INVOLUNTARY RESETTLEMENT AND INDIGENOUS PEOPLE
SAFEGUARDS GUIDELINES

The Project is categorized C for involuntary resettlement (IR) and B for Indigenous People (IP) impacts as per Operations Manual F1/ADB's Safeguard Policy Statement, 2009 (SPS). Any civil works or infrastructure upgrading that may cause any involuntary resettlement or land acquisition or indigenous people impacts will not be eligible to be financed under the grant. Any component that may cause any involuntary resettlement or forced land acquisition will not be eligible to be financed under the grant. For minor land requirements required for the subproject under output 3, means to acquire the land is using available government land (with no IR impacts). Due diligence during the project implementation prior to any civil works shall confirm (i) the project will not entail further land acquisition; (ii) that where land is available, such lands are free from encumbrances; and (iii) there are no past or existing land and resettlement issues in regard to existing facilities.

The project is primarily focused on training and capacity building for the rural poor. Both the project areas have a high presence of ethnic minority groups who are the primary project beneficiaries and are the overwhelming majority. Hence it meets the criteria of integration of IP elements into the project design. Pre-identification of villages (to be confirmed during project implementation) with people from Mon and Karen groups who will be the overwhelming majority of the beneficiaries with other ethnic groups. Consultation and participation will be continued throughout the project cycle to ensure their involvement in linkages to micro finance providers to access credit, training and other project activities.

In order to ensure compliance with ADB Safeguard Policy Statement, 2009 (SPS), Ministry of Hotels and Tourism as executing agency will ensure social safeguards compliance under the project and provided with the required fund and resources (i.e. staff). A set of criteria and screening procedures for eligible subprojects will be established and specific requirements for land will be set up and implemented by the Project Implementation Unit (PIU). Social safeguards compliance monitoring will be included in the regular project progress report and submitted to ADB.

Criteria and screening procedures for IR and IP safeguards compliance are:

1. No subproject shall cause any IR and IP impacts. Specific screening check list is included in this guideline. The PIU will prepare the check list for each subproject to be confirmed by the assigned staff of PMU prior to submission for financing. Priority should be given to subprojects which will not involve additional land requirements.
2. Land acquisition will not cause:
    a. Involuntary resettlement of the formal or informal land users, squatters or encroachers of the land
    b. Dispossession of assets belonging to the ethnic minority and/or vulnerable groups
    c. Significant loss of assets or source of income/ livelihood of the owner of the donated assets/lands.
3. When government land is being used, it has to confirm with the IR and IP screening checklist for the subproject to be eligible for grant financing
4. Under any circumstances, the grant fund must not be used for purchasing of land for subproject implementation.

To ensure policy compliance of the project the assigned staff in PIU for safeguards issues should:
1. Receive adequate training on ADB SPS and how to conduct the safeguards screening procedures,
2. Conduct the required consultations with the all project beneficiaries on the project activities and safeguards requirements,
3. Provide training to the implementing partners and PIU members on the ADB safeguards principles and subproject screening procedures,
4. Regularly monitor the project compliance on safeguards policy and prepare a report to PMU for submission to ADB,
5. Be equipped with the necessary facilities to conduct the training and monitoring activities.

IR and IP Screening Checklist

INVOLUNTARY RESETTLEMENT & INDIGENOUS PEOPLE CHECKLIST
(Due Diligence Activity)

A.   Introduction

1.   Each subsection/ section needs to be screen for any involuntary resettlement (IR) and/or indigenous people (IP) impacts which will occur or already occurred. This screening determines the eligibility of the subprojects to be financed under the Grant.

B.   Information on subsection/ section:
     a.   District/ Administrative Name:_____
     b.   Location (km):_____
     c.   Civil work dates (proposed): _____
     d.   Technical Description: _____
     _____
     _____

C.   Screening Questions for Involuntary Resettlement & Indigenous People Impact

2.   Below is the initial screening for IR and IP impacts and due diligence exercise. Both <u>permanent and temporary impacts</u> must be considered and reported in the screening process.

Type of Impacts	Yes	No	Remarks
Will it require permanent and/or temporary <u>involuntary</u> land acquisition?			If yes, the subproject is not eligible for project financing and must be dropped from the list of proposed projects.
Is the ownership status and current usage of the land known?			If no, further clarification of the owner of the land is required
Are there any non-titled people who live or earn their livelihood at the site or within the corridor of impact (COI) / Right of Way (ROW)?			If yes, the subproject is not eligible for project financing and must be dropped from the list of proposed projects.
Will there be loss of agricultural plots?			If yes, the subproject is not eligible for project financing and must be dropped from the list of proposed projects.

Type of Impacts	Yes	No	Remarks
Will there be losses of crops, trees, fixed assets (i.e. fences, pumps, etc.), incomes or livelihood?			If yes, the subproject is not eligible for project financing and must be dropped from the list of proposed projects.
Will people lose access to facilities, services, or natural resources?			If yes, the subproject is not eligible for project financing and must be dropped from the list of proposed projects.
Will any social or economic activities be affected by land use-related changes?			If yes, the subproject is not eligible for project financing and must be dropped from the list of proposed projects.
Will the proposed subproject involve the transfer, reallocation or use of assets/ resources owned/managed/ used by ethnic minority or vulnerable groups in the project site?			If yes, the subproject is not eligible for project financing and must be dropped from the list of proposed projects.

D. Summary of Impacts

3.   After reviewing the answers above, PMU/PIU Team confirm that the assigned/ proposed subsection/ section is

[ ]   Has involuntary resettlement (IR) and Indigenous People (IP) (negative) impacts, the proposed subproject is ineligible for project financing

[ ]   Has no IR nor IP impact, the proposed subproject is eligible for project financing

Prepared By:	Verified by:
Signature: Name: Position:	Signature: Name: Position:
Date:	Date: