

**Supplemental  
Resettlement Work Plan (RWP)  
for  
Expanded Area 2 of Area 2-1  
of  
Thilawa Special Economic Zone (SEZ)**

**November 2018**

**Yangon Region Government**



## **Table of Content**

List of Abbreviations

Acronyms

	Page
CHAPTER 1 INTRODUCTION .....	1
1.1 Background .....	1
1.2 Location of the Expanded Area 2 of Area 2-1 .....	1
CHAPTER 2 LAND ACQUISITION AND RELOCATION SCOPE .....	2
2.1 Outline of the Expanded Area 2 .....	2
2.2 Scope of Land Acquisition and Relocation .....	3
CHAPTER 3 SOCIO-ECONOMIC PROFILE.....	4
3.1 Survey on PAHs/PAPs.....	4
3.2 Socio-economic Profile of PAHs/PAPs.....	4
CHAPTER 4 LEGAL FRAMEWORK.....	7
4.1 Relevant Laws and Regulations in Myanmar.....	7
4.2 International Practices on Relocation and Resettlement .....	8
4.3 JICA Policies on Relocation and Resettlement .....	8
4.4 Gap Analysis and Gap Filling Measures .....	9
CHAPTER 5 COMPENSATION AND ASSISTANCE PACKAGE FOR THE PROJECT AFFECTED PERSONS (PAPs).....	13
5.1 Eligibility of Compensation and Assistance Package .....	13
5.2 Principle of Compensation and Assistance Package .....	14
5.2.1 Land Compensation .....	14
5.2.2 Contents of Assistance Package.....	14
5.2.3 Contents of Income Restoration Program (IRP).....	16
5.3 Entitlement Matrix .....	16
5.4 Structure Classification .....	23
CHAPTER 6 RESETTLEMENT SITE PLAN.....	24
6.1 Applicable PAHs .....	24
6.2 Location and Specification of Resettlement Sites .....	24
6.2.1 Process to Determine Resettlement Sites.....	24
6.2.2 Planned Resettlement Site 1 .....	27
6.2.3 Planned Resettlement Site 2 .....	30
CHAPTER 7 INCOME RESTORATION PROGRAM.....	33
7.1 Approach of Income Restoration Program (IRP).....	33
7.2 Past Activities under the IRP for Zone A and Zone B Phases 1 and 2.....	34
7.3 Outline of IRP .....	35
7.3.1 Target of IRP.....	35
7.3.2 On-going and Proposed IRP Contents .....	35
7.4 Further Activities of IRP .....	38

CHAPTER 8	PUBLIC PARTICIPATION AND INFORMATION DISCLOSURE .....	39
8.1	Approach of Public Participation and Information Disclosure .....	39
8.2	Results of Public Consultation Meetings (PCMs).....	39
8.3	Results of Land Entitlement Confirmation Village Level Meetings for the Expanded Area 2.....	41
8.4	Results of Public Consultation Meeting for Draft RWP .....	42
8.5	Disclosure of the Draft RWP.....	44
8.6	Comments on Draft RWP.....	44
8.7	Disclosure of the Final RWP.....	45
CHAPTER 9	INSTITUTIONAL ARRANGEMENT .....	46
CHAPTER 10	GRIEVANCE REDRESS MECHANISM .....	47
10.1	Objectives and Approach of Thilawa SEZ Complaints Management Procedure (TCMP) ..	47
10.2	Channels for Raising a Complaint.....	48
10.3	Steps for Resolving Complaints .....	48
CHAPTER 11	IMPLEMENTATION SCHEDULE.....	51
CHAPTER 12	MONITORING AND EVALUATION .....	52

Annex:

1. Record of Consultation Meetings

## List of Tables

Table 2-1	Areas and Locations of Sub-Areas.....	2
Table 2-2	Group and Number of PAHs/PAPs .....	3
Table 3-1	Outline of the surveyed PAHs/PAPs .....	4
Table 3-2	Literacy of PAHs.....	4
Table 3-3	Type and Number of Large Size Livestock (Cow and Buffalo) Raised by PAHs .....	4
Table 3-4	Type and Number of Small Size Livestock Raised by PAHs.....	5
Table 3-5	Rice Yield, Type and Amount of Vegetable and Tree Grown by PAHs .....	5
Table 3-6	Movable Assets of PAHs.....	5
Table 3-7	Main Income Source of Household Head .....	5
Table 3-8	Main Income Source of Other Working Family Members.....	6
Table 3-9	Breakdown of Annual Expenditure.....	6
Table 3-10	Summary of Vulnerable Households .....	6
Table 4-1	Major Laws for Land Acquisition/Resettlement.....	7
Table 4-2	Comparison between Laws in Myanmar and JICA Guidelines .....	9
Table 5-1	Entitlement Matrix of the Expanded Area 2 of Area 2-1 .....	17
Table 6-1	Existing Social Infrastructure near the Planned Resettlement Site 1 .....	27
Table 6-2	Major Environmental and Social Considerations on the Planned Resettlement Site 1 .....	28
Table 6-3	Existing Social Infrastructure near the Planned Resettlement Site 2 .....	30
Table 6-4	Major Environmental and Social Considerations on the Planned Resettlement Site 2 .....	32
Table 8-1	Summary of Public Consultation Meeting for Draft RWP (Area 2-2).....	39
Table 8-2	Summary of Village Level Meetings for Land Entitlement Confirmation (the Expanded Area 2 of Area 2-1) .....	41
Table 8-3	Summary of Public Consultation Meeting (the Expanded Area 2 of Area 2-1).....	42
Table 8-4	Summary of Received Comments through Feedback Forms and Responses .....	43
Table 8-5	Draft RWP Disclosure Places (the Expanded Area 2 of Area 2-1).....	44
Table 8-6	Summary of Public Comments on the Draft RWP and Responses .....	45

## List of Figures

Figure 2-1	The Expanded Area 2 of Area 2-1.....	2
Figure 5-1	Overall Framework of Compensation and/or Assistance Package .....	14
Figure 6-1	Location of Resettlement Site Options .....	26
Figure 6-2	Location of Existing Social Infrastructure near the Planned Resettlement Site 1 .....	28
Figure 6-3	Location of Existing Social Infrastructure near the Planned Resettlement Site 2 .....	31
Figure 7-1	Basic Framework of Restoration of Economic Conditions (Component-1).....	33
Figure 7-2	Basic Framework of Support for Adapting to Environmental and Social Living Conditions (Component-2) .....	34

Figure 9-1	Structure of Implementing Resettlement Works for the Expanded Area 2 of Area 2-1 .....	46
Figure 10-1	Interface between Communities and TCMP .....	50
Figure 11-1	Provisional Implementation Schedule of Resettlement Works for the Expanded Area 2 of Area 2-1 .....	51

### **List of Photos**

Photo 5-1	Example of House and Hut .....	23
Photo 7-1	Needs Survey on Training .....	34
Photo 7-2	Tailoring Technical Training .....	34
Photo 7-3	Mushroom Plantation Training .....	35
Photo 7-4	Site Tour to Thilawa SEZ .....	35
Photo 8-1	Photo of PCM on 3 April 2016 for Area 2-2 .....	40
Photo 8-2	Photo of Village Level Meeting for Land Entitlement Confirmation.....	42
Photo 8-3	Photo of PCM on 23 September 2018 for the Expanded Area 2 of Area 2-1 .....	43

## List of Abbreviations

ADB	Asian Development Bank
ALS	Ah Lwan Sut (village)
AMTD	Aye Mya Thidar (ward)
COD	Cut-off Date
CSO	Civil Society Organization
DHSHD	Department of Human Settlement and Housing Development*1
DUHD	Department of Urban and Housing Development
DMS	Detailed Measurement Survey
EIA	Environmental Impact Assessment
FDI	Foreign Direct Investment
GAD	General Administration Department
GRM	Grievance Redress Mechanism
HH	Household
IRP	Income Restoration Program
IRPIC	Income Restoration Program Implementation Committee
JICA	Japan International Cooperation Agency
JICA GL	Japan International Cooperation Agency Guidelines
MJTD	Myanmar Japan Thilawa Development Ltd.
MOC	Ministry of Construction
MOECAF	Ministry of Environmental Conservation and Forestry*2
MP	Member of Parliament
M/P	Master Plan
NGO	Non-Governmental Organization
OP	World Bank Operational Policy
PAHs	Project Affected Households
PAPs	Project Affected Persons
PCM	Public Consultation Meeting
RIC	Relocation Implementation Committee
RWP	Resettlement Work Plan
SEZ	Special Economic Zone
SIDA	Swedish International Development Cooperation Agency
SLRD	Settlement and Land Record Department
SP	Shwe Pyauk (village)
TCMP	Thilawa SEZ Complaints Management Procedure
TKDC	Thanlyin-Kyauktan Development Company
TSMC	Thilawa SEZ Management Committee
UNDP	United Nations Development Programme
UN-HABITAT	United Nations Human Settlements Programme
UNICEF	United Nations Children's Fund
YRG	Yangon Region Government
WB	The World Bank

\*1 Department of Human Settlement and Housing Development (DHSHD) of Ministry of Construction (MOC) changed to Department of Urban and Housing Development (DUHD) in April 2016.

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

## Acronyms

<b>Project Affected Persons (or Households)</b>	Persons (or households) affected by the development of about 11 ha Development Area (Expanded Area 2 of Area 2-1) of Zone B of Thilawa SEZ.
<b>Cut-Off Date (COD)</b>	The cut-off date is the date when the project is formally declared by the relevant authorities to stakeholders. Generally, the cut-off date is the date when census begins. Persons who occupy the project area after the cut-off date will not be eligible for resettlement assistance.
<b>Detailed Measurement Survey (DMS)</b>	The detailed survey of affected assets in order to examine impact to be caused due to project implementation.
<b>Entitlement</b>	Range of assistance measures including: i) assistance for loss of assets, loss of income sources, and relocation, ii) assistance for vulnerable groups, and iii) special arrangement of resettlement site and income restoration program, in accordance with the nature of loss, to restore their economic and social base.
<b>Relocation</b>	Physical displacement from the original location to the relocation site and economic displacement.
<b>Replacement Cost</b>	For land and assets, replacement cost is generally defined as the cost which is sufficient to replace assets without considering depreciation, plus necessary transaction costs associated with asset replacement, such as the cost of any registration and transfer taxes. Specifically, for houses and other structures, replacement cost is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.
<b>Resettlement</b>	Settlement of the displaced persons at the resettlement site, and economic and social activities to restore their livelihood including award of assistance and income restoration activities.
<b>Vulnerable Groups</b>	Distinct groups of people who might suffer disproportionately from relocation effects. A household headed by a woman, a household including a member of the disabled person or the elderly (61 years old and over), a household below poverty line, or a household with a pregnant woman at the time of resettlement are regarded as vulnerable households.



## **CHAPTER 1 INTRODUCTION**

### **1.1 Background**

Under the current administration which was established in November 2011, the Myanmar Government 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 Kyaukphyu Special Economic Zone (SEZ) to play an important role in economic development and in generating job opportunities for the Myanmar people. Since November 2013, the development of Thilawa SEZ, which covers approximately 2,400 ha has started. Because the development area is too large to develop all at once, the area is planned to be developed in incremental steps. At first, Zone A consisting of approximately 400 ha of Thilawa SEZ was developed as a priority area and officially opened to operate in September 2015.

Following development of Zone A, Zone B is now in the planning and/or development stage. Currently Zone B Phase 1 (about 100 ha), which covers parts of Area 2-1 and Area 2-2 East, and Zone B Phase 2 (about 70 ha) covering parts of Area 2-1 and Area 2-2 East are being developed. In addition, the development of Zone B Phase 3, which covers the rest of Area 2-1 and some expanded area of Area 2-1, has just started. Then, it is required to prepare the Supplemental Resettlement Work Plan (RWP) covering the Expanded Area 2 of Area 2-1 (the Expanded Area 2) which is not covered by existing RWPs.

### **1.2 Location of the Expanded Area 2 of Area 2-1**

Figure 2-1 shows provisional boundary of the Expanded Area 2 as of September 2018 which is approximately 11 ha. The boundary is fine-tuned through the land development plan and field measurement by the National Survey Team.

## CHAPTER 2 LAND ACQUISITION AND RELOCATION SCOPE

### 2.1 Outline of the Expanded Area 2

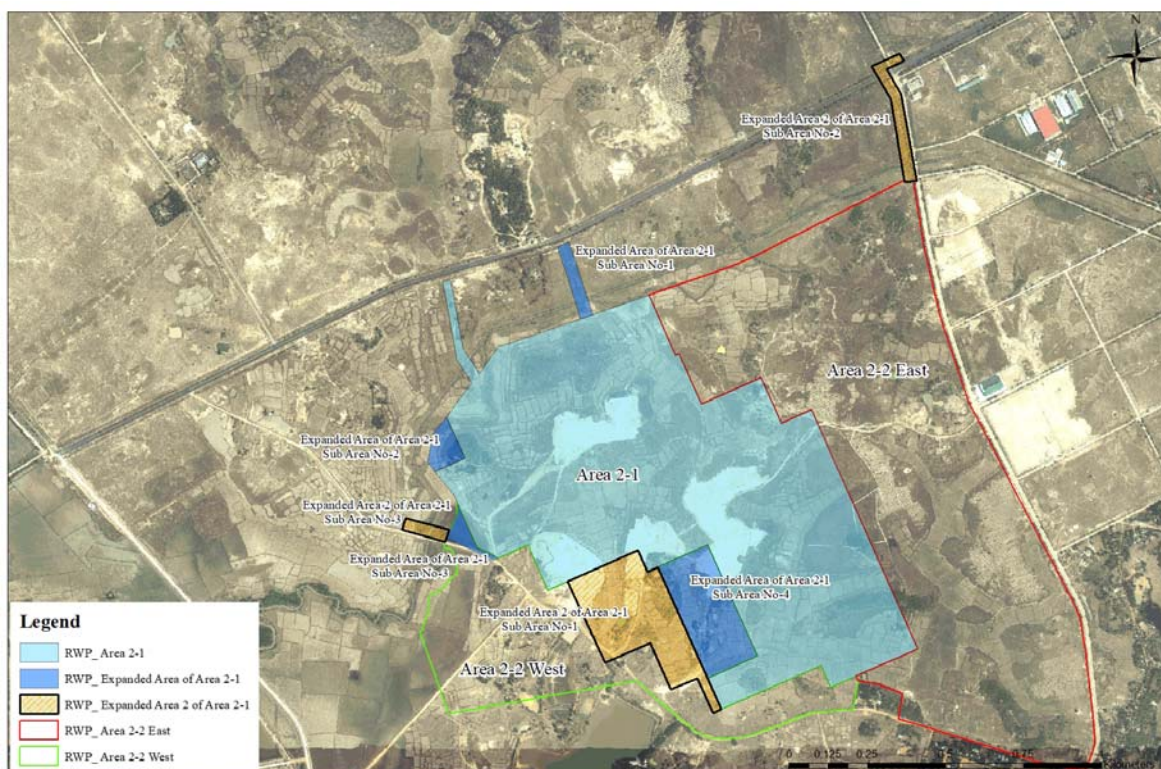
It is planned that Area 2-1 is slightly expanded with adding about 11 ha of land. The Expanded Area 2 consists of 3 Sub-Areas. Areas and locations of respective sub-areas are shown in Table 2-1 and Figure 2-1.

If a land plot is partially affected by development of the Expanded Area 2, this RWP is also applicable for the partially affected land plots, and those who own, live or use the fully or partially affected land plots are considered as PAHs of the Expanded Area 2, unless they were compensated in the past land acquisition procedure.

**Table 2-1 Areas and Locations of Sub-Areas**

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

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



**Figure 2-1 The Expanded Area 2 of Area 2-1**

## 2.2 Scope of Land Acquisition and Relocation

### 1) Sub-Area No. 1

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

### 2) Sub-Areas No. 2

About 0.4 ha of land will be acquired, while there is no cultivator or resident in this sub-area.

### 3) Sub-Area No. 3

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

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

**Table 2-2 Group and Number of PAHs/PAPs**

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

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

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

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

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

The land of Sub-Area No.1 and No.2 are divided into 24 plots in the Settlement and Land Record Department (SLRD) list. Out of 24 plots, PAHs of 10 plots<sup>1</sup> are identified, and the rest of the PAHs of 14 plots are under identification mainly because the landowner registered in SLRD list passed away or sold the land to another person.

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

## CHAPTER 3 SOCIO-ECONOMIC PROFILE

### 3.1 Survey on PAHs/PAPs

Detailed Measurement Survey (DMS) to supplement socio-economic data/information and to confirm assets of PAHs/PAPs for the 2,000 ha Development Area was conducted in June – August 2014, May – October 2015, and December 2016. The survey was conducted with four parties measurement jointly consisting of household head, Township representatives, Thilawa SEZ Management Committee (TSMC) representative and survey team.

