs have other affected assets than land, ground confirmation is necessary by the same parties (twice village level confirmation meeting (step-3)). Data collected by DMS will be entered to the Excel Sheet for compilation and analysis. Prepare socio-economic profiles of PAHs with calculating data from DMS for the RWP. 	<ul style="list-style-type: none"> DMS Questionnaire Form (Attachment-5-3-4) Excel Sheet for data entry (Attachment-5-3-5) 
5. Update the legal framework	<ul style="list-style-type: none"> Check whether i) relevant laws/regulations in Myanmar, ii) international practices on relocation/resettlement are updated or not. If there are any updates, revise corresponding parts of Chapter 4 of the RWP. (e.g. SEZ law was updated in 2014) Check the latest status of the new land acquisition act which is currently under preparation by Myanmar Government. 	<ul style="list-style-type: none"> Land Acquisition Act (1994)¹ JICA Guidelines (2010)² SEZ law
6. Examine and compensation package for PAHs (as Entitlement Matrix)	<ul style="list-style-type: none"> Review the latest compensation and assistance package (Entitlement Matrix) in "the Resettlement Framework for 2000ha" and the latest RWP. Revise/update the contents in consideration of socio-economic status of PAHs in the target area. (For example, 	<ul style="list-style-type: none"> Resettlement Framework for 2000ha Latest RWP Methodology of market value survey with formats (Attachment 5-3-6)

¹ http://www.burmalibrary.org/docs11/The_Land_Acquisition_Act-1994.pdf
² https://www.jica.go.jp/english/cou_work/social_environmental/guideline/index.html

Table 5-1: Procedures of RWP Preparation by YRG/TSMC


Steps	Actions and Remarks	References
1. Confirm the target development area	<ul style="list-style-type: none"> The overall boundaries of development areas are discussed in the Resettlement Framework. It would be changed and finalized by MTD (developer) in consultation with YRG/TSMC before initiating the process of RWP preparation. After confirmation of the target development area with MTD, develop a GIS map with a clear boundary of the target development area based on the obtained boundary data from MTD. (This development area map will be used in the RWP) 	<ul style="list-style-type: none"> Resettlement Framework Boundary data (CAD or PDF) to be provided by MTD 
2. Confirm potential PAHs based on the results of DMS and records of SLRD	<ul style="list-style-type: none"> Identify PAHs (residents, and/or cultivators) Identify PAHs entitlement (residents, layer or development borders on the GIS which can be developed by the results of DMS to confirm whether which PAHs fall in the target area or not. Confirm the results of DMS as well to verify the status (residences, and/or cultivations) of the identified PAHs as of COD. <p>landowners:</p> <ul style="list-style-type: none"> Identify entitlement of landowner PAHs based on the records (SLRD lists and maps) as well as the results of DMS. 	<ul style="list-style-type: none"> GIS map developed by DMS results Original/Scanned answer sheets of DMS SLRD lists (hard copy) and maps (soft data) 
3. Hold land entitlement confirmation village level meetings	<ul style="list-style-type: none"> In case that SLRD listed person is not current landowner, land entitlement shall be confirmed by transparent manner as described below. Hold village level meetings to clarify the current land ownership status as follows: <ul style="list-style-type: none"> Venue: Office of DUHD of MOC in Kyauktan township or other public facilities convenient for landowners (arrangement of transportation for invitees/participants may be necessary) Agendas: <ul style="list-style-type: none"> Explanation on Thilawa SEZ and target development area. Checking the latest land ownership. Checking unofficial land transaction history with adequate evidences (e.g. land transaction agreements, official tax receipts), etc. Invitees: SLRD landowners, and current landowners if they are already identified prior to the meeting. If new landowners are identified in the meeting, additional meeting targeting these new landowners will be necessary. 	<ul style="list-style-type: none"> Sample invitation letter form (Attachment-5-3-1) Sample attendance list form (Attachment 5-3-2) Sample minutes of the meeting form (Attachment-5-3-3) 

Guideline for Land Acquisition and Resettlement in Thilawa SEZ

Steps	Actions and Remarks	References
	<p>assistance to pregnant woman was added while preparing the RWP for Area 2-1, and option for cash compensation (instead of resettlement site) was added to supplementary RWP for Expanded Area of Area 2-1.)</p> <p>Revise/update the unit price for compensation by market value survey if the current market value is significantly different from the ones applied for the RWP. Concerned price information collected by Market Value Survey should be updated with considering inflation rates, consultation with PAHs and/or conducting additional survey.</p> <p>Consult with relevant organizations on this draft package including the unit price of compensation and reflect their comments/requests to the draft package.</p> <p>Review the latest resettlement site plan and income restoration program (IRP) in "the Resettlement Framework for 2000ha" and the latest RWP.</p> <p>Revise/add the contents in consideration of socio-economic status of PAHs in the target area.</p> <p>Consult with relevant organizations on the resettlement site plan and IRP, and reflect their comments/requests.</p> <p>Details of the resettlement site plan and IRP for the PAHs in the target area will be examined in consultations with the PAHs after approval on the final RWP.</p> <p>Review corresponding items in the latest RWP and revise/add the contents.</p>	 <p>Resettlement Framework for 2000ha Latest RWP</p>
7. Examine resettlement site plan and income restoration program (IRP)		
8. Examine the institutional arrangement, grievance redress mechanism, monitoring and evaluation arrangement		
9. RWP implementation schedule	<p>Check with MJTD about the construction work schedule, particularly, the timing of construction work commencement. In consideration of this work schedule and past practices, and based on the expected difficulties in negotiating with PAHs, consider RWP implementation schedule which is realistic and implementable.</p> <p>Consult with relevant organizations on this draft schedule, and reflect their comments/requests.</p>	<p>Latest RWP</p> <p>Actual timeline of RWP implementation for Area 2-1 and 2.2 East (Attachment 5-3-7)</p>
10. Compile the draft RWP	<p>Compile the draft RWP updated based on the steps above.</p> <p>Consult with relevant organizations on the</p>	

