

Responses to the Questions by the Objection Inspectors

August 15, 2014

**Private Sector Partnership and Finance Department, Japan
International Cooperation Agency**

This English text is a translation of Japanese version for the reference purpose only and in case there are any discrepancies between English and Japanese, the Japanese versions shall prevail.

1. Livelihood Recovery

Question:

1-1: Details of JICA's (current) assistance for livelihood recovery (occupational training) programs, and future outlook. What kind of assistance will continue to be provided for establishing sustainable livelihood opportunities for residents?

(Response) Will be explained in a separate document (attached at the end of this material).

1-2 Given the fact that support for the recovery of livelihood opportunities was supposed to be provided within a “satisfactory timeframe” and that the resettlement was carried out prior to the finalization of a livelihood recovery support plan, on what sort of grounds did JICA conclude that there were no problems?

(Response)

- A plan was formulated with respect to livelihood recovery support measures. This is evidenced by the fact that, with regard to the livelihood recovery plan, Chapter 7 (P32 to 34) of the Resettlement Work Plan (hereafter referred to as the “RWP”) explains and analyzes concrete examples of the types of new jobs (about 20 types of jobs) expected at the Special Economic Zone (SEZ), examples of support for employment for the jobs, the policy of employment services, and so on.
- However, when confirmation was made with the Myanmar Government through the JICA experts, discussions were held with the residents over the details for livelihood recovery support at the stage of the resident consultations concerning the compensation and support plan. But the residents’ focus was concentrated on the amount of compensation and support, and so as a result the resettlement began before a detailed implementation plan of income restoration program (such as detailed schedule and registration of participating residents) was finalized.
- Yet the Myanmar Government reached an agreement with the residents over compensation and support, including livelihood support in the resettlement period prior to the establishment of new livelihood opportunities. In addition to this, rapid progress has been made with the finalizing of a detailed implementation plan of income restoration program and the implementing of it following the resettlement. The concrete details of this are listed below.
 - The Myanmar Government established the Income Restoration Program Implementation Sub-Committee (IRPISC) and drafted livelihood recovery support programs (December 6 and 23, 2013, January 24, 2014). This sub-committee is comprised of officials from the Myanmar Government and two resident representatives. It is in charge of matters like drafting livelihood recovery support plans, holding dialogues with the residents, monitoring the conditions, implementation, and so forth.
 - The Myanmar Government has held resident-participation workshops (December 11 and 22, 2013 and January 16, 2014). The Myanmar Government took part (Yangon Regional Government, Thanlyin, Kyauktan Township, candidate training institutes, etc.), as did a total of 334 residents slated to be resettled. The Myanmar Government listened to the residents’ requests regarding livelihood support and their living environment, and also carried out individual inquiry surveys on those households that were unable to attend.
(Note) In the end, 44 of the 81 households of impacted residents were recorded as having attended the program.
 - Based upon the residents’ requests, the Myanmar Government offered 13 training courses (food production and sales, driving vehicles, computer skills, carpentry, driving large vehicles, automobile repair, welding, electrical work skills, furniture production, etc.). It began sequentially rolling out programs starting from the middle of January 2014, and thus far ten courses have been offered.
 - The Myanmar Government offered occupational training, in addition to which it matched people with employment opportunities by introducing residents to the building contractors for the Thilawa Special Economic Zone (Class-A Area).
 - The JICA Guidelines for Environmental and Social Considerations (hereafter referred to as the “JICA GL”) states that, “The partner country and others must grant sufficient compensation and assistance during a satisfactory timeframe” and “The partner country and others must endeavor to help relocated residents improve, or at the very least, restore their previous standard of living, earning opportunities and standards of production.” In light of the above, the Myanmar Government:
 - (1) Formulated income restoration plans prior to the resettlement
 - (2) Finalized detailed implementation plans with the participation of residents immediately after the resettlement and promptly began providing support, and
 - (3) Has endeavored to help relocated residents improve, or at the very least, restore their previous standard of living, earning opportunities and standards of production through occupational training, employment services, and so forth after the resettlement. Therefore, JICA concluded that the response being carried out is consistent with the JICA GL.

(Reference) JICA GL: Attachment 1 – Involuntary Resettlement 2.

Persons affected by involuntary resettlement and the loss of livelihood opportunities are to be provided sufficient compensation and assistance by the partner country and others during a satisfactory timeframe.

Compensation is to be provided in advance, based on the reacquisition price wherever possible. The partner country and others must endeavor to help relocated residents improve, or at the very least, restore their previous standard of living, earning opportunities and standards of production. This may include the provision of land and monetary compensation for losses (to cover land and asset losses), providing assistance such as means for an alternative sustainable livelihood, providing assistance such as for the costs necessary for relocation, and providing assistance for rebuilding communities in the resettlement areas.

1-3: In the interviews conducted by the JICA experts in the resettlement area from March 10 to 23, 2014, it was stated, “Of the 68 households, responses were received from all 42 households that were living in the resettlement area.” Is it alright to disregard the 26 households (68-42) that had already moved on from the resettlement area, and to not monitor them in the future?

(Response)

- The residential status of residents in the resettlement area (as of August 11, 2014) is as follows:
 - Houses that have been sold: 19 households
 - Houses that belonged to PAPs not living in the resettlement area, but whether they have been sold is unknown: 11 households
 - Houses whose residents have not finished moving: 1 household
 - Houses in which PAPs reside: 38 households
- According to the JICA experts, of the 30 households not residing in the resettlement area, 12 of them cannot be currently contacted because their contact details are unknown. Excluding these 12 households that cannot be contacted, when conducting the external monitoring (planned for each quarter starting in August 2014), the Myanmar Government will be encouraged to verify the livelihood situation wherever possible (such as by phone) for the other 18 households.

1-4 The objection has been raised that following the resettlement, transportation costs (a round-trip journey on a motorcycle taxi costs about 2,000 kyat) to people's places of work now pose a burden. Was it not necessary to give consideration to compensating people for the transportation costs for their commutes in advance, particularly for day laborers to whom no compensation was given for their harvests and livestock? (On the map, the resettlement area is approximately 4 km away from the former residential area in a straight line)

(Response)

- The following has been provided to day laborers as compensation and support (Note: the details of what was provided to each household varied depending on their circumstances).
 - (1) Compensation and support for lost assets
 - Homes: Places to live were provided in the resettlement area. In cases where it was acknowledged that there were differences in the floor space between the places to live in the resettlement area and their original homes, cash compensation equivalent to this difference was provided. Cash was paid to those households that wanted to build a home on their own.
 - Other structures: An amount equal to twice their market price was paid.
 - (2) Compensation for time spent not working: 28,000 kyat (4,000 kyat × 7 days' worth) / person (Note: 1 kyat ≈ 0.1 yen)
 - (3) Resettlement support: Moving expenses (150,000 kyat/household), transportation costs (72,000 kyat/person), support for changing schools (30,000 kyat/person), and resettlement cooperation costs (100,000 kyat/household)
 - (4) Support for the socially vulnerable (people aged 61 or older, poor households, disabled persons): 25,000 kyat/person ((1) for each household a total of 50,000 kyat was paid to a total of two people of the vulnerable person themselves and a helper, (2) in the event that someone had two or more factors classifying them as socially vulnerable, then support was provided for each one)
 - (5) Livelihood recovery support: Occupational training, employment opportunity matching services, and other programs are offered (to those that want them).
 - (6) Provision of land and homes in the resettlement area: Area for each household (25 × 50 feet ≈ 116 m²)
 - (7) Construction of infrastructure in the resettlement area: Main access road (between the resettlement area and an arterial roadway), a concrete paved road was constructed; Roads within the resettlement area: laterite-paved roads were constructed; Wells were built; Installation of electrical infrastructure: Distribution lines were set in place, and lead-in power lines and meter boxes for each house were installed
- According to the JICA experts, regarding the aforementioned compensation and support details it was explained at the group consultation (non-farmers group) with the Myanmar Government following the fourth residents consultation meeting that compensation for time spent not working would be provided for day laborers, to which there were no particular objections to this from the residents. Moreover, while the day laborers presented the opinion that the distance to their place of work (estimated to be those referring to MITT) would increase, the Myanmar Government explained that it would not be all that much farther away. No objections to this explanation or requests concerning the provision of transportation costs were raised in particular.
- There was a request from the residents to increase the amount of compensation for time spent not working (from the government's initial proposal of 25,000 kyat → 28,000 kyat). The government accepted their request and raised the compensation to this amount.
- According to the JICA experts, currently those residents making their living from day labor have the following tendencies.
 - The majority of them tend to work at construction sites on the outskirts of Yangon.
 - Referring to the results of interviews with the residents and the mid-term results of the 2,000 ha DMS that is currently being implemented reveals that the daily wages of day laborers is approximately 4,000 – 5,000 kyat.
 - Round-trip transportation costs from the resettlement area to the outskirts of Yangon are 1,000 – 2,000 kyat when using public transportation (shared busses; the thinking is that the circumstances for those day laborers who work outside of Thilawa are largely identical).
 - There are some residents who earn daily compensation of 5,000 kyat or more, but in most cases this is for a short period of time (limited periods of time, like a few days), or often tends to be residents with professional experience or skills such as painting or carpentry.
 - There are work opportunities in not only the Thilawa SEZ but also the outskirts of Yangon, and as things currently stand the residents can make a living by going to work at workplaces at their desired timing.

- Based on the above, the facts are that:
 - (1) The day laborers and Myanmar Government entered into consultations regarding the details for compensation and support through both group and individual consultations. The details of the compensation and support were revised to reflect the inclinations of the residents, based on which an agreement was reached and no request was put forth by the residents for the provision of transportation costs.
 - (2) Even compared with the day laborers currently living in the 2,000 ha area of Thilawa there are no special differences in their circumstances (many of them work on the outskirts of Yangon, and there is no discrepancy in their transportation costs).

As such, JICA's thinking is that it is not appropriate to consider giving advance consideration to compensation for commuting to work as having been the responsibility of the Myanmar Government.

- For the future, it is conceivable that in the event that the developers of and companies moving into the Thilawa Special Economic Zone consider providing means of transportation, the Myanmar Government will encourage them to do so. However, the inclination on the companies' side that it will not be simple to give favorable treatment to the residents of the resettlement area relative to that for other laborers must also be kept in mind.

1-5 There has been the objection that most of the households that lost their livelihood opportunities are now in debt, yet conversely it has been reported that it is extremely difficult to determine the true state of debt, even with the monitoring by JICA experts from March 10 – 23, 2014. Will monitoring of the true state of debt continue to be carried out in the future as well?

(Response)

- It has been acknowledged that the Myanmar Government is carrying out internal monitoring, while also making preparations in order to institute external monitoring as well.
- JICA essentially plans to continue to grasp the livelihood situation of the residents through said monitoring, and intends to continue to provide ongoing support to the Myanmar Government through the JICA experts to ensure that this monitoring is carried out properly (the JICA experts are currently providing support for efforts like the formulation of TOR for confirming the external monitors).
- The debt situation will also be included as one of the things to confirm in the livelihood situation as part of this monitoring.
- It is necessary to rely on reports from the residents when it comes to collecting information on the debt situation. Furthermore, since there are no special criteria for determining the validity of these reports, this also has the dimension of making this harder to accurately determine than the other items. What is more, it must also be kept in mind that in Myanmar it is commonplace to borrow money from one's neighbors, and so the implications of this are vastly different from what it means to be indebted in modern Japan.

1-6 Payments of 28,000 kyat (4,000 kyat × 7 days' worth) have been provided as compensation for time spent not working as a result of the resettlement. Yet in light of the fact that the resettlement was carried out prior to the construction of homes in the resettlement area and the finalization of livelihood recovery support plans, was verification made regarding whether this compensation was adequate, particularly for the day laborers?