In total 10 of the PAHs out of the identified 18 PAHs were surveyed by DMS. The conducted DMS covers all the residents and cultivators in the area. The surveyed PAHs and PAPs in the Expanded Area 2 are shown in Table 3-1.

**Table 3-1 Outline of the surveyed PAHs / PAPs**

Sub-Area	Group	Criteria			No. of PAH surveyed	No. of PAP surveyed
		Landowner	Resident	Cultivator		
Sub-Area No. 1	A	○	×	×	2	4
	B	×	○	×	8	29
Total					10	33

Based on the result of DMS obtained from the 10 PAHs, socio-economic profile of the Expanded Area 2 is described in the following section 3.2. DMS for the remaining PAHs in the Expanded Area 2 will be conducted after all the land owners are identified.

### 3.2 Socio-Economic Profile of PAHs/PAPs

#### (1) Profile of Project Affected Households

The ethnicity of all the surveyed PAHs is Burmese and their religion is Buddhism. The literacy of the PAHs is shown in Table 3-2.

**Table 3-2 Literacy of PAHs**

Unit: Household

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

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

The number of large-size livestock raised by PAHs for different purposes is shown in Table 3-3.

**Table 3-3 Type and Number of Large Size Livestock (Cow and Buffalo) Raised by PAHs**

Unit: Number

Milk	Agriculture	Meat	Other <sup>1</sup>	Total
0	0	0	3	3

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

The number and type of small-size livestock raised by PAHs is shown in Table 3-4.

**Table 3-4 Type and Number of Small Size Livestock Raised by PAHs**

Unit: Number

Chicken	Duck	Pig	Goat	Total
121	0	0	12	133

The yield of rice, type and amount of crops and trees cultivated/planted by PAHs in the target area are presented in Table 3-5.

**Table 3-5 Rice yield, Type and Amount of Vegetables and Trees Grown by PAHs**

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

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

Inventory of movable assets of PAHs is summarized as shown in Table 3-6.

**Table 3-6 Movable Assets of PAHs**

Unit: Number

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

### (3) Impacts on Livelihood and Income Sources

#### (3-1) Income Source

The main income source of household heads is shown in Table 3-7. Self-employment is the most common job among the household heads.

**Table 3-7 Main Income Source of Household Head**

Unit: Person

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

Excluding household heads, the number of PAPs is 33. Out of those, 12 PAPs are working age (between 18 and 64)<sup>2</sup>. Main income source of these working age PAPs is presented in Table 3-8.

<sup>2</sup> Ages at the time of the surveys are used.

**Table 3-8 Main Income Source of Other Working Family Members**

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

(3-2) Household Income<sup>3</sup>

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

(3-3) Household Expenditure

The average and median annual expenditure of PAHs is 435,120 Kyats/year and 331,500 Kyats/year<sup>4</sup> respectively and breakdown of expenditure by items are presented in Table 3-9.

**Table 3-9 Breakdown of Annual Expenditure**

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

(4) Vulnerable Households

Since there is no official definition of vulnerable groups in Myanmar, this RWP defines a household headed by woman, disabled person or elderly person (61 years old and over), a household including a disabled person or a household below the poverty line<sup>5</sup> or a household with a pregnant woman at the time of relocation as vulnerable households by referring international practices as also defined in the Framework. Table 3-10 outlines vulnerable households in the Expanded Area 2 by category of vulnerability. All of the 7 vulnerable households are PAHs to be relocated.

**Table 3-10 Summary of Vulnerable Households**

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

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

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

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

<sup>3</sup> Regarding figures used for sections of “Household Income” and “Household Expenditure”, those in hundreds digit are rounded.

<sup>4</sup> The information on amount of expenditure was obtained from self-reports during the DMS without verification.

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

## CHAPTER 4 LEGAL FRAMEWORK

### 4.1 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. The Land Acquisition Act, enacted in 1894, is still the legal basis for land acquisition in current Myanmar. The Land Nationalization Act 1953 which was repealed by the Farmland Law 2012, determines nationalization of farmlands and procedures for conversion of farmlands to other purposes (La Na 39). The land acquisition for Thilawa SEZ development area has been mainly done in accordance with the Land Acquisition Act 1894 and the Farmland Law 2012. Resettlement related issues are described in some other existing laws and regulations including the Special Economic Zone Law 2014<sup>6</sup>. In most of the cases, however, details such as procedures and conditions related to resettlement issues are yet to be determined.

In the meantime, Chapter II Section 7 of the Environmental Impact Assessment Procedure (EIA Procedure), issued as Notification No.618/2015 dated 29 December, 2015, under the Environmental Conservation Law enacted on 30 March, 2012, prescribes that “Projects that involve involuntary resettlement shall comply with specific procedures separately issued by the responsible ministries. Prior to the issuance of any such specific procedures, all such projects will adhere to international good practices (as accepted by international financial institutions including WB and ADB) on involuntary resettlement”. Table 4-1 shows relevant Myanmar laws and regulations for land acquisition and resettlement which are applicable to lower Myanmar where the Thilawa SEZ development area is located.

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

<ul style="list-style-type: none"><li>• Farmland Law, 2012</li><li>• Farmland Rules, 2012</li><li>• Vacant, Fallow and Virgin Lands Management Law, 2012</li><li>• Vacant, Fallow and Virgin Lands Management Rules, 2012</li><li>• Special Economic Zone Law 2014</li><li>• Constitution of the Republic of the Union of Myanmar, 2008</li><li>• Transfer of Immovable Property Restriction Law, 1987</li><li>• The Law Amending the Disposal of Tenancies Law, 1965</li><li>• The Lower Burma Town and Village Land Act, 1899</li><li>• Land Acquisition Act, 1894 (Amended by the Government of Burma (Adaptation of Laws) Orders, 1937 and Burma Act 27, 1940</li><li>• The Land and Revenue Act 1876 (Amended in 1945 (Burma Act No 12), 1946 (Burma Act No 64), and 1947 (Burma Act No 6)</li><li>• The Lower Burma Land Revenue Manual, 1876</li><li>• Development Committee Law, 1993</li><li>• Directions of Central Land Committee</li><li>• Environmental Impact Assessment Procedure, 2015</li></ul>
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<sup>6</sup> Article 80 (b) stipulates that "the developer or the investors shall, to relocate the persons so as not to lower their original standard of living, to fulfill the fundamental needs and for facilitating such works, coordinate and carry out with the relevant Management Committee as may be necessary"

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

The RWP has been prepared in accordance with JICA Guidelines which cite WB Safeguard Policy, OP 4.12 Annex A as a benchmark.

#### **4.2 International Practices on Relocation and Resettlement**

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

- (1) World Bank (WB) Safeguard Policy: Operational Policy on Involuntary Resettlement (OP 4.12)<sup>7</sup>
- (2) JICA Guidelines for Environmental and Social Considerations, April, 2010 (JICA Guidelines)
- (3) Asian Development Bank (ADB) Safeguard Policy: Safeguard Policy Statement 2009 (SPS)

#### **4.3 JICA Policies on Relocation and Resettlement**

JICA has policies on relocation, which are stipulated in JICA Guidelines. The key principles of JICA policies on involuntary resettlement as articulated in Appendix 1 Section 7, are summarized below:

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

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<sup>7</sup> The Environmental and Social Framework (ESF) was launched on 1 October 2018 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 RSS5 is also referred.

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- h) Appropriate and accessible grievance mechanisms must be established for the affected people and their communities.

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

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

Measures taken to meet above requirements are summarized in Table 4-2 below and additional explanations are provided in relevant chapters of this RWP.

#### **4.4 Gap Analysis and Gap Filling Measures**

Section 7 of the EIA Procedure requires that international good practices be adhered to in the project involving involuntary resettlement. As such, there is no gap between national laws in Myanmar and international good practices. However, the EIA Procedure does not include detailed procedures in terms of how such requirements can be achieved. Table 4.2 shows the comparison between the Government's laws/regulations (excluding EIA Procedure) and JICA Guidelines and measures taken in this project.

Therefore, it is considered the Project also complies the EIA Procedure if the Project complies requirements of JICA Guidelines to fill the gap since JICA Guidelines require that projects do not deviate significantly from the World Bank's Safeguard Policies and refer to Safeguard Policy, OP 4.12 Involuntary Resettlement.

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

No.	JICA Guidelines	Laws in Myanmar	Gaps Between Laws in Myanmar and JICA Guidelines	Measures to Fill Gaps
1.	Involuntary resettlement	Not applicable	There is no regulation	The project examined

No.	JICA Guidelines	Laws in Myanmar	Gaps Between Laws in Myanmar and JICA Guidelines	Measures to Fill Gaps
	and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA Guidelines: JICA GL)		which mentions or requests to avoid or minimize involuntary resettlement and loss of livelihood means.	alternatives to avoid or minimize resettlement impact in earlier phases of the project preparation.
2.	When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken. (JICA GL)	Compensation or indemnity is provided for farmland acquisition for the interest of the State or public. (Farmland Law (2012) Art. 26, Farmland Rules (2012) Art. 64)	There is no difference.	-
3.	People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels. (JICA GL)	Damages to standing crops/trees, lands, movable/immovable properties, relocation cost, economic activities are requested to compensate. (Land Acquisition Act (1894) Art. 23, Farmland Rules (2012) Art. 67)	There is no stipulation of improving or at least restoring living standard, income opportunities and production levels to pre-project levels in the Myanmar legal framework.	Assistance for improving or restoring livelihood at least to pre-project level is provided through IRP as well as provision of various forms of allowances. The progress of IRP will be monitored periodically.
4.	Compensation must be based on the full replacement cost as much as possible. (JICA GL)	Land: Market-value compensation (Land Acquisition Act (1894) Art.9, 23 (1) and 23(2)) Crops: Compensation at three times of the value calculated based on the average production of crops in the current market price of that area is provided. (Farmland Rules (2012) Art. 67)	Land: Partial gap since the act lacks standard methodology in determining compensation, though it requires considering the market value. Additionally, there would be a gap between the market value and full replacement cost. Crops: There is no significant difference.	In addition to official land compensation as determined by YRG, additional assistance is provided by the project implementation body to ensure that the total compensation is full replacement cost.
5.	Compensation and other kinds of assistance must be provided prior to displacement. (JICA GL)	When compensation is not paid on or before land acquisition, compensation amount awarded with interest rate must be paid.	There is no clear indication about timing of compensation payment in the Myanmar legal framework.	YRG has decided to provide compensation and assistance prior to displacement. Land compensation will also be provided before the land is acquired.
6.	For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public.	Not applicable	There is no regulation which mentions or requests to avoid or minimize involuntary resettlement and loss of livelihood means.	RWP is prepared in consultation with PAPs and will be disclosed to the public.

No.	JICA Guidelines	Laws in Myanmar	Gaps Between Laws in Myanmar and JICA Guidelines	Measures to Fill Gaps
	(JICA GL)			
7.	In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. (JICA GL)	Not applicable	There is no regulation requesting to organize consultations with PAPs during the preparation of RWP.	Two formal Public Consultation Meetings (PCM) are organized during the preparation of RWP with at least one-week advance notice to PAHs. In addition, follow-up and other meetings are held regarding more specific topics depending on the needs of PAHs.
8.	When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. (JICA GL)	Not applicable	There is no regulation requesting to organize consultations with PAPs.	Consultations with PAPs are held in Myanmar and with Myanmar language handouts with easily understandable pictures and maps.
9.	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans. (JICA GL)	Not applicable	There is no regulation requesting participation of PAPs into planning, implementation and monitoring of resettlement action plans.	PAPs are informed of the PCM at least one week before the meeting. Representatives of PAPs also participate in RIC and IRPIC.
10.	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL)	1) Notice of compensation amount to PAPs directly: appeal to the court within 6 weeks from the date of compensation award 2) Notice of compensation amount to representatives of PAPs: i) within 6 weeks of receipt of compensation notice, or ii) within 6 months from the date of compensation award, whichever period shall be first expired (Land Acquisition Act (1894) Art. 18)	The procedure of grievance in the Myanmar context is direct settlement at the court, which is not necessarily easy or accessible to PAPs.	An integrated procedure for grievance redress was established by TSMC and MJTD in November 2017 to cover not only RWP and IRP, but also concerns and complaints for stakeholders on all the activities related to the Thilawa SEZ, as Thilawa SEZ Complaints Management Procedure (TCMP). More details are available in Chapter 10.
11.	Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an	A notification of land acquisition or public purposes is published in the Gazette, which is also published at the convenient place in the concerned municipality. (Land Acquisition Act	There is no specific description of identifying affected people as early as possible in the national law.	Census was initially conducted at the preliminary delineated boundary in April 2013, and COD was declared on April 4th, 2013. Supplemental survey was conducted to the final

No.	JICA Guidelines	Laws in Myanmar	Gaps Between Laws in Myanmar and JICA Guidelines	Measures to Fill Gaps
	eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advantage of such benefits. (WB OP4.12 Annex A Para.6)	(1894) Article 4)		boundary in May 2014 to September 2015 for identifying number of affected households as well as their socio-economic condition. Also, additional survey has being undertaken to identify new landowners who are not listed in the SLRD list.
12.	Eligibility of benefits includes, the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying. (WB OP4.12 Para.15)	Occupiers/stakeholders of lands to be acquired are explained about acquisition and claims to compensations. (Land Acquisition Act (1894) Article 9)	Detailed procedures as well as eligibility criteria are not clearly defined. Also there is no specific indication about displaced persons without titles.	The project establishes eligibility for assistance to all households whose income sources or assets are confirmed as affected due to project implementation.
13.	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP4.12 Para.11)	Not Applicable	There is no regulation requiring to give preference to land-based resettlement strategies.	The possibility of land-for-land compensation was explored by YRG which concluded the option not viable.
14.	Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6)	Not Applicable	SEZ law 2014 requires investors to relocate the persons so as not to lower their original standard of living (Art.80 b).	Support for the transition period is provided through IRP and other related activities. The details are presented in Chapter 7.
15.	Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc. (WB OP4.12 Para.8)	Not Applicable	There is no regulation stipulating to provide particular attention to the vulnerable groups.	Additional support for the vulnerable groups is provided as discussed in Chapter 5.

## **CHAPTER 5 COMPENSATION AND ASSISTANCE PACKAGE FOR THE PROJECT AFFECTED PERSONS (PAPs)**

### **5.1 Eligibility of Compensation and Assistance Package**

COD is the day to determine eligibility for entitlement of compensation and/or assistance. Persons (or households) living or performing income generation activities inside the area of Thilawa SEZ on COD are eligible for compensation and/or assistance package<sup>8</sup>. The principles of eligibility for the compensation and/or assistance package are shown below:

- (1) Households living inside the Expanded Area 2 on the day of COD.
- (2) Households occupying some area inside the Expanded Area 2 on the day of COD by doing income generation activities or holding structures though living outside the Expanded Area 2.
- (3) Households whose land is under the official land acquisition procedure.

Actually, three official notices were issued as follows: (i) banning of rice farming activities inside the Thilawa SEZ development area in August 2012, (ii) termination of supply of irrigation water or summer cropping in December 2012, and (iii) eviction from the Thilawa SEZ development area in January 2013. In accordance with or due to these notices, some households have already moved out from the area while some households remained and/or kept agriculture activities inside the area. YRG considers the necessity to assist these households already moved from the area due to the three official notices the same as household identified on COD from the view of fairness.

COD is normally the day that census begins according to World Bank Safeguard Policy OP 4.12. Based on this concept, COD for the entire Thilawa SEZ development area (approximately 2,400 ha) was declared on 4 April 2013 which is the first day of the April Census. COD was announced formally by YRG through notice boards in public areas. The delineated area of Thilawa SEZ development has been also disseminated to the public in order to avoid influx of population into the area. Those persons who are occupying the area after COD are not eligible for the assistance. However, various households/peoples encroached into the 2000 ha Development Area after COD and some of them were difficult to be distinguished from the eligible households. In addition, some households surveyed at the April Census constructed new structures or divided a paddy field into a few small portions. Under these circumstances, confirmation of eligibility was exercised from March 2015 to September 2015: (i) by disclosing the lists of eligible households which were prepared based on the DMS results to hear opinions from the public, and (ii) by holding a series of village meetings (inquiry sessions) among concerned households, TSMC, village authorities and a civil society group from each village.

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<sup>8</sup> Persons/households doing income generation activities inside the project area but living outside the project area is also eligible for assistance according to OP4.12.

As a result of the above exercises, eligible households/people were confirmed on the ground.

