

Resettlement and Ethnic Groups Development Framework

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MYA: Emergency Support to Chin State for Livelihood Restoration

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CURRENCY EQUIVALENTS

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ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	affected persons
CSO	–	civil society organization
DRD	–	Department of Rural Development
EG	–	ethnic group
EGP	–	Ethnic Groups Plan
IP	–	indigenous peoples
JFPR	–	Japan Fund for Poverty Reduction
LIB	–	Limited International Bidding contractor
MLFRD	–	Ministry of Livestock, Fisheries and Rural Development
NGO	–	nongovernment organization
REGDF	–	Resettlement and Ethnic Groups Development Framework
RF	–	resettlement framework
SPS	–	Safeguards Policy Statement

NOTE

In this report, "\$" refers to US dollars.

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Glossary of Terms and Definitions

Affected person (AP)	– Any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement. In the case of a household, the term AP includes all members residing under one roof and operating as a single economic unit, who are adversely affected by a Project or any of its components
Broad community support	– A collection of expressions by affected ethnic minority communities, through individuals and their recognized representatives, in support of the project. There may be broad community support even if some individuals or groups object to the project.
Compensation	– Payment given in cash or in kind to affected persons (APs) at replacement cost for assets and income sources acquired or adversely affected by the Project
Cut-off date	– Date of completing DMS for which land and/or assets affected by the project are measured. The APs will be informed of the cut-off date, and any people who settle in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
Detailed measurement survey (DMS)	– With the use of approved detailed engineering drawings, this activity involves the finalization and/or validation of the results of the asset losses, severity of impacts, and list of APs. The final cost of resettlement can be determined following completion of the DMS.
Economic displacement	– Loss of land, assets, access to assets, income sources, or means of livelihood as a result of (i) involuntary acquisition of land, or (ii) involuntary restriction on land use or on access to legally designated parks and protected areas.
Entitlements	– A range of measures, such as compensation in cash or in kind, income restoration support, transfer assistance, relocation support, etc., which are provided to the APs depending on the type and severity of their losses to restore their economic and social base.
Meaningful consultation	– A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

- Land acquisition – The process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
- Physical displacement – Relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restriction on land use or an access to legally designated parks and protected areas.
- Relocation – The physical displacement of an affected person from her/his pre-project place of residence and/or business.
- Replacement cost – The amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs or depreciation and salvageable materials, at prevailing current market value at the time of compensation payment.
- Resettlement plan (RP) – This is a time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation.
- Vulnerable groups – These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized due to the project and specifically include: (i) female-headed households with dependents, (ii) household heads with disabilities, (iii) households falling under the generally accepted indicator for poverty, (iv) children and elderly households who are landless and with no other means of support, (v) landless households, (vi) indigenous peoples or ethnic minorities.

CONTENTS

	Page
I. PROJECT DESCRIPTION	1
A. Background	1
B. The Project	2
II. SOCIO-ECONOMIC CHARACTERISTICS OF THE PROJECT AREA	3
III. RESETTLEMENT AND ETHNIC GROUPS DEVELOPMENT FRAMEWORK (REGDF)	5
A. Objectives of the REGDF	5
B. Involuntary Resettlement	6
C. Ethnic Groups	19
IV. PARTICIPATION OF WOMEN AND VULNERABLE SECTORS	26
V. CONSULTATION, PARTICIPATION AND DISCLOSURE	26
VI. GRIEVANCE REDRESS MECHANISM	28
VII. IMPLEMENTATION ARRANGEMENTS	28
A. Implementing Agency	28
B. Monitoring and Reporting Arrangements	29
C. Budget and Financing	30
APPENDIX 1. OUTLINE OF AN ETHNIC GROUPS PLAN (EGP) FOR A SUBPROJECT	31
APPENDIX 2. OUTLINE OF A RESETTLEMENT PLAN (RP) FOR A SUBPROJECT	32
APPENDIX 3. VOLUNTARY CONTRIBUTION FORM	33
APPENDIX 4. SOCIAL IMPACT ASSESSMENT AND INVENTORY OF LOSS	34
A. Affected Persons and Eligibility	34
B. Socio-economic Survey	35
C. Impacts Survey: Detailed Measurement Survey	35
D. Replacement Cost Study	36

I. PROJECT DESCRIPTION

A. Background

1. Heavy rains caused floods and landslides in several parts of Myanmar from June 2015 onward. On 30 July, Cyclone Komen brought strong winds and additional heavy rains that resulted in widespread flooding across 12 of the country's 14 states and regions. On 31 July, the President declared Chin and Rakhine states, and Magway and Sagaing regions as natural disaster zones. In Chin State, the monthly rainfall of July measured at the weather station in Hakha was equal to a 1-in-1,000-year rainfall. The combination of heavy rainfall, strong winds, high soil saturation, and unstable soils in hilly areas caused widespread and devastating landslides particularly in Chin State.

2. Chin is the poorest state or region in Myanmar and therefore highly vulnerable. According to a report of the Chin Committee for Emergency Response and Rehabilitation (CCERR)¹, the floods and landslides of July 2015 have affected a total of 54,537 people in Chin State (Table 1). The number includes people from damaged and destroyed households and from those communities that have been forced to relocate due to severe damage and destruction surrounding farmland and transport infrastructure. The number of affected people implies that over 12 percent of the population of Chin State has been directly affected by the disaster.

Table 1: Affected and Displaced Populations in Chin State^{1/}

Township	Affected Households		Affected Population		Displaced	
	In Towns	In Villages	# Families	# Persons	# HHS	# Persons
Falam	35	1,503	1,538	7,690	252	
Hakha	984	323	1,307	6,535	884	4,254
Kanpetlet	46	552	598	2,990		
Matupi	116	892	1,008	5,040	36	180
Mindat		111	111	555	437	2,396
Paletwa	477	2,858	3,335	17,943	907	4,535
Tedim		442	442	2,210	361	2,466
Thantlang		1,191	1,191	6,548		
Tonzang		853	853	5,026	647	3,879
Total	1,658	8,725	10,383	54,537	3,524	19,921

^{1/} Data as at 20 October 2015.

Source: Chin Committee for Emergency Response and Rehabilitation (CCERR). "The Chin State Floods & Landslides: A Community-led Response and Assessment". 3rd December 2015

3. A recent situation report available on the Myanmar Information Management Unit (MIMU) website² place the estimates of flood-affected areas in Chin State – 273 village tracts affected (58 percent of total number of village tracts) and 470 villages affected (31% of total number of villages). The MIMU list of possible flood-affected villages is based on satellite images. The affected village tracts have a combined population of 241,287, which is half of Chin State's total population.

4. The Department of Rural Development (DRD) of the Ministry of Livestock, Fisheries, and Rural Development (MLFRD) has requested a grant from the Japan Fund for Poverty Reduction (JFPR) for livelihood restoration in Chin State.

¹ Chin Committee for Emergency Response and Rehabilitation (CCERR). "The Chin State Floods & Landslides: A Community-led Response and Assessment". 3rd December 2015

² Myanmar Information Management Unit (MIMU). "List of Possible Flood-Affected Villages as of 7 December 2015"

5. This Resettlement and Ethnic Groups Development Framework (REGDF) has been prepared in line with ADB requirements for emergency assistance loans, and in accordance with resettlement framework and indigenous peoples planning framework outlines detailed in Safeguard Requirements 4 of the 2009 ADB Safeguard Policy Statement (SPS). ADB's Disaster and Emergency Policy (2004) allows procedural flexibility in the application of the safeguard requirements.

6. The Department of Rural Development (DRD) of the Ministry of Livestock, Fisheries, and Rural Development (MLFRD) will be the executing agency (EA) for the project and will be responsible for implementation of the REGDF.

B. The Project

1. Impact and Outcome

7. The project impact will be “early recovery and increased resilience of cyclone affected people and communities in Chin State”. The project outcome will be “restored access and community infrastructure to affected villages to at least pre-Cyclone Komen levels, with increased resilience”.

2. Outputs

8. **Output 1 – Restored Village Access:** Rural roads and bridges will be restored promoting the concept of build-back better to at least the pre-disaster situation to ensure increased resilience to future disasters. The lengths, locations and cost of repair of damaged roads and bridges in the 7 townships targeted under the JFPR will be reviewed and confirmed in consultation between DRD, State officials, community leaders and ADB during project implementation. Subprojects will comprise (i) priority village-to-village and village-to-town roads and bridges for construction using labor-based methods, and (ii) complementary sections of village-to-village and village-to-town roads and bridges using machine-based construction methods. The design process will pay particular attention to drainage and slope stability and protection with improved vegetative cover for prevention of further landslides. Future sustainability of the access improvements will be enhanced by application of locally adapted design criteria and specifications; capacity building for DRD engineers to review plans for infrastructure restoration to optimize resilience for future disaster events; and capacity building for communities on O&M.

9. **Output 2 – Restored Community infrastructure:** The project will repair: (i) power systems (mini-hydro and solar) in 25 villages; (ii) village water supplies in 44 villages; and (iii) priority community infrastructure (e.g. restoration of irrigation systems and reclaiming farmland) funded from cost savings and contingences where available. Future sustainability of community infrastructure will be enhanced by application of locally adapted design criteria and specifications; capacity building for DRD engineers to review plans for infrastructure restoration to optimize resilience for future disaster events; and capacity building for communities on O&M.

10. **Output 3 – Community disaster risk management capacity strengthened:** The JFPR will support a process of capacity building based on recent experience and draw on regional and international best practice for community based disaster risk reduction (CBDRR). This process will include strengthening disaster risk management systems at state, township, village tract and village level using disaster risk information in preparing respective disaster

management plans at all levels and strengthening their linkages with development planning processes; and capacity building of state and local government officials, civil society organizations and communities in identifying risk, prioritizing risk reduction measures and implementing non-structural measures to strengthen disaster resilience.

