

Social Monitoring Report

Semi-Annual Report (January-June 2016)
September 2016

MYA: Maubin–Phyapon Road Rehabilitation Project

Prepared by SMEC International Pty. Ltd. in Joint Venture with Oriental Consultants Global Co. Ltd. and Pyunghwa Engineering Consultants Ltd. For the Department of Highways, Ministry of Construction, and the Asian Development Bank.

CURRENCY EQUIVALENTS
(as of 15 June 2016)

Currency unit – kyat
K1.00 = \$0.001
\$1.00 = K1,200

ABBREVIATIONS

ADB	Asian Development Bank
AH/P	affected household/person
COI	corridor of impact
CSC	construction supervision consultant
DMS	detailed measurement survey
DOH	Department of Highways
DP	displaced person
ft	feet
GAO	General Administration Office
GRM	grievance redress mechanism
IOL	inventory of losses
km	kilometer
LUC	land use certificate
m	meter
MMK	Myanmar Kyat (the official currency unit of Myanmar)
MOECF	Ministry of Environmental Conservation and Forestry
MOC	Ministry of Construction
PMU	project management office
NGO	nongovernmental organization
RCC	resettlement coordinating committee
RCS	replacement cost survey
ROW	right-of-way
RP	resettlement plan
SAH	severely affected household
SES	socioeconomic survey
SPS	safeguard policy statement
TA	technical assistance
VECC	village environmental compliance committee

NOTE

The fiscal year of the Government of the Republic of the Union of Myanmar and its agencies ends on March 31.

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

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Table of Contents

1	THE PROJECT	5
1.1	Background	5
1.2	Institutional Arrangement	5
1.3	Resettlement Impacts	6
1.4	Consultation, Participation and Disclosure.....	7
1.5	Physical Progress of the Project Activities	7
1.6	Objective, Approach and Scope of Bi-annual Monitoring	8
1.6.1	Objective	8
1.6.2	Approach of Bi-annual Monitoring	8
1.6.3	Scope of Bi-annual Monitoring Report	9
2	CHANGES IN PROJECT SCOPE AND ADJUSTED SAFEGUARD MEASURES	10
3	QUALITATIVE AND QUANTITATIVE MONITORING DATA	13
4	MONITORING PARAMETERS/INDICATORS AND METHODS.....	14
4.1	Resettlement Impact Categorization	14
4.2	Resettlement Scopes of the Project based on 2014 RP.....	14
5	BI-ANNUAL MONITORING RESULTS.....	15
5.1	Progress on Documentation and Approval	15
5.2	Progress on Compensation Payment for Displaced Persons identified in the 2014 RP... 15	
5.3	Progress on the Preparation of the Supplemental RP	20
6	Redressal of Grievances	22
6.1	Grievance Redress Mechanism	22
7	MONITORING OF RP IMPLEMENTATION ACTIVITIES	24
7.1	Implementation Activities and Monitoring Plan	24
7.2	Avoiding and Minimizing Impacts Due to Monitoring	24
7.3	Livelihood Support and Enhancement	24
7.4	Recommended Monitoring Adjustment based on Road Realignment	25
7.5	Major Item of Focus for Next Report	26
	Annex A: Highlights of Meetings on Supplemental RP Preparation.....	28
	Annex B: Report on ROW issue along Gon Nyin Dan Bridge, ICB2 Contract	31
	Annex C: Outline of the Second Semester (July-December 2016) Report.....	34

1 THE PROJECT

1.1 Background

1. The Maubin – Pyapon Road Rehabilitation Project is being implemented as part of the program of the Government of the Republic of the Union of Myanmar to improve access to the densely populated, poor and productive agricultural areas. The Maubin to Pyapon road is the main north-south artery of the eastern side of the Ayeyarwady Delta. It provides a vital link to the economic, health, education and employment opportunities. The road rehabilitation will also improve access to the agricultural hinterlands through provision of landing points at numerous locations where waterways meet the road.
2. The Maubin Pyapon road covers approximately 54.5 km and traverses three townships namely Maubin, Kyaiklat and Pyapon. Of the three townships, Maubin is under the Maubin district while Kyaiklat and Pyapon are under the Pyapon District. The two districts are under the Ayeyarwady Region (Division).
3. The Republic of the Union of Myanmar has received a loan from the Asian Development Bank (ADB) towards the cost of rehabilitation of the Project road. The rehabilitation works of the 54.5 km road is being undertaken under two construction contracts 25.5km and 29.0km in length. The contracts will be delivered using the FIDIC MDB Harmonised Edition, June 2010 Conditions of Contract for Construction.
4. The loan from the ADB also includes the provision of Project Implementation Support (PIS) services to provide capacity building and institutional strengthening to Ministry of Construction (MOC) - Department of Highways and Project Management Unit (PMU).