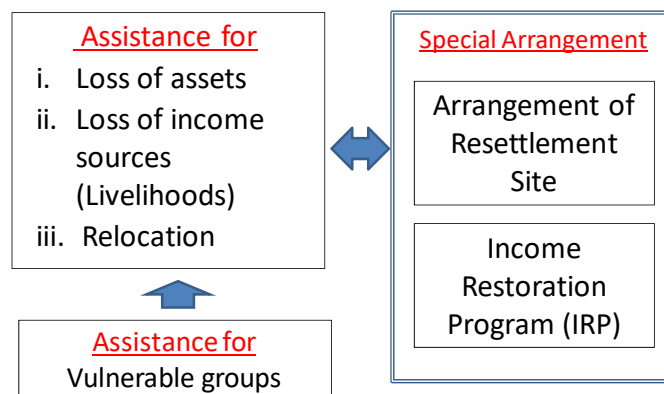
## 5.2 Principle of Compensation and Assistance Package

### 5.2.1 Land Compensation

Since the Expanded Area 2 is the project area where land acquisition procedure was not conducted in 1997, there are some more eligible households that were not included in the DMS, namely entitled households who are recorded in the list of Settlement and Land Record Department (SLRD), and who could not be identified on the ground because they did not live in the land plot. These entitled households will be separately examined by YGR/Southern District through the official land acquisition process and village level land entitlement confirmation meetings by collecting land transactions documents and other evidences etc. and entitled to the compensation and/or assistance package based on the entitlement matrix in the RWP.

### 5.2.2 Contents of Assistance Package

Physical and economic displacement may bring life-change to PAPs to some extent, and such changes need to improve their standard of living, income opportunities, and production levels, or at least to restore them to the pre-project levels. In order to achieve this objective, physical and economic displacement will be supported by a combination of: i) assistance for loss of assets, income sources (livelihoods) and relocation, ii) assistance for vulnerable groups, and iii) special arrangement (arrangement of resettlement site and income restoration program (IRP) for applicable PAHs/PAPs) as shown in Figure 5-1.



**Figure 5-1 Overall Framework of Compensation and/or Assistance Package**

(1) Assistance for loss of assets, income sources (livelihoods), and relocation:

- Loss of land is compensated as per the Land Acquisition Act of 1894 at full replacement cost (land compensation for households whose entitlement was confirmed by YRG)

- Loss of house is assisted by providing a substitute house or room at the resettlement site. If the floor area of a substitute house or room at the resettlement site is smaller than a currently living house, the difference is assisted by providing the current market price of materials for the different floor area. Assurances for losses of another fixed asset (e.g. livestock barn), movable assets for large livestock (buffalo and cow) and agriculture machines<sup>9</sup> are also provided. As for standing crops, if the standing paddy is affected by the project implementation, loss of the said paddy is compensated.
- Loss of means of livelihood is assisted for land-based or non land-based income sources with an adequate monetary approach for improving or restoring livelihood to at least pre-project level. As for land-based income source, assistance of a yield by referring national regulations and international practices is provided. As for non land-based income source, sufficient allowance of wage for the period of disrupting income generation activity due to relocation is provided.
- In addition to assistance for loss of assets and income sources, monetary assistance for moving, commuting and cooperation for relocation is provided to enhance smooth relocation and to support commuting after relocation.

(2) Assistance for vulnerable groups

- Assistance for vulnerable groups is provided since relocation affects vulnerable groups more severely than those that are better off. As mentioned in Section 3.2, the project defines a household headed by woman, disabled person or elderly (over 61 years old), a household including a member of disabled person or a household below the poverty line as vulnerable groups by referring international practices and past experiences.

(3) Special arrangement (arrangement of resettlement site and income restoration program (IRP))

- Resettlement site with a house or room and necessary infrastructure is provided in order to keep the similar living and social conditions, which will be decided as per consultation with applicable PAHs. In principle, provision of the resettlement site is prioritized since in-kind assistance is encouraged rather than cash assistance in terms of PAHs' better livelihood restoration as per the international practice. However, in case a PAH has a special and considerable reason (e.g. preference to live near other remaining family, relative or community members or to live near the remaining farm land) and requests self-relocation to another location besides the resettlement site, such a request by a PAH will be carefully considered by the township level committee of the Relocation Implementation Committee (RIC) and reported to and concurred by YRG. After submission of the adequate supporting documents/evidences to purchase a land plot and construct a house on the land plot, the cash assistance which is equivalent to a land plot in the resettlement site will be provided to respective PAHs.

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<sup>9</sup> Assistance for agriculture machines is provided only the case where using them after relocation is impossible.

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- IRP will be provided to enhance vocational opportunities of PAPs (See 5.2.3 and Chapter 7).

### **5.2.3 Contents of Income Restoration Program (IRP)**

- i) IRP, which is in-kind assistance, is provided in order to restore and stabilize income source of PAPs. More details are described in Chapter 7.
- ii) Main income sources of some PAPs derive from farming such as cultivation of paddy rice and cash crops. Most farmers, in particular, will lose the current earning source for relocation. IRP supports PAPs in necessary techniques to obtain new income earning activities and empowers people to find stable jobs through a series of vocational trainings, technical advice, and so on. IRP assists PAPs to especially have the job opportunities in/around Thilawa SEZ as skilled labor, and to be engaged in small scale business and factory.
- iii) IRP will be provided to the following PAPs.
  - a) Farmers who need to alter income earning activity from farming to another activity
  - b) Odd job worker and other off-farming worker who desire to alter job place
  - c) Unemployed people who desire to improve technical skill for finding job opportunity
  - d) PAPs who do not need to change the current income earning activities but desire to improve technical skill and income level

### **5.3 Entitlement Matrix**

Entitlement matrix shows the following fields: i) application, ii) entitled person, iii) assistance policy, and iv) consideration for implementation issues, in accordance with the nature of loss to restore economic and social livelihood of PAPs.

The Entitlement Matrix of the Expanded Area 2 is presented in Table 5-1. The matrix is developed based on i) the outcome of comparison between international practices and laws and regulations in Myanmar described in Chapter 4, ii) the entitlement matrix of the Framework for 2,000 ha, Area 2-1 and the Expanded Area of Area2-1, and iii) the expected impacts identified through DMS of the identified PAHs for the Expanded Area 2, and it contains all the possible entitlements identified with the available PAH data.



**Table 5-1 Entitlement Matrix of the Expanded Area 2 of Area 2-1**

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
<b>1. Assistance for Loss of Assets</b>				
<b>1-1. Fixed Assets</b>				
(1) Land (Paddy, Garden)	Paddy or garden land inside the Expanded Area 2	Households whose entitlement was confirmed by YRG through village level land entitlement confirmation meetings.	- Cash compensation at full replacement cost <sup>1</sup>	- Land compensation amount is calculated based on the land area recorded in SLRD and the market price, and agreed with target households through consultations
(2) House	House at own garden land inside the Expanded Area 2	Owners of the house upon submission of the sufficient evidence such as family certificate of guest list or confirmed their habitations through village meetings	- Cash compensation at full replacement cost	- Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS.
	House at other than own garden land inside the Expanded Area 2 including house previously existed inside but demolished due to the notices	Owners of the house upon submission of the sufficient evidence or confirmed their habitations through village meetings	- A substitute house or room with necessary infrastructure in a resettlement site, AND - Cash assistance to difference in floor area if it is smaller in a substitute house than a previously living house.	- Assistance amount for difference in floor area is calculated based on the difference in floor area and materials of a structure confirmed at DMS
(3) Hut	Structures defined as huts and confirmed by DMS inside the Expanded Area 2	Owners of a hut	- Cash assistance two (2) times of the current market price	- Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS.

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
(4) Other Structure (e.g. Barn)	Other structures confirmed by DMS inside the Expanded Area 2	Owners of a structure	- Cash assistance two (2) times of the current market price in case of own garden land, OR in kind assistance at a resettlement site in case of other than own garden land	- Assistance amount is calculated based on the floor area and materials of a structure confirmed at DMS.
(5) Standing Crops (Rice)	Rice grown inside the Expanded Area 2 which is affected by the project implementation	Those who cultivating rice/vegetable/trees inside the Expanded Area 2	- Cash assistance per yield amount	- Assistance amount is calculated based on yield amount confirmed at site
<b>1-2. Movable Assets</b>				
(1) Livestock (cow/buffalo for agriculture or milk)	Livestock (cow/buffalo for agriculture or milk) farmed inside the Expanded Area 2	Those who farming livestock (cow/buffalo for agriculture or milk) inside the Expanded Area 2	- Cash assistance per animal	- Assistance amount is calculated based on the number and type of livestock confirmed at DMS
(2) Agriculture Machines or Other Assets	Agriculture machines or other assets which are not able to be used after relocation	Owners of agriculture machines or other assets	- Cash assistance per asset in the current market price	- Assistance amount is calculated based on the number and type of agriculture machines confirmed at DMS
<b>2. Assistance for Loss of Income Sources/Livelihoods (regardless of main or secondary income)</b>				
<b>2-1. Land-Based Income</b>				
(1) Paddy Farmer	Income obtained from rice cultivated inside the Expanded Area 2	Those who obtain income from cultivating rice inside the Expanded Area 2	- Cash assistance for three (3) years of yield amount in total in the current market price for those who obtain income from cultivating rice at own paddy, OR for six (6) years of yield amount in total in the current market price for those who obtain income from cultivating rice at other than own paddy, AND - Participate in IRP	- Assistance amount is calculated based on yield amount recorded in SLRD or confirmed at DMS

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
(2) Vegetable/ Tree Farmer	Income obtained from vegetable and/or tree cultivated inside the Expanded Area 2	Those who obtain income from cultivating vegetable and/or tree inside the Expanded Area 2	<ul style="list-style-type: none"> <li>- Cash assistance for three (3) years of yield amount and/or number of trees in total in the current market price for those who obtain income from vegetable and/or tree at own garden land, OR for four (4) years of yield amount and/or number of trees in total in the current market price for those who obtain income from vegetable and/or tree at other than own garden land, AND</li> <li>- Participate in IRP</li> </ul>	- Assistance amount is calculated based on yield amount and/or number of trees confirmed at DMS
(3) Livestock Farmer (cow and buffalo for milk)	Income obtained from livestock (cow and buffalo for milk) farmed inside the Expanded Area 2	Those who obtain income from livestock (cow and buffalo for milk) farmed inside the Expanded Area 2	<ul style="list-style-type: none"> <li>- Cash assistance for three (3) years of income from cow and buffalo for milk, AND</li> <li>- Participate in IRP</li> </ul>	- Assistance amount is calculated based on income from livestock confirmed at DMS
<b>2-2. Non Land-Based Income</b>				
(1) Contracted worker, daily worker, self-employed person (e.g. carpenter, taxi-driver)	Income obtained from non-working days as the duration for disrupting income-generation activities	Those who obtain salary and their working places remain unchanged by relocation	<ul style="list-style-type: none"> <li>- Cash assistance of 34,000 kyats in total per person for non-working period of moving (i.e. seven (7) working days), AND</li> <li>- Participate in IRP if interested</li> </ul>	- Assistance amount is calculated based on income from income generating activities confirmed at DMS
(2) Owner of business	Income obtained from business owned inside the Expanded Area 2	Those who run business inside the Expanded Area 2	<ul style="list-style-type: none"> <li>- Cash assistance equivalent to three (3) years of income from running business</li> <li>- Participate in IRP if interested</li> </ul>	- Assistance amount is calculated based on income from income generating activities confirmed at DMS
<b>3. Assistance for Relocation</b>				
(1) Moving Cost	—	All households living inside Expanded Area 2	<ul style="list-style-type: none"> <li>- One-time cash assistance of 200,000 Kyats (lump-sum) per</li> </ul>	- Assistance amount is calculated based on the market

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
			household	price on general expenditures for moving
(2) Commuting Assistance	—	All persons whose work place become further due to relocation	- One-time cash assistance of 87,000 Kyats (lump-sum) per wage worker	- Assistance amount is calculated based on the number of wage workers confirmed at DMS and the market price on commuting cost
	—	All school students whose study place become further due to relocation	- One-time cash assistance of 12,000 Kyats per month per school student	- Assistance amount is calculated based on the number of students confirmed at DMS, the market price on commuting cost and the timing of relocation.
(3) Cooperation Allowance	—	All households who cooperate on-time relocation	- One-time cash assistance of 100,000 Kyats (lump-sum) per household (for PAHs living in the Expanded Area 2 only)	- Assistance amount is provided per household regardless of size of a household
<b>4. Assistance for Vulnerable Groups</b>				
Vulnerable Groups	A household headed by a woman, a household including a member of the disabled person, or the elderly (61 years old and over), a household below poverty line of 2010 in Poverty Profile <sup>2</sup> or a household with a pregnant woman at the time of relocation are defined as vulnerable households	The following persons of vulnerable groups in the Expanded Area 2: - Disabled person and one support person in a family (total two persons) - Elderly person and one support person in a family (total two persons) - Unemployed persons <sup>3</sup> in a woman-headed household, Woman in the later stages of pregnancy at	- One-time cash assistance of 40,000 Kyats (lump-sum) per person (equivalent to one big bag, about 50 kg, of rice per person), AND - Participate in IRP	- 50 kg of rice is based on calculation at about 15 kg of rice per person for three (3) months

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
		the time of relocation, AND - Unemployed persons in a household below poverty line of 2010 <sup>3</sup> in Poverty Profile		
<b>5. Special Arrangement</b>				
(1) Arrangement of resettlement site OR assistance for self relocation	(see 1, Assistance for Loss of Assets (2) House)	(see 1, Assistance for Loss of Assets (2) House)	<ul style="list-style-type: none"> <li>- To be arranged as part of assistance for loss of asset; OR</li> <li>- In case, a PAH has a special and considerable reason to relocate to another place other than the resettlement site, if such a PAH's request is accepted by the township level committee of the RIC and YRG, the assistance for the resettlement site will be provided by cash at the rate which is equivalent to a land plot in the resettlement site.</li> </ul>	<ul style="list-style-type: none"> <li>- In kind assistance as a plot at resettlement site with necessary infrastructure.</li> <li>- In principle, provision of the resettlement site is prioritized since in-kind assistance is encouraged rather than cash assistance for PAHs' better livelihood restoration as per the international practice.</li> <li>- However, in case, a PAH has a special and considerable reason and requests self-relocation to another location besides the resettlement site, such a request by a PAH will be carefully considered by the township level committee of the RIC and reported to and concurred by YRG.</li> <li>- As for self-relocation, after submission of the adequate</li> </ul>

Category for Assistance	Application	Entitled Person	Assistance Policy	Consideration for Implementation
				supporting documents/ evidences to purchase a land plot and construct a house on the land plot, the cash assistance which is equivalent to a land plot in the resettlement site will be provided to respective PAHs.
(2) IRP	Losing or decreasing income due to relocation	Those who are entitled for assistance for loss of income sources (livelihood) and assistance for vulnerable groups	- To be arranged as part of assistance for loss of income sources (livelihood) and assistance for vulnerable groups	- In kind assistance

Note

- 1: For land and assets, replacement cost is generally defined as the cost which is sufficient to replace assets without considering depreciation, plus necessary transaction costs associated with asset replacement, such as the cost of any registration and transfer taxes. Specifically, for houses and other structures, replacement cost is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.
- 2: Poverty line was defined as 376,151 Kyats per adult equivalent per year in Poverty Profile in June 2011 prepared by UNDP, UNICEF, SIDA and Ministry of National Planning and Economic Development.
- 3: Unemployed persons are defined in this project as the persons at workable age but not employed.

#### 5.4 Structure Classification

Structures are basically classified as a house or a 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 Tae* 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.

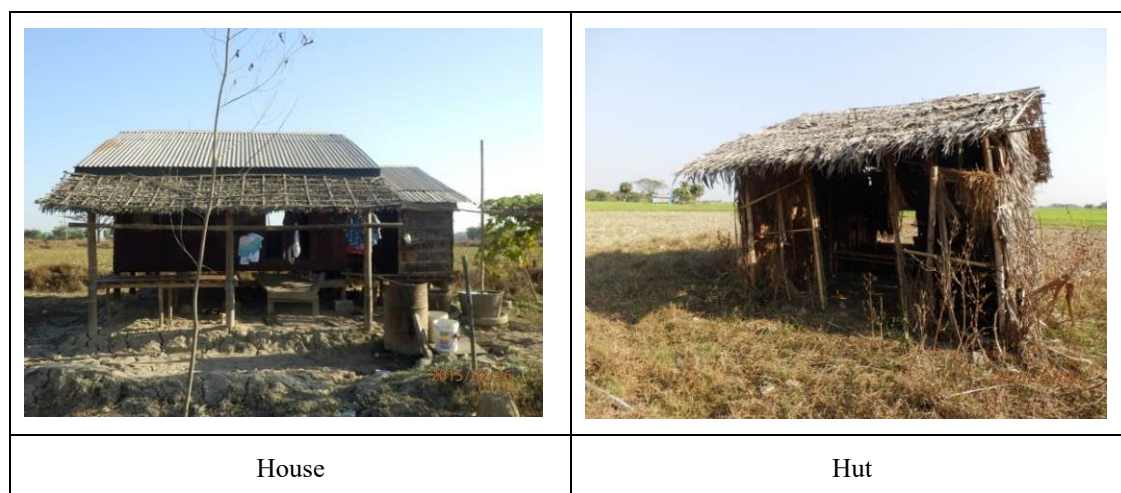


Photo 5-1 Example of House and Hut

## **CHAPTER 6 RESETTLEMENT SITE PLAN**

### **6.1 Applicable PAHs**

PAHs satisfying the following criteria are applicable for relocation to the resettlement site.