(Response)

- Refer to 1-4 for the particulars concerning how the details for the compensation and support to the day laborers were drawn up. The day laborers and Myanmar Government entered into consultations regarding the details for compensation and support through both group and individual consultations. The details of the compensation and support were revised to reflect the will of the residents, based on which an agreement was reached. We should emphasize that the details were formulated through a process that is consistent with the JICA GL.
- With respect to the building of homes in the resettlement area, initially the Myanmar Government's plan was to have all of the families in the resettlement area build their own homes.
- When the Myanmar Government explained matters like the development plan for the resettlement area at the resident consultations hosted by the Yangon Regional Government on October 2, 2013, the majority of the residents expressed the desire to build their own homes. So the village tract drew up a list of the households that wanted to build their own homes by October 5. The Myanmar Government accepted this request and reached an agreement with the residents that in cases where they built their own homes they would be paid a sum total of 2.5 million kyat in installments in accordance with the progress on the construction work. What is more, it was also agreed that the construction of the homes would be completed by about the end of November 2013 with an assumed construction period of about two to three weeks (in accordance with the Myanmar Government's original plan, it also offered the option of requesting that the government build homes, which 12 households chose to do).
- According to the JICA experts, when the Myanmar Government permitted the residents to build their homes at their own request, there were no calls in particular from the residents seeking the payment of compensation for the time spent building houses, with this including the day laborers, and so an agreement was reached on the building of homes.
- For livelihood recovery support as well, while it was assumed that the day laborers would not lose their livelihood opportunities through the recent resident resettlement, the door was opened to those that wanted this and the Myanmar Government accepted requests.
- Moreover, to the point that the resettlement was originally carried out prior to the finalization of the livelihood recovery support plans, as it says in 1-1 above JICA concluded that the response being carried out is consistent with the JICA GL.
- Based on the above:
 - (1) These were formulated based upon a mutual understanding between the residents and Myanmar Government through a process that was consistent with the JICA GL
 - (2) Building their homes of their own volition was a choice made by the residents (there was also the option of having the government build the houses for them), and no special agreement was reached regarding additional compensation for time spent not working
 - (3) Since the livelihood recovery support was not necessarily primarily targeted at the day laborers, the fact that the resettlement was done prior to the finalization of the plan did not constitute a criteria for deciding whether or not the compensation and support details were appropriate (additionally, from the start the Myanmar Government's response concerning formulating the livelihood recovery support plans was consistent with the JICA GL)

Based on the above, JICA concluded that there were no particular problems with the details of the compensation and support for the day laborers.

1-7 It has been pointed out that despite the fact that many of the residents wish to continue farming, this possibility has not been incorporated into the livelihood recovery support. Is it not problematic that this was predicated on their giving up farming? Was the possibility of continuing with farming sought out (by the Myanmar Government)?

(Response)

- As was described in Point 43, when this was confirmed with the Myanmar Government by the JICA experts, the Myanmar Government had considered the possibility of securing replacement farmland, but it explained that it had concluded that: “With regard to replacement farmland, there is no vacant land or fallow farmland that could be developed as new farmland around Thilawa SEZ. If farmland was to be secured, the purchase of currently used farmland would be required, which would then lead to new land expropriation and resident relocation. For this reason, it is difficult to provide replacement farmland” (Note 1) (Note 2).
(Note 1) As was described in Point 1, the Myanmar Government had acquired the land and the resettled residents were not in a position where they had legal rights to the land. For this reason, currently land acquisition has not been carried out for the relocation. The Myanmar Government is not necessarily obligated to secure replacement farmland through international standards (World Bank Safeguard Policies, etc.).
(Note 2) According to the JICA experts, at the fourth resident consultation meeting on September 21, 2014, in the form of a response to the participant’s questions the Myanmar Government called on the residents to provide it with information on any candidate sites concerning the resettlement area that there may be, but it did not receive any information or requests from residents related to replacement land.
- As was described in Point 42, at the first resident-participation workshop on livelihood recovery support (on December 11, 2013), a group discussion session was held for the three groups of those previously engaged in farming, those previously engaged in occupations other than farming, and women to hear the residents’ wishes concerning the type of occupation they hoped (were interested in) being engaged in after the relocation. The JICA expert confirmed that at that time, no residents expressed their wish to continue farming.
- JICA concluded that there were no problems with the response by the Myanmar Government. This was based on the abovementioned factors, plus the fact that an amount equal to six-times the market price was paid for the yearly yield to rice farmers and an amount equal to four-times the market price was paid for the yearly yield or number of trees to vegetable and tree farmers, with this including livelihood support during the relocation period until new livelihood opportunities could be established as compensation and support for the loss of livelihood opportunities to farmers. It was also based on the fact that detailed implementation plans of income restoration program was finalized as quickly as possible following the resettlement with the participation of residents.
- As was described in Point 42, according to a report by the JICA experts there were changes in the circumstances surrounding the resettlement area. There was an escalation in the activities of external citizens organizations, NGO actions, and the intensity of media coverage, with the relocating residents repeatedly subjected to such opinions and questions as, “Don’t you want to carry on farming?” and “No replacement farmland for such little compensation?” Our understanding is that this escalation has now created an atmosphere that has stirred up the residents’ hopes and dependency on additional support.
- According to the results of the interviews carried out by the JICA experts (refer to Point 42), we have learned that some of the residents have wisely used the compensation and support fund money they were provided to continue farming, and so we could presumably continue to introduce other farmers who truly wish to continue farming to such examples and support them in this.

1-8: Regarding the program being for resettlement predicated on residents giving up farming, did JICA confirm this and conclude that there were no problems? Also, was this made universally known to all residents?

(Response)

- Refer to 1-7 regarding the program being predicated on residents giving up farming, and regarding the results of JICA's confirmation.
- That compensation and assistance would be in the form of cash without replacement land being offered for farmland has been acknowledged as having been made universally known to all residents by the Myanmar Government in the intergroup and individual resident consultation.

1-9: It seems that many residents expected to be placed in construction worker jobs within the Thilawa SEZ, but is it true that residents were promised work placements within the SEZ? What are the current conditions of work placement within the SEZ like and how are future placement plans shaping up?

(Response)

- It has been acknowledged that work placement by the Myanmar Government within the SEZ appeared in the materials which were distributed at the fourth resident consultation meeting on September 21, 2013 and which were subsequently used in the explanation given at the group and individual consultation between residents and the Myanmar Government, and also in the RWP, and that the Myanmar Government explained at every opportunity that they would be carrying this out.
- As stated in Point 3, on dates including February 28 and March 19, 2014, the Myanmar Government matched people with employment opportunities by introducing residents to building contractors and others in the Thilawa Special Economic Zone (Class-A Area).
- As of the end of May 2014, 15 relocated residents had been employed and had been working on construction sites in the SEZ, but had subsequently changed jobs to day-laboring on the outskirts of Yangon. Reasons given for changing jobs include that the workers were required to go to their workplace at a fixed time every day on weekdays, and that the workplace rules were strict.
- Going forward, it will be important to improve the awareness of residents and to provide medium-term and long-term assistance so as to meet the needs of companies moving into the Thilawa SEZ. Our policy will be to provide assistance to relevant Myanmar Government initiatives.
- In addition to the above, there are plans to employ about five people as SEZ project office staff, cleaning staff and security guards.

2. Living Environment in the Resettlement Area

2-1: Wells

2-1-1: Upon having this pointed out, since June 2014 the Myanmar Government has been instituting successive improvements, and so while improvements are being made what is the source of the well problems (for example, was the selection of the resettlement area inappropriate from the very beginning, or were there problems with where the wells were dug, or problems with publicizing this to the residents? etc.)?

(Response)

- According to the JICA experts, the reasons why the water quality of the well water was not initially stable is believed to have been due to the fact that groundwater was being drawn up from an aquifer (unconfined aquifer) that was initially reached by burrowing through the surface. It is also thought to have been caused by problems with the construction of the wells (coarse screen size, the boring walls in the aquifer collapsed when water was drawn up) and so forth. Because of this, on June 6, 2014 JICA made a proposal to the Myanmar Government to newly dig wells (deep wells) that would be dug down to a lower strata aquifer (confined aquifer) in the impermeable layer, and the excavation of these began on June 14.
- According to the JICA experts, the status of these as of August 11 was as follows.
 - Seven of the wells are in a usable condition, including four of the newly excavated deep wells.
 - There are five wells that are in day-to-day use by the residents (of which, four were being used to supply drinking water and water for daily use, while one is only being used to supply water for daily use due to its high turbidity).
 - There are two wells that are hardly ever used by the residents (the reason for this is because they were installed on the edge of the resettlement area and the vicinity around the wells gets damp from rainwater).
 - JICA has been confirming the status on an ongoing basis since December 2013, from which it has come to light that the water quality (turbidity) and water level vary along with the changing of the seasons from the dry season (October – February), to summer (March – May), and the rainy season (June – October) when it comes to the shallow wells. The water quality of the shallow wells has been improving with the start of the rainy season, but it is possible that the situation will once again revert to how it was before with the following dry season and summer. For this reason, the Myanmar Government plans to perform monitoring in an ongoing basis in an effort get a grasp of the situation in the future.
- The status of the wells as of August 13, 2014 is described in a separate document (attached at the end of this material).

2-1-2: Timing of when JICA discovered problems with the wells, and details of JICA's subsequent response.

(Response)

- Regarding problems with the wells installed in the resettlement area, it was acknowledged after receiving reports from the JICA experts in January and March 2014 that, despite having been installed, some wells were malfunctioning and not working.
- At the time of each of these reports, the Myanmar Government approached the contracted builders, and made efforts for improvement on a number of different occasions. As for the operational wells, residents are using them for drinking, and JICA decided to watch over the actions of the Myanmar Government.
- Also at the time the report was received from the JICA experts in April 2014, the problems with the wells had still not been resolved. Moreover, coupled with the end of the dry season when the temperature is the hottest, the water quality had worsened. As a consequence, residents had stopped using the wells for drinking water. Therefore, the JICA experts were asked to strengthen monitoring, and through the experts, the Myanmar Government was asked to instigate improvements.
- Also in May 2014, the Myanmar Government again instigated improvements to wells at its own expense, undertaken by the builders employed by households that had dug wells. While it seems that some wells were improved to a level where the water was drinkable, at other wells, these were apparently not improved to a level where residents could use the water for drinking. Therefore, in anticipation of further improvement, it was proposed via the JICA experts that reliable builders be employed to excavate deep wells. However, the Myanmar Government insisted that it would take measures at its own expense, and so required time for the measures to be translated into action. Therefore, the Director General of the Private Sector Partnership and Finance Department travelled to Myanmar on June 6, 2014. He consulted with the Chairman of Thilawa SEZ Management Committee, and proposed the excavation of deep wells. The Myanmar Government agreed, and excavation work began on June 14, undertaken by builders employed by the Myanmar Government. JICA dispatched an expert in wells on June 15, 2014 to provide technical guidance to the experts remunerated by the Myanmar Government which is supervising construction.

2-1-3: Usage of wells, and future outlook for improvements

(Response)

- Refer to 2-1-1.

2-2: Drainage

2-2-1: Where is the cause of the problems? (Is it because of some structural inadequacy in the development of drains? Is it a problem of awareness or administration, such as residents discarding garbage in the drains?)