1.2 Institutional Arrangement

5. The Project's executing agency is the government's Ministry of Construction (MOC) and the implementing agency will be MOC's Department of Highways (DOH) and a Project Management Unit (PMU). The MOC-PMU supervises and monitors progress of Project implementation including management of safeguard concerns with the technical assistance and support of the Construction Supervision Consultants (CSC). Implementing resettlement activities is the primary responsibility of the DOH of Maubin and Pyapon districts assisted by a Resettlement Coordinating Committee (RCC) created under each of the three townships (Maubin, Kyaiklat and Pyapon) participating in the Project. The district DOHs and RCCs of the three townships in this regard have to work together with the CSC's Social Safeguard and Resettlement Specialist during construction phase to verify and confirm the impacts and displaced persons (DPs). The DOH and RCCs will continue further consultation with DPs during project implementation and solicit views regarding compensation and other facilities/assistances/options that they carried out for the project.
6. The Social Safeguard and Resettlement Specialist of the CSC on behalf of the MOC-PMU has verified during the first quarter of 2016 the implementation status of the Project RP prepared in 2014 and confirmed that all affected person had received their entitlements prior to the award of civil contracts. All the results of such verification have been recorded as findings. Updating the information on project resettlement impact as a result of adjust of horizontal alignment of certain sections of the Project road. This required the preparation of Supplemental RP for review and approval by the ADB.
7. The DOHs have been submitting monthly and quarterly progress reports to MOC-PMU, which in turn reviews and takes corrective actions as necessary. The PMU with assistance from the CSC consolidates their reports into semiannual monitoring report and submits to ADB. This report is the result of such activity.
8. The PMU is also responsible to maintain all the records/data/information related with resettlement issues and DPs and should be able to produce reports, whenever required.

1.3 Resettlement Impacts

9. A Resettlement Plan, MYA: Maubin Pyapon Road Rehabilitation Project (2014), was prepared during the Feasibility Study Stage to address the impacts of the Project on displaced persons and properties within the corridor of impact. Affected households/persons (AH/P) as well as affected assets were identified and assessed based on road ROW requirement during the Project feasibility/design stage. Other impacts such as trees and crops and ancillary structures as well as vulnerable groups affected were inventoried as well. Based on this initial assessment, cost for the implementation of the RP (compensation, relocation and rehabilitation measures and implementation support) was estimated.

10. To assess the progress of implementation of ROW clearance, compensation payment and rehabilitation measures the Consultant's Resettlement Specialist in coordination with the PMU counterpart conducted the assessment of implementation status of Project RP. The Consultant has reviewed the approved 2014 RP and had full appreciation of the main requirements including:

- Resettlement impacts of the Project
- Displaced persons and socio economic profiles of those affected
- Identified vulnerable groups within the Project area
- And proposed measures including the institutional arrangement and monitoring and reporting of performance of RP implementation.

11. The Project road design principally followed the existing alignment, with an offset of 3 to 5 m where necessary to avoid the existing fiber optic cable lines to the road embankment. Most of the rehabilitation and construction work are going to be undertaken within the existing road ROW. The Project required the re-taking of the road ROW and displacing households identified to have constructed structures either for temporary dwellings or for conducting businesses and livelihood activities or other uses. Clearance of the ROW were undertaken prior to construction activities.

12. The Maubin-Kyaiklat-Pyapon road is classified by the Ministry of Construction (MOC) as a D-IV road with a total right-of-way (ROW) of 45.7 m. The existing ROW is owned by the Government, and as such, the affected households fall under the ADB SPS category of "persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land." As of the Cut-Off Date in December 2013, the RP had identified 62 displaced households and 3 public entities. All of them had been identified and verified to have been occupying the road right of way with or without permission from concerned local authorities.

13. Carrying out of ROW clearance resulted in 62 APs being permanently displaced from the sites (within existing right of way) along the Project road where their structures used either as shelter or place for carrying out livelihood activities are situated. Some of the key safeguard provisions made by the Project RP to address negative impacts due to construction activities are given below.

14. Loss of Access to Land they used to occupy: The existing ROW is owned by the Government, and as such, the displaced households fall under the ADB SPS category of "persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land." They are not entitled to compensation for land occupied but are provided compensation and support resulting from other impacts.