- Households confirmed their habitation at the pasture land or others' land inside the Expanded Area 2

Currently, 8 PAHs which have/had the residential structure (house) were identified inside the Expanded Area 2 as applicable PAHs to be relocated to the resettlement site.

### **6.2 Location and Specification of Resettlement Sites**

#### **6.2.1 Process to Determine Resettlement Sites**

So far PAHs' general preference for alternative resettlement sites was discussed by various PAHs in the past public consultation meetings (PCMs) for the RWPs for Area 2-1 including Expansion Area and Area 2-2 East and the draft RWP for Area 2-2, feedback workshops of the Framework and other occasional discussions. The location and specifications of the possible resettlement sites specifically for the Expanded Area 2 was discussed in the PCM held in September 2018.

During continued consultation with applicable PAHs in Area 2-1 between February 2016 and August 2016, 2 options for the resettlement site were identified by PAHs, namely the excluded areas in Aye Mya Thida (AMTD) Ward and Shwe Pyi Thar Yar (SPTY) Ward since they are closer to their current residences. Several PAHs also mentioned if the excluded area is not possible, the currently available resettlement site in Myaing Tharyar Ward can be considered. After examining the availability of excluded areas and possibility of using it as a resettlement site, YRG and applicable PAHs discussed the matter on 12 and 17 August 2016 and YRG explained that YRG will provide the resettlement site, which is located in Myaing Tharyar Ward, Kyauktan Township, with proper access to social infrastructure. It was accepted by PAHs to be resettled from Area 2-1 through consultation meetings between August and October 2016.

After Area 2-2 East PAHs expressed their preference to relocate from the project site at the earliest, consultation on the resettlement site with applicable PAHs in Area 2-2 East was also started from December 2016. In the consultation meeting on 30 December 2016, the resettlement site in Myaing Tharyar Ward was accepted by PAHs of Area 2-2 East.

For the Expanded Area 2, the resettlement site in Myaing Tharyar Ward is planned due to past acceptance of PAHs of Area 2-1 and Area 2-2 East and government land availability. Besides, an apartment complex near Thilawa SEZ is also proposed as resettlement site due to the request for nearer resettlement site from Thilawa SEZ in the past consultation meetings. It was explained in the PCM held on 23 September 2018 and will be confirmed in the continuous consultation meetings. In the PCM, there was no comment on the resettlement site options, while there were some comments



preferring to self-relocation during the disclosure period of the draft of the draft RWP which is explained below.

In principle, provision of the resettlement site is prioritized since in-kind assistance is encouraged rather than cash assistance in terms of PAHs' better livelihood restoration as per the international practice. However, based on the past experience of Area 2-1 PAHs' relocation, there were some special cases which require an alternative option in the RWP. For Area 2-1, some PAHs requested for self-relocation due to considerable reasons such as preference to live near the family, relative or community members or they have their own life or business plan to live at a certain places rather than the resettlement site in Myaing Tharyar Ward. Considering the past experience, the self-relocation option and its cash assistance can be accepted as an exceptional case with following conditions.

- ✓ Such a request by a PAH will be carefully considered by the township level committee of RIC in terms of (a) risks of becoming worse off and (b) vulnerability of PAHs, and it will be reported and concurred by YRG.
- ✓ The cash assistance which is equivalent to a land plot in the resettlement site will be provided to respective PAHs only after (a) submission of the adequate supporting documents/evidences to purchase another land plot and construct a house on the land plot, and (b) attending the household account training.
- ✓ Post-resettlement monitoring will be conducted to monitor the livelihood status after self-relocation. Respective PAHs are required to cooperate with the monitoring activities.

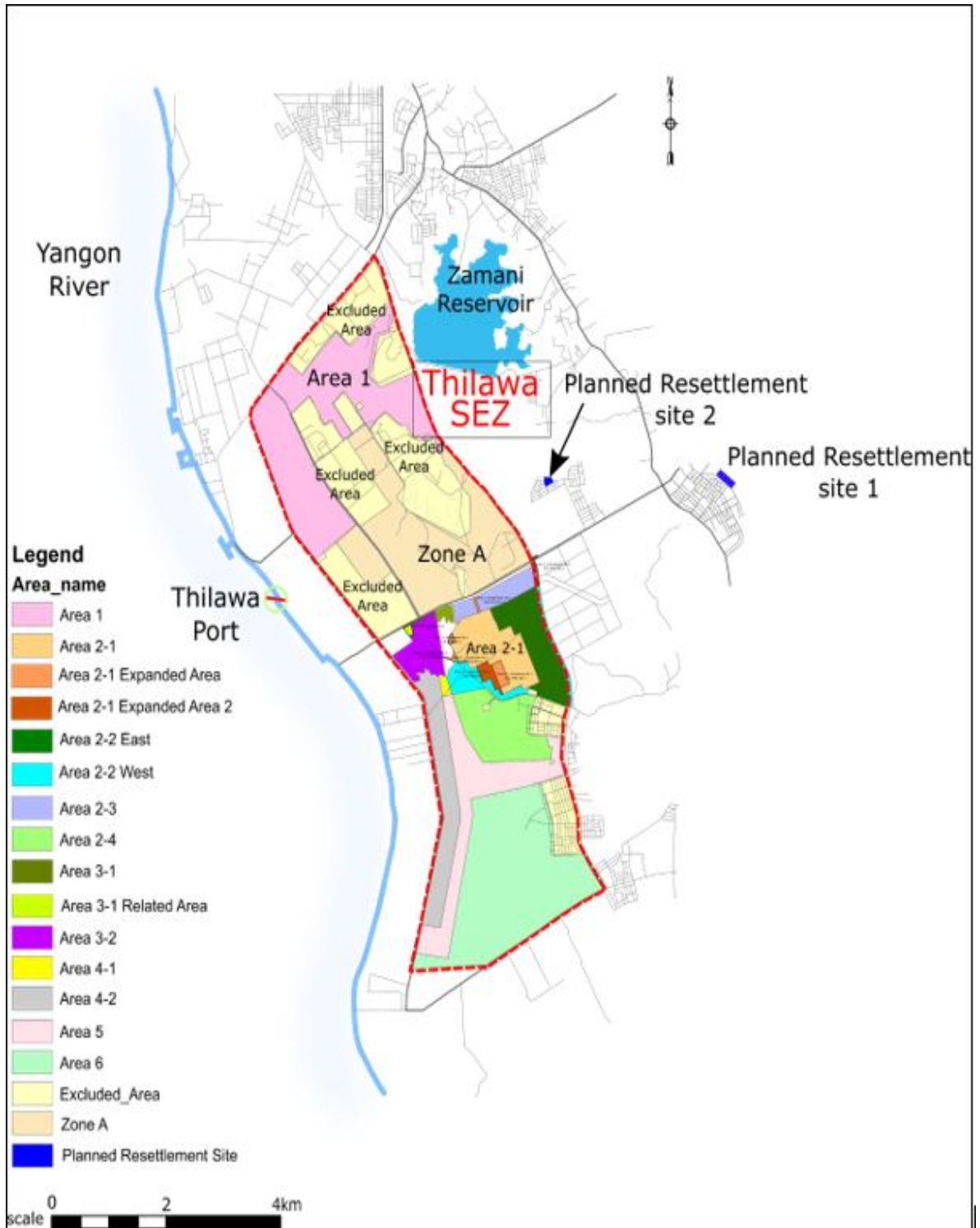


Figure 6-1 Location of Resettlement Site Options

## 6.2.2 Planned Resettlement Site 1

### (1) Location

The first option for resettlement (Planned Resettlement Site 1) is located in Myaing Tharyar Ward, Kyauktan Township as indicated in Figure 6-1. The site belongs to Ministry of Construction (MOC). Currently, approximately 24 acres of land is considered as resettlement site. Out of 24 acres, 3 acres were already developed for entitled PAHs of Zone A, additional 3 acres were provided to Zone A PAHs as common land, 9.25 acres for PAHs of Zone B Phase 1 and Phase 2 and a part of the remaining area could be developed as resettlement site for entitled PAHs in the Expanded Area 2. The Planned Resettlement Site 1 is approximately 4 to 8 km away from houses of PAHs who live in the Expanded Area 2.

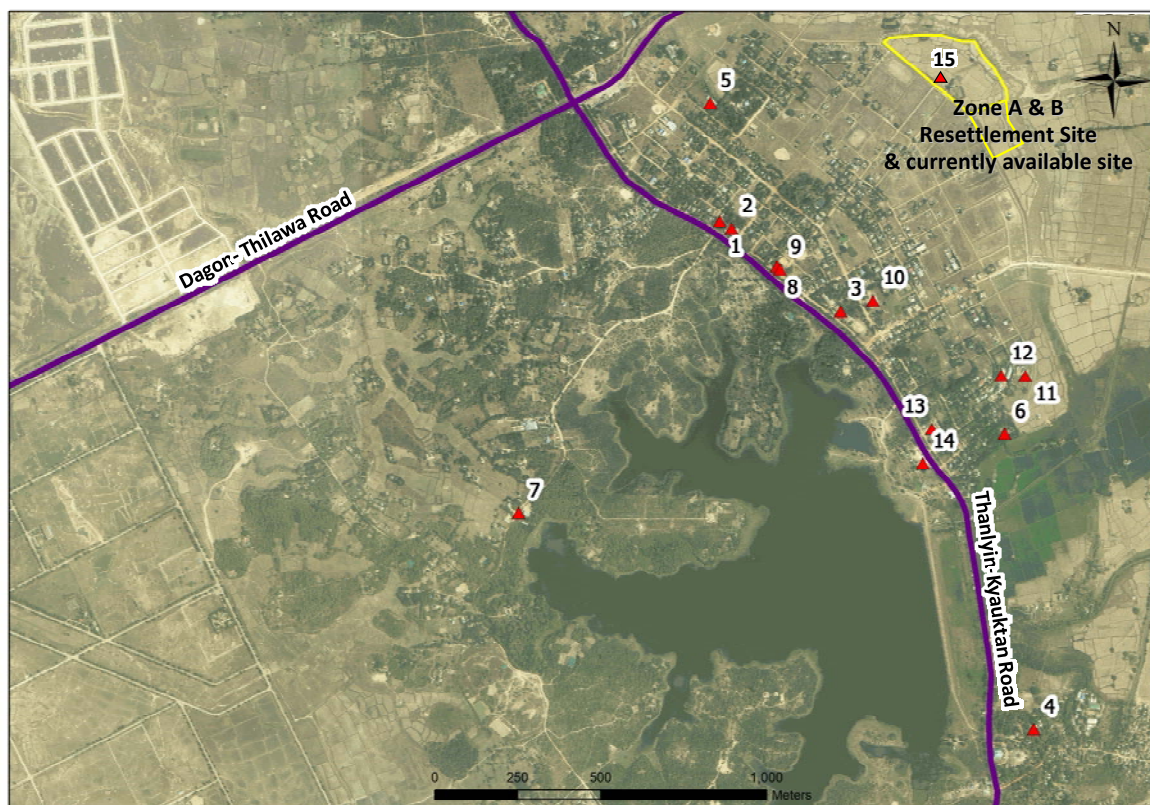
### (2) Facilities

In the Planned Resettlement Site 1, housing plots and necessary infrastructure such as roads, water supply facilities, electric-supply facilities, drainage ditch and common open spaces are going to be arranged. Various social infrastructures (e.g. school, health center, administrative office, monastery, and pagoda) are available mainly along the Thanlyin- Kyauktan road as shown in Table 6-1. These existing social infrastructures are able to be used or will be expanded/ enhanced if necessary. In addition, a new community center was developed beside Zone A resettlement site.

**Table 6-1 Existing Social Infrastructure near the Planned Resettlement Site 1**

Sr.	Description	Location
1	Myaing Tharyar Rural Health Center	Thanlyin-Kyauktan Road
2	Kindergarten	Thanlyin-Kyauktan Road
3	Middle School (Branch High School)	Thanlyin-Kyauktan Road
4	Nyaung Wyne Primary School	Thanlyin-Kyauktan Road
5	Banbwe Kone Primary School No.1	Thanlyin-Kyauktan Road
6	Bant Bway Kone Primary School No.2	Myaing Tharyar 1 area
7	Shansu Primary School	Thanlyin-Kyauktan Road
8	Village Administration Office	Thanlyin-Kyauktan Road
9	Ah Lin Tan Library	Thanlyin-Kyauktan Road
10	Pyi Taw Aye Monastery	MyaingTharyar 2 area
11	Nyaung Kan Aye Monastery	Myaing Tharyar 1 area
12	Zamby U Shaung Monastery/ Monastic Educational School for Nun	Myaing Tharyar 1 area
13	Kyeik Myat Kha Mon Pagoda	Thanlyin-Kyauktan Road
14	Pagoda (Paw Taw Mu)	Thanlyin-Kyauktan Road
15	Community Center	Myaing Tharyar Ward

Location of Planned Resettlement Site 1 and available/ accessible social service infrastructure are shown in Figure 6-2.



**Figure 6-2 Location of Existing Social Infrastructure near the Planned Resettlement Site 1**

**(3) Environmental and Social Considerations on Planned Resettlement Site 1**

The Planned Resettlement Site 1 is mainly open space or abandoned paddy, but will be altered to residential use. The environmental and social considerations on this resettlement site arrangement are summarized in Table 6-2. By now, approximately, over 150 households are residing in the resettlement site for Zone A and Zone B.

**Table 6-2 Major Environmental and Social Considerations on the Planned Resettlement Site 1**

Items	Evaluation	Management and Mitigation Measures
<b>1. Natural Environment</b>		
Flora, Fauna and Biodiversity	As the resettlement site is mainly anthropogenically-influenced open space (previously used as paddy) or now used as paddy, impact on flora, fauna and biodiversity is considered as negligible. On the other hand, population's pressure would bring negative impact on natural resources surrounding the resettlement site by collecting activities	Guidance for proper use and management of the surrounding natural resources will be provided to PAPs.
<b>2. Social Environment</b>		
Involuntary Resettlement	There is no household currently occupying the area which is planned to be used for resettlement site for the Expanded Area 2, nor doing income	Appropriate assistance will be provided to those who need to be relocated according to international practices, if necessary.

Items	Evaluation	Management and Mitigation Measures
	generating activities there.	
Local Economy	Positive impacts during construction and after resettlement are anticipated by creating job opportunities in and around the resettlement site.	Job opportunities generated in and around the resettlement site will be allocated to PAPs and host communities preferentially according to their capability and interest.
Land Use	Some part of the planned resettlement site of resettlement which are currently used as paddy and residence will be changed to a resettlement site.	Open spaces which can be used commonly by the PAPs will be secured at the resettlement site.
Conflict of interest within the region	There is a possibility to arise a conflict among relocated PAPs and between relocated PAPs and host communities since their living styles and conditions etc. may be different.	Consultation meetings will be held among relocated PAPs and also with host communities to avoid any unnecessary conflicts and to facilitate harmonization and cooperation among them.
Consideration for women, children and vulnerable groups	Changes of commuting to work or school would be required after resettlement due to change of living places. There is a risk for vulnerable groups to face economic difficulty more than general PAPs.	Commuting allowance for school children and wage workers will be provided as per the entitlement matrix. In addition, arrangement of ferry bus services to the resettlement site will be considered. As for vulnerable groups, the livelihood will be monitored after resettlement and supplemental assistance will be provided.
Security	After the resettlement site for Zone B was developed there would be some security issues by unknown outsiders.	Awareness raising for security needs to be provided through the community meeting and it is advised to keep personal belongings within the house.
<b>3. Pollution</b>		
Water Pollution	Negative impacts on surrounding water environment such as river and underground water for water supply would be made by construction, however they are temporal and negligible as construction is to be done during the dry season. On the other hand, generation of domestic waste water is anticipated at some extent after resettlement.	Fly proof latrine will be installed at each house and regular desludging and hauling of septage will be requested to Kyauktan Township. The workshops on maintenance of wells and latrine to PAHs will be provided.
Noise and Vibration	Impacts on noise and vibration by construction activities are temporal and negligible as construction will be done daytime only. On the other hand, neighborhood noise issues are anticipated due to noise from home electronics such as TV after resettlement.	Guidance or awareness raising activities for adjusting PAP's attitude to the new life will be provided through the community leader or a community group.
Solid Waste	Generated waste during construction is temporal and limited. On the other hand, generation of solid waste is anticipated from each household at some extent after resettlement.	Solid waste generated by PAPs will be collected regularly, based on the existing solid waste collection system operated at the resettlement site.