Guideline for Land Acquisition and Resettlement in Thilawa SEZ

Steps	Actions and Remarks	References
11. Hold PCM on the draft RWP	<p>contents of draft RWP and reflect their comments/requests to it:</p> <p>Hold PCM on the draft RWP as follows: -Venue: Office of DUHD of MOC in Kyauktan township or other public facilities convenient for accessibilities (arrangement of transportation for invitees/participants might be considered) -Agenda: i) background and RWP activities; ii) target development area; iii) eligible households; iv) proposed compensation and assistance package (including resettlement site options and IRP); v) planned implementation organizations; vi) planned grievance redress mechanism; vii) further steps; and viii) Q & A. -Invitees: PAHs for the target development area, and any interested persons/organizations -Participants: Representatives from YRG/TSMAC, Township Level Committee, Village Administrators, 100/10 household heads. Witness (there is a possibility that a journalist/NGO member try to join the meeting while pretending to be a local people or friend/relative of PAP) -Prepare presentation and handouts by YRG/TSMAC in consultation with MJTD. -Send invitation letters to PAHs and government officials and put notices on several places around the target development area (Office of DUHD of MOC in Kyauktan Township, office of TSMAC (Thilawa SEZ), office of DUHD of MOC in Yangon, Administrative office of Southern District, Administrative office of relevant Townships, Administrative offices of relevant Wards/Village-tracts, Houses of Administrators and 100 Household Heads, etc.) at least one week before the PCM. -Feedback forms will be distributed at PCM to receive comments from the participants (arrangement of persons for supporting participants to fill in the forms should be considered). Comments raised during the PCM will be incorporated into the final RWP.</p>	 <p>Sample invitation letter form (Attachment-5-3-8) Sample form of notice (Attachment-5-3-9) PCM presentation material (PPT) used in a PCM of the latest RWP (Attachment 5-3-10) Sample participant list (Attachment-5-3-11) Sample feedback form (Attachment-5-3-12)</p>
12. Disclose the draft RWP	<p>Disclose the draft RWP at several places around the target development area as below: (i) Myanmar/English versions - Office of DUHD of MOC in Kyauktan Township, Office of TSMAC (Thilawa SEZ), Office of</p>	<p>Sample comment form (Attachment-5-3-13) Sample newspaper advertisement (Attachment-5-3-14)</p>

Steps	Actions and Remarks	References
	<p>DUIHD of MOC in Yangon;</p> <p>(j) English version – as required</p> <p>(k) Myanmar version - Administrative offices of Southern District, Administrative offices of relevant Townships, Administrative offices of relevant Wards/Village-tracts, Houses of Administrators and 100 Household Heads, etc.) for minimum two weeks and preferably one month and upload the draft RWP (Myanmar and English) on the website of TSMC for receiving comments from the public. Refer the previous RWP for the list of disclosure places.</p> <p>Put copies of the comment form at the disclosure places. Request officers of the disclosure places to assist persons to fill in the forms if necessary.</p> <p>Create a new E-mail address for receiving comments if necessary and regularly check the message during the disclosure period if necessary.</p> <p>Post the newspaper advertisement including the E-mail address on 2 newspapers ("The Mirror" and "New Light of Myanmar"). Normally, the newspaper needs two business days to publish the advertisement after request for publication.</p>	
13. Finalize RWP	<p>Finalize RWP by reflecting comments from PAHs, public, NGOs, etc. received at the disclosure places or by e-mail during the disclosure period.</p> <p>Share this updated RWP with relevant organizations for confirmation.</p>	
14. Obtain approval on the final RWP	<p>Submit the Final RWP to YRG for its cabinet approval. YRG cabinet normally meets every Thursday.</p>	<p>Sample approval letter (Attachment-5-3-15)</p>
15. Disclose the final RWP	<p>Disclose the Final RWP (Myanmar/English) at the same places where the draft RWP was disclosed and upload the RWP (Myanmar/English) on the website of TSMC.</p> <p>*RWP for disclosure at JICA web site shall exclude the attendance list attached to the RWP for personal information protection;</p> <p>Post the newspaper advertisement including the E-mail address on 2 newspapers ("The Mirror" and "New Light of Myanmar"). Normally, the newspaper needs two business days to publish the advertisement after request for publication.</p>	<p>Sample newspaper advertisement (Attachment-5-3-16)</p> 

- (6) Review and Approval of the RWP by YRG
YRG's review and its cabinet approval on the final RWP are required.
- 5.3 Implementation Stage
- (1) Step 6: Estimation of Land Acquisition/Resettlement Cost and Budgeting
In reference to the compensation package (Entitlement Matrix) of the approved RWP, the results of DMS and Market Value Survey, opinions of YRG and Southern District, and opinions of PAHs, calculation of compensation and assistance for PAHs by category shall be done with the following processes considering the following points:
1. Prepare rough budget in consultation with MJTD in advance since the expenditures will be financed by MJTD and MJTD needs approvals for the budget from various stakeholders, such as MTSH and MMST officially in the MJTD shareholder meeting, which takes time.
 2. Prepare detailed compensation estimate for negotiation and attachment to the agreement with each PAHs.

Table 5-2: Key Consideration for Calculation

Category	Calculation
1. Loss of Assets	
Fixed Assets	<ul style="list-style-type: none"> - Calculate based on the area obtained by land area recorded in SI RD or land transaction agreement verified at the village level, structures, and land unit price to be fixed in consultation with MJTD based on the unit price applied in the past development area and market price confirmed through Market Value Survey.
Structure*	<ul style="list-style-type: none"> - Calculate based on the floor area and materials of structures confirmed at DMS and unit price estimated by YRG. - In case that the house plot area possessed by PAHs as of the COD is larger than the proposed resettlement site, cash compensation can be provided based on the entitlement matrix. Its amount is calculated by difference in floor area and unit price of house land plot. - In case that existing information is not sufficient for calculation, ground confirmation survey shall be conducted to add to/revise the results of DMS.
Trees, cultivated crops	<ul style="list-style-type: none"> - Calculate based on the number/yard amount confirmed at DMS and unit market price obtained in Market Value Survey. - In case that existing information is not sufficient, ground confirmation survey shall be conducted to add to/revise the results of DMS.
Movable Assets	<ul style="list-style-type: none"> - Calculate based on the number and type confirmed at DMS and unit price information collected by township officers or village administrators or Market Value Survey.
2. Loss of Income Sources	
Land-based	<ul style="list-style-type: none"> - Calculate based on the yield amount recorded in SI RD and/or confirmed at DMS with GPS. - Calculate based on the yield amount and number confirmed at DMS.
Faddy farmer	<ul style="list-style-type: none"> - Calculate based on the Income from livestock confirmed at DMS.
Vegetable/tree farmers	<ul style="list-style-type: none"> - Calculate based on the income from income generating activities confirmed at DMS and discussion with township/Village committee members.
Livestock farmers	<ul style="list-style-type: none"> - Calculate based on the income from income generating activities confirmed at DMS and discussion with township/Village committee members.
Contracted worker, daily worker, self-employed, etc.	<ul style="list-style-type: none"> - Calculate based on the Market Value Survey on general expenditure for moving.
3. Relocation assistance	