II. SOCIO-ECONOMIC CHARACTERISTICS OF THE PROJECT AREA

11. The Government of Myanmar recognizes 135 different ethnic groups in Myanmar, each with its own history, culture and language. The majority Bamar ethnic group makes up about two-thirds of the population. The seven largest minority nationalities are the Chin, the Kachin, the Karenni (sometimes called Kayah), the Karen (sometimes called Kayin), the Mon, the Rakhine, and the Shan. Myanmar is divided into seven states, each named after these seven ethnic nationalities, and seven regions (formerly called divisions) which are largely inhabited by Bamars.³

12. Chin State is the poorest state or region in Myanmar. Total poverty incidence in 2010 (IHLCS, 2009-2010)⁴ was 73.3% compared to the national 25.6% and the second poorest which is Shan (East) at 46.4%. Its remoteness and limited accessibility have led to significant under-development, not helped by the low budget that the State receives from the National Government. Budget allocation across states/regions is conventionally based on population figures and Chin State's population (478,801 in 2014) is only less than 1% of Myanmar's total population (almost 51.5 million).

13. Table 2 presents the key socio-economic indicators for Chin State based on the 2014 census. The median age of the population is only 20.1 years. For every 100 females, there are only 93 males which hints at significant numbers of male adults who migrate for seasonal work or to live overseas. The proportion of female-headed households is high at 23% and 45% of the population are economically dependent (i.e., children 0-14 years and the elderly).

Table 2: Chin State Demographics (2014 MPHC)

Key Indicators	
Total Population (number of persons)	478,801
Male-female ratio	92 males to 100 females
Population density (persons per km ²)	13.3
Median age (years)	20.1
Private households (number)	91,121
Mean household size	5.1
Urban households (%)	21.7%
Female-headed households (%)	22.9%
Population by age group -	
Children (0-14 years)	40.0%
Economically productive (15-64 years)	55.2%
Elderly population (65+ years)	4.8%
Dependency ratios -	
Total dependency ratio	81.0%
Child dependency ratio	72.3%
Old dependency ratio	8.7%
Literacy rate (persons aged 15 years and over)	
Male	88.5%
Female	71.9%

³ <http://www.oxfordburmaalliance.org/ethnic-groups.html> downloaded 24 January 2016

⁴ Integrated Housing and Living Conditions Survey (IHLCS) in Myanmar. 2009-2010

Percentage of population with disability	7.4%		
	Both	Male	Female
Labor force participation (age 15-64 years)	64.8%	77.6%	53.8%
Unemployment rate (age 15-64 years)	5.4%	5.9%	4.7%
Employment to population ratio (age 15-64 years)	61.4%	73%	51.3%
Percentage of population using improved drinking water sources	70.2%		
Percentage of population using improved sanitation	74.6%		
Percentage of population <u>without</u> access to communication (e.g., radio/TV, phones, computers)	57.9%		

Source: 2014 MPHC – Chin State Census Report Volume 3-D, May 2015

14. Chin State is inhabited by people belonging to the Chin ethnic group (EG). The Chin people are of Tibeto-Burman origin. The Chin ethnic group branches into 53 Chin ethnic sub-groups, each with their own distinct dialect. Chin State's population lives in households with young children, in remote villages with several hundred houses, scattered amongst the mountains. Chin villages were traditionally self-contained units and some of these villages are headed by elders or headmen. Some 80%–90% of the population are Christians although a small minority belong to the Buddhist faith or still follow traditional tribal beliefs.

15. There is a strong sense of belonging and self-identity amongst the Chin people whether they live in Chin State or in other parts of Myanmar. This is also expressed strongly by overseas Chins. They have their own socio-cultural system and political identity especially at the State level.

16. In Chin State, 90% of households are engaged in agriculture. The villages visited during the social assessment⁵ exhibit a varied mix of livelihood sources based mainly around subsistence farming and with small-scale selling of surplus produce from upland farms and small numbers of livestock. The main livelihood is production of staple food (rice and corn). Rice is grown on patches of flat land in valleys or on sloping land in terraces, usually near rivers and streams and located some distance away from the village. Only one crop of rice is cultivated during the year during the monsoon season. Upland farming is an important livelihood activity mostly carried out at subsistence level. Corn, beans, sesame, sunflower and vegetables are typically grown on the upland farms. Livestock rearing is carried out at largely subsistence level although it is not uncommon to find some villagers selling large animals (cows, buffaloes) across the border. Minor livelihood sources, which mainly engage the women, include home gardens, fishponds, growing grapes and making local wines.

17. Men and women, their children and the elderly experienced added hardship during and after the disaster in varying degrees. In the aftermath of the disaster, the villagers suffered food shortages and had to rely on their food reserves and savings, and in some extreme cases, even borrowing (cash or food) from, or bartering with their neighbors and relatives to meet their needs. In one village, affected households reduced their food intake and prioritized feeding the children first over the adult members of the households. Prospective crop yields in both irrigated paddy and upland farms have been reduced to half their normal year levels while significant areas of damaged paddy and upland farms will remain uncultivable and unproductive in the short term. The prospects for seasonal labor for off-farm work, an important supplementary source of income for women, have dried up as well. The extensive damage to roads and bridges have cut villages off from vital links into town, and hence their access to food relief and other emergency support and services was also curtailed. School-age children who

⁵ Participatory social assessments were carried out by ADB consultants during field visits to disaster-affected villages in October and November 2015.

attend high schools in town have had to stop going to school for the time being. Women also reported problems with access to and quality of drinking water as a result of damages to water sources and water supply systems.

18. Those living in emergency camps or relocated to other areas suffer the most having lost their homes and belongings, without the means to earn a living and uncertain about their future.

III. RESETTLEMENT AND ETHNIC GROUPS DEVELOPMENT FRAMEWORK (REGDF)

A. Objectives of the REGDF

19. The objectives of the Resettlement and Ethnic Groups Development Framework (REGDF) are to (i) provide guidance for subprojects selection, screening and assessment of social impacts, (ii) provide guidance in the preparation and implementation of ethnic groups plan (EGP) and Resettlement Plans for subprojects,⁶ and (iii) facilitate compliance with the requirements specified in the ADB's Safeguards Policy Statement (SPS) (2009) Requirement 2 (Involuntary Resettlement) and Requirement 3 (Indigenous Peoples).

20. This REGDF provides guidance in addressing potential land acquisition/resettlement impacts that may arise during project implementation. It describes procedures for (a) screening of land acquisition/resettlement impacts; (b) social impact assessment and preparation of resettlement plan (RP), or combined Resettlement and Ethnic Group Development Plans (REGDP), where appropriate⁷; (c) negotiation and agreements for land access; (d) resettlement principles and entitlements; and (e) implementation and monitoring arrangements. It is based on applicable laws and regulations of the Government of Myanmar and ADB's Safeguards Policy Statement (2009).

21. Given the emergency context of the project, and the extent of displacement already experienced in the disaster zones, compensation, assistance and rehabilitation measures to be provided to persons either displaced by the project activities or who experience restricted access to land due to the project will be incorporated into the entitlements matrix (refer to Table 5) as needed during project implementation (prior to sub-project implementation) to ensure compliance with the requirements of the ADB SPS. It is emphasized that the entitlements matrix may be updated at any time during project implementation to reflect relevant changes but the standards set in the original entitlements matrix cannot be lowered. In addition, defining and categorizing vulnerability and associated assistance to be provided will be reviewed and incorporated in the entitlements matrix prior to sub-project implementation.

22. Furthermore, this REGDF clarifies principles and objectives governing the preparation and implementation of Ethnic Groups Development Plans (EGDPs or REGDPs, as appropriate) based on (i) ADB's SPS (2009); and, (ii) the national and legal context. It sets out the steps for preparation of these plans for sub-projects with component(s) that trigger the indigenous

⁶ The outlines for an ethnic groups plan and resettlement plan are in Appendixes 1 and 2, respectively.

⁷ According to the ADB SPS (2009), the borrower/client will explore to the maximum extent possible alternative project designs to avoid physical relocation of Indigenous Peoples that will result in adverse impacts on their identity, culture, and customary livelihoods. If avoidance is impossible, in consultation with ADB, a combined Indigenous Peoples plan and resettlement plan could be formulated to address both involuntary resettlement and Indigenous Peoples issues. Such a combined plan will also meet all relevant requirements specified under Safeguard Requirements 3.

peoples⁸ safeguard, including those that impact on ethnic groups directly or that indirectly affect the dignity, human rights, livelihood systems, or culture of ethnic groups or affects the territories or natural or cultural resources that they own, use, occupy, or claim as an ancestral domain or asset. It describes the process of carrying out social impact assessments to determine potential project impacts, both positive and adverse, on ethnic groups; principles and methods in undertaking meaningful consultation with affected ethnic group communities and concerned ethnic group organizations to solicit their participation throughout the Project cycle.

23. The project is one of the early projects to be funded by ADB in Myanmar. The project is expected to potentially involve only minor land acquisition and (most likely positive) effects on EGs, and as Myanmar do not as yet have an adequate country safeguards system (for both resettlement and ethnic groups), a combined framework for EGs and involuntary resettlement has been prepared.

24. Other policies that apply in implementing this framework are: (i) the ADB Policy on Gender and Development which adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring participation of women and that their needs are explicitly addressed in the decision-making process for development activities, and (ii) the ADB Public Communications Policy which seeks to encourage the participation and understanding of people and other stakeholders affected by ADB-assisted activities.

B. Involuntary Resettlement

1. Comparison of Myanmar's Legal Framework and ADB's SPS Policy

25. The existing laws and regulations in force in Myanmar are considered insufficient to identify and mitigate the project's potential negative social impacts according to the ADB's SPS. With regard to social issues, the Land Acquisition Act (LAA) (1894) is outdated and does not address many current problems around land acquisition. The recently approved National Land Use Policy (Jan. 2016) appear to address some of the gaps in existing laws with respect to land acquisition. The policy is intended to form the basis of an umbrella National Land Law.

26. A gap analysis and comparison between relevant Myanmar laws and the ADB's SR2 Policy Requirements (Table 2) show that provisions in existing acts and laws have generally no equivalence with the provisions of the ADB's SPS (SR2) requirements. The LAA 1894 and the recently approved National Land Use Policy (Jan. 2016) contain provisions that comply with SPS requirements. However in actual practice these provisions fall short of the objectives due to the lack of standard methodologies and implementation guidelines. Local laws provide for limited coverage in the most critical aspects of the SPS requirements on income and livelihood restoration and do not recognize entitlement to Project affected persons without title to land for assistance and compensation for their lost non-land assets and income and livelihood.