15. Loss of Structures: Affected structures made mostly of light materials and easily removable were often constructed for temporary use by the displaced person primarily for livelihood activities. Many DPs simply moved these structure outside the corridor of impact beside the Project road. Cash assistance mostly ranging from MKK10,000 to 40,000 were provided per DP for the removal and transfer of these structures out of the ROW and corridor of impact.

16. Loss of Livelihood Income: While most of the affected structures were utilized for livelihood activities (selling of cooked food items/fruits and vegetables and other personal consumables, motorbike

repair stalls, etc.), their removal and transfer out of the corridor of impacts generally took place in less than two hours. The time to remove and transfer these structures had minimal impact on their livelihood activities.

17. Status of ROW clearance, compensation payment, relocation/transfer of affected households as well as the provision of rehabilitation interventions to mitigate impacts has been monitored and documented by the district DOH and reviewed by the Consultant accordingly. The status of ROW clearance and turnover to civil work contractors including critical information on actual areas cleared of obstruction and available for construction were also collected.

18. In the course of Project implementation, review of the road horizontal alignment showed the need for adjustment in certain sections. One particular section along km24+049 indicated that such realignment requires land acquisition which accordingly will affect four landowners and their assets. During this period of review, the action (preparation of supplemental RP) carried out to address these additional impacts were monitored and reported as well.

1.4 Consultation, Participation and Disclosure

19. Consultations, discussions and organized meetings with affected households, community officials and leaders, representatives of civil societies such as women groups, township officials, district DOH staff and project proponents were carried out during project preparation including pre conduct of inventory of losses (IOL) as well as during conduct of IOL and socioeconomic survey. Follow up meetings were also held after the IOL for clarification/validation of findings as well as consultation on proposed measures.

20. Consultations and dialogues with APs and nearby communities were carried out by the district DOH staff during the preparation of the RP in 2013 and prior to conduct of ROW clearance in 2014 as confirmed by sample APs interviewed during the conduct of the SES Survey.

21. Copies of approved RP have been officially submitted to ADB and uploaded in ADB web. A summary of updated resettlement plan of Maubin-Pyapon Road Rehabilitation Project (translated into Myanmar language) have also been disclosed to the APs, local community and other relevant agencies at project townships (Maubin, Kyaiklat and Pyapon).

22. Subsequent consultations were carried out and proposed. The conduct of RP monitoring during this monitoring period (January – June 2016) also involved dialogue and interview of sample APs as well as discussion with various local stakeholders. **Annex A** provides the highlights of the consultations conducted.

23. Prior to commencement of and during the course of construction, additional consultations on social development and environmental interventions will be carried out with affected communities. Furthermore, at subsequent periods of RP monitoring sample APs (particularly those affected by land acquisition and addressed by the Supplemental RP) and community representatives will again be consulted to determine effectiveness of various interventions.

1.5 Physical Progress of the Project Activities

24. During this reporting period (Jan-June 2016), the physical progress of project activities is summarized in **Table 1** below.

Table 1: Status of two civil works contracts.

Contract	Time elapsed %	Scheduled %	Actual % as of 31.5.16	+/- %	Comment
ICB1	20.62 %	15.69 %	6.29 %	-9.4	All of the site has been handed over the contractor. Preliminary works only to date
ICB2	20.62 %	23.5 %	5.95 %	-17.55	All of the site has been handed over the contractor. Preliminary works only to date

1.6 Objective, Approach and Scope of Bi-annual Monitoring

1.6.1 Objective

25. The objective of this bi-annual monitoring is to assess the progress of social safeguard implementation including; (i) compensation payment to those initially identified in the 2014 RP, (ii) additional displacement resulting from land acquisition for the ROW requirement to realign section of the Project road and proposed mitigation measures, (iii) restoration of public infrastructures, (iv) review of the consultation and disclosure processes, grievances redress mechanisms and (v) restoration of livelihood of the affected persons/households and additional rehabilitation measures such as livelihood support for APs and community members. Based on Resettlement Plan (RP), all land acquisition and resettlement activities should be completed before commencement of civil works. However, social preparation initiatives including income restoration measures may continue even during ongoing civil works.

26. To assess the progress of implementation of ROW clearance, compensation and rehabilitation measures as well as the efficacy of RP implementation processes for the Maubin - Pyapon Road Rehabilitation Project, the MOC-PMU assisted by the Consultant's Resettlement Specialist conducted implementation monitoring.

27. Status of ROW clearance, compensation payment, relocation/transfer of affected households and the provision of rehabilitation interventions to mitigate impacts as well as institutional measures to strengthen the capacity of community and local officials to assist in the implementation of social and resettlement measures were reviewed and documented. Data on turnover of cleared ROW to civil work contractors including critical information on actual areas cleared of obstruction and available for construction were collected. Unintended additional impacts as a result of Project implementation including changes in designed alignment and the mitigation measures proposed are reported as well. Furthermore, the RP implementation mechanism and procedures were reviewed as well.