### 6.2.3 Planned Resettlement Site 2

#### (1) Location

The second option for resettlement (Planned Resettlement Site 2) is located in Latt Yat San village tract, Thanlyin Township as indicated in Figure 6-1. The site belongs to MOC is being developed as an apartment complex with some social infrastructure for residential and commercial use mainly for workers of Thilawa SEZ. Some of the apartment housing of the complex buildings may be allocated for resettlement of PAPs. Planned Resettlement Site 2 is approximately 2 to 7 km away from houses of PAHs who live in the Expanded Area 2.

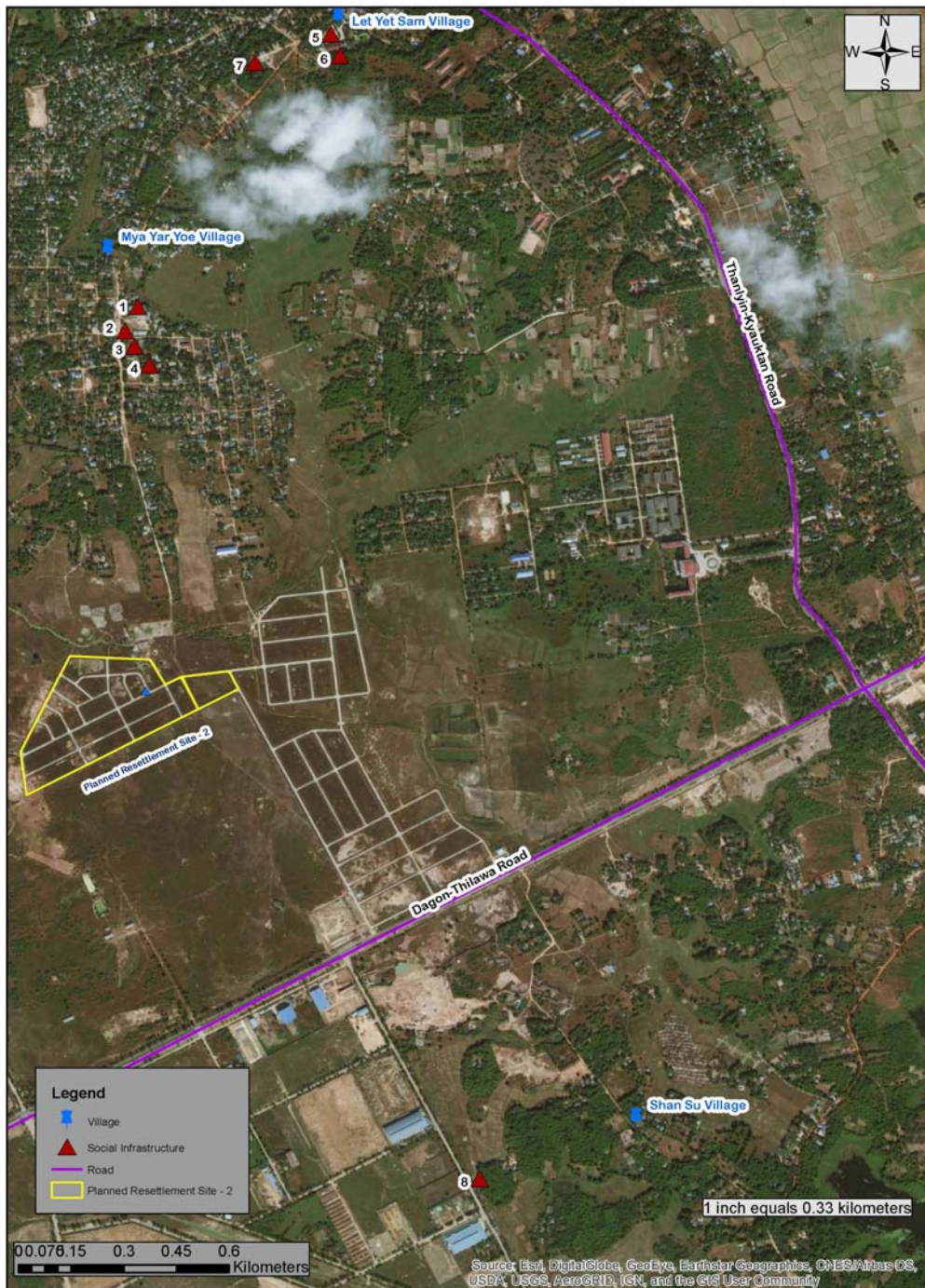
#### (2) Facilities

In Planned Resettlement Site 2, apartments and necessary infrastructure such as roads, water supply facilities, electric-supply facilities, drainage ditch are being arranged, and some social infrastructure such as clinic, library, school (primary and junior high school), and park will be constructed. At this moment, various social infrastructures (e.g. school, health center, monastery, and pagoda) are already available mainly along the Thanlyin- Kyauktan road and the road from Mya Yar Yoe village to Htan Pin Sait village as shown in Table 6-2. These existing social infrastructures are able to be used or will be expanded/ enhanced if necessary.

**Table 6-3 Existing Social Infrastructure near the Planned Resettlement Site 2**

Sr.	Description	Location
1	School (kinder garden to grade 11)	MyaYarYoe Main Road
2	Free funeral services	MyaYarYoe Main Road
3	Kyae Sin La Min Kindergarten	MyaYarYoe Main Road
4	Kyaung Thit Kyaung Monastery	MyaYarYoe Main Road
5	Lay Myat Nar Pagoda	MyaYarYoe Main Road
6	Aung Da Ma Yeat Thar Monastery	MyaYarYoe Main Road
7	Lay Yin Pyan Monastery	MyaYarYoe Main Road
8	Minn Private health center	KaNaungMinTarGyi Road

Location of Planned Resettlement Site 2 and available/ accessible social service infrastructure are shown in Figure 6-3.



Note: Planned Resettlement Site 2 shown in Figure 6-3 shows the entire area of apartment complex.  
Some of the apartment housing will be provided for resettlement of PAPs.

**Figure 6-3 Location of Existing Social Infrastructure near the Planned Resettlement Site 2**

### (3) Environmental and Social Considerations on the Planned Resettlement Site 2

The apartment complex covering Planned Resettlement Site 2 is already being developed for residential and commercial use. The environmental and social considerations on this resettlement site arrangement are summarized in Table 6-4.

**Table 6-4 Major Environmental and Social Considerations on the Planned Resettlement Site 2**

Items	Evaluation	Management and Mitigation Measures
<b>1. Natural Environment</b>		
Flora, Fauna and Biodiversity	The area covering planned resettlement site 2 has been already developed as apartment complex for mainly workers of SEZ, thus limited negative impact by resettlement of PAPs in this site is expected.	Guidance for proper use and management of the surrounding natural resources will be provided to PAPs.
<b>2. Social Environment</b>		
Involuntary Resettlement	There is no household currently occupying the planned resettlement site, nor doing income generating activities there.	Nil
Local Economy	Positive impacts after resettlement are anticipated by creating job opportunities in and around the resettlement site including Thilawa SEZ which is easy to access from Planned Resettlement Site 2.	Job opportunities generated in and around the resettlement site will be allocated to PAPs and host communities preferentially according to their capability and interest.
Land Use	It has been already developed as apartment complex, thus no land use change is expected by resettlement of PAPs in this site and no impact on land use is expected.	Nil
Conflict of interest within the region	There is a possibility to arise a conflict among relocated PAPs and between relocated PAPs and host communities or new residents since their living styles and conditions etc. may be different.	Consultation meetings will be held among relocated PAPs and also with host communities and new residents to avoid any unnecessary conflicts and to facilitate harmonization and cooperation among them.
Consideration for women, children and vulnerable groups	Changes of commuting to work or school would be required after resettlement due to change of living places. There is a risk for vulnerable groups to face economic difficulty more than general PAPs.	Commuting allowance for wage workers and school children will be provided as per the entitlement matrix. As for vulnerable groups, the livelihood will be monitored after resettlement and supplemental assistance will be provided.
Security	There would be some security issues by unknown outsiders.	Awareness raising for security will be provided through the community meeting and it is advised to keep personal belongings within the house.
<b>3. Pollution</b>		
Water Pollution	Generation of domestic waste water is anticipated at some extent after resettlement.	A proper sewage treatment system will be arranged.
Noise and Vibration	Neighborhood noise issues are anticipated due to noise from home electronics such as TV after resettlement.	Guidance or awareness raising activities for adjusting PAP's attitude to the new life will be provided through the community leader or a community group.
Solid Waste	Generation of solid waste is anticipated from each household at some extent after resettlement.	Solid waste generated by PAPs will be collected regularly.



## CHAPTER 7 INCOME RESTORATION PROGRAM

### 7.1 Approach of Income Restoration Program (IRP)

Income Restoration Program (IRP) is planned to restore and stabilize livelihood of displaced PAHs at least to pre-project level after relocation and resettlement as “in-kind assistance” taking advantage of economic activities being developed in and around the Thilawa SEZ area. The approach of IRP for the Expanded Area is prepared based on international practices, the assistance policy of the Framework and lessons learned from Zone A precedence<sup>10</sup>, and will be further updated in consultation with PAHs and stakeholders. Since IRP includes a wide range of activities, such as household account management, vocational training, learning business rules at a company and community development at new living place, the details of each IRP program will be further examined and fine-tuned in consultation with PAHs as well as the stakeholders.

IRP is proposed to be composed of two main components: Component-1: as for all PAPs, support for restoration of economic conditions through a combination of activities for enhancement of income earning opportunities and household account management, Component-2: as for PAPs who are resettled to new place, support for adapting environmental and social living conditions through community development. Activities of Components-1 and -2 will be monitored and followed up to see the degree of livelihood restoration of PAPs, and their basic frameworks are shown in Figures 7-1 and 7-2, respectively.

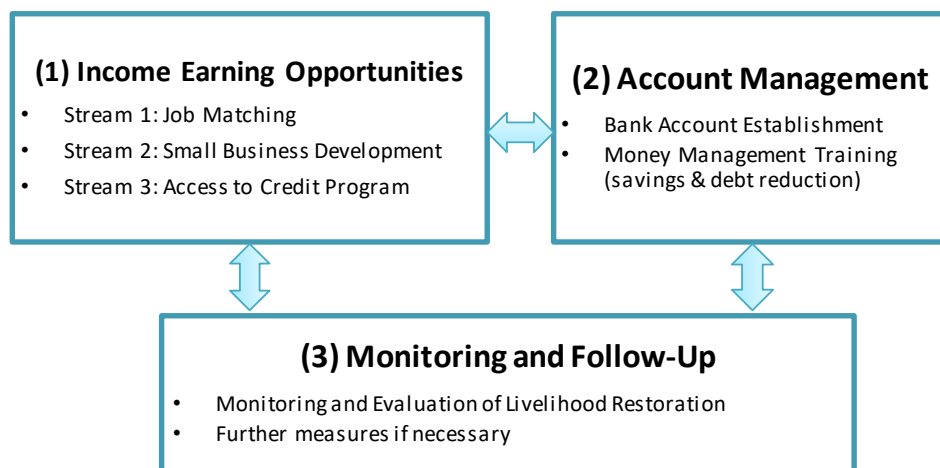
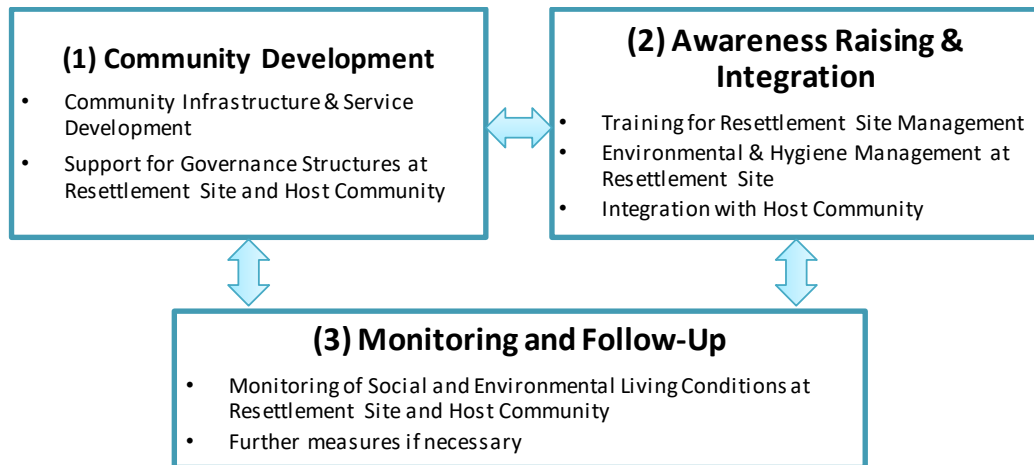


Figure 7-1 Basic Framework of Restoration of Economic Conditions (Component-1)

<sup>10</sup> One of examples is that in case Zone A, it was happened that some PAHs spent received compensation and assistance money in a short period and then ran into debt. In order to avoid such situation, account management consisting of bank account establishment and money management training was specifically enhanced.



**Figure 7-2 Basic Framework of Support for Adapting to Environmental and Social Living Conditions (Component-2)**

## 7.2 Past Activities under the IRP for Zone A and Zone B Phases 1 and 2

The vocational training has been provided for PAHs of Zone A and B in consultation with PAHs in addition to other IRP activities such as participatory workshops for IRP, household account management training, job matching support, seminar on standard code of conduct for working in a company/factory, site tour (factory visit) to Thilawa SEZ, sewing training, and support PAHs to acquire driving license. Awareness raising activities for resettlement site management has been provided for PAHs such as planning of micro finance program, infrastructure improvement, clean campaign (trash collecting campaign) of the resettlement site.

The similar activities options can be offered to the PAHs of the Extension Area 2 after discussions with PAHs. Additionally, the other training opportunities can be tailored by incorporating PAHs' requests, analyzing existing sources of income, and current economic conditions, as well as identifying new opportunities.



**Photo 7-1 Needs Survey on Training**



**Photo 7-2 Tailoring Technical Training**



**Photo 7-3 Mushroom Plantation Training**



**Photo 7-4 Site Tour to Thilawa SEZ**

Additionally, Myanmar Japan Thilawa Development Ltd. (MJTD), the developer, also provides some training course and assistance such as the assistance in job accession, sewing training, English language class and others to local communities including the PAHs of Thilawa SEZ as its Corporate Social Responsibility (CSR) activities.

### **7.3 Outline of IRP**

#### **7.3.1 Target of IRP**

IRP will be provided to the following PAPs to enhance their vocational opportunities:

- a) Farmers who need to alter income earning activity from farming to another activity
- b) Odd job worker and other off-farming worker who desire to alter job place
- c) Unemployment people who desire to improve technical skill for finding job opportunity
- d) PAPs who do not need to change the current income earning activities but desire to improve technical skill and income level

#### **7.3.2 On-going and Proposed IRP Contents**

The following contents are proposed for the Expanded Area 2 based on the lessons learned from implementation of Zone A and Zone B Phase 1 and 2, and international practices. The IRP contents will be discussed with PAHs/PAPs in consultation meetings.

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

###### **(a) Supports for income earning opportunities**

Supports for income earning opportunities are to include: i) series of technical support for improvement of work-skill, ii) facilitating job matching in and around the Thilawa SEZ area, and iii) assistance for starting business.

The activity of item i) series of technical support, will provide vocational trainings to PAPs in order to improve their skills for enhancing job opportunities. The following steps will be included in the support.

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

As for item ii) facilitating job matching in and around the Thilawa SEZ area, PAPs are expected to find job opportunities in and around the Thilawa SEZ area through vocational training and assistance in job matching provided by MJTD and TSMC which are mentioned item i) Introducing a job vacancy which is suitable for the interest and capability of PAPs will be enhanced in cooperation with the developer and the locators and conducted through IRP workshops and job counseling between TSMC and PAPs. This includes cooperation and facilitation with Dept. of Labor under Ministry of Labor and Employment and relevant departments in townships.

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

(b) Supports for household account management

As for supports for household account management, two types of supports will be included in order to manage income and expenditure properly to avoid spending without proper plan:

i) support to open a bank account not only to receive compensation and assistance money in safe but also to save money, avoid misuse and earn interest, and ii) support to learn knowledge on increase of saving and reduce of debt.

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

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

(a) Support for community development

After resettlement, as relatively densely populated conditions are expected at the resettlement site, a sense of community needs to be built and internal rules also need to be prepared in the new resettlement site for better environmental and social living conditions.

Since generally the PAPs have existing living standards and customs, harmonization with host communities (i.e. existing communities around/in the resettlement site) and PAHs to be resettled at the same resettlement site, is an important factor to develop social living conditions. With respect to functions of community after its development, establishment of appropriate rules and system is necessary. To realize these important factors, the following supports will be offered: i) support to creation of the sense of cooperation with peoples from the host communities, and ii) support to coordination with host communities through having the meetings and discussions among the host communities around the resettlement site, the PAHs of Zone A and Zone B Phase 1 and Phase 2, and PAHs to be resettled from the Expanded Area 2.