⁸ As per ADB SPS (2009), the term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

Table 3: Legal and Policy Gap Analysis and Gap-Filling Measures for IR^{1/}

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
1.1 Screen the Project early to identify involuntary resettlement impacts and risks.	The Environmental Conservation Law requires a social impact assessment.	This Project was screened during preparation as a Category B for IR. No relocation is anticipated and potential impacts on communities' assets and structures may be small. Involuntary resettlement impacts are thus not deemed significant. This REGF provides guidance on how land acquisition, if required, should be managed. Subprojects will be screened for land acquisition impacts.
1.2 Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	Land Acquisition Act (LAA) (1894) in Section 4(1) requires publication of preliminary notification and conducting survey. However, the scope of surveys is limited to the impacts on land and other assets. No provision for census and socio-economic survey.	For each subproject with IR impacts, surveys will be undertaken to provide the detailed measurement of lost assets and determine the socio-economic conditions of all affected households including vulnerable households. Gender and ethnicity disaggregated data will be collected.
2.1 Carry out meaningful consultations with affected persons, host communities, and concerned NGOs.	National Land Use Policy (NLUP) (Jan. 2016) in Part V para. 38 (Procedures related to Land Acquisition, Relocation, Compensation, Rehabilitation and Restitution) provides for participation by township, ward or village tract level stakeholders, civil society, representatives of ethnic nationalities when managing relocation, compensation, rehabilitation and restitution that result from land acquisition.	For subprojects requiring land acquisition, meaningful consultations with the land owner and users will be undertaken.
2.2 Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs.	LAA Section 9(2) provides for dissemination of information on affected assets.	Affected households will be informed of proposed entitlements and resettlement options during consultation meetings. They will contribute to decision making and will be consulted during monitoring and evaluation activities.
2.3 Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land, and ensure their participation in consultations.	None	This REGF identifies vulnerable groups for involuntary resettlement and ethnic groups. In the subprojects, meaningful and participatory consultations with land owners and users including vulnerable groups will be undertaken throughout the Project cycle. Any information disseminated to vulnerable groups will be in formats and language that they can understand to help elicit their active participation.
2.4 Establish a grievance redress mechanism (GRM) to receive and facilitate resolution of the affected persons' concerns	LAA (1894), Part II, Objection 5A: Any person interested in any land which has been notified under section 4 as being needed or likely to be needed for a public purpose or for a company may object to the land acquisition within 30 days of notification, object to the acquisition of any	A GRM will be set up and communities in the Project area will be informed about the procedures for filing their grievances and complaints. The GRM will be aligned to existing national legal processes and ADB requirements.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
	<p>land in the locality, as the case may be.</p> <p>Objections need to be made to the Collector in writing. The Collector gives the objector an opportunity of being heard either in person then after making inquiries will submit the case for the decision of the President of the Union, together with the record of the proceedings and a report containing recommendations on the objections. The decision of the President of the Union on the objections is final.</p> <p>Farmland Law 2012. Chapter VIII identifies land disputes will be decided by the Ward or Village Tract Farmland Management Body⁹. Appeals to the respective Township Farmland Management Body are to be made within 30 days from the date of decision made by Village Body. Appeals to the respective District Farmland Management Body are to be made within 30 days from the date of decision made by the Township Farmland Management Body. Appeals to the respective Region or State Farmland Management Body are to be made within 60 days from the date of decision made by the District Farmland Management Body. The Region or State Farmland Management Body may approve, revise or cancel the decision made by the District Farmland Management Body. The decision made by the Region or State Farmland Management Body is final.</p>	
2.5 Support the social and cultural institutions of displaced persons and their host population.	None	The Project will consult and if necessary provide capacity building and resource support for the existing social and cultural institutions of displaced persons and host population.
2.6 Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase	None	Not applicable

⁹ According to Project site visit consultations, village committees have 15 days to make a decision.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
<p>3.1 Improve, or at least restore, the livelihoods of all displaced persons through:</p> <p>3.2 Land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods,</p> <p>3.3 Prompt replacement of assets with access to assets of equal or higher value,</p> <p>3.4 Prompt compensation at full replacement cost for assets that cannot be restored</p> <p>3.5 Additional revenues and services through benefit sharing schemes where possible</p>	<p>None</p> <p>LAA (1894), Part III, Acquisition, Section 31(3) allows that the Collector may, with the sanction of the President of the Union, instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.</p> <p>The Collector makes an award that is filed in the Collector's office and considered final and conclusive evidence. The Collector is required to give immediate notice of the award.</p> <p>In determining the amount of compensation, the Collector takes into consideration the market value of the land, any damages sustained, and reasonable expenses incidental to the change. In addition a sum of fifteen per cent on the market-value is given for the compulsory nature of the acquisition. NLUP (Jan. 2016) para 40(c) provides that an effective, consistent and fair valuation system be defined when providing compensation and relocation for people affected by land acquisitions.</p>	<p>IR impacts will be managed with :</p> <ul style="list-style-type: none"> - Full replacement cost (current market rates of materials and labor, plus any transaction costs such as administrative charges, taxes, registration and titling costs)¹⁰ will be the basis of cash compensation for all affected assets. - Provision of the national legal requirement (LAA Section 23) to add 15% on the assessed market value for compulsory nature of the acquisition - In-kind assistance options will be identified for compensation where possible. - Livelihood restoration activities will be available for eligible affected households (see entitlement matrix in Table 5)
<p>4. Provide displaced persons with needed assistance related to any relocation, transitional support and development assistance, and civic infrastructure and community services, as required.</p>	<p>NLUP (Jan. 2016) para 40(d) provides for conducting necessary rehabilitation in order to ensure maintenance of livelihoods for people affected by land acquisitions, in addition to compensation and relocation.</p>	<p>For subprojects with IR impacts, an RP will be produced with needed assistance determined through meaningful consultation with the affected persons.</p>
<p>5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In</p>	<p>None</p>	<p>The displaced poor and vulnerable groups, including vulnerable women, will be given assistance to improve their standards of living via RP implementation based on the socio-economic survey and discussion of</p>

¹⁰ Full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued; (iv) transitional and restoration costs; and (v) other applicable payments, if any. Depreciation of structures and assets and value of salvageable materials will not be taken into account.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing		preferred options. Assistance could be in kind packages or cash allowances. Preference will be given to them during the hiring of unskilled labor on subproject construction works.
6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	None	<p>This Project may use both negotiated settlement and donation of land. People who donate land or enter into negotiated settlements with the Project will still maintain the same income and livelihood status.</p> <p>All land acquisition activities will be documented. An independent external party will document negotiated settlement processes and voluntary donations to confirm willing partner relationships.</p>
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	None	All affected households without titles to land or any recognizable legal rights to land will be identified and will be eligible for resettlement assistance and compensation for affected non-land assets.
8. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule	None	All subprojects will be screened for potential land acquisition and resettlement impacts. This REGF provides guidance for the preparation of safeguard due diligence reports for all subprojects that do not trigger the IR safeguard. RPs to be prepared for sub-projects with involuntary resettlement impacts will address ADB SPS requirements.
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before Project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	LAA (1894), Part VII, Section 42 requires that land agreements will be published in the Gazette.	The RPs will be disclosed to the affected persons and other stakeholders in local language and in a timely manner. They will be uploaded on DRD's and ADB's websites.
10.1 Conceive and execute involuntary resettlement as part of a development Project or program. Include the full costs of resettlement in the presentation of Project's costs and benefits.	None	RPs will detail adequate budgetary support and staff, grievance resolution mechanism, institutional mechanism and monitoring.
10.2 For a Project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the	None	If subproject screening identifies a need, IR impacts will be treated as a stand-alone operation. Project scoping has not shown this to be likely.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
Project as a stand-alone operation		
11.1 Pay compensation and provide other resettlement entitlements before physical or economic displacement.	None	Compensation and other resettlement entitlements need to be in place prior to displacement
11.2 Implement the resettlement plan under close supervision throughout Project implementation	None	RPs will detail internal monitoring requirements and responsibilities as part of the resettlement management process.
12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	None.	The Grant Management Unit will be responsible for all monitoring, including monitoring related to land acquisition, IR management and RP implementation. RPs will include monitoring indicators. Periodic monitoring reports would be posted on the ADB website.

^{1/} Adapted from, and updated the comparison and gap analysis in the REGF for ADB Myanmar Irrigated Agriculture Inclusive Development Project (Dec. 2015)

2. ADB Involuntary Resettlement Policy Principles

27. The principal objective of ADB's involuntary resettlement policy is to ensure that during subproject planning, all potential affected persons (AP) are consulted, informed of the decisions regarding the proposed subprojects, project impacts and their entitlements, for compensation for their losses and provide assistance to improve, or at least maintain, their pre-project living standards and income earning capacity.

28. The framework related to involuntary resettlement adopts the principles of ADB's SPS 2009. The key principles of the ADB safeguard policy on resettlement are as follows:

- (i) Screen early the project's resettlement impacts and risks;
- (ii) Carry out meaningful consultations with and participation of DPs, inform all DPs of their entitlements and resettlement options. Pay particular attention to the needs of vulnerable groups. Establish a grievance redress mechanism;
- (iii) Improve, or at least restore, the livelihoods of all DPs through (a) land-based resettlement or cash compensation at replacement cost, as relevant, (b) prompt replacement of assets, (c) prompt compensation at full replacement cost, and (d) additional revenues and services through benefit sharing schemes where possible;
- (iv) Provide DPs with needed assistance, including: (a) if there is relocation, secured tenure to relocation and, better housing; (b) transitional support and development assistance; and (c) civic infrastructure and community services, as required;
- (v) Improve the standards of living of the displaced poor and other vulnerable groups to at least national minimum standards;
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement;
- (vii) Ensure that DPs without titles are eligible for resettlement assistance and compensation for loss of non-land assets;
- (viii) Prepare a RP elaborating on DPs' entitlements, income and livelihood restoration

- strategy and so on;
- (ix) Disclose a RP in an accessible place and a form and language(s) understandable to DPs and other stakeholders;
- (x) Conceive and execute resettlement as part of a development project or program;
- (xi) Provide compensation and other entitlements before physical or economic displacement; and
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs.

29. Involuntary resettlement safeguards are triggered if the project resulting in physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. They are covered whether such losses and involuntary restrictions are full or partial, permanent or temporary. A Resettlement Plan using the guidance provided in this REGDF will be prepared if there is physical or economic displacement of people in the subproject areas whether they are more or less than 200 people.