28. This Report provides the result of the monitoring and review of 2014 Project RP implementation status and changes in Project scope resulting in additional impacts during the monitoring period (January-June 2016).

1.6.2 Approach of Bi-annual Monitoring

29. For the bi-annual monitoring (January – June 2016), several approaches and methods were utilized, namely:

- site visits and assessment of implementation progress of the RP measures (payment of cash compensation for affected assets, provision of rehabilitation support for AP) and identification of the extent of ROW clearance and turnover of cleared ROW to CWC),
- primary data collection on AP satisfaction to RP measures as well their socioeconomic status (SES);
- secondary data collection and review and; and
- informal discussions with representatives of contractors, villages and affected households/persons.

(i) Site Visits and Physical Assessment

30. The site visits were undertaken to assess actual conditions and status of RP implementation as demonstrated from the physical situation at field level. This involved the conduct of visits to areas within the corridor of impact where ROW users were displaced due to the Project. Sections of Project road were visited to assess the clearance of occupied ROW and relocation of APs. Furthermore, assessment of the section requiring additional land acquisition was carried out.

31. Observations on the following are highlighted:

- Progress in land obstruction clearance within the acquired ROW

- Preparation for the construction activity and identification of concerns/issues related to resettlement
- Other scope of impacts resulting from temporary and/or permanent acquisition of access roads to construction sites and the recommendation to prepare a supplemental RP for a realigned section requiring acquisition of additional land as part of the road ROW.
- Relocation and transfer of affected households from Project ROW.
- Engagement (participation) of APs/communities in relevant activities of the Project
- Progress in the preparation of the Supplemental RP.

(ii) Secondary Data Collection and Review

32. The district and townships' engineers maintain a record on the status of resettlement and compensation implementation including the extent of ROW clearance and turnover of ROW to the civil work contractors. The Consultant requested access to various information and data on the progress of RP implementation as well as issues and concerns pertinent to ROW turnover and obstruction clearance as well as engagement of local stakeholders to project activities and reviewed them for consolidation and preparation of summary reports. The summary reports provide the general overview of status and conditions of RP implementation and construction status as affected by the ROW clearance.

33. From the review of these reports the following information were generated and consolidated:

- Status of ROW acquisition
- Progress of compensation payment
- Progress of relocation/transfer
- Progress in clearance of obstructions within the ROW
- Turnover of ROW to contractors
- Progress in the preparation of Supplemental RP
- APs and community participation in relevant project activities
- Implementation status of participatory mechanism and grievance redress mechanism
- Issues and concerns

(iii) Socioeconomic Survey of Sample Affected Household

34. As part of RP monitoring, the level of satisfaction of sample affected households on various measures carried out for RP are assessed. Relevant issues and concerns pertinent to ROW acquisition, displacement, compensation and relocation as well as participation in project activities are reviewed and gauged. The SES of sample households particularly those which are relevant to level and sources of income is collected as well. This will serve as baseline to determine whether the standard of living of APs had changed as a result of Project impact and whether the RP interventions were adequate measures to protect its deterioration. A post-RP implementation evaluation will be carried out in Stage 2 Monitoring (June 2017).

35. A household survey of sample affected households was carried out in 17 February 2016. The survey attempted to include all the 62 APs identified in the 2014 RP. However most of them had already move out of the Project ROW area back to their respective villages of origin. The survey was able to track and include only a total of 19 affected households in the following: Kyaiklat = 4 households; Pyapon = 7 households; and, Maubin – 8 households.

1.6.3 Scope of Bi-annual Monitoring Report

36. This bi-annual report includes the safeguard implementation status of Maubin – Pyapon Road Rehabilitation Project covering the period January to June 2016 (1st semester of 2016).

2 CHANGES IN PROJECT SCOPE AND ADJUSTED SAFEGUARD MEASURES

37. The technical drawings on the proposed horizontal alignment for the Project road were reviewed in terms of its implication to the corridor of impact (COI) and the existing road right of way (ROW). The Project road's updated design has proposed several adjustments on the existing centerline in order to meet the design speed requirement. The most critical of these adjustments are in four locations.

38. In the meantime, the MOC reviewed the Consultant's recommendation on the proposed design of the road horizontal alignment and noted the need to further adjust the radius of the curves along various sections of the road in order to improve vehicle operating speed and safety. Curves in four locations of the Project road were considered dangerous and adjustment to the curve alignment to increase the radius was suggested. **Table 2** shows the existing, proposed and required radius to improve vehicle operating speed and safety as per standard.

Table 2: Existing and proposed radius of curves in four locations to improve vehicle operating speed and safety.

Chainage Location	Radius			Length of the curve		Remarks
	Existing	Proposed by Consultant	to meet operating speed and safety	Proposed by Consultant	to meet operating speed and safety	
CH: 24+049	Appr. 70 m	120 m	255 m	181.235 m	385.125 m	To meet standard vehicle operating speed and safety: additional land required for ROW will affect the irrigation canal beside the road and part of rice land along km24+049; Consultant's design – adjustment can be accommodated within existing ROW. No additional resettlement impact anticipated
CH: 41+487	Appr. 140 m	150 m	255 m	109.591 m	186.305 m	
CH: 45+695	Appr. 255 m	200 m	255 m	157.907 m	201.331 m	
CH: 50+630	Appr. 110 m	120 m	255 m	63.764 m	135.498 m	

Note: Except for the curve at km24+049, the adjustment of curves at three other locations can be accommodated within the existing road ROW

39. During the ADB and MOC-PMU visit to these sites as part of the ADB Review Mission activities conducted in February 2016, the curve alignment along km24+049 was deemed most hazardous to safety consideration. The radius of the horizontal alignment along this section was deemed too low with the angle of the road curve to be at almost at 90°.

40. Increasing the radius of the curve along this section from the existing 70m to standard 255m to meet the designed vehicle operating speed and safety will shift the centerline of the existing horizontal alignment by as much as 55.153m to the centerline of a new alignment. The shift in the alignment of this particular road chainage will result in the road section going out of the existing road right of way (ROW). The resulting shift will affect a portion of the water channel used for irrigation and will require the acquisition of new land as additional road right-of-way. Adjusting the curves in the three other locations can be accommodated in the existing road ROW.

41. Approximately 0.9348 ha of additional land is required for the new road ROW. Affected land beside the Project road is agricultural/pasture land cultivated mostly to rice. Areas between the Project road and paddy land are used either as pasture land, residential site and/or cultivated to various types of perennials and seasonal plants. Four parcels of paddy/pasture land are going to be affected. Within these affected parcels is a residential house and a secondary structure utilized as a roosting place for fowls which will also be affected. Some portions of the affected land parcels are cultivated to perennial and various types of crops, which will be affected as well. **Figures 1 and 2** provide drawings of affected plots and of the horizontal alignment along km24+049.