Social integration also needs to be facilitated at the resettlement site where the host community exists so that new comer PAHs are able to understand the existing social rules and system and adapt to them as early as possible. Therefore, necessary assistance to coordinate with the local leaders of the existing community will be provided to the PAHs so that the PAHs are get used to the rules and systems of the existing community as early as possible.

It is also expected social integration will be improved through benefit sharing such as promoting MJTD's CSR activities such as vocational training which is open to not only the PAHs but also the local communities.

(b) Support for awareness raising

Similarly, after resettlement, as relatively densely populated conditions are expected at the resettlement site, environmental and hygienic management will be required such as management of common wells, private toilets, garbage, and noise from neighbors' houses. For this, raising of awareness on their life style change from the rural lifestyle to the semi-urban lifestyle at the resettlement site becomes important to maintain the resettlement site in a sustained manner with community members. Therefore, i) supports for enlightenment on appropriate environmental and hygienic management is to be included as part of the supports for awareness raising. In addition, ii) support for training for sustainable resettlement site management are to be included, which include creation of working groups against each issue so that the peoples will be able to deal jointly with the issues.

(3) Monitoring and Follow-up

Progress and issues of both components, (namely restoration of economic conditions and adapting to environmental and social living conditions), will be monitored as part of internal and external monitoring (see Chapter 12). It is planned that internal monitoring will be conducted by the village administrator as a representative of Income Restoration Program Implementation Committee (IRPIC, see Chapter 9) monthly and the external monitoring will be conducted by the independent expert bi-annually. Based on the results of the monitoring, follow-up activities including further measures will be carried out if necessary.

#### **7.4 Further Activities of IRP**

The detail contents and activities of IRP will be elaborated through a series of participatory workshops by confirming and examining needs and capacity of PAPs and availability of training courses. A series of participatory workshops will be started once relocation schedule is particularly fixed, and registration and implementation of IRP will be started accordingly when IRP is finalized.

## **CHAPTER 8 PUBLIC PARTICIPATION AND INFORMATION DISCLOSURE**

### **8.1 Approach of Public Participation and Information Disclosure**

Supplemental RWP for the Expanded Area 2 of Area 2-1 was prepared under the same approach of public participation and information process, and the same method of public consultation meeting (PCMs) as RWP for Area 2-1 and the Expanded Area of Area 2-1. The following supplemental approaches were taken for securing meaningful public participation for the Expanded Area 2:

- (a) Held PCMs with PAPs and other stakeholders on 3 April 2016 on the draft RWP for Area 2-2, which includes the Expanded Area 2.
- (b) Disclosure of the draft RWP for Area 2-2 from 25 May 2016 for one month to receive comments from the public.
- (c) Held a series of village level meetings to clarify the current entitlement of the land within the Expanded Area 2 between March 2017 and June 2018 for Sub-Area No.1 and in August 2018 for Sub-Area No.2.
- (d) Additional DMS for newly identified PAHs such as new landowners will be conducted.
- (e) Held a PCM to discuss the contents of the draft RWP for the Expanded Area 2 in September 2018.
- (f) Disclosed the draft RWP from 24 September to 8 October for 2 weeks<sup>11</sup> to receive comments from the public and reflect them in the final RWP.

### **8.2 Results of Public Consultation Meetings (PCMs)**

Sub-Areas No.1 of the Expanded Area 2 (shown in Figure 2-1) is originally located in the former Area 2-2. The two sessions of PCM for the draft RWP for Area 2-2 were held on 3 April 2016 at the office of DUHD of MOC in Kyauktan Township. The summary of this meeting is presented in Table 8-1, and the record of meeting is included in Annex-1.

**Table 8-1 Summary of Public Consultation Meeting for Draft RWP (Area 2-2)**

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

<sup>11</sup> At the house of administrator and house of 100 Household Head in Let Yet San Village Tract, disclosure period was set from 26<sup>th</sup> September 2018 to 10<sup>th</sup> October 2018.

Items	Contents
	5. 100 /10 household head (HH), Shwe Pyauk Village Tract 6. 100 /10 household head (HH), Aye Mya Thida Ward 7. Villagers from Shwe Pyauk Village Tract 8. Villagers from Aye Mya Thida Ward Other organizations and individuals who are interested in the meetings
6. Main Agenda	1. Background and RWP activities 2. Area of 162 ha Second Development Area (Area 2-2) 3. Eligible households for Area 2-2 4. Proposed compensation and assistance package 5. Planned implementation organization 6. Planned grievance redress mechanism 7. Possible resettlement sites 8. Further steps 9. Q & A
7. Major opinions and comments from participants and responses	<p><u>1st session</u></p> <p>Q-1: PAHs in Area 2-2 only should be invited to the meetings.                      A-1: PAHs in Area 2-2 were invited, but if the interested persons come to the meetings, we are accepting their participation.                      Q-2: Please re-check my eligibility.                      A-2: It will be confirmed again.</p> <p><u>2nd session</u></p> <p>Q-1: I would like to know compensation and assistance amount and resettlement site.                      A-1: We would like to explain resettlement issues step by step in accordance with international practices. All relating activities will be also done step by step.                      Q-2: I would like to clarify the difference between two notices (31 January 2013 and 30 June 2014).                      A-2: The former notice was to evict the people, but the latter notice was for official land acquisition procedures.                      Q-3: I would like to know situation of my eligibility which I requested to re-check.                      A-3: Eligibility was confirmed through village meetings (inquiry sessions). But if you still inquiry, you can send a letter to TSMC.                      Q-4: I would like to know how Land Acquisition Act 1894 was applied.                      A-4: Land Acquisition Act 1894 is still active and land acquisition activities should be done under this act.                      Q-5: Shall I repair the structure for the coming rainy season?                      A-5: Yes, you can repair it.</p>



**Photo 8-1 Photo of PCM on 3 April 2016 for Area 2-2**



During the consultation meetings on 3 April 2016, feedback forms were distributed to the participants to receive frank comments and opinions from them. The major comments and opinions written in the collected feedback forms (total seven feedback forms were collected) are as follows:

- Please invite and meet the PAHs who have eligibility to the target area (Area 2-2) only for further PCMs.
- Please check my eligibility again with my neighbors.
- Although I have farmlands, I want to have compensation and move to the resettlement site as soon as possible. My neighbors also want to move to the relocation site.
- Please start resettlement works and give us compensation as soon as possible so that we will start our family business earlier.
- I would like to know the location and area of the resettlement site, and amount of compensation.
- Since my farmland was acquired in 1997 and I have had a hard time making a living, please provide compensation.

### **8.3 Results of Land Entitlement Confirmation Village Level Meetings for the Expanded Area 2**

#### **(1) Village Level Meetings**

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

**Table 8-2 Summary of Village Level Meetings for Land Entitlement Confirmation  
(the Expanded Area 2 of Area 2-1)**

<b>Location</b>	<b>Date</b>	<b>Outcomes</b>
Sub-Area No.1	18 March 2017	Discussed land ownership for 1 land plot among SLRD-listed owners and persons claiming the land ownership.
	24 March 2017	Discussion continued for 15 land plots
	28 April 2017	Discussion continued for 5 land plots
	4 May 2017	Discussion continued for 2 land plots
	21 June 2018	Discussion continued for 18 land plots
	28 June 2018	Discussion continued for 6 land plots
	2 November 2018	Discussed land ownership for 3 land plots
Sub-Area No.2	1 August 2018	Discussion continued for 1 land plot



**Photo 8-2 Photo of Village Level Meeting for Land Entitlement Confirmation**

#### 8.4 Results of Public Consultation Meeting for Draft RWP

The PCM for draft RWP was held on 23 September 2018 at office of DUHD of MOC in Kyauktan Township. The summary of the PCM is presented in Table 8-3, while record of meeting is included in Annex-1.

**Table 8-3 Summary of Public Consultation Meeting (the Expanded Area 2 of Area 2-1)**

Items	Contents
1. Date and Time	Date: 23 September 2018 (Sunday) Time: 9:00-10:30
2. Venue	Office of DUHD of MOC in Kyauktan Township
3. Invitees	PAHs of Expanded Area (2) of Area 2-1
4. Participants	Approximately 76 persons
5. Main invitees/ participants from government/others	<ol style="list-style-type: none"> <li>1. Administrator, General Administration Department, Kyauktan Township</li> <li>2. Thilawa Special Economic Zone Management Committee</li> <li>3. Village Administrator, Let Yet San Village Tract</li> <li>4. Village Administrator, Aye Mya Thida Ward</li> <li>5. 100 household head (HH), Let Yet San Village Tract</li> <li>6. Villagers from Let Yet San Village Tract</li> <li>7. Villagers from Aye Mya Thida Ward</li> <li>8. Other organizations and individuals who are interested in the meetings</li> </ol>
6. Main Agenda	<ol style="list-style-type: none"> <li>1. Project Information</li> <li>2. Eligible households</li> <li>3. Proposed compensation and assistance package</li> <li>4. Implementation organization</li> <li>5. Grievance redress mechanism</li> <li>6. Further steps</li> <li>7. Q &amp; A</li> </ol>
7. Major opinions and comments from participants and responses	<p>Q-1: Two households have not been included in the RWP. Although the land was already acquired, they are still living in the compensated land.</p> <p>A-1: The two households are not included in the RWP according to examination. The location of the two household is the next to the RWP area which the land was already acquired. If the said area will be expanded in the future, they can be included as to be resettled households.</p>

Items	Contents
	<p>Q-2: My daughter's house is not included although it is located in the Expanded Area 2 of Area 2-1. A-2: The eligibility list will be checked again soon and let you know the result.</p> <p>Q-3: I would like to explain that my family did not receive any land compensation and assistance of our land which was partially compensated in 1996/97 and the land compensation was provided to another person. A-3: The case should be reported to Rescrutinizing Committee for Confiscated Farmlands and Other Lands. The committee helps to solve such issues.</p> <p>Q-4: I would like to request to consider the assistance for my son since he is currently living on my land after the COD. A-4: People who were staying/using land before the COD are eligible for respective compensation and/or assistance. On the contrary, in principle, those who are living after the COD are not eligible for compensation and/or assistance.</p>



**Photo 8-3 Photo of PCM on 23 September 2018 for the Expanded Area 2 of Area 2-1**

During the consulting meeting on 23 September 2018, feedback forms were distributed to the participants to receive frank comments and opinions from them. The major comments and opinions written in the collected feedback forms (total five feedback forms were submitted) and responses are summarized in Table 8-4.

**Table 8-4 Summary of Received Comments through Feedback Forms and Responses**

No.	Summary of Comments	Response
1	My family's land was separately acquired and the land compensation were provided to another person. I would like to inform and request to investigate eligible person who should receive compensation.	The case should be reported to Rescrutinizing Committee for Confiscated Farmlands and Other Lands. The committee helps to solve such issues.
2	The contents explained by the officers are very satisfying and I wish it is implemented properly. The RWP for PAPs/ PAHs is a satisfactory plan.	Well noted. Thank you for your understanding and cooperation.
3	The relocated people at the time of 1996/97 should be considered for compensation and assistance.	Eligibility has been checked and confirmed through village level meetings and other various occasions and PAHs have been listed

		up. Compensation and assistance will be provided to the PAHs based on the list.
4	It is also suggested to review the trees and plants growing on the land plot.	The compensation and assistance amount will be calculated based on the DMS data.
5	It would be appreciated if the compensation and assistance is increased to one big bag of rice costs 65,000 MMK at the moment and the proposed assistance of 40,000 Kyats is less than the current price.	The compensation and assistance amount will be provided based on the entitlement matrix in this RWP.

### 8.5 Disclosure of the Draft RWP

The draft RWP for the Expanded Area 2 was disclosed at several places around the Expanded Area 2 from 24 September 2018 to 8 October 2018 for two weeks<sup>12</sup> to receive comments from the public and reflect them in the Final Supplemental RWP. Disclosure places for the Draft Supplemental RWP are listed in Table 8-5. In addition, the draft RWPs both in English and Myanmar languages were uploaded on the website of TSMC. The newspaper advertisement was also posted on newspapers on 24 September 2018 to inform of the public disclosure and request for comments on the draft RWP for the Expanded Area 2 .

**Table 8-5 Draft RWP Disclosure Places (the Expanded Area 2 of Area 2-1)**

<ol style="list-style-type: none"> <li>1. Office of DUHD of MOC in Kyauktan Township (previous TSMC temporal office)</li> <li>2. Office of TSMC, Thilawa SEZ</li> <li>3. Office of DUHD of MOC in Yangon</li> <li>4. Administrative office of Southern District</li> <li>5. Administrative office of Kyauktan Township</li> <li>6. Administrative office of Thanlyin Township</li> <li>7. Administrative office of Aye Mya Thida Ward</li> <li>8. Administrative office of Let Yet San Village Tract</li> <li>9. Ordination Hall, Aye Mya Thida Ward</li> <li>10. Houses of Administrators and 100 Household Heads of above Wards and Village Tracts</li> </ol>
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### 8.6 Comments on Draft RWP

Comments received at the disclosure places of draft RWP for the Expanded Area 2 and responses to the comments is summarized in Table 8-6. Beside this, comments which show understanding on RWP contents were received.

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<sup>12</sup> At the house of administrator and house of 100 Household Head in Let Yet San Village Tract, disclosure period was set from 26<sup>th</sup> September 2018 to 10<sup>th</sup> October 2018.

**Table 8-6 Summary of Public Comments on the Draft RWP and Responses**

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

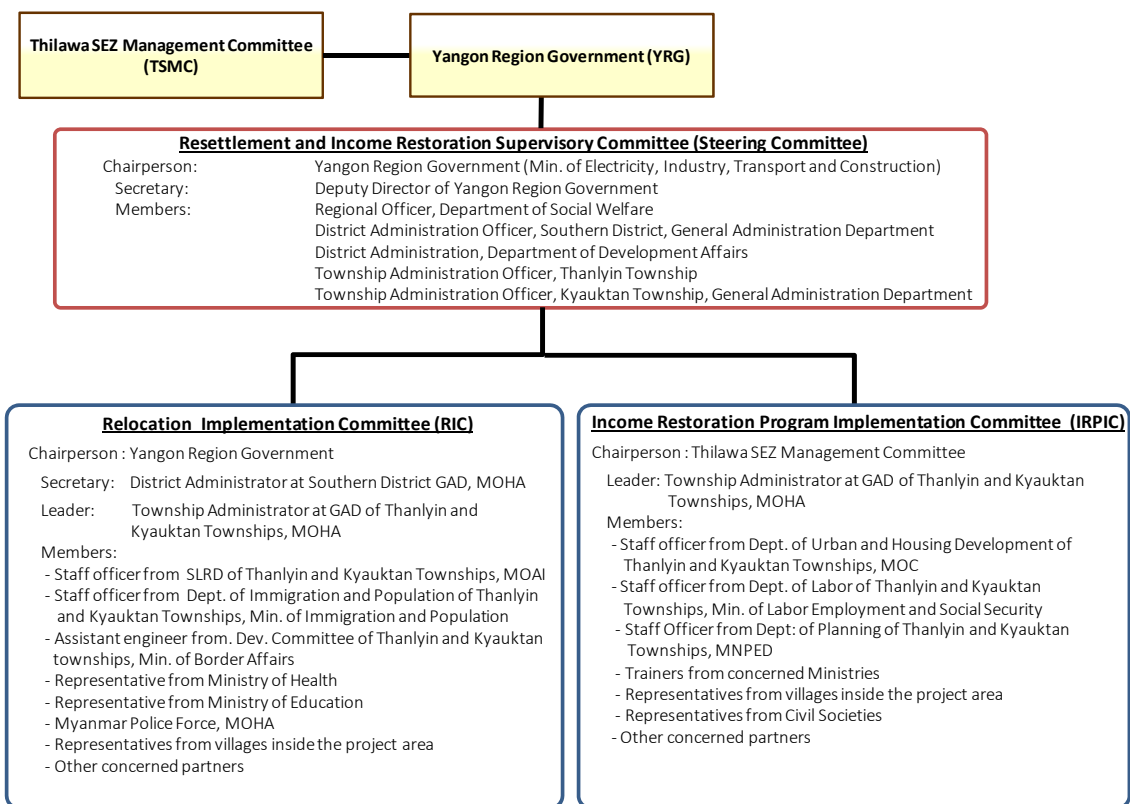
### **8.7 Disclosure of the Final RWP**

Final RWP is prepared by incorporating comments received during the disclosure period as well as consultation meetings. The final RWP is disclosed at the same places where draft RWP was disclosed as shown in Table 8-5. In addition, final RWPs both in Myanmar and English language are uploaded on the website of TSMC.