3. Project Resettlement Policy Principles and Entitlements

30. The Project's Output 1 and Output 2 will repair and restore damaged roads and bridges (i.e., village-to-village or village-to-town), community infrastructure (e.g., irrigation canals, water supply schemes, mini-hydropower) and livelihood assets (e.g., damaged farmlands). The subprojects that will be supported will be confirmed at project initiation through a process of verification and prioritization with the affected communities. The project will restore roads and bridges and community infrastructure that have been damaged by floods and landslides on existing locations and alignments, and no new developments are anticipated.

31. The magnitude of adverse project impacts is expected to be minimal and will only be known once the specific subprojects are selected and designed. Although resettlement issues are not foreseen to be significant by the nature and size of the subprojects, minor land acquisition or loss of assets cannot be fully ruled out since the subprojects will be developed on a demand-driven basis. This framework will help ensure communities will be compensated accordingly or alternative land donations are recognized.

32. Those who are entitled to receive compensation and assistance under the project will include: (i) persons with formal or legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such land that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part (as of the cut-off date) who have neither formal legal rights nor recognized or recognizable claims to such land.

33. In the event that land acquisition and involuntary resettlement are warranted, the Project will ensure, through this REGDF that any negative impacts are avoided, properly managed and minimized. Resettlement Plans for subprojects will be prepared accordingly if required.

4. Voluntary land donations

34. The project will allow community members who benefit from a subproject to donate land and other private assets to the subproject without compensation if they agree to do so, especially as the subprojects will repair or restore those public assets that were damaged

partially or totally by the landslides. It is expected that some project impacts will be addressed through voluntary donation without any significant or long-term impact on livelihood and assets of affected people. The following protocol will govern voluntary donation of private assets:

- (i) Voluntary donation will be an act of informed consent and affected people will not be forced to donate land or other assets with coercion or under duress, or misled to believe that they are obliged to do so;
- (ii) Voluntary donation will be allowed only if a subproject can technically be implemented in another location than where it is planned – if a subproject is location-specific by nature, land acquisition associated with such a subproject cannot be considered as voluntary; rather, it is an act of eminent domain. In such cases, an RP, as applicable, will be developed;¹¹
- (iii) Criteria and guidelines for voluntary donation are in the table below:
- (iv) The affected people will be fully informed that they have the right to refuse to donate land and instead receive compensation at replacement cost, and that a grievance redress mechanism is available to them through which they can express their unwillingness to donate. People will be encouraged to use the grievance redress mechanisms if they have questions or inquiries, either in writing or verbally. Adequate measures will be put in place to protect complainants;
- (v) The village representatives will confirm through a face-to-face meeting that the affected people are indeed aware that they are entitled for compensation and knowingly agree to donate land or other assets without compensation. The minutes of this meeting, which include confirmation that all conditions for voluntary donations are met, will be attached to the signed voluntary donation form;
- (vi) Once the informed consent of the affected people has been confirmed in writing, the village tract forum will develop a voluntary donation form. Both the husband and the wife of the affected household will sign the form in the presence of the community facilitator and the village implementation committee;
- (vii) The village tract administrator will review and approve the signed voluntary donation form¹², and keep one original, signed voluntary donation form for review by the Department of Rural Development (DRD) and the ADB. The affected household will keep another original, signed form; and
- (viii) Implementation of subprojects involving voluntary donation will start only once the village tract administration has approved the signed voluntary donation forms.

Table 4: Criteria and Guidance Notes on Voluntary Donation

Criteria	Guidance Notes
The impacts are marginal (based on percentage of loss and minimum size of remaining assets)	<ul style="list-style-type: none"> • The land donated does not exceed 5% of the total land owned by the affected household. • The land donated does not result in uncompensated permanent non-land assets • Land donation will only be accepted if the total land owned by the household is not less than 300 m2
Impacts do not result in displacement of households or cause loss of household's incomes and livelihood	<ul style="list-style-type: none"> • The land is not used for productive purposes • Only secondary structures are affected; there is no physical relocation of household due to the project and land donation.

¹¹ An outline for a resettlement plan is in Appendix 2.

¹² A sample Deed of Donation is provided in Appendix 3.

Criteria	Guidance Notes
	<ul style="list-style-type: none"> The affected household does not fall under the category of poor or vulnerable.
The households making voluntary donations are direct beneficiaries of the project	<ul style="list-style-type: none"> Both positive and negative impacts of the project on the affected household are considered. The affected household can identify the project's direct benefits to them.
Land donated is free from any dispute on ownership or any other encumbrances	<ul style="list-style-type: none"> The affected household has recognized legal tenure. The land is not being occupied and/or used by any other party. The land is not in dispute for its ownership.
Consultations with the affected households is conducted in a free and transparent manner	<ul style="list-style-type: none"> The affected household should be informed that they have the right to receive compensation for their land and the equivalent amount of compensation for the land they wish to donate. The affected household receives clear and adequate information on the project, and participates in the project planning. Provisions on voluntary donation are integrated into the decision making process at community level.
Land transactions are supported by transfer of titles	<ul style="list-style-type: none"> Official land ownership document is updated.
Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained	<ul style="list-style-type: none"> Agreement is properly documented with signatures of affected person, [name of the borrower/client] and witnesses. Consultation meetings, grievances and actions taken to address such grievances are properly recorded.

35. Union DRD through the Grant Management Unit (GMU) and GMU consultants will periodically verify that the process for informed agreement of affected people has been observed. In rural areas where donations of lands for community use are generally practiced, arrangements have to be made to ensure that (i) the donation is indeed voluntarily given, (ii) the donor is legitimate owner of such lands, and (iii) the donor is fully informed of the nature of the subproject and the implications of donating the property. Should the donor decide to donate the property on a conditional basis, the terms and conditions for the temporary use of the property must be clearly stated in the Conditional Deed of Donation document.

5. Compensation, Income Restoration and Relocation

36. DRD through the GMU shall work closely with townships and villages in the updating, implementation and monitoring of the REGDF. The GMU, the Grant Implementing Unit (GIU) in Hakha and sub-GIUs in 7 townships, with technical assistance from the social safeguards specialist, will coordinate with the duly authorized representative/s of the Township Planning and Implementation Committee (TPIC) in determining the appropriate compensation for APs in accordance with the policies and operating guidelines set out in this REGDF.

37. Table 5 sets out the schedule of entitlements for the range of losses – permanent and temporary – resulting from land acquisition or restriction on land use or access. APs will receive compensation at full replacement cost, and other resettlement assistance. Titled APs will receive compensation for land acquired by the project. Non-titled APs are not eligible for compensation of land, but will receive compensation for assets attached to land and other assistance as required. Households headed by women and other vulnerable households will receive further assistance.

Table 5: Entitlements Matrix

Type of Loss	Application	Eligible Person	Project Entitlement and/or Assistance
Permanent Impacts			
1.1 Land - Loss of agriculture land	Lands partially or fully affected	AP or AH with Land Use Certificate (LUC)/Form 7 (formal legal rights) or recognizable as having full title or APs without legal right or recognizable rights	<ul style="list-style-type: none"> • Compensation will be paid in cash at replacement cost or in kind. Replacement land will at least be of equivalent productivity at location acceptable to AP. • The rates determined by the land appraisal will only be valid for a year. In case of delays beyond a period of one year, the rates will be revised, as necessary. • Additional 15% on the assessed market value as required by law for compulsory nature of the acquisition. • In case of entire loss of land holding, AP will be entitled to transition allowance of K70,000/month for a period of three months. • Priority will be given to at least one member of the affected households in project-related employment. • Affected household will be entitled to receive livelihood restoration support.
		Tenant/lease holder/ sharecropper	<ul style="list-style-type: none"> • Cash compensation equivalent to market value of gross harvest of the affected land for one year or for the remaining period of tenancy/lease agreement, whichever is greater. • Affected household will be entitled to receive livelihood restoration support.
1.2 Land - Loss of residential/ commercial land	Land partially or fully affected	AP or AH with LUC/Form 7/ownership certificate (formal legal rights) or recognizable as a full title	<ul style="list-style-type: none"> • Compensation will be paid in cash at replacement cost, or in kind. Replacement land will at least be of similar or better attributes at location acceptable to AP. • The rates determined by the land appraisal will only be valid for a year. In case of delays beyond a period of one year, the rates will be revised, as necessary. • Additional 15% on the assessed market value as required by law for compulsory nature of the acquisition • In case of partial loss of land, if the remaining land is no longer viable for continued use¹³, compensation for entire land holding at replacement cost. • The rates determined through by land appraisal will only be valid for a year. In case of delays beyond a period of one year, the rates will be revised, as necessary. • Exemption from paying tax on compensation and administrative cost for the affected land. • The project will assist APs in getting the residual land registered. • Displaced AP will be entitled to transition allowance of K50,000/month for a period of three months. • Affected household will be entitled to receive livelihood restoration support.
		APs without legal right or recognizable rights	
		Tenants	<ul style="list-style-type: none"> • 3 months advance notice to leave

¹³ Normally if only 10% of a holding is affected, the remainder can still be economically viable. However, if 20% or more of a plot is affected, the loss makes the rest of the plot not viable.