Category	Calculation
Commuting cost	- Calculate based on number of workers/students confirmed at DMS and Market. Value Survey on general expenditure for commuting cost.
Cooperation allowance	- One-time cash assistance of 100,000 Kyats decided by TSMC/YRG in consultation with MITD/JICA is provided per household regardless of its size.
4. Assistance for vulnerable group	- One-time cash assistance of 40,000 Kyats per person equivalent to cost of 50kg of rice decided by TSMC/YRG in consultation with MITD is provided.

* Structures are basically categorized into two; (i) house and (ii) hut. A house is defined as a living structure with an appropriate form such as pier, roof, floor, door and kitchen and possession of sufficient equipment in a structure for continuous living, while a hut is defined as "Lel Sank Tag" in Myanmar language which is used as a rest place during agricultural activities or placing livestock and agriculture equipment. The above definition was also confirmed through DMS and a village meeting for eligibility confirmation among concerned peoples. Example photos of house and hut are shown in Attachment 5-4-1.

All the calculation can be made by using Microsoft Access, a software for calculation installed in the laptop. Example of draft calculation sheet is shown in Attachment 5-4-2. Total estimated amount based on calculation on these categories will be reported to MITD to secure the budget for paying compensation and assistance for PAHs.

(2) Step 7: Resettlement Site Preparation

After series of consultation with PAHs for Zone B Phase 1 and Phase 2, the resettlement site in Myaing Tharyar Ward, Kyauktan Township was accepted by those PAHs. YRG/TSMC with financial and technical assistance from MITD arranged housing plots together with necessary infrastructure for entitled PAHs when they decide to resettle to that site. YRG/TSMC also has proposed another resettlement site which is under development as of February 2019 in Lat-Yat San village tract, Thanlyin Township as described in the RWP Area 2-1 Expansion 2 and RWP Area 3-1 and Related Area.

Although provision of the resettlement site is prioritized, option of self-relocation with cash assistance due to considerable reasons is also acceptable.

Table 5-3 shows duration actually spent for preparing the resettlement site. If preparation of another resettlement site is required, this timing and required time and cost should be considered.

Table 5-3: Actual Performance of Preparing Resettlement Site

Target	Duration for constructing resettlement site
Resettlement site preparation	Zone A Construction of infrastructure: Oct. 2013 – Feb. 2014 Construction of houses: Nov. 2013 – Feb. 2014 Transfer/living: Nov. 2013 – Feb. 2014
	Zone B Construction of infrastructure: Nov. 2015 – Jun. 2017 Construction of houses: Mar. – Jul. 2017 Transfer/living: Apr. – Dec. 2017

(3) Step 8: Negotiation and Agreement between PAHs and RIC


YRG/TSMC prepares draft agreement documents whose format vary depending on the types of entitlements of PAHs, as well as the following Annexes to the agreement: Annex-1 Household member list; Annex-2 Breakdown of compensation and assistance; and Annex-3 Map of the acquired land. Series of negotiation meetings with PAHs including official and individual ones will be held with attendance of government officers (YRG, TSMC, Township Committee), Village Administrators, and witness(es). Details of this procedure with necessary formats are described in Table 5-4.

There are two types of agreements: YRG agreement and TSMC agreement. In principle, YRG agreement is applied, however TSMC agreement is applied only when the developer accepts special assistance considering its necessity for PAH. YRG agreements are categorized by type of PAH into 3-4 types (landowner, resident, cultivator and combination of above-mentioned types). Samples of these agreements are shown in Attachment-5-4-3. The representatives of RIC signs the agreements.

Table 5-4: Procedures for Negotiation and Agreement

Steps	Actions and Remarks	References	
1	<ul style="list-style-type: none"> Confirm participants to be invited, and arrange time and schedule of negotiation of the day. Invite PAH and other participants 	<ul style="list-style-type: none"> PAH: Government officers (YRG, TSMC, Township Committee, etc.), Village Administrators, and witness shall be invited. In one day, negotiations with different PAHs will be planned. The time schedule of the day shall be prepared in advance. Send invitation letter including meeting information, venue, date and time (one week in advance) to PAH through village administrative/ Township OAD/ EMS. If invitation is sent by EMS, contact the post office to confirm the delivery/receipt of the letter. Inform government officers, village administrators and witness⁶ as well. Inform the PAHs of the necessary document for negotiation and agreements (such as proxy letter for the representatives, passport size photo of PAHs (to be attached to the agreement), NRC card and bankbook etc.) If PAH requires transportation to a meeting venue, arrange pickup (from 100 Household Head house or other easily identifiable place near PAH's house) Transportation is not usually needed for Yanson-based landowners Arrange transportation for witness and government officers if necessary 	<ul style="list-style-type: none"> Sample time schedule format (Attachment 5-4-4) Sample invitation letter (Attachment 5-4-5)
2	<ul style="list-style-type: none"> Prepare equipment needed for negotiation meetings 	<ul style="list-style-type: none"> Camera and recorder (to record the meeting) Calculator (to check the compensation and assistance amount) Ink pad and wet tissue (in case PAH use finger print instead of signing) Refreshment for the participants (snacks, drinks, coffee/tea, and lunch if meetings take place over lunch) DMS/ Supporting document of the invited PAHs 	
3	<ul style="list-style-type: none"> Arrange Transportation (if necessary) 		
4	<ul style="list-style-type: none"> Prepare equipment needed for negotiation meetings 		

⁶ Witness is 3rd party who proves the discussion is conducted in a proper manner. At least one witness shall be invited to official meetings with PAHs such as public consultation meetings, negotiation, and village level confirmation meetings where landownership is confirmed. The witness shall be a third party which is not governmental nor private entity and can observe the discussions with fairness. For instance, local NGO such as Capacity Building Initiative (CBI) and Local Resource Center (LRC) are qualified to be the witness and actually invited to the past meetings.