(Response)

- As stated in Points 12 and 14, the points raised in the objections that, “The drainage facilities in the resettlement area are also inadequate. Incomplete uncovered drains run alongside narrow roads, and are a cause for certain areas being flooded with wastewater. It is the dry season, and already the wastewater is bad and water is overflowing. Therefore, there are growing grave concerns about the housing and land situation come the wet season” are not true.
- The drainage canals alongside the roads are almost complete. Most sections are topped with a concrete cover. (Some sections are open-type canals.)
- Certain parts of the side walls of the drainage canals have been cut, and water from within the housing plots now drains into the drainage canals.
- According to the JICA experts, even if the canals are the open-type, their function as a drain should be able to be maintained, as long as no problems arise which impair their drain function, such as residents in the resettlement area throwing away large amounts of garbage into the drains.
- The foundations of housing plots are lower than the roads. According to the JICA experts, roads are a critical lifeline for access, and so in low-lying lands and level lands like the Yangon and Ayeyarwady regions, raising the level of roads higher than the surrounding land is a normal measure for preventing the roads from becoming submerged.
- Water that flows into the drains developed prior to residence being taken up in the resettlement area is designed to flow out into a stream located alongside the resettlement area. As of August 11, 2014, though, the volume of water in the holding reservoir had increased, and the water that flows out of the drains tended to collect in the reservoir. Water is draining out from the residential districts in the resettlement area. As a result, some spots on the roads developed prior to residence being taken up and in residential plots, which do not get much sunlight, are, on the whole, semidry to the extent that they are muddy.
- For the latest drainage conditions (photos), refer to Attachment 3 (attached at the end of this material).

2-2-2: Is it alright to leave embankment raising up to each household? Is there an alternative method for improvement? (Are houses built by the Myanmar Government susceptible to water pooling?)

(Response)

- It is important for the Myanmar Government and residents to consult with each regarding problems of submersion caused by the foundations of housing plots being lower than the roads, as well as to consider feasible countermeasures and to take action. Where necessary, JICA will also provide support to facilitate the consultation between residents and the Myanmar Government.
- The questions of whether to leave embankment raising up to each household or whether to adopt a different approach will depend on the results of the consultation between residents and the Myanmar Government regarding the situation described above. JICA's position will be one of promoting dialogue between both parties as required.
- The following has been reported by the JICA experts regarding circumstances surrounding embankment raising and the pooling of water.
 - The houses built by the Myanmar Government tend to be either vacant or lived in by non-relocated residents. As a consequence, it seems they tend to give the impression of being susceptible to "water pooling" given that individual action is not taken even if water pools. In other words, of the 12 houses built by the government, ten of them ended up being quickly sold. As a result, there is no one to implement measures to counter inundation (embankment raising, etc.) for the relevant residences. Given this, they have been neglected with rainwater left to pool. As for other households, since most homeowners have implemented drainage measures, such as embankment raising, it looks like they have a lower rate of submersion.
 - On the other hand, it is true that among the PAPs living in the resettlement area, there are some who have not taken their own embankment-raising measures, and the problem of drainage was raised as an issue for the resettlement area at the fourth resident-participation workshop (June 29, 2014). For this reason, the government and the JICA experts held a consultation on specific proposed measures (July 7-9). At this time, a request was received from residents that work be undertaken after the rainy season because even if embankments were raised during the rainy season, there is a risk that the sand and cement would be washed away. Therefore, during this rainy season, it was decided that residents would take their own temporary measures.
 - Later, in order to reconfirm conditions in the resettlement area, government officials and the team of JICA experts conducted a field survey on July 10. Interviews were conducted house-to-house on residents' requests for drainage measures. Supposing that embankment raising would be conducted after the rainy season, a request was put forward that drainage canals be built within the grounds of each plot as an immediate response (drains have been installed so that water can drain from each plot into the drains running alongside the roads). Consequently, the government approved this request.
 - However, on the following day (July 11), some residents started an opposition campaign, and therefore, the situation remains to date that installation of drainage canals has not been possible.

2-2-3: Actual drainage conditions during this year's rainy season.

(Response)

- Refer to 2-2-1.
- For the latest drainage conditions (photos), refer to Attachment 3 (attached at the end of this material).

2-3 Homes

2-3-1: Because the resettlement was rushed, it appears as if this was carried out while the construction of homes was only partially completed and before livelihood recovery support plans were fully set in place for the initial 68 households. We would like to confirm the relation between the schedule for the construction of infrastructure at the resettlement area and the resettlement period. How and when did JICA determine the resettlement period (in relation to the construction of infrastructure and restoration of livelihood opportunities), and how did it work on appealing to the Myanmar Government regarding this?

(Response)

- It is true that there were some households that were resettled while the construction of homes was only partially complete (Note).
- However, it must be kept in mind that this was not done by the wishes of the Myanmar Government, but that rather it made an exception in acknowledging the wishes of the residents, as is described below.
- Following the lottery for plots in the resettlement area on October 22, 2013, the residents' wish was to quickly receive their support money, and so the first round of payments began on October 29. Many of the residents purchased construction materials after receiving this first round of payments. However, since the construction of the resettlement area had not been completed by that point in time they could not begin building homes. Therefore, consultations were held between the government and the residents and a decision was made that the construction of homes would begin once the construction of roads and foundation works were completed within the resettlement area (most of the households started building around November 10).
- It seems that the residents wanted to receive the full amount of support funds as quickly as possible, and since these were paid out in installments (the residents also agreed to the installment payments) they wanted to build their homes as quickly as possible.
- But in actuality none of the homes were completed (or "deemed completed," wherein the construction of the structure was completed but the painting of the outer walls had not been finished) in November 2013. Between November 9 and 28, 2013 there were 33 homes in the resettlement area that people had moved into (but this includes homes that are currently uninhabited, or that are inhabited by a different family). The attached memorandum (Attachment 1) was exchanged between the Myanmar Government and the residents, based on which at the request of the residents they were given approval to move in to the homes while they were still being built (they began resettling into the homes from partway through the construction stage, and the construction of homes continued while they were living in them). The homes for these 33 families were completed (or deemed completed) over a period lasting from the middle of December 2013 until the end of January 2014.
- Construction started on the 12 homes that were built by the contractor arranged by the government on November 13. By November 22 four were completed, with the remaining eight were completed on November 27 (but this excludes things like the installation of electricity meters).
- Since many of the residents began moving beginning from the initial stages when construction started on their homes, the Myanmar Government exchanged documents (Confirmation Form: Attachment 1) with said residents confirming that: (1) Their former home within the SEZ area was demolished and (2) "According to the request of the household head ... household voluntarily moves to relocation place, even though construction works of the basic infrastructures ... are not fully completed yet" (these memorandums were attached to the final agreement documents).
- JICA was checking up on the situation as warranted by the circumstances through reports from the JICA experts, but no particular objections were raised to the Myanmar Government's policy of accommodating the residents' wishes to the extent possible. However, due to fears that this would be misunderstood as coercion by the Myanmar Government when seen from the outside, JICA advised it to exchange the aforementioned memorandum with the residents.

(Note) According to the JICA experts, some of the households that cultivate rice wanted to resettle after they had finished harvesting their rice. In effect, some of these households were allowed to harvest their rice and resettle later on after the other households.

To
Leader
Resettlement Implementation Sub-Committee

Date:

Subject: : **Reporting that house inside the Class A has been demolished and household already moved to relocation place**

Regarding the above subject, I herein would like to report that U....., HH No., son of U....., NRC No., who lived inside the Class A (400 ha) has completely demolished his house previously lived inside the Class A and already moved to relocation place.

Remark: : According to the request of the household head and because his house previously lived has been completely demolished, household voluntarily moves to relocation place, even though construction works of the basic infrastructures such as road construction and hand-pumped tube well digging, etc., are not fully completed yet.

U.....
Ward/Village Administrator

(Household Head)
U.....
NRC No.:

(Checked by:)
U.....
Position

2-3-2: Houses are located more closely together than prior to resettlement. Were residents made aware that resettlement would be predicated on a shift to urban life (monetary economy)?

(Response)

- They had been made aware.
- Specifically, at the fourth resident consultation meeting held on September 21, 2013, the specific proposal for the allocation of plots was put up in the meeting venue together with the house designs, and information was provided. Discussion was also entered into on the size of plots in the resettlement area.
- Furthermore, from past examples of resettlement (resettlement for the Bant Bway Kon Dam and the 1997 resettlement), it seems that residents were cognizant of the fact that houses would be built close together. (Reference information: The 2,000 ha exclusion zone in Shwe Pyi Thar Yar Village on the Kyauktan Township side was the 1997 the resettlement area.)
- The size of plots was the subject of discussion at the group and individual resident consultations (including via phone), and the final size was determined. There was also an explanation on the day of the lottery to allocate plots on October 22, 2013.

2-3-3: In the objections the “poor quality houses prepared by the government” were pointed out, but what was the major reason for residents electing to build their houses on their own? Even acknowledging their freedom to build their own homes, what was the reason for carrying out the resettlement without waiting for the homes to be built?

(Response)

- The Myanmar Government made it a requirement that the homes built in the resettlement area must meet the following criteria, with all of the homes prepared by the government meeting these requirements. It has been affirmed that the quality of the homes is not necessarily inferior when compared against the homes from prior to the resettlement, or in comparison with the homes in the surrounding regions and so on.
<Requirements that the homes in the resettlement area must meet>
 - (1) Floor surface area (192 square feet or more)
 - (2) Walls are bamboo mat walling or better
 - (3) That walls be painted (with earth oil, etc.)
 - (4) Toilets are a fly-proof structure (not pit style, separated septic tank)
- The walls and so on were built of lumber to specifications that were more durable than that of bamboo mat walling. Yet given the fact that several of the households that built their homes on their own used bamboo mat walling, the point regarding the “poor quality houses prepared by the government” is not appropriate.
- The reasons why the residents elected to build their own homes are unclear. It is surmised that there are a variety of different reasons for this, such as wanting to design and lay out their homes to their own liking, or saving money on the construction costs in order to pocket the difference.
- Refer to 2-3-1 regarding the particulars for those households that resettled while the construction of their homes was only partially completed.

2-4: Other Issues with the Living Environment

2-4-1: Now that it is understood that kitchen gardens are important to residents who had previously been making their living from farming, is it possible to provide them with places for making these or are there any plans to do so? We would like to check on the need or plans for future monitoring.

(Response)

- As was described in Point 28, there are some households that manage kitchen gardens. As of August 14, 2014, four households had started kitchen gardens, though only on a small scale. The households reported that before the wet season, they started growing melons, bananas, orchids and other plants for their own consumption and that they wanted to sell them.
- As was stated in 1-7 above, the Myanmar Government was considering the possibility of providing the residents with replacement farmland, but decided that this would be difficult to do. Moving forward it is assumed that the residents of the 2,000 ha area will be resettled to the resettlement area, and it is still not known how many of the households in the region will ultimately be certified as having the right to receive compensation. It has been predicted that it would be difficult to prepare a resettlement area for all of the eligible households if each household were to be provided with the same plot area as the Class-A Area. It has been confirmed that the Myanmar Government currently has no plans to provide land for kitchen gardens as an add-on.
- Now, while they are not kitchen gardens, some households have turned up that have started stores and small restaurants in the resettlement area in order to make a living.

2-4-2: There are no roadside trees in the resettlement area, so has the planting of trees been incorporated within the plans to improve the resettlement area?

(Response)

- The Myanmar Government has not incorporated planting trees into the plans to improve the resettlement area agreed upon with the residents. What is more, it has been confirmed that as things currently stand the Myanmar Government does not have any plans to plant trees in the resettlement area as an add-on.
- As was explained in Point 12, the JICA experts confirmed that starting from June some of the households (two households) had planted trees in front of their own homes ahead of the arrival of the rainy season.
- These households objective in planting the trees was to provide shade from the sun in the summertime. These households are of the opinion that it is important to go about making efforts on their own to improve the community (in the resettlement area), and have made appeals to the other families to plant trees. But the other households lack this sort of awareness, and so they were not able to gain their understanding.
- The JICA experts said that tree-planting activities in the resettlement area were brought up as a topic of conversation at the fourth resident-participation workshop held on June 29, 2014. The details reported by the experts are listed below.
 - The Myanmar Government questioned the residents regarding tree-planting activities in the resettlement area, but it appeared as if the majority of the participating residents did not have any interest in this. At the time, the negative comment was also made that, “Planting trees in the resettlement area is unreasonable because of how small it is.” However, one of the households that began planting trees in front of its home argued that, “There is enough space, so long as you are willing.”
 - For its part, the Myanmar Government has no plans to provide concrete assistance when it comes to planting trees at this point in time. Since there has been no request for this from the residents, as was mentioned above, if the Myanmar Government were to plant trees it is hard to imagine that the residents would look after them. There were also concerns that this could potentially serve as a primary factor in increasing the residents’ dependence on the government. However, the government plans to continue discussing planting trees ahead of the arrival of summer as part of the IRP for the future.
- JICA considers such independent initiatives by the residents to be of the utmost importance, and lays emphasis on supporting resident initiatives with this ambition, as well as on expanding such initiatives.