## CHAPTER 9 INSTITUTIONAL ARRANGEMENT

The organizational structure applied in the resettlement works of the Expanded Area 2 follows the one in Area 2-1, and YRG is mainly implementing the resettlement works body for the Expanded Area 2. The Relocation Implementation Committee (RIC) and the Income Restoration Program Implementation Committee (IRPIC) are the supporting organizations for implementing relocation/resettlement works including IRP activities of the entire Thilawa SEZ (2,400 ha), supervised and supported by the Resettlement and Income Restoration Supervisory Committee (Steering Committee).

Structure of implementing resettlement works for the Expanded Area 2 is shown in the following figure.



**Figure 9-1 Structure of Implementing Resettlement Works for the Expanded Area 2 of Area 2-1**

## CHAPTER 10                      GRIEVANCE REDRESS MECHANISM

Though the complaints on relocation/resettlement works and IRP had been managed by YRG and TSMC since the first resettlement occurred in 2013, an integrated and more systematic procedure as grievance redress mechanism was required as the needs of local residents. One of the needs was to set a number of channels clearly that can be used by communities easily. In response to these needs, TSMC and MJTD have adopted newly developed complaint management procedure since November 2017. The procedure is named as Thilawa SEZ Complaints Management Procedure (TCMP). In the process of the TCMP development, the series of workshops and discussions were conducted with stakeholders, such as PAPs resettled and communities affected by SEZ Zone A and Zone B development, locators of SEZ and CSOs in Thilawa between October and November 2017.

The TCMP is to cover not only issues related to relocation/resettlement works and IRP, but also general concerns and complaints of stakeholders on the activities related to the Thilawa SEZ. In this chapter, the TCMP is summarized, though detailed contents and procedures are explained in a document of the TCMP which is available in Thilawa Resettlement Income Restoration Program homepage (the document is seen at <http://irp.myanmarthilawa.gov.mm/>) and MJTD homepage (<http://mjtd.com.mm/community-engagement>).

### 10.1      Objectives and Approach of Thilawa SEZ Complaints Management Procedure (TCMP)

Objectives of the TCMP are to:

- (a) Establish a prompt, consistent and respectful mechanism for receiving, investigating and resolving complaints from the community, in a timely manner and by the most appropriate organization and method.
- (b) Ensure proper documentation of complaints and any corrective actions taken.
- (c) Contribute to continuous improvement in performance through the analysis of trends and lessons learned.
- (d) Identify and monitor stakeholder concerns to support effective stakeholder and risk management.
- (e) Meet requirements of international good practice.

Various approaches are applied for implementing the TCMP as follows:

- (a) TCMP is accessible to all, including ethnic, religious, and other special groups.
- (b) TCMP focuses not only on raising/receiving complaints but also on ensuring complaints are resolved.

- (c) TCMP implementation will be supported by an information campaign and training program for communities and other stakeholders e.g. locators and construction contractors.
- (d) Designated responsible parties are tasked with “investigating” and “resolving” complaints. Responsible parties include: YRG, TSMC, One-Stop Service Center (OSSC) Labour & Environment, MJTD, Locator Companies, Construction Company, Main Contractor.
- (e) Dedicated Joint TSMC/MJTD Community Relations Team (CRT) assigned to implement and monitor the complaints management process.

## **10.2 Channels for Raising a Complaint**

There are a number of “channels” that can be used by community members to raise or file a complaint with the Thilawa SEZ. These include, but are not limited to:

- (a) In person to an SEZ official visiting the community.
- (b) In person at the Thilawa SEZ.
- (c) Suggestion boxes, established in village tract/ward administrator offices.
- (d) Via Community Focal Points:
- (e) In writing to the Thilawa SEZ.
- (f) At a community meeting held by the Thilawa SEZ representations, within villages or at the Thilawa SEZ.

Community Focal Points (CFPs) will be established in each project affected community of the Thilawa SEZ, if community desires. The CFPs will be an intermediary between community members and the Thilawa SEZ to ensure concerns, complaints and suggestions are raised to the SEZ as necessary.

## **10.3 Steps for Resolving Complaints**

There are six main steps under the TCMP; (1) Receive, (2) Assess and assign, (3) Acknowledge, (4) Investigate, (5) Respond and resolve, and (6) Follow up and close out, as shown in Figure 10-1.

### **(1) Receive**

TCMP is initiated when a complaint is received by a Thilawa SEZ staff member or contractor and is referred to CRT. Immediately after commencement of the TCMP, a Thilawa SEZ Complaints Management Form needs to be filled by officer of CRT, which is attached in the document of the TCMP. All complaints received shall be directed to CRT.



(2) Assess and Assign

The leader of CRT makes an initial assessment of severity and assigns the complaint to a responsible party. The CRT leader and the responsible party agree the timelines for an investigation and any follow up actions including resolutions. The CRT officer provides access to all relevant documentation to the Responsible Party, and continues to monitor the complaint until closed out.

(3) Acknowledge

Once a complaint has been assessed and a responsible party assigned, the CRT officer sends a written acknowledgement to the Complainant. The letter is normally sent within 7 days of receiving the complaint. The CRT officer documents the acknowledgement in the TCMP database.

(4) Investigate

The responsible party investigates the factual basis for the complaint and proposes options to resolve the issue. Complainants will be involved in investigation, as relevant. The responsible party may involve third parties in the fact-finding process as required. The Thilawa SEZ generally seeks to resolve complaints as they arise (e.g., within a few days). The maximum resolution period should not normally exceed 30 days. The CRT officer is responsible for providing regular progress reports to the Complainant. When the investigation process is complete, the responsible party documents the findings and proposes options for resolving the complaint as appropriate.

(5) Respond and Resolve

The responsible party and CRT agree on a response to the Complainant. The responsible party and CRT determine next steps based on feedback from the Complainant. If the Complainant accepts the resolution, the Thilawa SEZ will proceed to implement. If the Complainant does not accept the resolution, the complaint will be escalated to the Complaints Review Board. The Complainant's response will be documented in the TCMP database.

(6) Follow up and Close out

A complaint is closed out when no further action can be or needs to be taken. Closure status will be classified in the TCMP database as "resolved", "under investigation", or "conditionally resolved". CRT officer is responsible for updating the TCMP database with close out details, in every case.

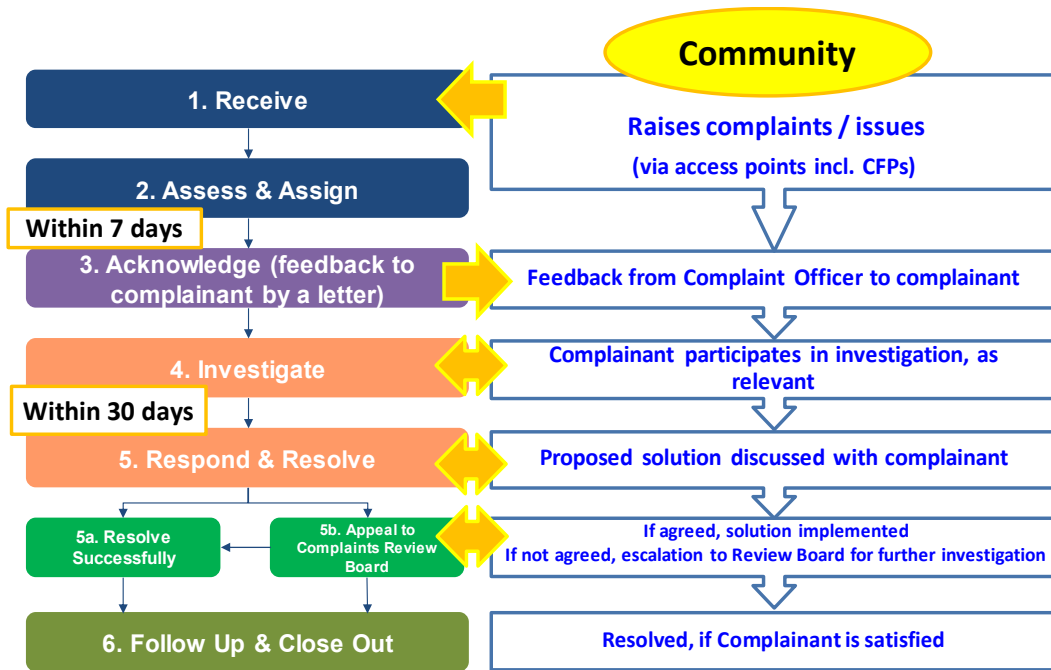


Figure 10-1 Interface between Communities and TCMP

## CHAPTER 11      IMPLEMENTATION SCHEDULE

The resettlement works for the Expanded Area 2 mainly consist of preparation of RWP including consultation with PAPs and its disclosure, consensus building and award of compensation and assistances for loss of assets and income source/livelihood, and implementation of land acquisition and relocation, IRP and monitoring and evaluation of the resettlement implementation activities. The implementation schedule of the works is prepared based on the above contents of the resettlement works and IRP activities. The provisional implementation schedule of the resettlement works and IRP activities for the Expanded Area 2 is shown in Figure 11-1. However, the sequence or schedule may be changed due to circumstances and accordingly will be adjusted for the resettlement works and IRP implementation.

Work Items	Year		2018					2019					
	Month		Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
<b>1. Preparation of RWP</b>													
1) Preparation of Draft RWP			—————										
2) Conducting PCM on Draft RWP				●									
3) Public disclosure of Draft RWP & receiving comments				—									
4) Incorporating comments in RWP					—————								
5) Disclosure of Final RWP						—————							
<b>2. Implementation of Land Acquisition &amp; Relocation</b>													
1) Consultation and agreement with PAHs including implementation of supplemental DMS , and Payment						-----	-----	-----					
2) Land acquisition/Relocation (if applicable)						-----	-----	-----					
<b>3. IRP Implementation</b>													
1) Participatory workshops						—————							
2) IRP planning and implementation							-----	-----	-----	-----	-----	-----	-----
<b>4. Monitoring &amp; Evaluation</b>													
							-----	-----	-----	-----	-----	-----	-----

**Figure 11-1 Provisional Implementation Schedule of Resettlement Works for the Expanded Area 2 of Area 2-1**

## **CHAPTER 12            MONITORING AND EVALUATION**

The resettlement works of the Expanded Area 2 will be implemented under the framework of RWP of Area 2-1. Therefore, internal and external monitoring and evaluation will be implemented as part of the one of Area 2-1.

**ANNEX**

**Record of Consultation Meetings**

## **Public Consultation Meeting Meeting Minutes**

Date	- 3 April 2016
Place	- Meeting Hall of DUHD (Thanlyin-Kyauktan)
Objectives	- To explain about the contents of Draft Resettlement Work Plan (RWP) for Area 2-2

### **Opening Speech**

Dr. Than Than Thwe, Joint Secretary of Thilawa Special Economic Zone Management Committee (TSMC) expressed her sincere thanks to all participants for attending the meeting, and said that she will deliver this opening speech because Dr. Than Aung is on leave.

### **Presentation by TSMC**

Dr. Than Than Thwe expressed her sincere requests for the public consultation meeting (PCM) to the participants. Then she introduced U Myint Sein, new township administration officer, as the successor of U Moe Myint. After that on behalf of Kyauktan Township administration officer, U Nyein Chan Aung was introduced. She also said that her responsibility and duty has also changed to Yangon Region, Hlattaw and Thilawa. U Kyaw Than's responsibility was introduced as Dr. Than Aung's assistant. Then she explained the objectives of this PCM which are to ensure the transparent consultation and planning procedure for RWP.

She explained that Zone A has been already operational since 23 September, 2015. EIA for Zone B is in process as of April 2016. As for RWP preparation, RWP for 400 ha Zone A was finalized in November 2013, then Resettlement Framework for 2000 ha was disclosed in February 2016 and draft RWP for the 100 ha Initial Development Area was also disclosed. She said that today she will explain about the draft RWP for Area 2-2 (approx. 162 ha as the Second Development Area). This will be implemented after 100 ha resettlement.

Then she explained about Zone B Development Plan (Approx. 700 ha), three development categories: namely, industrial area – approximately 262 ha, logistic area – approximately 267 ha, residence and commercial area – approximately 169 ha. Among these areas, it is planned that 100 ha will be developed first and then the remaining area of 162 ha will be developed. So, the RWP for Area 2-2 is being prepared following the preparation of the RWP for Area 2-1. After that, she explained about wrap-up of the Framework of Resettlement Works (the Framework) which provides the overall resettlement and assistance policy for the 2,000 ha SEZ area, and she said that extensive public consultation meetings, village meetings and feedback workshops were organized from April 2014 until January 2016. Then public disclosure of the draft Framework was also done between October and November 2015 for PAP's review and comments. Then she explained about public disclosure places of the Framework. Then she explained about individual RWPs which will be prepared based on the Framework and also the eligible households for respective compensation and/or assistance.

She also explained that there are four kinds of eligible persons: 1) farmer without land, 2) resident without land, 3) current land owner not listed in SLRD list in case the official land transfer procedure is not done (e.g. succession case) and 4) official land owner listed in SLRD list.

Then she explained about basic framework of assistance, special arrangements like support for relocation and support after relocation for resettlement. Regarding the assistance for Area 2-2, she explained about proposed compensation/assistance for assets such as cash compensation at full replacement cost for land and house, cash compensation at 2 times the current market price for other structures (hut, kitchen, toilet), cash assistance per animal for large size livestock (cow and buffalo only), then cash assistance at the current market price if they are not able to be used for agriculture work after relocation. She also explained about income restoration program (IRP) such as when 400 ha resettlement, even disabled person got a job after resettlement. The project team has the priority to try to get a job for the resettled PAPs. Then she explained about the difference of house and hut by picture. She said that a house is defined by document and structure. For document, a house must have family

certificate of residents. The house should have pillar, roof, wall, floor and door, having kitchen (inside or outside the structure) and sleeping place, and having sufficient equipment for continuous residency.

After that, she continued the explanation of compensation/assistance for income loss as cash assistance for 3 years of yield amount in total in the current market price for paddy farmer, cash assistance for 3 years of yield amount and/or number of trees in total in the current market price for vegetable/tree farmer, cash assistance for 3 years of income from cow and buffalo for milking for livestock farmer, cash assistance for non-working period for moving (i.e. 7 working days) for contracted workers, daily workers and self-employed.

Regarding the special arrangement and allowance, she explained it as one-time cash assistance of moving cost, one-time cash assistance for commuting cost as per the number of workers and students, in kind assistance as IRP to enhance vocational opportunities of those PAPs who are interested for IRP and one-time cash assistance for those who cooperate on time relocation (for PAHs living inside Area 2-2 only) for cooperation assistance. Then she explained that for special assistance for vulnerable groups, i.e. the poor household, woman headed household, household with disabled or elderly persons who will be able to receive one-time cash assistance equivalent to one big bag of rice (equivalent to 50 kg of rice) per person in a household of vulnerable groups. Then she explained about examination of market price/replacement costs. She said that the detailed market price for all items and draft compensation fee were already surveyed and prepared. For resettlement site options, entitled persons are landless PAHs and will be physically relocated from Area 2-2. Then she said that the resettlement site options are to be discussed with PAHs for Area 2-2 after Water Festival. Social infrastructure will be provided in the resettlement site, if it does not have such infrastructure.

For IRP, in-kind assistance will be provided to all working age of PAPs in Area 2-2 regardless of sex in order to restore and stabilize livelihood to at least pre-project level. IRP will be implemented collaborating with ministries, district, townships and NGOs. Planned contents include household account management, vocational training, learning business rules at a company and community development at new living places. Detailed contents will be further discussed with PAPs after Water Festival.

Then she explained about planned implementation organization since two committees (namely, Relocation Implementation Committee (RIC) and Income Restoration Program Implementation Committee (IRPIC)) have been established as the supporting organizations for implementing relocation works and IRP activities. Additionally, Multi-Stakeholder Advisory Group (MSAG), which was established when implementing the resettlement works for Zone A, supports them by advising on the resettlement works when necessary.

Then she explained that there are 2 channels for Grievance Redress Mechanism (GRM):

- 1) Official GRM, for more official issues on compensation and assistance package, relocation and assistance after relocation. The first contact point for PAHs are village authorities or TSMC. Basically, for any problems or issues, people need to contact to village authorities first, and then through U Kyaw Than, who is attached to TSMC (temporary) office (currently Urban and Housing Developing Department, MOC), to Dr Than Aung, and
- 2) Community-based GRM for any resettlement-related issues such as social facility in the resettlement site, other daily issues or any other issues.

The first contact point for PAHs is community representatives, TSMC, RIC/IRPIC or concerned organization, 2) a person/ organization which receives the grievance will work with the community and other stakeholders to resolve the matter, 3) If not solved, it will be discussed at the joint meeting of concerned parties to investigate the issue and find a remedy with a help from MSAG/religious leader. Finally, it will be coordinated with Yangon Region Government.