5	Prepare necessary documents for meetings	<ul style="list-style-type: none"> Participant list for invitees, non-invitees and government officers Agreement/ Contract (Main agreement and Annex) *Copy of NRC card should also be taken in the negotiation 	<ul style="list-style-type: none"> Sample format of participant list (Attachment 5-4-6) Sample format of agreement and annexes (Attachment 5-4-3)
6	Ground confirmation (if required)	<ul style="list-style-type: none"> If the necessity of ground confirmation is confirmed by YRG/TSMC based on the discussion in the negotiation meetings, ground confirmation shall be conducted with participation of Representatives from YRG/TSMC, local leaders (e.g. Village Administrators, 100 Household Heads, etc.), and all the related PAHs. 	<ul style="list-style-type: none"> Sample formats for ground confirmation (Attachment 5-4-7) 
7	Prepare additional documents that may be needed when signing the agreement	<ul style="list-style-type: none"> If representative of household head signs on behalf of him/her, a proxy letter signed by the household head is needed. If the compensation/assistance will be transferred to a bank account other than the household head, permission letter from the household head is necessary. 	<ul style="list-style-type: none"> Sample format of proxy letter (Attachment 5-4-8) Sample format of permission letter (Attachment 5-4-9)
8	Transfer of compensation and assistance amount	<ul style="list-style-type: none"> Issue invoices of agreed compensation and assistance amounts to MITD. Needs revenue stamp on the official agreement on the same day of signing. Agreement as per current practice of Revenue Dept. Double check the amount in the cheque book and the agreement. Pay extra attention in case payment is done in several instalment. Signature of TSMC member is needed in order to transfer money (Mostly Secretary, Thilawa SEZ Management Committee and a member, Thilawa SEZ Management Committee. Community Relationship Officer can also make for sign on cheque if all of the TSMC representatives is absence. Take copy of the bank book after transferring money as a record of transfer (before giving it back to PAH). Keep records of payments to record book, concerned excel sheet (File Name: Payment Record) and Access Database. Inform PAH to pick up the bank book. Have PAH sign the TSMC record book for the record. 	<ul style="list-style-type: none"> Sample invoice (Attachment 5-4-10) Sample payment record file (Attachment 5-4-11)

(4) Issuance of Award by Southern District
After agreement with all the PAHs in the target development area, in principle, District Commissioner of Southern District issues the Award on land acquisition and transfer in two formats: the one for public disclosure and the other for individual notice. (see sample formats in Attachment 5-4-12).

Reference Case: Division of Award Issuance into two steps
In the past RWP implementation in Thilawa SEZ, as a special case, issuance of Award was divided into two steps with an aim to limit negotiation on unit price, and to promote agreement with PAH.

- 1st Award to announce the unit price of land issued after agreement with all the PAHs on the unit price of land to be acquired in two forms: the one for public announcement to be posted in Southern District, Township GAD Office and TSMC; and the other for individual notice.
- 2nd Award to announce land acquisition and transfer, issued after completion of all the compensation payment to the PAH.

In case that business landowner, namely those who lives outside Thilawa SEZ and operates real-estate business with the land inside Thilawa SEZ, is identified as PAH of the target area, they are invited to a consultation meeting to explain the procedure of land acquisition by law to make an agreement besides the public consultation meetings held for entire PAP of the target area. When the business landowner does not agree on land acquisition, additional consultation meetings shall be organized at reasonable intervals and at least 3 times in total. If the business landowner does not agree on land acquisition in spite of such efforts, individual notice of the Award for land acquisition is issued.

(5) Step 9: Money Management: Training and Payment

TSMC will pay compensation/assistance to PAHs basically through bank transfer and keep the payment records of these payments on its record book. (Details of this procedure are described in above Table 5-3 (process 7)). TSMC/YRG helps PAHs to open a bank account at CB Bank's Thilawa Branch, and some PAHs to apply for a new NRC card/renew their NRC cards, which were required for opening bank accounts. It should be kept in mind that it may take time for Indian people to obtain NRC cards.

In case PAHs will make self-relocation with cash assistance, the payment is divided into three times as below:

- 1st payment: 10% of the total compensation amount for arrangement of a housing plot and house (the place to live) will be provided upon signing of the Agreement.
- 2nd payment: The remaining compensation and assistance amount, except Assistance for Relocation amount to be specified in the Annex to the Agreement, will be provided when YRG/TSMC confirms that the PAH actually finds the housing plot as resettlement site with document(s) submitted by the PAH proving that the said housing plot will be secured by the PAH.
- 3rd payment (final payment): Assistance for Relocation amount will be provided when YRG/TSMC confirms that the PAH moves out from their current residence, the Thilawa SEZ area.

In addition, TSMC organizes an account management training for the PAHs. The material used in the training are attached in Attachment-5-4-13.

(6) Step 10: Physical Relocation

YRG/TSMC together with the local leaders verify whether PAHs relocate by themselves. Situation of resettlement site will be monitored and followed up by YRG/TSMC.

Especially the status of the PAH who selected self-relocation with cash assistance shall be monitored to confirm whether the PAH actually secures their resettlement site (new living place as housing plot/house), and actually resettles for completion of the installed payments. The detailed monitoring procedure and formats are shown in Attachment 5-4-14.

(7) Planning and Implementation of IRP

IRP shall be planned and implemented as per the international standards. The contents of the IRP should be examined based on the needs of PAPs particularly of those who have to change their income sources(s) after resettlement through consultation with those PAPs. Since it is ideal that PAPs to be relocated could start their new occupations immediately after relocation, required time for preparation should be considered.



Needs Survey on Training



Mushroom Production Training

(8) Step 11: Monitoring

Both internal monitoring and external monitoring during and after relocation shall be conducted as per the RWP. Internal monitoring during relocation on the progress of payment and relocation, grievance, etc. shall be conducted by RIC/YRG/TSMC and monitoring after relocation on the progress of IRP, management issues of resettlement site, grievance, etc. shall be conducted by IRP/CYRG/TSMC. External monitoring during relocation on procedure and effectiveness of RWP and those monitoring after relocation on procedure and effectiveness of IRP shall be done by external monitoring experts whose qualification is accepted.