2-5: Schools

2-5-1: At present, it seems that all children are attending school in the resettlement area, but we would like to confirm the Myanmar Government's response at the present point in time, such as with regard to the student attendance and enrolment at schools.

(Response)

- At present, there are no particular problems.

2-5-2: Are dialogue and monitoring ongoing? Are there plans for monitoring in the future?

(Response)

- Monitoring and dialogue between the Myanmar Government and residents in the resettlement area are continuing.
- However, we were not aware that, for example, at the resident-participation workshops (hereafter referred to as “WS”) in June and July 2014, and at the meeting of the Income Restoration Program Implementation Sub-Committee (IRPISC) held in June 2014, requests had been made by residents regarding the state of enrolment at schools. In addition, we were also not aware that residents had often raised points via the community leaders about school problems. We are not currently aware of any particular issues.
- Our policy will be to continue watching over the situation, primarily through internal and external monitoring conducted by the Myanmar Government.

3. Compensation

3-1: We would like to confirm the reasoning behind the compensation to day laborers (the reason why it was thought that only one week's compensation for time spent not working for the purpose of moving would be sufficient).

(Response)

Refer to 1-4 and 1-6.

3-2: The supply of irrigation water was stopped in December 2012. Has the one affected household in the 400 ha area had their compensation increased for the period between this and resettlement?

(Response)

- In the Class-A Area, the household affected by the interrupted supply of irrigation water has been paid compensation and support funds equal to six times their annual yield, also taking into account the period they were supplied with irrigation water. (The amount of money on which the calculation of compensation and support funds is based has been increased.)

3-3: We would like to confirm the schedule for things like the formulation of plans for the 2,000 ha resettlement area. Moreover, is JICA making any sort of appeals to the Myanmar Government based on its experiences with the resettlement, compensation, and livelihood recovery for the 400 ha area?

(Response)

- It is anticipated that the 2,000 ha area will have more than ten times the number of households as the Class-A Area, and so it is assumed that just performing a Detailed Social and Economic Means Survey there will constitute a considerable workload. It is for this reason that it has been recognized that the Myanmar Government does not yet have a concrete schedule for things like the formulation of plans for the 2,000 ha resettlement area.
- For their part, the JICA experts have said that their impression of the schedule is that the Myanmar Government will conclude a Detailed Social and Economic Means Survey and consider things like the proposed compensation and support sometime within 2014. But they still do not know whether things will actually happen according to this schedule.
- The following points are considered to be important elements when it comes to smoothly moving forward with the resident resettlement through the resident resettlement in the Class-A Area. While there is a shared awareness of the issues when it comes to some of these items, JICA intends to continue moving ahead with its support by sharing their respective importance while keeping an eye on the future progress of the work.
 - (1) Those taking the lead in the Myanmar Government must understand the importance of moving forward with the resident resettlement in conformance with international standards and demonstrate leadership.
 - (2) Surveys must be performed thoroughly and in a detailed manner on things like the true livelihood conditions of the affected residents, as well as their assets, familial relations, the impact from the resident resettlement, and the status of the socially vulnerable.
 - (3) Meticulously detailed discussions must be carried out with the residents, including public consultations and consultations with groups and individuals.
 - (4) Even though the residents tend to focus their interest on the amount of compensation and support funds, the importance of initiatives geared toward livelihood recovery must be persistently explained to them.

3-4: Are discussions being held and a response provided with regard to the fact that while B received the first round of payments of compensation funds, he was denied receipt of the second and third round of payments?

(Response:)

Response includes personal information and cannot be disclosed.

3-5: It seems the following requirements were imposed on houses built in the resettlement area: (1) minimum floor space, (2) walls must be bamboo mat walling or better, (3) external walls must be painted, and (4) toilets must not be the pit style; they must have a separated septic tank). Do the houses provided by the government also satisfy the same requirements?

(Response)

- As stated in 2-3-3, the houses provided by the government satisfy the requirements (1) - (4) above.

3-6: It has been explained that small livestock such as pigs and chickens are exempt from compensation, but has it been possible to continue raising these livestock after resettlement, and are they actually being kept?

(Response)

- According to the JICA experts, following resettlement, there are two households that are raising small livestock in their homes in the resettlement area, utilizing the space under the floor or in the garden (refer below), and it has also been reported that there are some households that are continuing to raise small livestock in their homes located outside the resettlement area (approximately ten households have been confirmed, but the details are unknown).

3-7: What is the reason for why the details of the consensus agreements concerning compensation and the grounds for calculating compensation were not distributed to every household in writing (though at present these are being distributed as the occasion calls for)? Has JICA determined the problem and responded to it?

(Response:)

- As of January 2014, from the reports by the JICA experts it was recognized that the Myanmar Government is planning to distribute the consensus agreements following the completion of the resettlement of all of the households to the households targeted for resettlement, but they have not been able to determine the situation following this. But as was pointed out in the objections, as a result of confirming the facts of the matter it was affirmed that the consensus agreements that had been signed by all of the households were not delivered to 68 households that had been provided with homes and land in the resettlement area.
- As was described in Point 33, it was acknowledged that the reason why consensus agreements were not distributed to some of the households by the Myanmar Government was because they were planning to wait until the resettlement of all of the households had been completed (completion of the payment of the support funds) to distribute them all together.
- The Myanmar Government began distributing these consensus agreements starting from August 1, and attempted to distribute them to the resettlement area once again on August 8 (refer to the note below regarding the results of the August 8 distribution). The distribution status as of August 11 is listed below.
 - Distributed: 25 households
 - Refused to accept: 4 households
 - Households to which distribution has not yet been completed for reasons such as the absence of the head of the household: 11 households
 - Households to which distribution has not yet been completed due to their absence because they live outside of the resettlement area (including households that have sold off their homes and those that have not finished selling off their homes): 26 households
 - Pending: 2 households
- It would have been ideal to finish distributing these at an earlier date, but there are no particular stipulations in the JICA GL pertaining to distributing consensus agreements. Copies of the itemized breakdowns of the amount of compensation and support that had been signed by the residents have already been delivered to all of the households, and all of the residents had finished signing the agreements themselves. As was described in Point 33, the fact that copies of the consensus agreements have not been handed over by the Myanmar Government is not particularly in conflict with the JICA GL.
- Yet it is believed that it would have been ideal to finish distributing the consensus agreements as quickly as possible in order to improve relationships of trust with the residents, and so JICA intends to follow-up on the initiatives of the Myanmar Government, which has stated that it will continue with its efforts to distribute these in the future.

3-8: Did JICA check to confirm that the residents had been adequately notified of the details related to compensation? Were there any complaints to the effect that this had been handled in a heavy-handed or threatening manner?

(Response)

- The method by which JICA confirmed this is described below.
 - From the middle of May 2013 onward JICA experts were permanently stationed there, where they performed monitoring of the consultations between the Myanmar Government and the residents and received reports. The JICA experts collected information by interviewing the officials in charge of this in the Myanmar Government and residents, while also having the local staff hired by the expert team conduct monitoring (the JICA experts are in the position of providing support to the Myanmar government, but are simultaneously also in the position of having been commissioned by JICA to check to make sure that the resident resettlement procedures are being properly carried out from an objective standpoint, and so they performed monitoring from these positions).
 - On top of this, the department overseeing the project has also carried out fieldwork, conversations with farmer's organizations, and resident interviews, while related departments have engaged in fieldwork and monitoring.
- The notification concerning the compensation and support provided to the residents by the Myanmar Government has primarily been handled in the following manner.
 - (1) Third resident consultation meeting (July 30, 2013)
 - The support framework was explained (documents listing this same framework were distributed to the residents who took part).
 - (2) Fourth resident consultation meeting (September 21, 2013)
 - Summaries of the RWP (documents listing information like a project overview, assets that would be affected, compensation and support details, a framework for livelihood recovery support, the support/compensation structures, and the mechanism for handling complaints) were distributed, and examples of the compensation and support funds were explained.
 - A plan of the resettlement area (map, planned layout) was pasted on the wall at the venue.
 - (3) Group and individual consultations (September 23, 2013 onwards)
 - The summaries of the RWP were used to provide explanations and consultations to the various groups and households on a number of different occasions.
 - (4) Resident briefing sessions sponsored by the Yangon Regional Government (October 2, 2013)
 - The Minister of Agriculture and Irrigation held briefing sessions on issues like the compensation and support funds, development plans for the resettlement area, and the future schedule (69 people took part). There the participants issued requests for things like increasing the compensation period for rice and trees from three to four years and paving roads.
 - (5) In addition to the above, the Myanmar Government would intermittently hold additional individual consultations with households who they failed to reach an agreement with during the individual consultation period by phone and through village administrators in order to explain to them the details of the support. What is more, the government provided explanations whenever they received questions about the compensation details from residents even after the resident consultations finished and when they would visit the Class-A Area.
 - (6) Explanation of the allocation of blocks at the relocation site (the layout of the resettlement area was altered as a result of the consultations with the residents) and the lottery (October 18, 2013)
 - (7) Lottery to allocate blocks in the resettlement area (October 22, 2013)
 - (8) Other
 - The payment details were explained by the government for the first round of payments, but when doubts surfaced from the residents (like when the number of children differed, etc.), the Myanmar Government would confirm and examine the details (including providing additional DMS), and provide payment that reflected this to the extent possible.
- Information to the effect that the Myanmar Government had been coercive or made threats was obtained primarily from the following sources.
 - (a) September 27, 2013 – Mekong Watch Letter
 - (b) October 1, 2013 (October 30, 2013 is the date listed on the letter) – Letter from the Thilawa Social Development Group
 - (c) October 10, 2013 – Press conference convened by the Thilawa Social Development Group (attended by the Chief Representative and others from the JICA Myanmar Office)

- (d) October 15, 2013 – Consultation between the Thilawa Social Development Group and JICA
- (e) October 29, 2013 – Letter from the Thilawa Social Development Group
- (f) Other – In addition to the sources listed above, information has also been obtained from Mekong Watch, media reports, and so on

- In response to the aforementioned information provided, JICA began by confirming the facts of the matter through the JICA experts. For example, the JICA experts were asked on the same day to check on the points concerning the Mekong Watch Letter from September 27, 2013 that was the first to offer information to the effect that there had been coercion and threats from the Myanmar Government at the group and individual consultations between the Myanmar Government and the residents. The JICA experts confirmed the situation through interviews with those in charge in the Myanmar Government and reported this to JICA the following day on the 28th and also on the 30th. For example, refer to Attachment 2 for the report dated September 28.
- Afterwards, whenever it was pointed out that new information had been provided and JICA had not gotten a grasp of the situation the JICA experts would check on the facts.
- What is more, as was mentioned above, the department overseeing the project has also carried out fieldwork and resident interviews, related departments have engaged in fieldwork, and JICA experts have interviewed the residents (without the intermediation of Myanmar Government officials) in order to check up on how the Myanmar Government handled the resident consultations.
- As a result it was confirmed that there was no factual basis behind the threats, but rather on the whole it was confirmed that the residents had the impression that the government had given greater than expected consideration to their opinions.
- In addition, it also confirmed:
 - (1) The fact that the requests of the residents were reflected in the compensation and support plans, and that a greater number of concessions were made as opposed to the Myanmar Government's initial compensation and support plan (see below)
 - (2) Cases where the residents indicated that they would like the government to revise the survey results at the consultation stage for the compensation and support funds (meaning they wanted this revised so it would lead to an increase in the compensation and support funds) and so the government reconfirmed the asset situation. This came despite the fact that a Detailed Social and Economic Means Survey has been performed and an agreement had already been reached between the Myanmar Government and the residents over the survey results
 - (3) Cases where dialogue and negotiations were held over extended periods of time due to the opposition of the residents to the Myanmar Government's proposals.