Then she explained that regarding the future steps for Area 2-2: 1) Measurement & marking: Area 2-2 boundary will be identified and marked on the field for accurate entitlement calculation. 2) Identification of land owner: village level meetings to discuss and identify land owner based on SLRD list. 3) Disclosure of draft RWP: draft RWP to be disclosed from April 2016 to May 2016 (for 1 month) for comments and feedback, 4) Continued consultations on draft RWP: Another round of consultation will be organized such as village level meetings to discuss the contents of RWP and resettlement site options, 5) IRP: workshops to discuss the contents of vocational training and other available assistance programs will be started.

### **Questions & Answers**

At first, TSMC explained that when participants ask questions, they are requested to state his/her name, village name and how they are affected by the project at this time. She also requested participants to avoid asking the same questions due to time limitation.

**Question (1): Farmer from AMTD** said that he is cultivating paddy inside Area 2-1 and Area 2-2. He said, even though he has provided advice three times on 11. 9. 2015, 30. 10. 2015 and 19. 2. 2016, there has been no significant change. Regarding the resettlement site, most of the people don't like the site of 400ha PAPs. They have already explained about it to Dr. Than Aung. They have proposed a place that they preferred, but they didn't know the situation yet. Even though compensation and assistance are explained in the presentation, they don't know how much they will get so far. Therefore, he would like to request to explain about the compensation and assistance amount transparently. In the letter submitted on 19. 2. 2016, he mentioned that farmers are having a lot of difficulties, because it has been over 18 years that they didn't receive the compensation. It should be considered to provide compensation or indemnity for this kind of suffering. According to Minister U Soe Min's explanation in the previous meeting, the Thilawa SEZ project is the best project in Myanmar and local people should not have worry; he verbally promised that things will be arranged to satisfy local people.

It is not easy to provide above the pre-project level. U Khin Maung Thant, secretary of regional development group told to Pyi Myanmar Journal on 7 March 2016 that no matter what notification is issued, compensation and assistance will be provided as per agreed with local people. According to the negotiation between local people and companies, village land and farmland will be compensated by two 44'x100' plots per acre including grant, and in case of real local people, in addition to these plots, one apartment with elevator which has over 600 ft<sup>2</sup>. Therefore, these kinds of provisions should be given to local people to support their lives and their generations for ease of living. Since this project is the best one in Myanmar, it is not appropriate if the compensation and assistance are lower than the above mentioned provision.

Farmers from Area 2-1 and Area 2-2 have limited time to cultivate their farmland for this coming season before the project implementation. If the project is to be implemented in time, it will be better if farmers do not cultivate for this year. Therefore, instead of 3 years' crop compensation, crop compensation for additional one year should be provided for the loss of their income.

**Answer (1):** TSMC said that she never heard of U Khin Maung Thant. (He showed the newspaper copy.) According to that newspaper, what he explained is not related to Thilawa SEZ, but Yangon New City Project to be implemented in Hlaing Thar Yar and Twinte Township.

**Question (2): Person from AMTD** would like to clarify the difference between two notices: the first notice included in presentation of eligible households for Area 2-2 issued in 31 January 2013 and the other notice that they received in 30 June 2014. According to the presentation, households that received a notice are eligible.

Also, the project should be implemented as soon as possible, because it has been very long time that they are waiting. During that time, they can't sell the land. Therefore, if they consider from the point of view of businessman, they are losing opportunities.

Local people should be transparently explained, before the project implementation, about the measures for sustainable development of the region, especially for younger generations. And necessary measures to mitigate the impacts from the project implementation should be considered, in order to have the less impact.

**Answer (2):** TSMC said that as you are included in SLRD list, Southern District issued land acquisition notice. 2013 January Notice by YRG was to request peoples who were living inside the Thilawa SEZ area to move out from the SEZ area

Regarding the sustainable development, not only factories, but also residential areas, hotels, hospitals, schools, clinics, banks, etc., will be developed in the SEZ area, while normal industrial zones implemented in Yangon and other areas include only factories. It will be developed like an urban area which will be sustainably developed.



Thilawa SEZ is to be developed with great care in order to mitigate the impacts. Thilawa SEZ will use water from Zarmani Dam and the water will be purified before reaching the factories. Regarding the waste water from the factories, it will be treated at the waste water treatment plant and that treated water will be stored in retention silting ponds before disposing into Shwe Pyauk creek. All activities will be implemented in accordance with international standards, under the control of Environmental Conservation Department. EIA studies will be systematically made to minimize impacts as much as possible.

**Question (3): Person from AMTD** said that she is living in the project area, but she is not included in the eligible household list. She has reported several times to Dr. Than Aung when he visited to the village, but there is no change until now. She said that she doesn't have any other asset except a structure. She would like to confirm the situation details.

**Answer (3):** TSMC said that this meeting is to explain about the resettlement activities, not to confirm about the eligibility issue. Dr. Than Aung has confirmed the eligibility in each village will be done together with village authorities and community representatives. If you have any issues or inquiry, you can submit the letter to TSMC.

**Question (4): Farmer from TDM** said he would like to ask the same question that he asked in the 2<sup>nd</sup> PCM for Area 2-1 held on 27<sup>th</sup> March 2016 that mentioned in the Draft RWP (Chapter 2, Page 8) for Area 2-1 that the land was acquired in 1996-97 in accordance with Land Acquisition Act 1894. He would like to know when and where relevant documents were issued to the public. He said that he feels sorry for repeating several questions in every meeting. However, since they are the representatives and leaders of local people, they have to ask on behalf of other people until they get clear answers.

He added that holding this kind of meeting again and again before the compensation amount and where they are to be relocated are clearly mentioned makes local people tired. He would like to know about the compensation amount and relocation site clearly.

**Answer (4):** TSMC said that according to international practices, project activities have to be explained to local people like this. All activities need to be done step by step. Finally, local people will be explained where and when resettlement site is arranged.

YRG added that we have to answer questions from you in every meeting. That is good, because issues or weaknesses can be minimized through interactive discussions. All people are in the same boat. People may have different opinions, but finally those opinions will become same. This project is for the future generation.

Regarding the Land Acquisition Act 1894, it is still active, neither modified nor cancelled yet. The land acquisition activities must be done under that Act. In 1996-97, Thilawa SEZ area was acquired by MOC to implement Industrial Zone with Singapore. But the project with Singapore was not implemented practically. However, this doesn't mean that the intention of the current project is cancelled, only cancelled with Singapore.

According to the letter you submitted, you just pointed out that the description in the Draft RWP for Area 2-1 is not correct and should be modified accordingly. That will be modified accordingly using the wording that people can easily understand, as also requested in another meeting. According to international practices, this kind of meeting needs to be held to explain about the activities. At that time, people have the chance to discuss their ideas and concerns. Only then, necessary measures could be prepared in advance. If not, responsible authorities can't know people's ideas and concerns.

Government already announced that three big SEZ projects will be implemented. Not only these SEZ projects, other smaller SEZ projects will be implemented in the future.

**Sub-question:** Farmer from TDM said that if the Collector wants to acquire the land, notice or gazette must be made available for the public, such as in the villages in and around the area to be acquired and at the junctions, and accepting objections within a specified period. Without these notices and gazette, acquiring the land in accordance with Land Acquisition Act is not correct.

And according to 2012 Farmland Law, if the project is not implemented over the land acquired within six months from the date of acquisition, the lands have to be returned to owners it was acquired from.

**Sub-answer:** YRG answered that explanation about publishing notice or gazette is correct. At that time, concerned authorities might publish notice or gazette, or people didn't know the ones published. The best solutions from current situation should be sought out, like U Myint Shwe's discussion regarding additional one year of crop compensation. Activities have to be done for the project to move forward.

As for the compensation amount and resettlement site, it will be done step by step in accordance with international standards for moving the project forward systematically. People shouldn't be hurry.

**Question (5):** Person from AMTD asked whether they can repair their structure for this rainy season or not.

**Answer (5):** TSMC answered that structures can be repaired for the coming rainy season.

**Question (6):** Person from AMTD said that after the meeting on 27 March, U Soe Thu (one of the village authorities from AMTD) and two other persons (he doesn't know from which organization), came to see him. At that time, he was asked about the resettlement site, but he requested village authorities and TSMC not to do like that again.

**Answer (6):** TSMC said that it was answered in the previous question.

**Comment:** People from ALS said that, according to the 200ha Framework, it is mentioned that 3 years of income from business will be provided. However, in the explanation in this meeting, it was only mentioned to provide for just 7 days for self-employed, contract workers and daily workers. He would like to clarify to avoid confusion among local people.

**Closing Remark**

Dr. Than Than Thwe expressed thanks to all participants for attending this meeting giving their time.

## **Public Consultation Meeting Meeting Minutes**

Date	- 23 September 2018
Place	- Meeting Hall of DUHD (Thanlyin-Kyauktan)
Objective	- To explain about the contents of Draft Resettlement Work Plan (RWP) of Expanded Area 2 of Area 2-1

### **Opening Speech**

Firstly, Dr. Than Than Thwe, Joint Secretary of Thilawa Special Economic Zone Management Committee (TSMC) expressed her sincere thanks to all participants for attending the meeting. She introduced Mr. Kaung Myat Hein Thu, Deputy Director (DD) of Southern District of General Administration Department and other government participants.

### **Presentation by Deputy Director of Southern District**

Mr. Kaung Myat Hein Thu, DD of Southern District, expressed sincere requests to the participants to state name, village name and how he/she is affected by this project before asking the question. Then, he explained the meeting agenda.

He started his presentation by explanation of the background of Thilawa SEZ development. He explained that Zone A has operated since 23 September 2015 and Zone B development plan consists of two areas: approximately 180 ha of Phase 1 and Phase 2. Both areas are under construction currently. He further explained that the framework of resettlement work plan covers the overall compensation and assistance policy for the 2000 ha of Thilawa SEZ. Individual RWPs will be prepared based on the framework. He stated that the topic for today's meeting supplements contents of RWP for Expanded Area 2 of Area 2-1.

He also explained that there are four kinds of eligible persons: 1) farmer without land, 2) resident without land, 3) current land owner not listed in the SLRD list; in case the official land transfer procedure is not done (e.g. inheritance case), 4) official land owner listed in the SLRD list with the examples. Then, he explained about the basic framework of assistance, special arrangement such as support for relocation and support after relocation for resettlement. Regarding the assistance for Expanded Area 2 of Area 2-1, he explained about proposed compensation/assistance for assets such as cash compensation at full replacement cost for land and substitute house or room with necessary infrastructure in a resettlement site and with cash assistance to different floor area if it is smaller than the substitute house or room than a previously living places at own land inside Expanded Area 2 of Area 2-1. It includes houses that had previously existed inside Thilawa SEZ but demolished due to notices, and cash assistance for other structures (hut). Then, he explained about the difference between a house and a hut. He said that a house is defined by the document which explains family information and structure. The house is also identified by pillar, roof, wall, floor and door, kitchen (inside or outside the structure), sleeping place, and sufficient equipment for continuous residency. He also explained about proposed compensation/ assistance for movable assets such as cash assistance for large size livestock (cow and buffalo only), and cash assistance at the market price for agricultural machines if they are not able to be used after relocation. He also explained that there is a priority to provide a job for the resettled PAPs.

After that, he continued the explanation of compensation/assistance for income loss as cash assistance as follows: (1) for 3 years of yield amount in total for paddy farmer whose obtain income from cultivating rice at own paddy, (2) cash assistance for 6 years of yield amount in total for farmer who obtain income from cultivating rice at other than own paddy, (3) cash assistance for 3 years of yield amount and/or number of trees in total for vegetable/tree farmer at own land, (4) for 4 years of yield amount and/or number of trees in total for vegetable/tree farmer at other than own land. These amounts are calculated based on current market price. Besides that, assistance includes (5) for 3 years of income from cow and buffalo for milking for livestock farmer, (6) cash assistance of 34,000 kyats for 7 working days in total person for non-working period due to moving for contracted workers, daily workers and self-employed people.

Regarding relocation assistance, he explained it was one-time cash assistance for moving cost, one-time cash assistance for commuting cost as per the number of workers and students, one-time cash assistance for those who

cooperate on time relocation as cooperation assistance. If a PAH has a special/considerable reason to relocate another place and such requests, it is considered by township committee of the resettlement implementation committee (RIC) and reported and collaborated with YRG and in-kind assistance as IRP to enhance vocational opportunities of those PAPs who are interested. Then, he explained special assistance for vulnerable groups (i.e. the poor household, woman headed household, household with disabled or elderly persons) to receive 40,000 Kyats per person as one-time cash assistance.

For resettlement site options, entitled persons are landless PAHs and will be physically relocated from Expanded Area 2 of Area 2-1. Then, he said that the resettlement site options are to be discussed with PAHs including those who resettled due to eviction notice for Expanded Area of Area 2-1. Social infrastructure will be provided in the resettlement site, if it does not have such infrastructure. For IRP, in-kind assistance will be provided to all working age of PAPs in Expanded Area 2 of Area 2-1 regardless of the gender in order to restore and stabilize livelihood at least pre-project level. IRP will be implemented as a collaboration with ministries, district, townships and NGOs. Activities such as household account management, vocational training, job matching, site tour to Thilawa SEZ, etc. were undertaken for applicable PAHs of Zone A and partially for Zone B. Detailed contents will be further discussed with PAPs shortly. Then, he explained that YRG has two implementing organizations: namely Relocation Implementation Committee (RIC) and Income Restoration Program Implementation Committee (IRPIC) as the supporting organizations for implementing resettlement works and IRP activities.

Then, he explained about the key characteristics of Thilawa SEZ Complaints Management Procedures (TCMP) such as multiple channels to submit complaints as follows: a) in person to an SEZ official at communities, b) in person at the SEZ, c) suggestion boxes at village/ward offices, d) via Community Focal Points in each community, e) in writing to the Thilawa SEZ, and f) at a community meeting. He continued that TCMP can be used to inquire issues related to RWP as well as general issues concerning Thilawa SEZ and Joint TSMC/MJTD Community Relations Team has already been established to implement and monitor TCMP. Detail information is available at TSMC/MJTD website.

Finally, he explained the future steps for Expanded Area 2 of Area 2-1: 1) Disclosure of draft RWP for 2 weeks from 24th September 2018 until 8th October 2018 to receive comments and feedback, 2) Finalization of RWP by incorporating comments and feedback received during the above-mentioned disclosure period, 3) Further consultations on compensation, assistance package, and resettlement site options etc. to be held from October 2018 (planned), and 4) IRP workshops to discuss the contents of vocational training and other available assistance programs are planned from December 2018.

### **Question & Answers**

At first, DD explained that when participants ask questions, they are requested to state his/her name, village name and how they are affected by the project at this time. He also requested participants to avoid asking the same questions due to time limitation.

**Question (1): Person from AMTD** would like to know why two households living near the target development area have not been included in the eligible PAHs of the draft RWP. Although the land is already acquired since 2016, they are still living in the compensated land.

**Answer (1):** TSMC answered that the locations of these two households are already reviewed with the aerial photos and it was found that their location was next to the acquired land. However, they can be included as resettled PAHs when their respective area is included in the future expansion area.

**Question (2): Person from AMTD** asked the reason why his daughter's house is not included although she lives in other PAHs' land inside Expanded Area 2 of Area 2-1. Then, he claimed compensation for the bamboo groves which he planted on the land where his daughter lives.

**Answer (2):** TSMC answered that all the data related to eligible persons and items were listed by series of village level confirmation meetings, and ground confirmation with the respective administrators, 100 Household Heads,

villagers and Township Committee since 2015 by Dr. Than Aung, Secretary of TSMC. TSMC stated that they would review the eligibility list to examine why she is excluded from eligibility list.

**Question (3): Person from Let Yet San Village** inquired about his land compensation. He explained that he has land and it was compensated partially in 1996/97. In the past, a part of his land was acquired by the Government. After the Government changed, he knew that a part of 11.96 acres of his land was already acquired and compensated. Although the land was acquired under the name of his grandfather, a part of land compensation was withdrawn for 2.30 acres and 0.46 acres by another person and acquired as Zone A road area. In addition, compensation for another 0.26 acres acquired as local industry was withdrawn by another person. There are only 3.52 acres belongs to his grandfather in the SLRD list at the present. In addition, 5.42 acres of his grandfather's land is missing in the list. He also showed the documents to TSMC in the last land confirmation meeting. Therefore, he would like to know how it can be solved and to which department they should report.

**Answer (3):** Southern District responded that the case should be reported to Rescrutinizing Committee for Confiscated Farmlands and Other Lands composed of members from various departments and that committee handles such cases. Hence, the procedure from that committee is transparent and trustful.

**Question (4): Person from AMTD** requested considerations of the assistance for her son since he is currently living on her land after the COD.

**Answer (4):** TSMC answered that Thilwa SEZ prepared the framework of RWP according to the international standard which provides the overall resettlement and assistant policy for the 2000ha of Thilawa SEZ development area. People who were staying/using land before the COD are eligible for respective compensation and/or assistance. On the other hand, those who are living after the COD are not eligible for compensation and/or assistance.

#### **Closing Remarks**

DD thanked all participants for attending the meeting and giving their time.