(9) Step 12: Grievance Redress

Grievance redress mechanism "Thilawa SEZ Complaints Management Procedure (TCMP)" was established with Joint TSMC/MITD Community Relations Team. PAPs and other concerned persons could file complaints regarding land acquisition and resettlement. This issue for future target areas could be dealt with this mechanism as shown in Figure 5-3. More information is available at TSMC web site <http://irp.myanmarthilawa.gov.mm/> and MITD web site <http://mjtd.com.mm/community-engagement>.

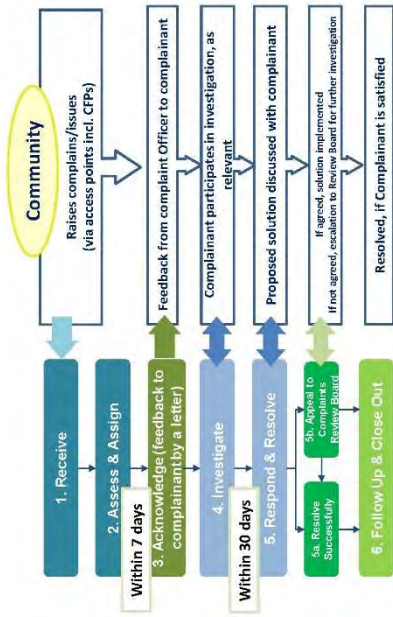


Figure 5-3 Thilawa SEZ Complaints Management Procedure (TCMP)

CHAPTER 7 RECOMMENDATIONS FOR YRG and TSMC

Recommendation 1:
Update of the guideline based on the future practices in Thilawa SEZ
This guideline is expected to be utilized by YRG and TSMC for implementation of land acquisition and resettlement for the future development works such as Zone B extension area in Thilawa SEZ. In the course of the future implementation, some changes in the procedure shown in this guideline might be required or suggested according to the actual situation. In such case, it is advisable that YRG updates this guideline based on the future experience with support from TSMC for the future users of this guideline.

Recommendation 2:
Update of the guideline in adherence with the changes in the international standards and national legal framework
Since one of the important international standards, the Environmental Social Framework (ESF) of World Bank (WB) was issued on 1st October 2018, JICA Guidelines of Environmental and Social Considerations is supposed to be updated in line with ESF. Moreover, the development of a law related to the land of Myanmar is in progress. Considering these significant changes in the relevant laws or guidelines, this guideline is expected to be updated timely by YRG with support from TSMC.

Recommendation 3:
Dissemination of the procedures of land acquisition and resettlement in line with the international standards in Thilawa SEZ to the other development projects in Myanmar
Although this guideline was developed for smooth implementation of the future land acquisition and resettlement works for the development of Thilawa SEZ based on the past experiences in Zones A and B in the said SEZ, the procedure introduced in this guideline could be applied to the other development projects in Myanmar which require involuntary resettlement in line with the international standards. Hence, it is recommended that (i) YRG tune this guideline to apply it to the other projects in Yangon, and (ii) YRG share this guideline with the other regional governments which are required to conduct similar resettlement works in Myanmar so that they could adjust this guideline to their situations for its application or they could take in the lessons learned in Thilawa for improvement of their resettlement works.

CHAPTER 6 RESETTLEMENT PROCEDURES (In the Areas where Land Acquisition Procedures are NOT Required)

6.1 Entire Procedure of Resettlement
Area of Thilawa SEZ is categorized into two: i) area entailing land acquisition, and ii) area where land acquisition and its compensation payment are not required since land acquisition is already completed. The resettlement procedure of the area ii) is shown in the Figure 6-1. The details of each step are shown in the descriptions without underlines in Chapter 5 which explain both procedures land acquisition and resettlement. When target area does not require land acquisition, the underlined descriptions in Chapter 5 related to land acquisition shall be skipped in implementation.



Figure 6-1. Resettlement Procedure

APPENDIX III-6

Agenda and Presentation of the Workshop on the Draft Guideline of Land Acquisition and Resettlement for Thilawa SEZ in May 2018

Workshop Program
Draft Guideline of Land Acquisition and Resettlement in Thilawa SEZ

1. Objective:

- To share the procedures of land acquisition and resettlement works to help smooth implementation of future phase of Thilawa SEZ

2. Time and Date: 11:00 – 14:00, Thursday, 31st May 2018

3. Venue: Room No.3, the Yangon Restaurant, People’s Park Compound, Ahlone Road, Near Planetarium Museum, Dagon Township, Yangon
Phone: +95 01-370 177, mobile: +95 09-964 370 177
<http://theyangonrestaurant.com/contact-us/>

4. Agenda: to explain and discuss the draft Guideline of Land Acquisition and Resettlement

5. Program

No.	Time	Program
1.	11:00 – 11:20	Wrap-up of RWP Technical Assistance (June 2016 – May 2018)
2.	11:20 – 12:00	Explanation & discussion the draft RWP guideline - Chapter 2: Procedure for planning and implementation of RWP
3.	12:00 – 12:15	Explanation & discussion the draft RWP guideline – Chapter 3: Key challenges of RWP works
4.	12:15 – 12:30	Q&A and Comments & Suggestions
5.	12:30 – 14:00	Lunch and further discussions

6. Expected Participants:

- YRG representatives
- TSMC representatives and members in charge of land acquisition and resettlement
- JICA Yangon Office
- JICA Expert Team for Income Restoration Program (IRP)
- JICA Expert Team for Resettlement Work Plan (RWP)

Meeting Minutes (Provisional)

- Date - 11:00am to 2:30pm, 31st May 2018
- Place - Room. 3 of The YANGON Restaurant
- Participants - YRG: U Tun Naing Ko (Deputy Director, Yangon Region Administration Department)
JICA: Mr. Yutaka ARAKI (Representative, JICA Yangon Office)
TSMC: Dr. Than Than Thwe (Joint Secretary), Daw Khin Moe Moe Aye (Public Affair Coordinator), Daw Nilar Swe Tun (Public Affair Coordinator), U Thaw Zin Oo (GIS Specialist), K. Khine Soe (Public Affair Coordinator)
MJTD: Daw Ai Ai Khaing (Community Relation Officer)
JET: Mr. Toshiyuki Ujiie, Ms. Naoko Katashima, Mr. Hayato Kobayashi, Daw Su Myat Kyaw Hlaing, Daw Thinn Lei Yee Wine, Daw Su Thandar Aung
- Objective - To explain about the draft Guideline on Land Acquisition and Resettlement

Mr. Toshiyuki Ujiie briefly presented the summary of JICA Technical Assistance for Planning and Implementation of Land Acquisition and Involuntary Resettlement in Myanmar. He explained that Phase 1 of JICA Technical Assistance was from May 2013 to June 2016 and Phase 2 from June 2016 to the present. He further explained that Resettlement Work Plan for Zone A was prepared and then Resettlement Framework for 2000ha development area was also prepared, but Resettlement Work Plan for respective future development areas had to be prepared.

He also mentioned that first phase of TA included announcement of Cut-off-Date (COD) for entire 2400 ha of Thilawa SEZ, conducting DMS and preparing and implementation of RWP for Zone A. He recalled the past experiences of receiving objection from local peoples to the RWP for Zone A, and JET for RWP together with Dr. Than Than Thwe collected various data and information and supported Private Sector Partnership Department of JICA which is in charge of Thilawa SEZ project to respond inquiries during JICA examination. Then he explained that market price survey for land unit price and others was done and conducting DMS for the remaining 2000ha. He stressed that the consultation meetings need to be held to explain the contents of RWP to the PAHs and local people after drafting the RWP for respective areas and disclosure at respective government offices then the RWP should be finalized after incorporating the received comments and suggestion from the public during disclosure periods.

He further explained that finalization of Draft RWP for Area 2-1 and Area 2-2 East, and preparation of supplementary RWP for Expanded area of Area 2-1 were done in the second phase of TA. He also mentioned that identification of actual landowners was challenging due to unclear land boundaries and land transaction histories in these areas. He also said one of the challenges when dealing with landowner PAHs which is conflicts upon receiving paddy compensation among landowners and landless cultivators who cultivated on their lands since the landowners do not want to provide paddy compensation to the cultivator. He also explained that the optimization of the development area

boundary was done according to the negotiation status with respective PAHs in order to avoid difficult situations. Last but not least, he shared one of the lesson learns from the TA which is provision of sufficient information and having transparency among PAHs and stakeholders regarding RWP of development area such as project boundary, eligibility and income restoration programme through consultation meetings.

Mr. Hayato Kobayashi explained about key points of Chapter 2 Land Acquisition and Resettlement Procedure of draft Guideline for Land Acquisition and Resettlement in Thilawa SEZ, which is the step by step procedures of land acquisition and resettlement to be carried out according to the international practices. The draft Guideline includes a number of attachments which are a set of samples of actual documents used in previous works, including sample of the awards, newspaper announcements and so on.

In Thilawa SEZ area, some of squatters who lived or conducted livelihood activities prior to COD are considered as the eligible PAHs and provided the assistance. Depending on the entitlement every PAH received different compensation and assistance and it create some challenges. For instance, landowners often complaint about the crop compensation amount they received which is less than the crop compensation amount received by the cultivators who do not own the land. However, the compensation and assistance are provided in accordance with international standards and the extra assistance are provided for landless people not just because of their legal life but based on their needs and vulnerability. The fact that they do not have land means that they are less capable to adapt with the changes, therefore, the extra assistance was provided to them. Close communication is also importance because sometimes it is difficult to reach the agreement between landowner and cultivator regarding the compensation provision when the cultivator cultivated on someone's land. For example, K-144 and the landowners did not reach to the agreement easily due to the issue of crop compensation. Mr. Kobayashi explained that the Thilawa SEZ project has achieved the very high standards in terms of iterative consultation and communication, and he said that he has never experienced the project like Thilawa SEZ which has such an intensive communication between the officers and the PAHs. However, it is not appropriate nor sustainable if one person in charge of everything bear all the responsibility and burdens. It should be collective actions and collective responsibility, and in this context, he is grateful that YRG and TSMC are expanding the staff in charge of land acquisition and resettlement. He hopes that the resettlement work for the future will be done with good teamwork and that the guideline will be of help.

He continued to explain about the relocation. Relocation before the resettlement site is ready should be avoided in principle, because it gives the extra works for the officers and also burden for PAHs/PAPs. PAH will need to move more than once and officers need to have extra negotiations. So it should be avoided but it is unavoidable in some cases as was the case in Area 2-2 East. In the latest RWP, two options are provided to the PAHs such as relocation to resettlement site or self-relocation with cash compensation. In this kind of situation, the number of PAH who will go to resettlement site and the number of resettlement site plot to be prepared cannot be confirmed until the negotiation with

PAHs begin after the finalization of the RWP. Therefore, the schedule for the preparation of the resettlement need to be creative.

According to the principle, resettlement should be done after the finalization of the RWP but some of the PAH do not know about the principle and they just want to be provided the compensation and resettlement as early as possible. If YRG and TSMC provide compensation or resettle PAH before the finalization of the RWP, however, someone might come and say, “PAHs are forced to agree without full information”. Therefore, YRG and TSMC need to be careful.

In the preparation of the Resettlement Work Plan, announcing COD is important and for the whole Thilawa SEZ area, it was announced in April 2013. For the next step, development area boundary should be confirmed and then identification of the PAHs for the targeted area has to be done. Since DMS for all of the 2000ha were already conducted, most of the PAHs were already covered by DMS but some landowners who are listed only in the SLRD may not be covered in the DMS. As another example, there was one household living on the border of two Wards and that household was not surveyed in the DMS. Additional DMS will be needed to ensure that all PAHs are covered. Moreover, DMS survey should be conducted together with the respective officers and the present of household head since there was some example that DMS was signed by one of the family members and later on the household head complained that he is not satisfied with the DMS result. Therefore, DMS survey shall be conducted with several respective officers with the presence of household head. Based on the DMS result, RWP is prepared.

Since COD was announced approximately five years ago, there have been many changes in the socio-economic conditions of the PAHs. For instance, there is a small child in a household at the time of DMS and that child become school age at the time of actual relocation. In this case, additional assistance is provided for them by considering the condition of the actual relocation stage. It is a very good practice to provide assistance based on their actual needs and situation.