(Reference) Examples where the Myanmar Government took the residents' opinions into consideration

- Increased the number of years of compensation for rice, vegetables, and so on
 - Expansion of the area of each household's plot in the relocation site
 - Agreed to install power distribution equipment and electricity meters in each of the houses in the resettlement area
 - Concrete pavement for the main access roads
 - With regard to building homes in the resettlement area, based upon requests from the residents expenses for building homes were paid and the residents were allowed to build their own homes
 - The amount of compensation for the period spent not working for wage earners was increased
 - Added a supplement for pupil's school commute costs
 - Regarding the negotiations with one household that had not yet been resettled, the government agreed to increase the number of head of cattle eligible for payments of support funds at the consensus building stage during the individual consultations
 - Payment of compensation for farming tools as requested by the residents through the government making a concession from its initial plan
 - Provided transportation costs to participants in occupational training regarding livelihood recovery, eased the conditions for attending the training, and provided identification (issued NRC cards), etc.
- Based on the above, it was confirmed that there was no factual basis behind the threats, but rather the government's negotiation team demonstrated an approach of listening to the requests and demands of residents. It has been determined that the results of confirming that the compensation and support plan was formulated by revising the government's proposals to reflect resident requests are considered to be valid.

September 28, 2013

State of resettlement negotiations for residents in Thilawa SEZ Class A**(as of 10:00AM, September 28, 2013)****1. All the facts concerning the items stated in the Mekong Watch Urgent Letter of Request**

Items stated in the Urgent Letter of Request	Confirmed items
<p>(1) According to the explanation provided by the relevant authorities at the resident consultation meeting on September 21, the scope of possible consultation that residents could have with the relevant authorities was to be restricted to those items presented in the RAP draft version prepared by the relevant authorities. Many farmers (including affected farmers in the approximately 2,000 ha site) had expressed concern over the compensatory measure relating to loss of farmland. In this regard, the relevant authorities only gave a conceivably threatening one-sided explanation, to “discuss this in court with the Yangon Regional Government.”</p>	<p>At the resident consultation meeting on September 21, it is true that an explanation was given to the effect that, if they [farmers] were going to stick to compensation for land (farmland), then this would be a matter that comes under the jurisdiction of the Yangon Regional Government, and so if a resolution could not be reached, then the matter would go before the courts. However, after explaining this matter, the residents were given time to think, and as a result, the residents agreed to negotiate, and following the consultation meeting, in effect, negotiation groups were formed. (However, during negotiations, the residents have continued to seek compensation for farmland.) There are four negotiation groups: A. Residents who do not own farmland (non-farmers), B. Rice farmers, C. Vegetable farmers, and D. Livestock farmers.</p>
<p>(2) Only the summary of the RAP draft version was distributed at the resident consultation meeting on September 21. The full text of the RAP draft version has not been made public.</p>	<p>As of September 28, the full text of the RWP had not been made public, but the summary (in Myanmar) had been distributed at the resident consultation meeting on 9/21.</p>
<p>(3) At the resident consultation meeting on September 21, if any participants had an opinion about the RAP draft version, they were asked to submit those opinions to the appointed government office by September 30 so, on September 23, approximately 40 residents (including affected persons in both the Thilawa SEZ 400 ha planned site and the 2,000 ha site) visited the appointed government office in order to express their opinions. However, the person in charge refused an interview with the “affected residents related to the 2,000 ha site” for the reason that they were “not affected persons related to the early stage development site (400 ha). Subsequently, all resident proponents including the affected persons related to the 400 ha site vacated the premises but, again, a few of residents went to the offices</p>	<p>On September 23, about 30 residents participated. When the point that residents from the 2,000 ha site could only attend as observers was explained (they were not refused entry to the meeting), the 2,000 ha site residents seemed to have taken it as a refusal to participate in the negotiations. It is apparently true that at one point, at the urging of one of the participants, some residents walked out of the offices but afterwards, with a mediator from the B rice farmers negotiation group, the responsible government official solved the misunderstanding and upon returning to the meeting government proponents assented to their participation in the negotiations. Consequently, the negotiation groups were reformed. (Groups had different members to the groups formed at the resident consultation meeting held on September 21. Each</p>

<p>and elicited a promise from the person in charge to hold an interview the next day on September 24. The get-together with the person in charge on September 24 was concluded without obtaining any sincere responses/answers with respect to the opinions voiced by the residents.</p>	<p>group had one representative from Class A but was also made up of non-Class A members (the number of people was decided by the surface area ratio).</p> <p>During negotiations on September 24, it seems that the person in charge replied that he would listen to the requests and demands of the residents, and convey those requests and demands to the Yangon Regional Government. (Because the meeting was for negotiations, with respect to any demands and requests that were difficult to grant, it seems that he answered to the effect that accommodating them would not be possible. For example, locating the resettlement area and replacement farmland within the SEZ, as well as requests for the payment of wages during occupational training.)</p>
<p>(4) On September 24, a village administrative officer visited the homes of each of the affected persons in the early stage development site (400 ha), and made conceivably threatening comments, including, “If you don’t sign [the resettlement and compensation agreement], you probably won’t get any compensation at all,” and, “If you don’t sign, your home will be bulldozed.”</p>	<p>The term “village administrative officer” may refer to an administrative officer from the village tract, but at the very least, it is not true that the relevant comments were made during negotiations. Also, with regard to signing the letter during negotiations, it is based entirely on the intent of the residents, and there is no truth to the duress or coercion.</p>
<p>(5) On September 25, the relevant authorities called the affected persons related to the early stage development site (400 ha) to come to the appointed government office, and about 60 of the 81 relevant affected households participated. The affected persons were asked to sign a document agreeing to the calculated results for the amount of compensation based on the compensation details which had been presented thus far (that is, the amount of compensation based on the content of the RAP draft version; however, in cases where there had been changes to the amount of compensation, there were explanatory notes to the effect that the amount of compensation would also change). As a result, many of the affected persons have thus far signed the written agreements.</p>	<p>As of September 25, 37 households had signed the written agreements. (More households have signed since, and as of September 27, 41 households had signed.)</p>
<p>(6) On September 26, the village administrative officer again called on any affected persons in the early stage development site (400 ha) who had not signed the above document to sign it.</p>	<p>Although the specific level of officer to which the term “village administrative officer” refers is unclear, appeals have been made during negotiations for the document to be signed.</p>

2. Main developments in negotiations

- Following are the main developments in past negotiations as understood by the survey mission.

Date	Main developments	Notes
September 23 (Monday)	<ul style="list-style-type: none"> - Approximately 30 residents participated. - The Thilawa Social Development Group requested to participate in negotiations, and ultimately, the government agreed to its participation in negotiations. (Refer to 1.(3) above for details on this development.) As a consequence, a request was made for the appointment of representatives for future negotiations (negotiation groups were formed). There are four negotiation groups: A. Residents who do not own farmland (non-farmers), B. Rice farmers, C. Vegetable farmers, and D. Livestock farmers. One person in each group was selected from Class A, and the remainder were non-Class A members. (It seems that the number of people was determined by the land area ratio). - Interviewed residents about their requirements. Their four main requirements are: (1) Compensation for land (farmland), (2) Increase in the number of years compensation received for crops, (3) Larger sized plots in the resettlement area, and (4) Increase in the number of days that compensation is received for time spent not working to two weeks. 10 million kyat per acre was requested as compensation for land (farmland). 	
September 24 (Tuesday)	<ul style="list-style-type: none"> - Participation by 14 representatives from each of the negotiation groups, who were appointed on the first day (September 23) (4 Class A members, 10 non-Class A members). - Interviewed representatives about their requirements. The main requirements were narrowed down to three: (1) Compensation for land (farmland), (2) Increase in the number of years compensation received for crops, and (3) Larger sized plots in the resettlement area. It seems that there was a drastic compromise in the amount requested in compensation for land (farmland) from 10 million kyat per acre to 3 million kyat per acre. (4) was withdrawn due to the small amount. - The Myanmar Government again explained about the support framework, and appealed for agreement on the framework (signing of the written agreements). 	<p>With regard to the plots in the resettlement area, it seems a resident representative put forward a proposal to vary the size of plots for non-farmers, non-rice farmers and rice farmers, but the participants bickered among themselves. As a result, agreement was reached to make the size of plots uniform. The request by residents for plots at this stage was a minimum 40' x 60'.</p>
September 25 (Wednesday)	<ul style="list-style-type: none"> - As a result of appealing to households to sign the written agreements of the second day (September 24), 62 residents (only Class A affected households) 	<p>The translated versions of the letter and table are attached. The table</p>

	<p>participated.</p> <p>- 37 people (households) requested a letter be signed, to which was attached a table describing the details of support and a reference amount for each household. (Rather than “negotiations,” the meeting can be thought of as more closely resembling an explanation using a table of support details and amounts and a mutual confirmation of the details of lost assets.)</p>	<p>attached to the letter was also used for confirming the affected households and the support (compensation) items and amounts, and so it could be replaced if these figures change.</p>
September 26 (Thursday)	<p>- Continuing on from the previous day, individual negotiations were conducted with Class A affected households (as above).</p>	
September 27 (Friday)	<p>- In the morning, the resident requests were conveyed to the Yangon Regional Government (YRG), and YRG made a number of internal decisions, such as to set the number of years that support is received for crops at six years, and to increase the size of plots in the resettlement area to 30' x 40'.</p> <p>- At night, consulted with the representative of the farmer group, on the phone. Explained about setting support for crops at six years and about expanding the size of plots in the resettlement area to 30' x 40', and informal consent was given for the size of plots. However, a request was made for paving the roads with concrete and for installing lead-in power lines and meter boxes for each house. As for the six years of support for crops, the request is for a bit more of a top up.</p> <p>- As of September 27, a total of 41 households had signed.</p>	<p>Explanations included that, according to internal MOC standards, the maximum size of plots provided to displaced persons is 20' x 30', and so the size of these plots is relatively larger.</p>
September 28 (Saturday)	<p>- Negotiations will begin at 11:00 on September 28 (Saturday). The plan here is to explain that making the support for crops six years, making the size of plots in the resettlement area 30' x 40', paving the roads in the resettlement area with concrete, and installing lead-in power lines and meter boxes for each house would be accepted.</p>	

- D is heading toward breaking away from negotiations indicating that they could not receive the offered homes. (It seems they were expecting homes to be provided.)
- Regarding those items marked as pending during the detailed confirmation process as part of these negotiations (ex. amount of vegetables to be planted), there are plans to undertake reconfirmation using the same system as the DMS as soon as the week of September 30.
- In the summary of the draft Resettlement Work Plan (RWP) which was distributed at the earlier resident consultation meeting, the comment period is set to close on September 30, and so there are plans to offer to accept comments.

3. Public disclosure of the Resettlement Work Plan (RWP)

- There has been no criticism from residents in the Class-A Area to the effect that “not enough information has been made public in advance” or “there needs to be a period of time for making residents aware of the draft RWP.” On the contrary, it appears that the residents’ true intention has been that they have wanted to enter into negotiations immediately (wanting to know the amount of support they would receive). It could also be said that, if anything, it

was the residents who were rushing the written agreements.