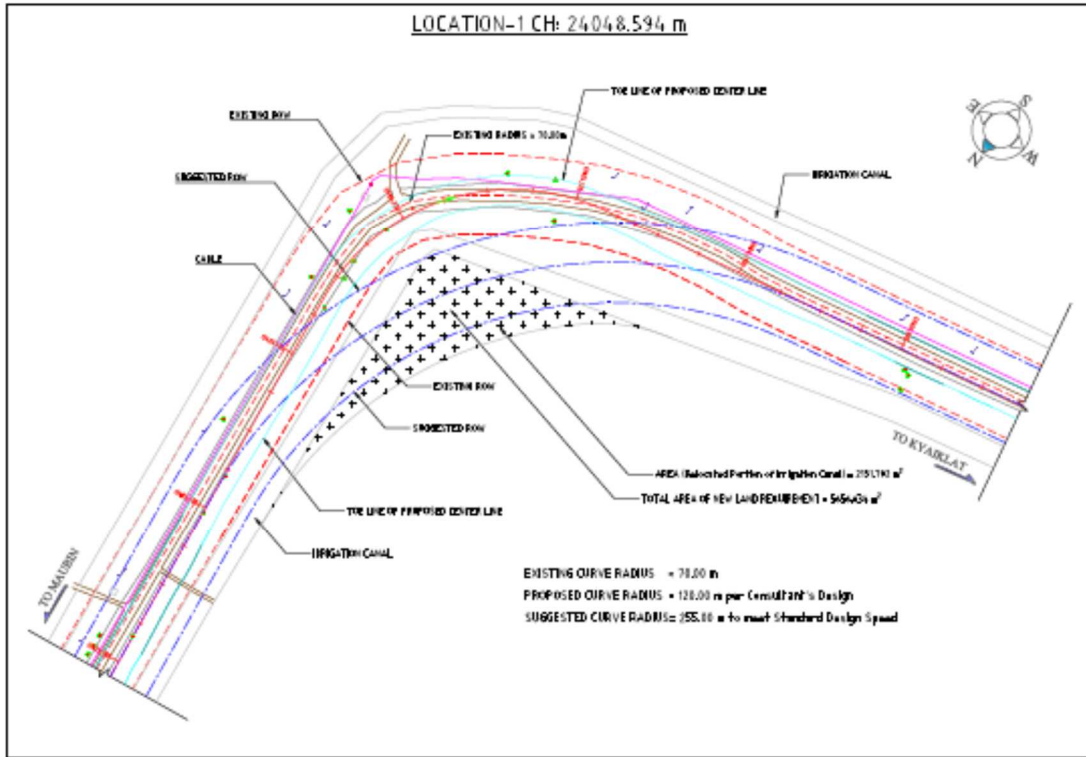


Figure 1: Adjustment required at km24+049, ICB1 Contract

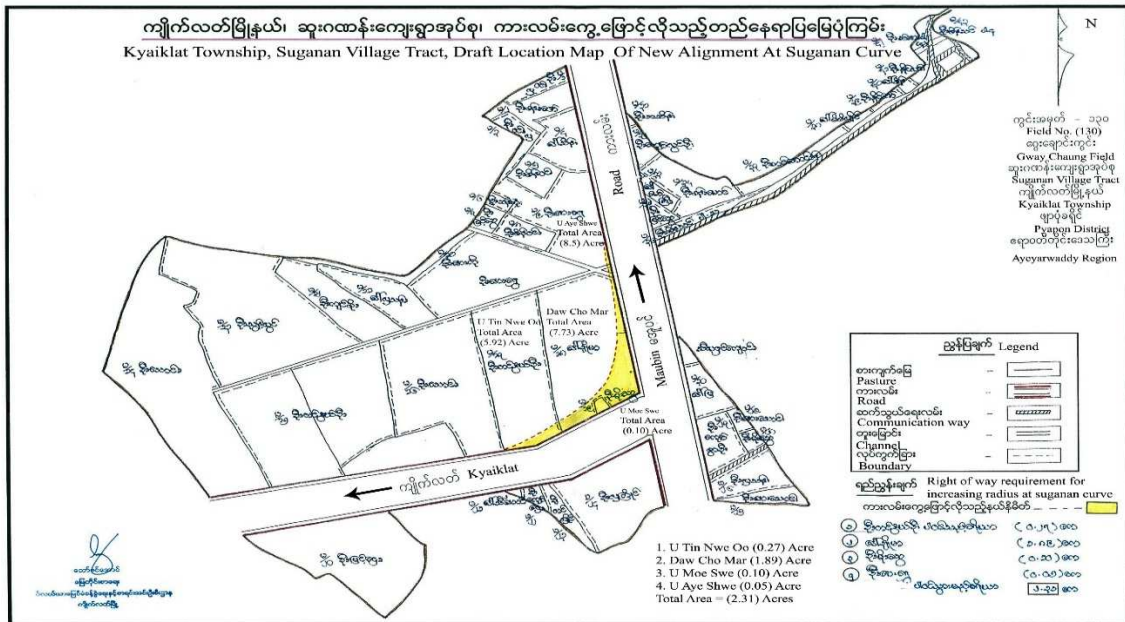


Figure 2: Map of the alignment showing the affected parcels of land for the ROW requirement

42. The preparation of a Supplemental Resettlement Plan to address additional resettlement impacts resulting from Project activities was mandated by the ADB. This was carried out as soon as the realignment design along km24+049 had been completed and the new right-of-way boundaries in site had been established. The supplemental RP is formulated in accordance with ADB's Safeguard Policy on Involuntary Resettlement and follows the approach adopted in the development of the RP for the ADB-financed Eindu-Kawkereik Road Improvement Project. The Supplemental RP for the realigned section of the Maubin Pyapon Road Rehabilitation Project also requires the review and approval of ADB prior to its implementation.

43. Accordingly, preparation of the Supplemental RP to address the concerns of additional land acquisition for ROW of the realigned section (km24+049) of the Project road was undertaken in May and June 2016.

3 QUALITATIVE AND QUANTITATIVE MONITORING DATA

44. Quantitative data required for this bi-annual report have been culled from the monthly/ quarterly report and database whilst qualitative data have been supplemented through the field observation/interviews, consultation and discussion with the project officials, stakeholders and information during meeting/dissemination etc.

45. For Stage 1 monitoring, several approaches and methods were utilized, namely:

- site visits and assessment of implementation progress of the RP measures (payment of cash compensation for affected assets, provision of rehabilitation support for AP) and identification of the extent of ROW clearance and turnover of cleared ROW to CWC),
- primary data collection using sample household interviews on AP satisfaction to RP measures as well their socioeconomic status (SES);
- secondary data collection and review; and
- key informant interviews of representatives of contractors, villages and affected households/persons.