In addition, RWP shall be prepared in line with the updated relevant laws for the future developments. Since RWP for Zone A was prepared, SEZ Law was updated. We have learned that there is also a plan to revise Land Acquisition Act. When RWP is prepared in the future, these changes need to be reflected. Thilawa SEZ is a public-private project, MJTD, developer, has its own interest and expectation regarding the schedule of development. Therefore, preparation of RWP needs to be done in consultation with the developer and within the timeframe that are feasible from land acquisition point of view and at the same time acceptable for developer. For instance, MJTD would like to develop the next development area in December 2018 as Phase 3.

For the signing agreement stage which mentioned in No. 6 of Table 2.6, written formal acknowledgement letter should be obtained in case someone other than the household head want to sign the agreement or receive compensation and assistance on behalf of the household in order to avoid the complaints and problems later on. It is important to receive the formal acknowledgement letter from the household head in these cases, because so far, we have seen many disputes even within family members.

At this moment, YRG has a policy for not issuing the land acquisition award without prior consent of the local landowners. For example, in Area 2-1, K-064 family did not agree with the compensation and the development area boundary has to be changed. Therefore, YRG and TSMC shall relevant information with the developer, such as where such local landowners are located and how likely they are going to agree in time, because MJTD might need to adjust the project boundary depending of the negotiation progress with local landowners.

After completing the above-mentioned steps, payment has to be made and Income Restoration Program will take over the following step with the PAHs.

Ms. Naoko Katashima presented major challenges and recommendations for RWP. Firstly, she reminded to apply fair and consistent compensation policy to the PAHs especially within the same phase/development area to avoid potential complains from PAHs as well as NGOs. For instance, in the past, additional assistance was provided as cooperation assistance (TSMC Agreement) to some PAHs to reach an agreement upon strong request from MJTD in order to meet the timeline. However, she stressed that that kind of practice should be avoided as much as possible in the future to minimize the potential risk from demand from PAHs of future development areas. Secondly, she mentioned to obtain the collective decisions by Resettlement Implementation Committee/Southern District/ YRG to avoid complains and she highly recommended to obtain the agreement among all of the members of Township Committee as per the current practice when implementing RWPs for future development. The next is having good documentation and traceability. Thilawa is attracting a lot of attentions and thus the project often receive inquiries from Ministries/NGOs/politicians in addition to external monitoring which is required as per international standard. Good documentation can strengthen transparency and make clear what kinds of activities were done in the past. Lastly, she mentioned to share the works and hand over the RWP practical works to the newly recruited TSMC staffs.

Questions, Comments and Suggestions

Daw Than Than Thwe said that “Thank you so much. We have been working together since 2013 and it has been more than five years. Actually, my background is civil engineering and both of them, Daw Ai Ai Khaing and U Tun Naing Ko, are from General Administration Department. Therefore, we did not have this kind of know-how or knowledge related with land acquisition and resettlement in Myanmar. Hence, we started to learn about resettlement procedures, cut-off date (COD), public consultation, surveying, using aerial photo, GPS and analyzing from you, Technical Assistance Team since we did not have this kind of systematic procedures for resettlement, income restoration program and so on. Moreover, we did not have chance to learn. Therefore, we are very thankful especially to JICA team since we can learn these international practices from Thilawa project. Now, we have four new colleagues in our team. They are the generation to learn that and they will eventually pass on their experience to future generation so that our work can continue further. I am really grateful to your team for your understanding and very patient to us”.

Questions

Daw Ai Ai Khaing: Is it possible/OK to prepare RWP within a short period, one month or two month, for quick implementation? If RWP is prepared in such a manner, can it be reliable since it normally takes four or five months to prepare RWP. What is the best timeline to prepare RWP?

Answers

Ms. Katashima: It depends on whether YRG has enough time for disclosure period of RWP. For example, if RWP is prepared within two months and it is disclosed for one month, it is acceptable and consultation meeting can be conducted simultaneously. Shorter disclosure – one week or two weeks – will be acceptable only when it is done upon the request/agreement of PAHs. There may be complaints from people or non-governmental organization, if RWP are disclosed only for a short period without PAH's consent. Therefore, it depends on how long you can disclose draft RWP before finalizing it. Moreover, it also depends on how many PAHs need to be covered. If there are only ten PAHs to be covered, it may be possible to prepare RWP within a short period, but if there are 100 PAHs to be covered, it cannot be possible.

Mr. Ujiie: YRG also needs to identify the number of PAHs/PAPs before the preparation of draft RWP. In case of uncompensated area, identifying the landownership status is a difficult and time-consuming activities. If RWP area covers the area with complicated landownership status, it takes time to prepare even draft RWP.

Mr. Kobayashi: There is one plot, AD-029, U Tun Yi from the southern part of Area 2-2 East who is listed in SLRD. However, he never shows up in the landowner confirmation meetings. In case of Area 2-2 East, several landownership confirmation meetings were done to identify the landowners and he was also invited several times. YRG can say that it took proper steps to identify the landowner and made considerable effort although he could not be identified. If landowner confirmation meeting is done only once and he/she cannot come in that time, and then If YRG concludes that there is no landowner, then you are likely to have complaints later on.

Questions

U Tun Naing Ko: Instead of developing only small area one by one, would it be better to develop large area at once?

Answers

Mr. Ujiie: If there will be enough time to prepare RWP, it is better to develop larger area RWP although the development is going to be done later on. Since there are rainy and dry seasons in Myanmar and construction needs to be done in the dry season, timeline for the preparation of RWP is limited. In the past, the limited

area was also set in order to avoid difficult area.

U Tun Naing Ko: It takes more time if they develop only small area at one time.

Ms. Katashima: It also depends on how much MJTD can sell the plots. Therefore, they try to develop small area.

Mr. Kobayashi: For example, if we prepare RWP for the entire area of Area 2, it might take one and half year. In that case, MJTD needs to wait two dry seasons without doing any construction activity which means MJTD has to wait two more years before they sell any plots to the investors. For them, it is more convenient to have small number of plots to sell this year, another small amount to sell next year and so on. In addition to RWP, there is a cemetery in the next development area to develop.