Type of Loss	Application	Eligible Person	Project Entitlement and/or Assistance
			<p>residence/commercial land.</p> <ul style="list-style-type: none"> • For relocation, transport/shifting allowance of Kyat 28,000. • Affected household will be entitled to receive livelihood restoration support.
2. Loss of Structures	Affected structures including but not limited to, fence, gate and improvements made on the land. Partially or fully affected	Owner of the affected structure (with or without legal title	<ul style="list-style-type: none"> • Compensation for structure at replacement cost based on actual market price of materials and cost of labor for dismantling, transfer, and rebuild. No deduction for depreciation or the remaining values of salvageable materials. • Additional 15% on the assessed market value as required by law for compulsory nature of the acquisition • For structure relocation, households will be entitled to transport/shifting allowance of Kyat 28,000. APs assisted in getting necessary approvals for re-installation of any affected utilities like electricity, telephone, and/or water connections or compensation paid in cash based on prevailing cost of disconnection and re-installation. • If the impact on main the structure is more than 50%, the entire structure will be acquired at full replacement cost. If the impact on the main structure is less than 50% but will compromise the stability of the residual area of the main structure, i.e., structurally not stable, the project will acquire the entire structure at full replacement cost. • In case of partial loss of structures and if the remaining structure is viable for continued use,, compensation at replacement cost for affected structure and a lump sum repair allowance at 20% of the compensation. • In case the remaining structure is rendered unviable for continued use, compensation at replacement cost for the entire structure. • Physically displaced APs will be entitled to a transition allowance of K 70,000/month for a period of three months to cover for rental accommodation during the construction of house at new location.
3. Loss of trees and/or crops	Trees and crops on the plot that will be destroyed (as recorded in the joint IOL/SES questionnaire)	Owners of affected trees and crops	<ul style="list-style-type: none"> • Compensation for fruit bearing and fuel or wood trees will be equivalent to the three years harvest value based on the average value of annual harvest. • Compensation for the affected crops will be equivalent to the harvest value of two years and based on the rates established by the Agricultural department whichever is higher. • If more than 10% of the cropped area, makes the rest of the plot non-viable then the whole crop area will be compensated. • Cost of seedlings and the required inputs to replace the tree or crops where affected household states preference for receiving this • Affected households will be allowed to continue to harvest their trees/crops and will be given at least three months advance notice to enable them to harvest the trees/crops, before the

Type of Loss	Application	Eligible Person	Project Entitlement and/or Assistance
			project authorities take possession of the land for clearing and handing over for civil works.
4. Loss of business incomes	Businesses partially or fully affected	Owner with ¹⁴ or without title and employees of the affected businesses	<ul style="list-style-type: none"> For businesses and places of employment that will cease operation for more than three months or even permanently, compensation for loss of business income equivalent to the daily net income of each affected shop owner or paid employee (as reflected in tax receipts or pay slips) multiplied by 6 months. Assistance in locating a new site for business equivalent to or better than the previous location, in consultation with the AP. Affected persons will be entitled to receive livelihood restoration support through the agricultural support portion of the Project Transport/shifting allowance, lump sum amount of Kyat 28,000 per affected business
5. Loss of livelihood, employment, or income		Affected agriculture workers	<ul style="list-style-type: none"> One time allowance of three months minimum official wage (Kyat 3,600/day). Affected person will be entitled to receive livelihood restoration support.
6. Community facilities and public Infrastructures	Loss of electricity poles, water pipelines, social service infrastructure	Respective local government & communities	<ul style="list-style-type: none"> The Project will rehabilitate and construct affected utilities and public facilities in consultation with local government and communities.
7. Vulnerable households		Landless household, women headed household	<ul style="list-style-type: none"> Vulnerable household will be provided a lump sum allowance equivalent minimum wages for a period of three months (Kyat 630,000) over and above their entitlements for compensation and other assistance. Affected households will be entitled to receive livelihood restoration support.
8. Severely impacted		APs/AHs that lose 10% or more of total productive assets or sources of income; poor and vulnerable AHs, regardless of severity of impacts	<ul style="list-style-type: none"> Affected households will be entitled to receive livelihood restoration support.
8. Unforeseen impacts or losses		The APs, AHs, public or private institutions.	<ul style="list-style-type: none"> Compensation will be paid for any damages to properties, based on prevailing replacement costs and in accordance with the provisions in this matrix and framework.
Temporary impacts			
1. Temporary loss of land.	Land partially or fully affected	AP or AH with formal legal rights or recognizable rights under the law	<ul style="list-style-type: none"> Project contactor will pay lease or rent to the owner on the agreed period of using the land based on prevailing rental cost and agreement (written agreement) with the land owner. APs whose agricultural and is temporarily taken by

¹⁴ This could be an ownership contract or a business registration. Doing Business Myanmar (World Bank 2015) identifies 11 procedures for starting a business that have related paperwork: letter from ward chief, criminal history from police, name check at the name check at the Company Registration Office (CRO) at the Directorate of Investment and Company Administration (DICA), temporary business incorporation certificate, signature witnessing, temporary certificate of incorporation, permanent certificate of incorporation, stamp duty payment for the permanent incorporation certificate, company seal or rubber stamp, and registration for commercial tax.

Type of Loss	Application	Eligible Person	Project Entitlement and/or Assistance
			<p>the works under the Project will be will be paid a rental fee equivalent to net loss of income for the period of disruption, damaged assets, crops and trees, as the case may be.</p> <ul style="list-style-type: none"> • Restoration of the land to its original condition, or better, prior to its return to the land owner. • LIB contractor will inform the public at least 45 days before the start of civil works/excavation activities • The contractor will ensure that the excavation of trenches and other civil work activities are carried in a systematic manner and least inconvenience to general public and roadside property owners. Contractors will make arrangements to minimize traffic obstructions and facilitate smooth flow of traffic and continuing access • Compensation at replacement cost for any damages within land used for project. • The project will ensure that APs have uninterrupted access to their land and livelihood sources. In case of any unavoidable loss of access, APs will be provided compensation for their losses at replacement cost.
2. Disruption of business operation of shops and places of work	Business partially or fully affected	Owners with or without title and employees of permanent shops and places of work, including employees	<ul style="list-style-type: none"> • For businesses and employment that will be disrupted temporarily, financial assistance equivalent to the daily net income of each affected shop owner or paid employee multiplied by the duration in days or months (but not to exceed 3 months) of disruption of the business or employment as follows: • Paid employee: pay slip, or in the absence of pay slip, the legislated minimum wage of an office worker in the township multiplied by the number of days the workplace will be closed but not to exceed 3 months. • Temporarily affected shops: daily net income as reflected in tax receipt multiplied by the number of days. In the absence of tax receipts, compensation for income loss of affected shops will be calculated using the prevailing legislated minimum daily wage of an office worker in the township.
		APs doing their business in the RoWs	<ul style="list-style-type: none"> • In consultation with the APs, the PMU will assist in providing temporary relocation site for RoW vendors and mobile shops. • Compensation will be paid based on lost days' income, for a maximum of 15 days.

38. Given the emergency context of the project, and the extent of displacement already experienced in the disaster zones, assistance and rehabilitation measures to be provided to persons either displaced by the project or who experience restricted access to land due to the project will be incorporated into the entitlement matrix as needed during project implementation to ensure compliance with the requirements of the ADB SPS. It is emphasized that the entitlements matrix may be updated during project implementation stage to reflect relevant changes but the standards set in the original entitlements matrix cannot be lowered. In addition, defining and categorizing vulnerability and associated assistance to be provided will be reviewed and incorporated in the entitlements matrix prior to subproject implementation.

6. Assistance to vulnerable sectors

39. Poor APs, i.e., female-headed households, elderly or with disability and with no other support from kin as well as poor EG APs are entitled to participate in income restoration programs that will be designed during the pre-implementation stage, and in coordination with the appropriate DRD township offices. During project inception, the definition of vulnerability will be further clarified to ensure that vulnerable people will get the assistance accordingly.

40. As soon as the Project is approved and become effective, meaningful consultation and social assessment will be further conducted in the areas where EGs are present to ensure that the subproject activities will be in line to the social economic and aspiration of ethnic communities in the subproject areas and in line with agreed REGDF.

C. Ethnic Groups

1. Comparison of Myanmar's Legal Framework and ADB's SPS Policy

41. Myanmar's laws do not have specific regulations to guide the planning and delivery of projects which impact on Indigenous Peoples. In some countries, such groups of people are often referred to, and prefer to be called, as ethnic groups (EGs) or ethnic peoples. Without clear regulations/laws, this has resulted in some projects being delivered without necessarily being consistent with the views, wishes and interests of ethnic peoples that have been affected by the projects. Ethnic peoples (both women and men) should have a voice in planning and involve in decisions that have an impact on their community's development and rights. Recognition of, and respect for, land and natural resources are fundamental to many ethnic belief systems.

42. As gap filling measures to meet SR3 of the SPS, inputs from affected EGs will be essential for the determination of project impacts, and meaningful consultation with affected EGs will underpin Project interactions with communities. The REGDF addresses the informed participation of EGs in the subprojects so that they will be in a position to receive culturally compatible social and economic benefits and not be adversely affected by subproject implementation. EGs will be engaged during project implementation so they can provide input to the subproject planning activities and inform decision-making. They will actively participate and lead in detailed design and priority setting for repairs and rehabilitation activities. Measures for EGs to provide feedback on project implementation, including benefits and risks to themselves, will be identified. Table 6 summarizes the ADB requirements and gap filling measures related to affected ethnic groups.

Table 6: Gap Analysis and Gap-Filling Measures for IP^{1/}

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
1. Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.	The National Land Use Policy (Jan. 2016) provides that customary land use tenure systems shall be recognized in the National Land Law in order to ensure awareness, compliance and application of traditional land use practices of ethnic nationalities, formal recognition of customary land use rights, protection of these rights and application of readily available impartial dispute resolution	This Project was screened during preparation as Category B for indigenous peoples, meaning it could include ethnic group impacts not deemed significant. This REGF guides how Project impacts on ethnic groups should be managed. Each subproject will be screened to determine the presence of ethnic groups and sub-project impacts that trigger ADB's IP safeguard.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
<p>2. Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.</p>	<p>mechanisms.</p> <p>Myanmar's draft EIA Procedures (June 2015 draft) sets out definitions of environmental impacts which include social impacts. These procedures have not yet been approved by the legal system.</p>	<p>The design of each subproject with potential significant EG impacts will incorporate the results of a social assessment and measures to ensure they receive project benefits.</p>
<p>3. Meaningful consultation with affected IPs and concerned IP organizations to solicit participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.</p>	<p>Article 5 of 2015 Protection of the Rights of National Races Law states that people should receive complete and precise information about extractive industry projects and other business activities in their areas before project implementation so that negotiations between the groups and the Government/companies can take place.</p>	<p>Meaningful consultation is a process underpinning this REGF. Methods and documentation requirements to ensure continuing meaningful participation with affected IPs during implementation are presented in this chapter. The project grievance redress mechanism is culturally appropriate and gender inclusive</p>
<p>4. Ascertain consent¹⁵ of affected indigenous communities in projects involving (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples.</p>	<p>None</p>	<p>Not applicable</p>
<p>5. Avoid, to the maximum extent</p>	<p>None</p>	<p>Restricted access and physical</p>

¹⁵ For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.		displacement from protected areas and natural resources will be avoided to the maximum extent possible. Where unavoidable, affected IP communities will actively participate in the design, implementation and monitoring and evaluation of management arrangements. Benefits from the sub-project will be equitably shared.
6. Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.	The purpose of the 2015 Protection of the Rights of National Races Law is to aim for the socio-economic development of less-developed national races including education, health, economics and transportation.	For subprojects that trigger the IP safeguard, an ethnic groups plan will be developed as described in this REGDF.
7. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.	None	Both draft and final EG Plans will be disclosed in the communities and on the DRD and ADB websites. Mechanisms for disclosure are described further in this chapter.
Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	None	Not applicable.
Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory	None	Implementation of ethnic group plans will be covered by regular internal and external monitoring activities, as

ADB Project Principles	Relevant Laws of Myanmar	Gap-Filling Measures
monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports		described further in this chapter. Monitoring reports will be disclosed.