4 MONITORING PARAMETERS/INDICATORS AND METHODS

4.1 Resettlement Impact Categorization

46. Prior to implementation of civil works, resettlement impacts have been screened and classified using ADB SPS 2009 classification system as follows:

- a) **Category A:** If the proposed subproject is likely to have significant involuntary resettlement impacts to 200 or more persons will be physically displaced from home, 200 or more persons lose 10% or more of their productive or income generating assets or 200 or more persons experience a combination of both.
- b) **Category B:** If the proposed subproject includes involuntary resettlement impacts that are not deemed significant.
- c) **Category C:** The proposed subproject has no involuntary resettlement impact.

47. In addition, any voluntary donation was verified by an independent third party to in accordance with the project resettlement framework.

48. The Maubin – Pyapon Road Rehabilitation has minimal land acquisition based on the changes on the designed alignment of some sections. Based on ADB Safeguard Policy Statement (SPS) 2009 the Project had been classified as category “B” in terms of involuntary resettlement (IR). In accordance with SPS 2009, projects having any land acquisition and involuntary resettlement impacts will comply with the ADB safeguard requirement. Thus any project that involves land acquisition and resettlement impacts Resettlement Plan (RP) and/or other safeguard reports are required as part of mitigation measures to address impacts. Accordingly, an RP has been prepared in 2014 and a Supplemental RP is being prepared to address the additional land acquisition impacts resulting from the realignment of a road section.

4.2 Resettlement Scopes of the Project based on 2014 RP

49. The previously approved 2014 RP had identified a total of 62 households and three organizational entities located within and/or recently displaced from the Project ROW. On the other hand, the changes in the horizontal alignment of some sections of the Project road will affect four households due to acquisition of approximately 0.9348 ha of land as additional ROW of the road. The number of displaced households with their affected assets are summarized in **Table 3** below.

Table 3: Affected households and entities within the project area

Affected townships	2014 RP			Supplemental RP 2016			
	HHs losing structures	Public Entities losing structures	Public Entities losing structures	HHs losing agricultural land	Of w/c, # of HHs losing structures	Of w/c, # of HHs losing trees/crops	Of w/c, # of HHs experiencing severe impacts
Maubin	26	1 (GAO)		-	-	-	-
Kyaiklat	29	1 (religious community)		4	2	2	1
Pyapon	7	1 (GAO)		-	-	-	-
TOTAL	62	3		4	2	2	1

Legend: GAO = General Administration Office;

- Households experiencing severe impacts are those losing more than 10% of land utilized for income generation and household losing entire house

5 BI-ANNUAL MONITORING RESULTS

5.1 Progress on Documentation and Approval

50. In 2014, ADB has reviewed and approved the Resettlement Planning (RP) document prepared and submitted by MOC. In the first quarter of 2016, the ADB Review Mission approved the request for the realignment of a section of the Project road which required additional land acquisition. For this the preparation and submission of a Supplemental RP following ADB Safeguard Policy on Involuntary Resettlement is required for ADB review and approval. The preparation of this document is in progress and will be submitted for review and approval before the end of June 2016.

5.2 Progress on Compensation Payment for Displaced Persons identified in the 2014 RP

51. The previously approved 2014 RP indicated a total of 62 households and three organizational entities within the corridor of impacts likely to be or recently displaced from the Project ROW and reported as affected as a result of the past and present clearance of road right of way in preparation for Project implementation. **Table 4** shows the breakdown of the number of APs by Project Township.

Table 4: Cut-off Date and Total Number of Affected Households and Entities

Township	Cut-off Date for Eligibility	No. of Affected HH	No. of Affected Entity	Total No. of AP
Maubin	17 Dec 2013	26	1	27
	4 Mar 2014 (km 0 to 1+0)			
Kyaiklat	18 Dec 2013	29	2	31
Pyapon	19 Dec 2013	7	0	7
Total		62	3	65

52. In Maubin Township a total of 26 households and one organizational entity (local government administrative office) are identified as APs. The APs are mostly temporary users of ROW who are permitted by MOC-DOH to use specific areas within the ROW on agreement that they will move out as soon as the area is utilized by the government. From time to time ROW clearance is carried out by the MOC. The APs set up temporary stalls often made of light materials utilized for income generation activities (to sell produce, operate small shops/stores or eateries). As a result of ROW clearance, the Maubin APs experienced either permanent or temporary displacement as a result of relocating shelter-shops, kiosks and the like or dismantling (removal) of abutting structures within the Project ROW.