- Agreed to make the full text of the RWP public (to make it available for perusal at the Supporting Committee Office). When making the text public, as a result of these negotiations, it was decided to make the text public after first reflecting the matters acknowledged by the Yangon Regional Government (support for crops: 3 years → 6 years, size of plots: 20' x 30' → 30' x 40', laterite-paved roads → concrete-paved roads, installation of meter boxes in each house, etc.)

4. Approach to negotiations

- Basically, the government's negotiation team has maintained an approach of listening to the requests and demands of residents. The government's negotiation team included participants from the Yangon Regional Government as well as from districts and townships from September 24, but given that the participants are unable to make decisions on the spot for important matters, they have communicated the requests and demands of residents to the Yangon Regional Government, and have explained as such. As a result, the Yangon Regional Government has also shown significant compromises from the initially proposed support framework, and it seems there is no duress or coercion. With respect to some matters that are difficult to accept, such as compensation for land (farmland), this has been explained as such, but it seems suggestions such as proposing an increase in the number of years support received for crops instead of compensation for land (farmland) could be included in the scope of negotiation.
- Regarding the signing of letters, the act of signing is left entirely to the intent and judgment of residents. It seems that a common view among residents who have signed the letters thus far is that this kind of approach is reasonable.
- During the negotiations on September 25, residents were recording the government's comments on video. Rather than refusing the video recording, on the contrary, the government wants to use the video to confirm the state of negotiations.
- It appears that negotiations are being conducted in a cordial manner, for instance, residents asking to use vehicles when they want to find out about specific parts of the resettlement area.

3-9: What was the thinking regarding whether or not the Guidelines should be applied to the land acquisition (which was compensated) by the Myanmar Government in 1997? Did JICA determine that there were no problems based upon some sort of explanation by the Myanmar Government?

(Response)

- JICA confirmed that the land acquisition and resident resettlement instituted by the Myanmar Government in 1997 were carried out in order to implement a cooperative project between Myanmar and Singapore, and were not carried out for the sake of this project. As such, it was determined that the JICA Guidelines for Environmental and Social Considerations do not apply to these same resident resettlement procedures.
- For the 1997 resident resettlement, confirmation was made of the: (1) Overview of the compensation, (2) the reasoning behind this, (3) whether or not there were consensus agreements, and (4) the status of the project site after the resettlement.

3-10: In cases where residents elected to build their homes on their own, was consideration given to postponing the resettlement period or to the necessity of providing compensation for the amount of time spent building? Also, was it decided that it could be claimed that not providing compensation was the reasonable choice?

(Response)

- With respect to the building of homes in the resettlement area, initially the Myanmar Government's plan was to have all of the families in the resettlement area build their own homes.
- When the Myanmar Government explained matters like the development plan for the resettlement area at the resident consultations hosted by the Yangon Regional Government on October 2, 2013, the majority of the residents expressed the desire to build their own homes. So the village tract drew up a list of the households that wanted to build their own homes by October 5. The Myanmar Government accepted this request and reached an agreement with the residents that in cases where they built their own homes they would be paid a sum total of 2.5 million kyat in installments in accordance with the progress on the construction work. What is more, it was also agreed that the construction of the homes would be completed by about the end of November 2013 with an assumed construction period of about two to three weeks (in accordance with the Myanmar Government's original plan, it also offered the option of requesting that the government build homes, which 12 households chose to do).
- As was described in 1-6 and 2-3-3, according to the JICA experts, when the Myanmar Government permitted the residents to build their homes at their own request, there were no calls in particular from the residents seeking the payment of compensation for the time spent building houses, with this including the day laborers, and so an agreement was reached on the building of homes.
- Based on the above:
 - (1) These were formulated based upon a mutual understanding between the residents and Myanmar Government through a process that was consistent with the JICA GL
 - (2) Building their homes of their own volition was a choice made by the residents (there was also the option of having the government build the houses for them), and no special agreement was reached between the Myanmar Government and the residents regarding additional compensation for time spent not working

From this it was determined that the Myanmar Government is under no special obligation to provide additional compensation for time spent not working.

- It is true that there were some households that were resettled while the construction of homes was only partially complete. However, it must be kept in mind that this was not done by the wishes of the Myanmar Government, but that rather it made an exception in acknowledging the wishes of the residents. In addition, some of the households that cultivate rice wanted to resettle after they had finished harvesting their rice. In effect, some of these households were allowed to harvest their rice and resettle later on after the other households. See 2-3-1 for details.

4. Consultations with Residents and Other Local Stakeholders

4-1: Resident agreements over the resettlement and the compensation details

4-1-1: Had JICA obtained information or received complaints to the effect that threats had been made or heavy-handed explanations given at the time of the resident resettlement and compensation agreements (to obtain the signatures of the residents)? How did JICA respond to this?

(Response)

- Refer to 3-8.

4-1-2: Have you determined the specific contents of the statement made by Mr. Set Aung (Chairman of the Thilawa SEZ Management Committee) in the local language at the fourth consultation meeting?

(Response)

- The Myanmar version of the minutes for the statement by Mr. Set Aung, the Chairman of the Thilawa SEZ Management Committee, from the fourth residential consultations have been handed over to the Secretariat (attached to the Myanmar version of the RWP).
- Regarding the statement pointed out in the objections (“Furthermore, officials insinuated that if the villagers did not accept the confiscation procedures they were being offered, they would have to take the government to court”):
 - (1) When confirmation was made through a JICA expert with a member of the Thilawa SEZ Management Committee, they provided the following explanation.

“It was not said in a domineering way, they explained this as nothing more than one of the options that the residents had (the way they explained it was that it was an option that the residents had).”
 - (2) When the JICA expert team confirmed this with the local staff, they provided the following explanation.

“When this matter was explained the participants repeatedly asked the same question a number of times, to which Mr. Set Aung politely replied. That was the situation.”
 - (3) When the JICA Myanmar Office confirmed this with Mr. Set Aung, Chair of the Thilawa SEZ Management Committee, he provided the following explanation.

“They by no means spoke in a threatening manner, but rather explained everything extremely courteously.”
- The information in (1) – (3) above and the explanation by Mr. Set Aung, Chair of the Thilawa SEZ Management Committee (going to trial will be used as a means to resolve cases where the residents attempt to assert or prove that they have usage rights to land to which the government retains both ownership rights and usage rights), are believed to be factual. In light of this, it was deemed that no particular problems were discovered.

4-1-3: The question includes personal information and cannot be disclosed

(Response:)

Response includes personal information and cannot be disclosed .

4-1-4: Since the process of reaching agreements with the residents over the resettlement and compensation (to obtain the signatures of the residents) was not appropriate (there were threats, heavy-handed explanations, a lack of explanations that the residents could understand, unfair responses (people holding out to get what they wanted), etc.), is it that hard to imagine that the consensus agreements and documents explaining the compensation details were not distributed and publicized?

(Response)

- With respect to the consensus agreements, as was described in Point 33 the situation was as follows at the point in time when the Explanatory Materials for the Examiners were submitted.
 - Households to which the Myanmar Government handed over copies of the consensus agreement: 16 households
 - Households to which the Myanmar Government did not hand over copies of the consensus agreement: 68 households (Note)
 - Reason these were not handed over: The consensus agreements were only handed over to those households with farmland at the project site, but for those households to be relocated to the resettlement area that had places to live the plan was to wait until the resettlement of all of the households had been completed (completion of the payment of the support funds) to distribute them all together.
- Consequently, the consensus agreements were distributed to some of the households (only those households with farmland at the project site), and so we believe that it is not the case that they were not distributed as per the circumstances you have indicated (if you assume that they could not be distributed for this reason then presumably they could not have been distributed to the households with only farmland at the project site).
- Refer to 3-7 for the distribution status for the consensus agreements as of August 8.
- As for the documents explaining the compensation details (we inquired with the office about this, and the understanding is that this is the Copy of the Agreement over the Breakdown of Support Funds), as was described in Point 33, these were distributed to every household.

4-1-5: Only 13 households can read and write fluently. But would you say that adequate explanations were given to the 50 households that can read and write to some extent, and the 16 households that only understand the spoken word, by using language and content that would allow them to understand the complicated terms and conditions? We would like to confirm this with respect to records, attached documents, and JICA's confirmation from back then.

(Response)

- As was described in Point 33, the information determined through the Detailed Social and Economic Means Survey (DMS) is as follows.
 - Number of household heads that can read and write fluently: 13 households
 - Number of household heads that can read and write to some extent: 50 households
 - Number of household heads that can only understand the spoken word: 16 households

- The results confirmed by the JICA experts concerning the situation from back then is described below.
 - JICA has confirmed that the Myanmar Government (employees of the Thilawa SEZ Management Committee) gave repeated explanations using plain language, and witnessed scenes in which the local staff of the JICA expert teams was involved.
 - There were no claims or complaints from back when the consensus agreements were signed that the residents had been forced to sign them despite not understanding their content.
 - As for the claim that some residents can read and write “to some extent,” this is perceived to mean they have learned to read and write at roughly the same level as someone in primary education in Myanmar. In such cases it could be claimed that, from a technical standpoint, they were only able to read some of the compensation and payment agreement documents.
 - On the other hand, one thing that should be kept in mind for this is that, as a general rule, in Myanmar it is not necessarily the case that being able to read characters is equivalent to being able to understand what is written. By way of example, it is said that lots of people are unable to understand the contents written in a document even if they are able to read it in a technical sense. Therefore, Myanmar Government officials with a thorough understanding of the relevant social and cultural background gave the explanations to the residents pertaining to the recent consensus agreements. In doing so, they made efforts to explain the content to not only those people who cannot read characters, but also residents who they noticed as not having understood the contents despite being able to read the characters. This was done by reading the content written in the consensus agreements to them out loud, on top of which they also used plain expressions and phrases in order to simplify the content.
 - Moreover, another point that the Myanmar Government officials took into consideration at the time was the fact that some of the residents are embarrassed about not being able to read characters, and so they would not confess to the fact that they were unable to read the consensus agreement. Therefore, in such cases they made efforts to explain the content without going so far as to touch on the fact that they could not read the characters (without making a big deal about it).

- Based on the Myanmar Government's response and the information stating that there were no claims or complaints that people that did not understand the contents of the consensus agreements were made to sign them back at the time and place where these were signed, JICA has determined that there were no particular problems.

4-1-6: Distribution of written agreements.

(Response)

- Refer to 3-7.

4-1-7: Does JICA consider the distribution of consensus agreements to be a requirement called for by the Guidelines?

(Response)

- It is our understanding that going so far as to distribute consensus agreements is not required by the JICA GL.
- Agreements between the government of the country in question and residents regarding resident resettlement are stipulated in the JICA GL as follows.

(Reference 1) JICA GL: Attachment 1 – Involuntary Resettlement

Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. When, after such an examination, avoidance is proved unfeasible, effective measures to minimize impact and to compensate for losses must be agreed upon with the people who will be affected.

- As is stated above, it clearly specifies that, “effective measures ... must be agreed upon with the people who will be affected.” Yet on the other hand, since the means of reaching agreement have not been prescribed these are determined on a case-by-case basis out of consideration for the legal system in each country.
- Furthermore, even the World Bank Safeguard Policies OP 4.12, Annex A, for which it has been deemed desirable that the contents of its stipulations be included in resident resettlement plans, similarly fails to stipulate the detailed procedures for reaching agreement.
- As was described in Point 33, for this project plans for the amount of compensation and support were drawn up for each household that had been formulated by reflecting the wishes of the residents, and copies of the Breakdown of the Amount of Support Funds (signed by the residents) were delivered to all of the households. All of the households also signed the consensus agreements as well.
- Since the act of signing the consensus agreements in and of itself has been completed by the Myanmar Government and all of the households, it has been assured that this has been “agreed upon with the people who will be affected” and confirmed that this response was consistent with the JICA GL.
- Yet it is believed that it would have been ideal to finish distributing the consensus agreements as quickly as possible in order to improve relationships of trust with the residents, and so JICA intends to follow-up on the situation in an ongoing manner.