¹⁷ Adapted from and updated the comparison and gap analysis in the REGF for ADB Myanmar Irrigated Agriculture Inclusive Development Project (Dec. 2015)

2. ADB Indigenous Peoples Policy Principles

43. The objective of ADB's Indigenous Peoples Safeguards Policy is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them (ADB SPS, 2009). Towards this end, ADB Indigenous Peoples policy includes the following principles:

- (i) Screen early on to determine (a) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (b) whether project impacts on Indigenous Peoples are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.
- (iii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (a) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (b) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.
- (iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (a) commercial development of the cultural resources and knowledge of Indigenous Peoples; (b) physical displacement from traditional or customary lands; and (c) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad

- community support may exist even if some individuals or groups object to the project activities.
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
 - (vi) Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
 - (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.
 - (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (a) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (b) involuntary acquisition of such lands.
 - (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

44. The IP safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, and culture of an IP or EG, or affects the territories for natural or cultural resources that IPs/EGs own, use, occupy, or claim as an ancestral domain or asset. This project and its subprojects will potentially, both directly and indirectly, affect positively the livelihoods of the EGs in Chin State. An Ethnic Group's Plan (EGP) will therefore need to be prepared during subproject planning and preparation following guidance from this REGDF.

3. Project Policy on Ethnic Groups

a. Beneficiaries and Mitigation Measures

45. Chin State is the home of the Chin ethnic group, officially recognized as one of the national races in Myanmar. The Chin ethnic group branches into several Chin ethnic subgroups (e.g., Hakha-Chin, Falam-Chin, Tedim-Chin, etc.) with their own dialects. The project will provide direct and indirect positive benefits to an estimated 138,400 people living in 152 affected village tracts in the 7 townships where proposed repairs and restoration will be carried

out. Chin people will derive benefits from income-earning opportunities for male and female Chins of working age in the affected villages and village tracts. The project will employ various measures to ensure that EGs, including Chin ethnic sub-groups, participate in and receive benefits from the project. The technical designs will be prepared to avoid or minimize any social impacts on ethnic groups. Project activities will be implemented with engagement of communities in affected villages/village tracts. NGOs and other local organizations may be engaged to work with communities to verify and confirm subprojects that will be funded by the project, to develop and implement simple procedures for community mobilization and employment on works contracts, and to provide community training. Table 6 lists the potential impacts (positive and negative) of the project on EGs.

Table 6: Potential Impacts of the Project on EGs

Project Outputs	Anticipated Positive Effects	Anticipated Negative Effects
Output 1: Village-village and village-town rural access roads and associated bridges repaired or restored	Men and women of working age from disaster-affected communities and surrounding villages will earn cash incomes from being employed on roads/bridges repair works	<p>If modalities for consultation and participation during project preparation and subsequent implementation are not EG-sensitive, the following may occur:</p> <ul style="list-style-type: none"> - Subprojects may not meet or match the post-disaster needs of the affected EG communities - Lack or low participation of the community, particularly women. <p>Consultation with and participation of EGs will be done at initiation of subproject preparation using a gender-and culturally-sensitive approach. Informal and formal leaders of EGs will be engaged to help facilitate the discussions.</p> <p>On contracted works, members of disaster-affected villages may lose out on employment opportunities to non-local laborers recruited or brought in by contractors. To mitigate this, contracts will require employment of local labor from disaster-affected communities particularly for unskilled jobs.</p> <p>Once the assets have been repaired or restored, EGs' general interest in other Project activities may wane. Village leaders (formal and informal) will be engaged to assist with provision of community training. Participation of women will be encouraged.</p>
	Disaster-affected communities will regain access to goods and services	
	Disaster-affected communities will regain access to markets to sell their surplus produce	
	Disaster-affected villages and households will be able to restore their previous livelihood activities or restart new livelihood sources in the villages they are relocated to	
Output 2: Community infrastructure and livelihood assets repaired or restored	Men and women of working age from disaster-affected communities and surrounding villages will earn cash incomes through employment in repair works	
	Disaster-affected villages and households will be able to restore their previous livelihood activities or restart new livelihood sources in the villages they are relocated to	
Output 3: Asset resilience and disaster preparedness increased	Men and women in Chin communities will be trained on community-based disaster risk management	
	Chin communities will be trained to operate and maintain community infrastructure and livelihood assets properly	

b. Project Policy on EGs

46. The REGDF will guide project implementers in ensuring that EGs are informed, consulted and mobilized during the subproject identification, prioritization, and implementation in accordance with the ADB Safeguards Policy Statement 2009.

47. The Project will ensure (i) informed participation of EGs in the subprojects so that they will be in a position to receive culturally compatible social and economic benefits, and (ii) that EGs will not be adversely affected by subproject implementation. It will (i) ensure that EGs in target municipalities will be able to provide input to local planning activities, (ii) facilitate the participation of EGs the choice of community projects through informed decision-making, (iii) ensure that EGs actively participate and lead in the design, development, and implementation of community projects, and (iv) provide feedback on project implementation, benefits and risks to EG groups.

48. The objective of ADB's IP principles is to design and implement projects in a way that fosters full respect for EGs' (IP) identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by IPs themselves to protect them from the adverse impact of development; to ensure that they receive culturally appropriate social and economic benefits from development projects and programs; and that they can participate actively in projects that affect them. Every subproject will be screened to determine impacts. ADB's SPS requires the preparation of an EG Plan including assessment of social impacts¹⁶ with limited or significant impacts. The level of detail and comprehensiveness of the EGP will be commensurate with the degree of impacts. To determine if impacts are "significant", the following will be assessed:

- (i) the magnitude of impact on ethnic minorities' customary rights of use and access to land and natural resources; socioeconomic status; cultural and communal integrity; health, education, livelihood and social security status; or indigenous knowledge; and
- (ii) the level of vulnerability of the affected ethnic minorities. Among others, the EGP will ensure that EGs adversely affected by sub projects are as well off with the project as without it. This plan will also aim to identify measures towards satisfying the needs and developmental aspirations of ethnic people.

49. ADB IP principles under the SPS underscore the following: (i) avoidance of adverse impacts of projects on environment and affected people, where possible, (ii) minimization, mitigation, and/or compensation for adverse impacts on environment and affected people, when avoidance is not possible, and (iii) assistance in strengthening country safeguard systems and development of capacity to manage environmental and social risks.

50. If an ADB project will affect EGs positively and/or negatively, a set of general policy requirements will be observed to maintain, sustain, and preserve the EGs' cultural identities, practices, and habitats (SPS 2009, SR-3). These are:

- (i) **Consultation and Participation.** The borrower/client will undertake meaningful and effective consultation with affected IPs/EGs to ensure their informed participation;
- (ii) **Social Impact Assessment.** When screening confirms likely impacts on EGs, the borrower/client will retain qualified and experienced experts to carry out social impact assessments (SIA);
- (iii) **Indigenous Peoples Planning.** If the screening and SIA indicate that the proposed project will have impacts, positive and/or negative on EGs, the borrower/client will prepare an EGP in the context of the SIA and through meaningful consultation with the affected EG communities;
- (iv) **Information Disclosure.** The borrower/client will submit to ADB the following documents to disclose on ADB's website: (a) a draft REGDF endorsed by the borrower/client, before appraisal; (b) a final EGP upon completion; (c) a new or updated EGP and a corrective action plan prepared during implementation, if any; and (d) monitoring reports;
- (v) **Grievance Redress Mechanism.** The borrower/client will establish a mechanism to receive and facilitate resolution of the affected EG communities' concerns, complaints, and grievances;

¹⁶ A guide on how to do social impact assessments is in Appendix 4.

- (vi) **Monitoring and Reporting.** The borrower/client will monitor and measure the progress of implementation of the EGP; and
- (vii) **Unanticipated Impacts.** If unanticipated impacts on EGs become apparent during project implementation, such as a change in the project's footprint, the borrower/client will carry out an SIA and update the EGP or formulate a new EGP covering all applicable requirements specified in this document.

51. The SPS 2009 provides an additional set of special requirements should a project (i) be within ancestral domains, lands and related natural resources, (ii) involve commercial development of cultural resources and knowledge of EGs, (iii) be one that causes physical displacement from traditional or customary lands, and (iv) involve commercial development of natural resources within customary lands, which would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of EGs.

IV. PARTICIPATION OF WOMEN AND VULNERABLE SECTORS

52. Generally there is equality in decision-making and division of labor in livelihood activities between males and females in EG communities in Chin State. But in traditional and predominantly EG communities, the last word is that of the tribal leader, more often than not, a function attributed to males. Local leadership is still highly male-dominated, but this does not prevent women from taking the necessary initiative to organize and perform localized decision-making.

53. The Gender Action Plan (GAP) ensures the participation of women in key project activities through quantitative targets for women's participation in the civil works interventions. In case of under-representation or where needed, separate meetings with marginalized households, including women, shall be organized to discuss subproject proposals. Beyond the GAP, participation of women and the vulnerable/marginalized sectors will be upheld across the project stages.

V. CONSULTATION, PARTICIPATION AND DISCLOSURE

54. DRD through the GMU and GIUs will ensure meaningful consultation with EGs and facilitate their informed participation on matters affecting them directly, such as proposed mitigation measures, sharing of project benefits and opportunities, and implementation arrangements. In the conduct of consultations, it will also take into consideration the cultural distinctiveness and differential needs and preferences of the various ethnic peoples to be potentially affected by the project. The consultations will cover the following topics: (i) an orientation on the project, including implementation arrangements, (ii) notices of meetings or consultation, (iii) results, minutes or agreements made during meetings and consultations, (iv) subproject designs, (v) schedules of implementation, (vi) probable benefits and adverse impacts and mitigating measures to be taken; (vi) compensation packages and the subsequent schedule of disclosure meetings on valuation, (vii) payment and (vii) grievance process.