Questions

Daw Ai Ai Khaing: In RWP, the compensation was provided only for persons who are eligible based on COD. However, there are also peoples who settle on ground after COD. In the past, moving assistance was provided to them in accordance with international practice. In the future, there may be more people moving into the developed area since they know that they might get relocation assistance. What will we do if there is those kind of people in the future development area? Is there any policy to apply in such case?

Answers

Mr. Kobayashi: There is no formal policy to deal with such kind of people. As we provided moving assistance in Area 2-2 East, it is common to provide some assistance from humanitarian point of view. However, such kind of people might come in the future to take advantages of this and some people may come to the area without knowing. Decision may be depended on how COD was announced in that area. If COD was well advertised and posted in all townships and relevant areas, people should be aware of that and we can say that person is not eligible for assistance since their action is only to take advantage of the situation. However, if COD is not announced properly, they have the point to claim that they did not know COD since sufficient information was not provided.

Questions

Daw Than Than Thwe: I have worry that how it can be deal with the squatters especially from the Ayeyarwady Region since a lot of squatters are moving in near our office and we have to clear that situation anyway. So, how can we deal with these peoples in the future?

Answers

Mr. Kobayashi: What is done in Thilawa may have some influence on YRG policy in squatter clearance program. Therefore, collective decision making is important. You

can agree on what to do with the people based on the discussion with YRG, TSMC, MJTD and so on.

Daw Than Than Thwe: Chief Minister also mentioned about squatter issue last week. They are planning to clear the squatters in all township at one time by forming a group in each township including government side, NLD, NGO and other parties. This group will go and check the reason for illegally moving in. Afterward, they will make the categories for these illegal persons based on their solution. If he/she is moving in due to his/her job, it is acceptable. Otherwise, the government will take actions for illegally moving persons which means they are intentionally moving in to get the benefits.

Mr. Kobayashi: The categorization may be useful to decide what to do with potential influx of people to future development area. If people move in out of necessity, e.g. due to natural disaster, providing assistance can be justified. But if someone who has a house elsewhere comes into future development area for economic gain only, different approach may be appropriate.

Closing speech by U Tun Naing Ko

Firstly, U Tun Naing Ko thanked JET for arranging this workshop which is good chance for learning as well as having a lunch warmly with colleagues. Then DD expressed his appreciations towards JET for continuous technical support to Myanmar side and Myanmar Government will proceed the resettlement activities by cooperating with JET.

PHOTO BOOK

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II-2	Confirming Current Landowners with Village Level Meetings for Area 2-2 East
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Photos II-1 Conducting the Additional Consultation Meeting for Area 2-1



Explaining by Yangon Regional Government



Explaining by Southern District

Photo II-2 Confirming Current Landowners with Village Level Meetings for Area 2-2 East



Officers listening to the explanation of concerned landowners



Landowners explaining their land transaction histories Land

Photo II-3 Conducting the Consultation Meetings for Area 2-2 East

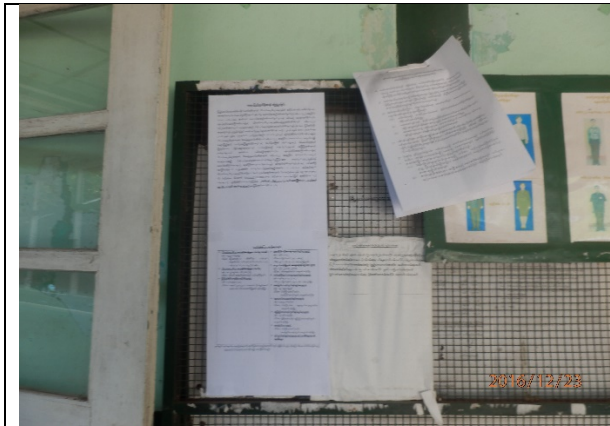


Presentation by YRG



Discussing Between Minister and PAHs

Photo II-4 Information Disclosure of Draft and Final RWP of Area 2-2 East



Draft RWP disclosure at KT GAD



Draft RWP disclosure at KT GAD at AMTD ward Administrative office

Photo II-5 Confirming Current Landowners with Village Level Meetings for Area 2-2 West



Member of Township Level Committee explaining about the purpose of the meeting



Confirmation between Township Level Committee and Landowner

Photo II-6 Confirming Current Landowners with Village Level Meetings for Expanded Area of Area 2-1



Confirmation between Township Level Committee and Landowner



Confirmation between Township Level Committee and Landowner

Photo II-7 Conducting Consultation Meetings for Expanded Area of Area 2-1



Photo II-8 Confirming Current Landowners with Village Level Meetings for Expanded Area 2 of Area 2-1



Photo II-9 Conducting Public Consultation Meetings for Expanded Area 2 of Area 2-1



Photo II-10 Information Disclosure of Draft and Final Supplemental RWP for Expanded Area 2 of Area 2-1



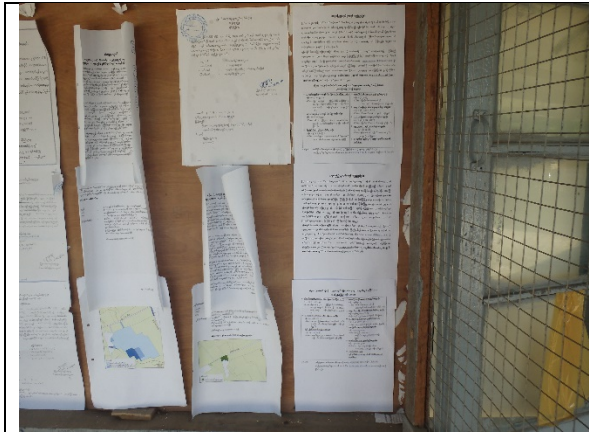
Photo II-11 Conducting Public Consultation Meeting for Area 3-1 and Related Area



Photo II-12 Conducting Supplemental Public Consultation Meeting for Area 3-1 and Related Area



Photo II-13 Information Disclosure of Draft and Final Supplemental RWP for Area 3-1 and Related Area



Draft RWP Disclosure at KT GAD



Final RWP Disclosure at SPTY Administrative Office

Photo III-1 Attending IAIA Special Symposium in February 2017



Dr. Than Than Thwe(Joint-secretary of Thilawa SEZ) presenting at the IAIA Special Symposium



Group Photo at IAIA Special Symposium