4-1-8: Have there been cases such as where residents and other stakeholders have been restricted from participating in the consultation meetings? If and when such concerns have been raised, how has JICA responded to them?

(Response:)

- The contents indicated in the point found in the objection document described in Point 35 (“some villagers were not allowed to enter the meetings, which discouraged others from joining”) are not necessarily precise. But if we accept that this is the matter pointed out in the Mekong Watch Letter dated September 27, 2013, then as was stated in 3-8 the JICA experts were asked to confirm this point on the same date. The JICA experts confirmed the situation through interviews with those in charge in the Myanmar Government and a report was received the following day on the 28th.

Items stated in the Mekong Watch Urgent Letter of Request (Sep. 27, 2013)	JICA experts’ report
<p>At the residents consultation meeting on September 21, if any participants had an opinion about the RAP draft version, they were asked to submit those opinions to the appointed government office by September 30 so, on September 23, approximately 40 residents (including affected persons in both the Thilawa SEZ 400 ha planned site and the 2,000 ha site) visited the appointed government office in order to express their opinions. <u>However, the person in charge refused an interview with the “affected residents related to the 2,000 ha site” for the reason that they were “not affected persons related to the early stage development site (400 ha). Subsequently, all resident proponents including the affected persons related to the 400 ha site vacated the premises but, again, a few of residents went to the offices and elicited a promise from the person in charge to hold an interview the next day on September 24. The get-together with the person in charge was concluded without obtaining any sincere responses/answers with respect to the opinions voiced by the residents.</u></p>	<p>On September 23, about 30 residents participated. <u>When the point that residents from the 2,000 ha site could only attend as observers was explained (they were not refused entry to the meeting), the 2,000 ha site residents seemed to have taken it as a refusal to participate in the negotiations. It is apparently true that at one point, at the urging of one of the participants some residents walked out of the offices but afterwards, with a mediator from the B rice farmers negotiation group, the responsible government official solved the misunderstanding and upon returning to the meeting government proponents assented to their participation in the negotiations. Consequently, the negotiation groups were reformed. (Groups had different members to the groups formed at the resident consultation meeting held on September 21. Each group had one representative from Class A but were also made up of non-Class A members (the number of people was decided by the surface area ratio).</u></p>

- According to the above table, it was affirmed that despite the fact that the meeting was to negotiate the resettlement of residents in the Class-A Area, the residents of other areas were also permitted to attend the negotiating session, and so it was determined that no particular problems were observed.
- Participation condition of other specific residents includes personal information and cannot be disclosed.

4-2: Formulation of the EIA and RWP (RAP) and Notification of the Residents

4-2-1: The RWP draft was made publicly available sometime in early November 2013, but did any residents come to view the hard copy of it (and if so, how many)?

(Response)

- None of the residents came to view the hard copy, nor were there any comments provided via the website (see the note below). (Note) During the period when the RWP was publicly available in November there were two inquiries with the Thilawa SEZ Management Committee—one from a member of the media and another from a researcher—both of which were requests for the provision of information.
- As is described in Point 37, the Myanmar Government extensively notified the residents regarding the release of the RWP draft.
 - The RWP was publicly available at the Thilawa SEZ Management Committee office as well as the General Administration Departments (GADs) of the Thanlyin and Kyauktan Townships on November 4, 2013.
 - In addition the Myanmar Government published it online (http://www.mediafire.com/view/dmbchg5u2vg9535/110413_RWP_Final.pdf) as well as posting public announcements at the respective Township Offices, Village Offices, and markets.
 - On November 8, 2013, the Myanmar Government also announced the online publication in two newspapers: Myanmar Alin and The Mirror, including information as to where to view the hard copy version
- As this indicates, the Myanmar Government provided extensive notification, and so it is not thought that any particular violations of the JICA GL were observed.

(Reference 1) JICA GL: Attachment 1 – Involuntary Resettlement

4. For projects that will result in large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. 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. When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. It is desirable that the resettlement action plan include elements laid out in the World Bank Safeguard Policy, OP 4.12, Annex A.

4-2-2: With respect to the EIA and RWP formulation process, it was necessary to first publicly disclose adequate information ahead of time and then hold consultations with the people and communities that would be affected on the basis of said information. How did JICA work to encourage the Myanmar Government to do this, including matters like the provision of information, how advance notification was given, and the consultation method?

(Response)

- Ever since February 2013 consultations have been held between the Japanese Government and Myanmar Government (Thilawa SEZ, intergovernmental coordination committee between Japan and Myanmar), as have meetings between JICA and high-ranking officials in the Myanmar Government (U Myint Swe, Chief-Minister of the Yangon Regional Government and U. Set Aung, Chairman of the Thilawa SEZ Management Committee) on multiple occasions. At these meetings JICA made overtures asking that the resident resettlement procedures be promoted in a manner that was consistent with the JICA GL and other international standards, and offered explanations of matters like overviews of the JICA GL and World Bank Safeguard Policies on several occasions.
- Moreover, JICA experts were dispatched in May 2013 and who provided support by offering urgent advice regarding resident resettlement procedures in accordance with international standards.
- The JICA experts mainly offered the following advice to the Myanmar Government regarding the consultations with residents.
 - (1) Overall composition of the resident consultation meetings
Advised an overall composition for the residents consultation meetings in which the explanations followed in order from the second to the fourth sessions
 - (2) Running the resident consultation meetings
 - Ensure transparency (the affected residents are to be invited, but those people and organizations that come to the venue on the appointed day are not to be turned away from participating, including the mass media; provide notification through notices and distribute invitation letters to the affected residents)
 - Give consideration to impartially offering opportunities to speak at the venue on the appointed day (do not limit the speakers only to the affected residents)
 - Give consideration to those people who are hesitant to speak directly at the venue on the appointed day (hand out feedback forms and have them write down their opinions; urge them to fill in the relevant items on the day in question, and explain that support staff will interview those residents who are unable to write characters and write this down on their behalf)
 - Hold the consultations from the same point of view as the residents to ensure that they do not become coercive or heavy-handed (even when sitting in the venue, consideration should be given to ensure that they adopt the same point of view; give consideration to wording and language)
 - (3) JICA encourages the following point with respect to the group and individual consultations
 - Hold the consultations from the same point of view as the residents to ensure that they do not become coercive or heavy-handed (give consideration to wording and language)

4-2-3: How did JICA confirm whether the EIA had been prepared in accordance with the stipulations contained in Attachment 2 of the JICA Guidelines and in Annex B of the World Bank Operational Policy 4.01, and whether the RWP had been prepared in accordance with the stipulations contained in Annex A of the World Bank Operational Policy 4.12?

(Response)

- During JICA's environmental review and other processes, we checked the EIA and the RWP, and we confirmed whether they had been prepared in accordance with the stipulations contained in Attachment 2 of the JICA Guidelines and in Annex B of the World Bank Operational Policy 4.01, and with those contained in Annex A of the World Bank Operational Policy 4.12, respectively.
- As a result, the EIA was evaluated as having been prepared in a way that satisfies international standards, such as the JICA Guidelines for Environmental and Social Considerations, including
 - (1) Selection of survey items at the start of the survey (scoping),
 - (2) Collection of basic data in relation to each survey item expected to be impacted (baseline survey),
 - (3) Impact projection and assessment based on the results of the baseline survey,
 - (4) Formulation of appropriate mitigation measures and monitoring plans based on the results of the assessment.
- Furthermore, the RWP was judged to have comprehensively incorporated compensation and support for lost assets, livelihood opportunities, resettlement costs and other factors, and its content was judged to be in line with the JICA Guidelines for Environmental and Social Considerations.

4-2-4: It is possible that the fact that there were few participants at the resident consultation meeting concerning the EIA and many participants at the resident consultation meeting concerning the RWP was due to a difference in the level of interest among the residents, but did the advance notification not come at slightly too short of notice? Furthermore, is it not problematic that only some of the residents were notified in writing via invitations?

(Response)

- The dates on which the resident consultation meetings for the EIA and the RWP, the timing and method by which notification was provided, and the number of participants are listed below.

Stakeholder consultations	Date held	Dates notification were provided	Method of notification	No. of residents participating	Total number of participants (including government officials, press, etc.)
EIA					
First meeting	April 8, 2013	April 4, 2013 and April 5, 2013 (3 – 4 days prior)	Notification was provided to the residents in the villages within Kyauktan Township	2 people	31 people
Second meeting	August 23, 2013	August 16, 2013 (7 days prior)	In addition to the notification method for the first meeting, invitation letters were sent to residents living in the planned project site	1 person	30 people
RWP (Note)					
Second meeting	June 11, 2013	June 9, 2013 (2 days prior)	Announced via notices by each township and village tract. Invitation letters were sent to the affected households in the planned project site (as of this point in time, this is based on the results of a census performed by Myanmar in April 2013)	95 people	107 people
Third meeting	July 30, 2013	July 26, 2013 (4 days prior)	Announced via notices by each township and village tract. Invitation letters were sent to the affected households in the planned project site and households outside of the planned project site from the results of the detailed DMS	151 people	167 people
Fourth meeting	September 21, 2013	September 19, 2013 (2 days prior)	Announced via notices by each township and village tract. Invitation letters were sent to the affected households in the planned project site	153 people	161 people

(Note) JICA experts did not provide support for the first meeting (on February 14, 2014), and so information

like the notification date is unknown.

- As is described above, with the resident consultation meetings for RWP notification was provided at shorter notice than for the EIA meetings, but the RWP meetings had an overwhelmingly greater number of participants. From this it is hard to imagine that the timing of the notification impacted the number of participants.
- Furthermore, concerning the question “... is it not problematic that only some of the residents were notified in writing via invitations?” for the second stakeholders meeting over EIA, in all the residents from the villages in Kyauktan Township were extensively notified, and so the thinking is that there were no problems with the JICA GL.

(Reference 1) JICA GL: 2.4 Consultations with Local Stakeholders

3. In order to have meaningful meetings, JICA encourages project proponents, etc. to publicize in advance that they plan to consult with local stakeholders, with particular attention to directly affected people.

4-2-5: Although the social impact assessment in the EIA is complemented by the RWP, was this explained to residents? Also, how did JICA confirm that the complemented social impact assessment conformed to the Guidelines?

(Response)

- During the second meeting of stakeholder consultations (August 23, 2013), it was explained that “the Myanmar Government will separately examine social considerations.”
- JICA confirmed the situation by checking the RWP, conducting field surveys and collecting information via the JICA experts. Through successive resident consultation meetings and through group and individual resident consultations, JICA judged that the compensation and support for resident resettlement had been formulated to reflect the resident requests with agreement having been reached with all of the eligible households, and that compensation and support for lost assets, livelihood opportunities, resettlement costs and other factors had been comprehensively incorporated and so the social impact assessment was in line with the JICA Guidelines for Environmental and Social Considerations.

4-3: Mechanisms for Implementation Monitoring and Handling Complaints

4-3-1: In light of Myanmar's historical chronology of democratizing away from military rule, was it not necessary to set in place mechanisms by which the residents could petition for redress and for handling complaints? Do you have plans to set up mechanisms for monitoring and handling complaints in the future?

(Response)

- As is listed in the Explanatory Materials for the Examiners, at first the Myanmar Government was not well versed in international standards pertaining to environmental and social considerations, and so on January 31, 2013 it sent out an order forcibly evicting the residents in the Thilawa area within two weeks. After that the Japanese Government and JICA appealed to the Myanmar Government to carry out the procedures in accordance with international standards, and so as a result the eviction of the residents to be resettled was not implemented.
- Since then JICA has provided support on a number of occasions by means of explaining the JICA GL and through the aforementioned dispatch of JICA experts, among other measures. For the JICA experts in particular, when combined with the local staff the inputs for this reached a considerable scale, and they provided finely detailed support to the Myanmar Government, which was not necessarily all that familiar with environmental and social considerations in accordance with international standards.
- As a result, this improved the understanding of the Myanmar Government, and top leaders in the Myanmar Government such as the Chair of the Thilawa SEZ Management Committee took initiative and thoroughly ensured that resident resettlement procedures were adopted that conform with international standards.
- Specific points that could be raised for this include:
 - The Myanmar Government's attitude of holding dialogs with the residents and the subject matter of the statements by residents at the second through fourth resident consultation meetings (it did not appear as if the subject matter of the statements by the residents were restricted)
 - Furthermore, there were no particular restrictions on participating in the resident consultation meetings, and support organizations and the like were not turned away from participating so long as there was a request from the residents
 - As was described in 4-1-8, despite the fact that the group consultations were to negotiate the resettlement of residents in the Class-A Area, the residents of other areas were also given the opportunity to attend the negotiations.
 - As was described in 3-8 and 4-1-3, the Myanmar Government took an approach of listening to the requests and demands of residents, and formulated the compensation and support plan by revising and compromising on the government's proposals by reflecting resident requests.
- In light of such circumstances, the Myanmar Government had been appraised to be promoting the resident resettlement work by listening to the opinions of the residents, and the thinking was that the environment is one in which any opinions that the residents might have are adequately conveyed. For this reason, it was not felt that there was a need to create a special framework for mechanisms to petition for redress and handle complaints that was out of the ordinary.
- Through the course of its consultations with residents, the Myanmar Government created a framework for mechanisms to petition for redress and handle complaints. It also explained this framework and listed the telephone number and email address of the Thilawa SEZ Management Committee in the summary of the RWP (fourth resident consultation meeting (September 21, 2013)) to serve as a point of contact for this, and notified the residents to this effect.
- Currently, as is stated in the RWP a framework of mechanisms to petition for redress and handle complaints has been set up, with the Income Restoration Program Implementation Sub-Committee (IRPISC) and others serving as contact points.
- Residents of the resettlement area (two community leaders) are also members of the IRPISC, which allows the residents to convey their various different opinions and requests to the IRPISC through these community leaders. As such, the requests of the residents are actually conveyed through these community leaders (see 4-3-2 below).

4-3-2: For the internal monitoring structure, we would like to check on how this has conventionally been implemented and conceivable measures to improve this for the future.

(Response)

- With regard to internal monitoring, Myanmar Government staff has taken action such as visits to the resettlement site to check the status, and report to the Income Restoration Program Implementation Sub-Committee meetings (so far the meetings have been held on December 6 and 23, 2013 and January 24, March 24, and June 30, 2014).
- In addition, the two resident representatives to the IRPISC also hear from the residents on the challenges at the resettlement site and other issues, and report to the IRPISC and the Myanmar Government.
- Through this framework of internal monitoring, the following cases have resulted in action being taken to address the challenges:
 - Installation of a solid waste depot within the resettlement site
 - Action to address water well (hand pump) malfunctions in the resettlement site (arranging for their repair)
 - Three or four residents who wished to attend the course to obtain a regular driving license had lost their NRC (National Registration Card = ID card) and were unable to apply for the course. To address this issue, the IRPISC created a letter of recommendation and issued it to the residents to speed up the NRC reissuance process
 - As a follow-up action for the seven women who had completed a food processing training course, the company was lobbied to secure employment for the women at a field diner, café, and food store that it operated
 - The primary income earners in one or two households of the 41 households that live in the resettlement site were not proactive in going to work despite the employment opportunities through SEZ and the like for such reasons as it being “too far,” “tiring,” “the salary is too low,” “do not want to follow the workplace regulations,” and so on, while still complaining of their concern about “not having enough money to live on.” In response to this, the IRPISC members shared the future stance of striving to improve the motivation of residents to work whenever possible and to continue monitoring their livelihood status.
- Thus far the internal monitoring has been performed by the Myanmar Government officials on an irregular basis. So one conceivable improvement measure moving forward would be to have the IRPISC visit the resettlement area regularly at a pace of about once each month to check on matters like the residents’ living environment and employment and school attendance status. As things currently stand, the Myanmar Government is setting in place a structure for this, with a team of JICA experts providing technical support.

4-4: Response to the Letters from the TSDG

4-4-1: Despite the fact that after JICA interviewed members of the TSDG on October 15, 2013 you received several letters from this group, JICA did not provide a reply until May 2014. What is the reason for this? Did JICA mount some sort of response in this interim period? What are your plans for responding in the future?

(Response)

- It is not the case that “JICA did not provide a reply until May 2014.” JICA checked to confirm the intentions of the Myanmar Government in that it was prepared to listen to what the TSDG had to say and urged the TSDG to, “Start by holding a proper discussion between the Myanmar Government and the concerned parties” (this statement was made during the discussions between TSDG and JICA on October 15, 2013, and on February 3 and April 28, 2014 it was conveyed to the representative of the TSDG from the JICA Myanmar Office by telephone).
- The reasons JICA took this response are because:
 - Based on the JICA GL, in principle the Myanmar Government independently consults with local stakeholders, with JICA placing importance on a smooth dialog between both sides
 - As described above, the Myanmar Government took the stance of being constantly ready to hold direct discussions with the residents
 - As was described in 4-3-2, a framework for conveying the residents’ requests to the Myanmar Government was set up, and is apparently functioning given the fact that case examples have appeared in which requests for improvement from the residents have been received and have led to actual improvements. For this reason, respecting and reinforcing this framework was considered to be important from the perspective of sustainable community development and so forth.
- But TSDG has shown no indication of contacting the Myanmar Government, and beginning from April of this year it has been reported in various different media outlets that JICA will not meet with TSDG. This has resulted in a state of affairs that has impacted the sentiments of the residents in the resettlement area and the livelihood recovery support by the Myanmar Government in a variety of ways.
- For our part, JICA has determined that no dialogue will be carried out between the concerned parties as things stand now, and is of the mind that the various circumstances surrounding this matter must be improved. For this reason, it proposed to the TSDG that three-party discussions be held with the Myanmar Government and JICA on May 28, 2014.
- In addition, during a dialogue with TSDG representatives and others in Tokyo on June 6 we once again recommended holding three-party discussions, with said discussions being held in Thilawa on July 8.
- At the three-party consultations the TSDG made a request of the Myanmar Government that discussions between itself and the government continue to be held each month in August and September, and then every other month thereafter, to which the Myanmar Government agreed. JICA would like for the TSDG to hold discussions directly with the Myanmar Government in the future, and stated that JICA will attend where it is appropriate and necessary for it to do so.
- The TSDG and Myanmar Government are currently coordinating their schedules with respect to the August discussion.

(Attachment 3) Photos of the Resettlement Area (Drainage Conditions)

Photo Book of Drainage Conditions at Relocation Site (13.8.2014)

	
<p>Immediately after light rainfall</p>	<p>Immediately after light rainfall</p>
	
<p>Immediately after torrential rainfall</p>	<p>Several hours (3-4 hours) after torrential rainfall</p>
	
<p>Spot located in the resettlement area where drainage collects</p>	<p>Drainage canals leading outside the resettlement area</p>

August 13, 2014



Very clear water. Relocated population and residents in surrounding areas use this water for drinking and daily needs.

Clear water, but due to poor water drainage, people use the nearby Well No. 2.



Clear water. Residents use water for drinking and daily needs.



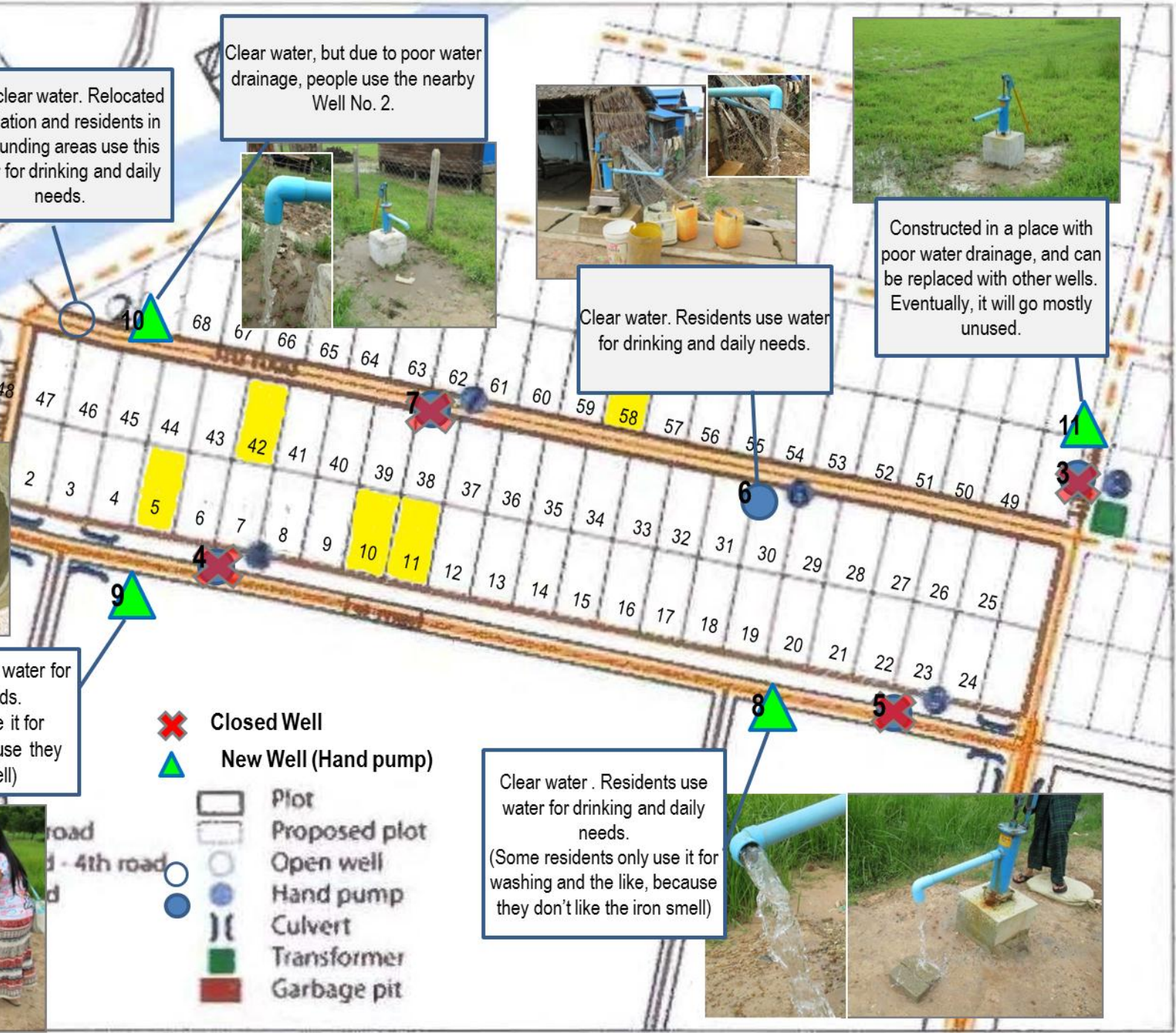
Constructed in a place with poor water drainage, and can be replaced with other wells. Eventually, it will go mostly unused.

Water is currently milky. Since the nearby Well No. 2 gets clear water, residents only use this one for things like washing.



Clear water. Residents use water for drinking and daily needs. (Some residents only use it for washing and the like, because they don't like the iron smell)

Clear water. Residents use water for drinking and daily needs. (Some residents only use it for washing and the like, because they don't like the iron smell)



- Closed Well
- New Well (Hand pump)
- Plot
- Proposed plot
- Open well
- Hand pump
- Culvert
- Transformer
- Garbage pit