55. To ensure full disclosure with EGs, all communication concerning the Project will take place in a culturally sensitive manner—in the dialects of the Chin ethnic sub-groups as well as in Myanmar. Public meetings will be arranged in villages, using participatory methodology and appropriate Chin dialects. Information will be posted in a central public location such as the village head's house. Information will be mostly visual/illustrative to guarantee accessibility of the information for ethnic minority people with poor literacy skills.

56. Community villagers' opinions will be recorded in an appropriate way through minutes of meetings. Notes will also be taken from all meetings between the project's implementing agents and EG leaders or village representatives who will be chosen by participants at village meetings. All the concerns from involved people will be recorded, brought into the subproject planning process and will be used during implementation to adjust project activities. Any concerns, claims or grievances brought up in meetings or other consultations will be recorded in the same way. The draft REGDF will be disclosed by DRD at township level in a public meeting including all relevant stakeholders. The final REGDF will also be disclosed at a public meeting by Township DRD. Women representing affected households must be present at the disclosure meetings. Copies of the REGDF translated in Myanmar will be available at the village and with the township's TPIC or General Administrative Department (GAD).

57. Disclosure modalities will be in accordance with prevailing customs and traditions and written in English, Myanmar and in the Chin language and authorized by community elders/leaders. They will be delivered and posted in conspicuous places or if lengthy, copies provided to community elders/leaders and EG organizations. Popular forms of printed materials include fact sheets, flyers, newsletters, brochures, issues papers, reports, surveys etc. Popularized materials aim to provide easily read information. These materials may be in the local language enhanced with drawings, to inform a wide range of EGs about the subproject planning and assessment processes and activities.

58. The subprojects will comprise priority roads, associated bridges and community infrastructure that have been scoped for damages and need for repair and rehabilitation. They will be selected in consultation between DRD at the Union, state, district and township level, State and township officials and community leaders and ADB, in accordance with agreed project selection criteria and approval procedures yet to be prepared be identified. and proposed by the villagers and reviewed and approved by at township level. The project design has specific requirements, including for representation of gender, ethnic and religious minorities, as applicable, and other vulnerable groups in the villages. Furthermore, as part of the technical design and safeguards planning, NGOs will undertake a process of consultation with households potentially affected by a subproject before it is approved for project support. These consultations will be done in a culturally gender appropriate manner, documented and included in the subproject documentation, which will be disclosed locally. Training to ensure these measures are properly understood and effectively implemented will be provided by the national social safeguards specialist and GMU counterpart to DRD townships and NGO staff.

59. ADB policies require that the REGDF be disclosed as a separate and stand-alone document by DRD in Myanmar language and on ADB's website. Furthermore, subproject documentation relating to the design and implementation of the safeguards instruments will be disclosed in the local language(s) in the affected communities.

60. The following are required to be disclosed: (i) draft REGDF, as endorsed by Union DRD before management review meeting, (ii) updated REGDF endorsed by Union DRD and concurred by ADB prior to implementation; (iii) EGPs and RPs endorsed by Union DRD and concurred by ADB prior to implementation, (iv) new or updated EGPs and RPs and (v) monitoring reports. These documents will be generated and produced in a timely manner, and posted in both ADB and DRD websites, and at any locally accessible place in a form and language understandable to the affected EGs and other stakeholders.

61. The ADB SPS requirements as well as the ADB Public Communication Policy will serve as guide. The documents listed above will be uploaded in the Project's management information system as well as on the ADB website.

VI. GRIEVANCE REDRESS MECHANISM

62. A grievance redress mechanism is an integral part of the project's monitoring and information system. It aims to ensure that feedback is received, that the voices from the poor and marginalized groups are heard, and that the issues raised are resolved effectively and expeditiously.

63. A practical grievance redress mechanism (GRM) will be established as part of the project's implementation framework. The GRM will operate at township (in the GIUs) and at Union levels (in the GMU) to handle any grievance arising from the Project.

64. Project stakeholders who are likely to be directly or indirectly affected, positively or negatively, by the project may invoke the following rights: (i) right to information, (ii) right against inappropriate intervention by an outside party, and (iii) right to a project free of fraud and corruption.

65. The GRM will be set up to cover five main steps: (i) intake, (ii) sorting, (iii) verification, (iv) action, and (v) follow-up. At the point of intake, grievances may be filed by anyone through verbal communication (e.g., to the village leaders, etc.), suggestion boxes placed strategically in the village tract and townships, and letters or e-mails. Every grievance received, whether verbally or in written form, will be recorded by the GIU or GMU. Sorting will necessitate a system of categorizing each grievance received to facilitate the process of addressing them. Categories may include general inquiries, grievances regarding violations of policies, guidelines and procedures, grievances regarding contract violations/breach of contract, grievances regarding misuse of project funds, grievances regarding abuse of power/intervention, and others. Sorting will enable the GIU or GMU to prioritize grievances of a more serious nature to be dealt with. Verification will involve gathering facts and clarifying information to get a clear picture of the circumstances surrounding a grievance. Actions may then be taken to address or resolve grievances received which will be documented and recorded in the Project database for monitoring and reporting purposes. Union DRD and ADB may review grievance monitoring data as part of regular review missions.

66. Ethnic groups have their own different ways and mechanisms for dealing with grievances and these will be taken into consideration in settling disputes. Local EG organizations in the project townships will be approached to assist in resolving any disputes. In addition, existing Village Mediation Committees at the local level of the Myanmar judicial system (which are used for grievances against local government agencies, civil actions and minor criminal matters) will be utilized to address grievances. Where matters cannot be resolved at the village level there is an appeals process at the township level.

67. The GMU project management consultants will help to develop and implement the project's GRM, train DRD staff and community members involved in implementation, and continuously sensitize the public in the participating townships. Details regarding the grievance redress mechanisms will be included in the Project Administration Manual (PAM).

VII. IMPLEMENTATION ARRANGEMENTS

A. Implementing Agency

68. DRD will be the implementing agency (IA) for the Project. DRD will be responsible for

supervising and coordinating the preparation and implementation of RPs and EGPs as may be required based on the REGDF. DRD will coordinate with its Stat Office in Hakha and, as appropriate, through its township offices. NGOs or local organizations that will be engaged to support community engagement in the project townships, will also be involved in supporting the preparation and implementation of RPs and EGPs as may be required. A qualified and experienced Social Safeguards Specialist (one national, 12 person-months) will be included in the team of consultants supporting project implementation and will assist in the preparation of SIAs and EGPs/RPs for subprojects as may be required. They will work with NGOs and relevant township offices to implement training and capacity building and other requirements of the REGDF.

Table 7: REGDF Implementation Roles and Responsibilities

Activity	Responsible
Screen and assess	GIU (Hakha) and 7 sub-GIUs, Social Safeguards Specialist
Prepare RPs for subprojects, if required, to meet the project's requirements according to the safeguard policies of ADB and the government	GIU (Hakha) and 7 sub-GIUs, Social Safeguards Specialist
Undertake adequate consultations with and dissemination of relevant information to AHs and beneficiaries, including public disclosure of draft and final safeguard plans, in accordance with the REGDF	LIB Contractor, GIU (Hakha) and 7 sub-GIUs
Ensure that design engineers take into account safeguard issues and try to avoid or minimize social impacts through appropriate design	LIB Contractor, Project Technical Advisors
Briefing of technical design team in this regard	GIU (Hakha), Project Technical Advisors
Address any project-related grievances of AHs and facilitate in resolving disputes on land ownership	GIU (Hakha) and 7 sub-GIUs, Social Safeguards Specialist
Undertake public consultation to inform AHs of the subproject scope and schedule of the sub-project activities, including land acquisition and compensation activities	LIB Contractor, GIU (Hakha) and 7 sub-GIUs
Briefing of the contractors to raise their awareness on safeguard requirements	LIB Contractor, Social Safeguards Specialist
Ensure that land acquisition and compensation activities are completed prior to start of the construction activities	LIB Contractor
Undertake regular monitoring and reporting on implementation progress of safeguard plans	GMU, GIU (Hakha) and 7 sub-GIUs, Social Safeguards Specialist
Implement relevant community development and income generation activities to restore and improve the living standards of AHs	GIU and sub-GIUs, beneficiary communities

B. Monitoring and Reporting Arrangements

69. Subprojects screened for IR and EG impacts will require the preparation of RPs and EGDPs, respectively. The subproject RPs and EGDPs will include a monitoring framework based on the scope of assistance built into the RP or EGDP to manage IR and EG impacts. Table 8 presents a set of generic monitoring indicators that reflect the policies and guidelines in this REGDF. The national safeguards specialist and counterpart at the GMU will assist the GIU in Hakha and sub-GIUs in the 7 townships in monitoring the progress of all aspects of RP and EGDP implementation, if any. Emphasis will be placed on monitoring the delivery of resettlement entitlements to DPs, if any. The GIU and sub-GIUs will involve the existing

township rescue committees (e.g., Hakha Rescue Committee) and community leaders to assist with the monitoring. The monitoring will also cover DPs' satisfaction with consultation, timeliness of compensation payment, and restoration of livelihoods (ability of DPs to restore livelihoods to at least pre-project levels).

70. The GMU through the GIUs will submit progress reports on RPs and EGDs to ADB on a semi-annual basis, and the findings will be incorporated into the quarterly progress reporting of the GMU. ADB review missions will specifically check the progress of any resettlement/land acquisition and EG development measures undertaken.

Table 8: Generic Indicators for Monitoring

Aspect	Indicators
RP implementation	<ul style="list-style-type: none"> • General and overall compliance of resettlement activities with the RP, including payment of compensation: (i) full payment to be made to all affected persons before commencement of works; (ii) adequacy of payment to replace affected assets; and • The level of satisfaction of DPs with various aspects of the RP process.
Consultation, participation, disclosure and grievance redress	<ul style="list-style-type: none"> • Public information dissemination and consultation procedures conform to the process established in the RP; • The participatory process and various mechanisms as well as measures taken, both in terms of the quality and meaningfulness of this process, and the extent that primary stakeholders actively participate in the process; • The disclosure of the RPs, whether DPs know their entitlements and whether they have received all of their entitlements; and • Monitor the effectiveness of the grievance mechanism, types of grievances, if and how resolved, and satisfaction of DPs with the process.
Gender and EG issues	<ul style="list-style-type: none"> • The institutional and staffing mechanisms; • Collection and disaggregation of gender and ethnicity sensitive data; • Women's representation and participation in the detailed planning and implementation process; • Gender and EG inclusiveness, e.g., in technical training; • Delivery of replacement leases or land titles in the names of both husband and wife; • Whether compensation has been delivered to both husband and wife, together; and • The effectiveness of livelihoods programs for restoring and developing women's and EG's income and living standards.
Vulnerable groups issues	<ul style="list-style-type: none"> • Assessment of the appropriateness and effectiveness of various entitlements, programs and activities and methods of delivery for various vulnerable households and groups, and the need for adjustment or additional measures.
Transparency	<ul style="list-style-type: none"> • How information is distributed and to whom, in order to make sure that all DPs have the proper information and access to knowledge; Functioning of decision-making bodies and how this information is properly recorded and made available.

C. Budget and Financing

71. The project cost estimates include consulting resources (a national social safeguards consultant for 12 person-months) that will support the updating and implementation of REGDF. The Government of Myanmar through DRD have made an undertaking to provide the necessary staff and operating budget for the implementation of the REGDF, including the costs for implementing RPs or EGPs if required. The combined resources from the JFPR grant and DRD will support the following activities during project implementation: (i) conduct of social assessments, consultations and information disclosure, (iii) monitoring, and (iv) capacity building at State, township and village levels. Budget estimates for each subproject RP or EGP, if required, will be prepared. Procedures for funds disbursement will be governed by Government of Myanmar rules and procedures.

APPENDIX 1. OUTLINE OF AN ETHNIC GROUPS PLAN (EGP) FOR A SUBPROJECT

- I. Subproject Description
- II. Brief Social Impact Assessment
- III. Disclosure, Consultation and Participation
- IV. Beneficial and Mitigative Measures
- V. Capacity Building
- VI. Grievance Redress Mechanism
- VII. Monitoring, Reporting and Evaluation
- VIII. Institutional Arrangements
- IX. Budget and Financing

APPENDIX 2. OUTLINE OF A RESETTLEMENT PLAN (RP) FOR A SUBPROJECT

- I. Subproject Description
- II. Scope of Land Acquisition
- III. Socioeconomic Information and Profile
- IV. Disclosure, Consultation and Participation
- V. Grievance Redress Mechanism
- VI. Entitlement, Assistance and Benefits
- VII. Income Restoration and Rehabilitation
- VIII. Budget and Financing
- IX. Institutional Arrangements
- X. Implementation Schedule
- XI. Monitoring and Reporting

**APPENDIX 3. VOLUNTARY CONTRIBUTION FORM
FOR STRIPS OF RESIDENTIAL LAND or DEED OF DONATION (Sample)**

Date: _____

I am fully aware that I/We will be affected by the _____ project and that the Project staff and local authorities have informed me/us of my/our right to receive compensation at replacement cost for all my/our affected assets, i.e., land, house, structures, trees and crops. The total compensation payment that I/we will be receiving is _____ .

However, I/We voluntary donate a strip of my/our residential land (_____ sq.m) because the impacts on my/our land will be minor. Furthermore, I/we confirm that:

- My/Our residential land is not less than 300 sq.m. (Total residential land is _____sq.m);
- My total residential land is _____ sq.m, and the strip of land that to be donated is not more than 5% of my/our total residential land;
- there are no houses, structures or fixed assets on the land to be donated; and
- the equivalent amount in cash of the land that will be donated is _____ .

I hereby certify that the information stated herein

- Was read and explained to me carefully by the project staff and local authorities
- I/We read it myself/ourselves.

Name and Signature (or thumbmark) : _____

Village : _____

Date : _____

If land being donated is conjugal property, spouse to sign below:

Name and signature/ thumbmark of spouse : _____

Witnessed By:

Signature over printed name

Position/Organization

Name & Signature of Village Chief: _____ Date: _____

Name & Signature of Project Staff: _____ Date: _____

APPENDIX 4. SOCIAL IMPACT ASSESSMENT AND INVENTORY OF LOSS

1. To avoid negative social impacts of proposed subprojects, Resettlement Plan (RP) preparation is deemed necessary and will be part of the subproject preparation. The RP outline is attached as Appendix 2.
2. The guiding principles contained in this document will be adopted. The RP should reflect the inventory of affected persons and properties, number of persons eligible for each entitlement or form of assistance as stated in the RF, cost estimates and arrangements for consultation and participation.
3. If indigenous peoples or ethnic groups are among the subproject beneficiaries, the RP should include details and documentation on EG consultation which should include:
 - (i) Extensive consultation with and informed participation of EGs to ensure that development is culturally appropriate;
 - (ii) In cases of provision for individual titling, areas with EGs should get information, education communication (IEC) sessions so that they are aware of what they are getting into and some of its potential dangers; and
 - (iii) Capacity building activities.
4. Payment of compensation and provision of other entitlements (in cash or in-kind) will be satisfactorily completed for each subproject prior to the commencement of civil works by the community. The same time requirement would apply if APs voluntarily contribute any part of their land and/or assets for the subproject. That is, all deeds of donations and other relevant legal instruments for each subproject will be satisfactorily completed prior to the conduct of technical review and subsequent request for fund release.
5. Construction will not be allowed to commence until compensation has been paid and resettlement, when necessary, is completed in accordance with the approved RP and to the satisfaction of the APs. The formulation of the compensation package and subsequent payments made will be properly documented.

A. Affected Persons and Eligibility

6. Types of displaced persons within project area are as follows:
 - (i) Persons with formal legal rights to land they may lose in its entirety or in part;
 - (ii) Persons who may lose the land they occupy or utilize in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands such as customary claims, that are recognized or recognizable under national laws; and
 - (iii) Persons who may lose the land they occupy or utilize in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land.
7. A cut-off date for eligibility to entitlements is established by the project. The cut-off date sets the time limits to determine eligibility of persons living and/or with assets or interests inside the project areas during the period to be counted as AP. Should they be adversely affected, they will be entitled to compensation for their affected assets, including rehabilitation measures as needed, sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. A general information drive about the project/subproject, cut-off dates and entitlements is held following subproject approval by the

Government and ADB. Those who encroach into the project area, or any of its subprojects, after the cut-off date will not be entitled to compensation or any other assistance.

8. The REGDF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels and therefore, at greater risk of impoverishment when their land and other assets are affected. The extent of impact on EGs and other disadvantaged groups, such as landless, poor, households headed by women, elderly, and disabled, who will receive special rehabilitation assistance will be determined during preparation of subproject designs and if needed, an RP. The Project's strategies on vulnerable groups may include:

- (i) Surveys of socioeconomic conditions of APs will identify the conditions, needs and preferences of poor households, women who head households (and other female APs) and ethnic minority APs; monitoring of resettlement activities will assess separately the impacts on vulnerable APs.
- (ii) Ensure that the process of land acquisition and resettlement, if required, does not disadvantage EGs, women, households headed by women or elderly or disabled, and poor households, particularly the landless.
- (iii) Preparation of information, IEC materials will take into consideration the language and literacy skills of participants, as well as other gender and cultural sensitivities that would affect their participation.
- (iv) The Project will give priority to vulnerable APs for employment in construction, operation and maintenance of physical infrastructure and other Project activities, where appropriate.

B. Socio-economic Survey

9. A socio-economic survey (SES) will be conducted to establish a baseline of demographic and socioeconomic conditions of people affected by the subproject. The sampling for the SES includes 20% of APs that will be severely affected due to loss of 10% or more of their productive land and/or other productive assets; and, at least 10% of all other APs.

10. The SES data will include information on the demographic characteristics of all AP household members, ownership of land and other assets, household living conditions and sources and levels of household income. Data will be disaggregated and analyzed by gender, ethnic group and income group. It also includes the socioeconomic conditions of specific AP groups. Results of the SES will be entered into the project database and Project management will ensure that this information is accessible for external monitoring.

C. Impacts Survey: Detailed Measurement Survey

11. An inventory of loss (IOL) survey or detailed measurement survey (DMS) will be conducted following the detailed design of a subproject and if needed, a demarcation of land acquisition. APs will be notified at least a month before the conduct of the IOL/DMS and requested to participate in the survey. The IOL/DMS will survey 100% of APs and collect data on (i) total landholdings and tenure; (ii) land, structures and other assets entirely or partially affected by land acquisition for the subproject; and, (iii) basic household information. Other relevant information will include (i) technical drawing of structures; (ii) exact measurements of land and other fixed assets; (iii) detailed descriptions and specifications of building materials; and, (iv) photographs of each structure. The DMS will be carried out in the presence of heads or members of households and completed DMS forms will be duly endorsed by household head or members. Endorsement of DMS forms at the time of DMS survey will preclude any complaints

by APs on the inaccuracy of inventory details at a later stage. The survey method will be updated and fine-tuned at implementation.

12. The information to be obtained in the IOL will include the following for each affected household:

- (i) Number of persons and names;
- (ii) Amount and area of all the residential plots lost;
- (iii) Amount, category/type and area of agricultural land lost;
- (iv) Quantity and types of crops and trees lost;
- (v) Quantity and category of any fixed assets lost; and
- (vi) Temporary damage to productive assets.

13. The entitlements of assets and land affected will be calculated based on the above information and per negotiation approval and acceptance of the community.

14. The data derived from this survey will constitute the basis for valuation of losses at replacement cost, calculating compensation amounts and determining compensation packages. The data will then be encoded and stored into the Project database maintained by Project management and accessible for external monitoring.

D. Replacement Cost Study

15. An independent property appraiser will be commissioned to conduct a replacement cost study (RCS) in each subproject to establish the unit costs to be used in compensating for affected assets. The unit costs should be at replacement level and based on empirical data. The study will be part of project cost.

16. **Compensation at replacement cost.** If affected people are unwilling to donate assets without compensation, or if impacts that go beyond the threshold for voluntary donations occur, village tract forums, with the support of the community facilitator, will develop an resettlement plan in the event that more than 200 people are affected by a subproject, i.e., displaced either economically or physically.

17. **Detailed processes and procedures for the preparation of a resettlement plan,** including consultation and disclosure requirements and table of contents of these RPs is included in the annex. Furthermore, the processes and procedures for voluntary land donation and involuntary land acquisition including grievance redress will be summarized in a pamphlet in all applicable local languages and distributed in all participating villages.