53. There were 36 households and two organizational entities (local government and religious community) identified as affected in Kyaiklat and Pyapon townships. Most of these APs are temporary users of the ROW, where structures made of light materials have been set up for carrying out livelihood activities. ROW clearance along the Kyaiklat – Pyapon Road section resulted in the dismantling of these structures and displacement of identified APs. In fact out of the 36 affected households, 26 had already dismantled their structures in Jan-February 2014 prior to completion and approval of the Project RP. But the ADB had required the conduct of due diligence (tracer study) to ensure their inclusion to the Project RP.

a) Category and Scope of Losses

54. The APs experienced either temporary or permanent loss of structures and disruption to their income generation activities which could have negatively affected the households' socioeconomic condition.

55. In Maubin, the 26 affected households experienced either temporary or permanent loss of structures utilized primarily for income generation and residence as a result of ROW clearance. The field visits carried out by the RP Monitoring Team revealed that the ROW area of the Maubin – Kyaiklat road section had already been cleared of all identified structures and obstruction within concerned ROW areas. APs have dismantled their structures and most have moved (17 households) somewhere else.

56. In Kyaiklat Township, the identified structures within the Project ROW were no longer detected. It should be noted that there were 26 out of 29 APs who prior to RP preparation and approval, removed their structures because of order from MOC. However, these 26 households were included as part of Project APs as a result of the due diligence investigation conducted during the preparation of the 2014 RP. During the field visit, the structures of remaining three APs were no longer in the road ROW. The APs had already dismantled their structures from the ROW area but reconstructed them within the easement of the road outside the ROW. They now continue to pursue their regular occupation.

57. In Pyapon, the 7 APs¹ already dismantled their structures from the ROW. Four of them relocated within the road easement just outside the ROW; the rest (3 households) decided to move back to their village of origin.

b) Resettlement Measures Provided

58. Since the Project ROW is owned by the Government, the affected households fall under the ADB SPS “(iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such lands.” **Table 5** presents the types of compensation and assistance to be provided the APs as indicated in the approved RP.

Table 5: Entitlements for Affected Households of the three townships

Type of Loss/Impact	Entitlements
Affected house, house-and shop, shop	<p>Affected households will be allowed to keep their partially affected houses in the residual area of the ROW on condition that the houses will not be upgraded to a semi-permanent or permanent structure. For totally affected houses, the new location will be between the ROW and adjacent farmland (i.e. easement area) as per agreement between MOC Township engineer, farmland owner, and village elders. Houses built on the easement area will be based on condition that houses will not be upgraded to a semi-permanent or permanent structure.</p> <p>Households with shops will be allowed to keep their shops in the residual ROW to continue business operation.</p> <p>Affected households will be provided 3 months advance notice on the start of civil works in a particular segment of the project road.</p> <p>Damaged and un-reusable building material will be replaced with new materials at no cost to the affected household.</p> <p>Moving allowance which is equivalent to labor and transportation, replacement of damaged materials that could no longer be used (if applicable), and business disruption (if applicable) will be provided based on the type of affected structure. Given the different types of impacts on each structures, cash allowance is estimated between K 10,000 and K 40,000 as per consultations with the affected households, village tract officials, and DOH staff.</p>
Loss of, or damage to crops and trees	<p>Affected households will be provided 3 months advance notice to enable them to harvest the crops</p> <p>Trees within the COI are owned by the MOECF and cutting of trees will be based on the arrangements agreed between MOC and MOECF.</p>
Loss of, or damage to Public Facilities	To be restored and relocated by the civil works contractor

Legend: MOECF = Ministry of Environmental Conservation and Forestry; DOH = Department of Highways

(i) Cash Compensation for Displaced Structures and Support for Relocation

59. Status of implementation of compensation payment to the APs is shown as follows:

- Maubin Township

¹ One of the APs in Pyapon had already removed his structures prior to the preparation of the 2014 RP but has been included in the RP as a result of the due diligence investigation.

60. In Maubin Township 27 APs and 27 structures of different types were reported in the 2014 RP as affected. Review of documents provided during the monitoring visit showed that 27 APs were compensated for the corresponding 27 affected structures. Except for one who received 650,000 kyat as compensation for affected semi-permanent residential structure, the rest of the APs received compensation ranging from 10,000 kyat to 40,000 kyat for various affected structures. The compensation for affected structures (almost all of them were made of light materials - bamboo poles, palm leaves, plastic sheets, tin sheets, etc. - which can easily be dismantled and reconstructed) covered relocation and transport. Most of these structures were removable/temporary stalls utilized for selling betel nuts, vegetables, cold drinks, prepared snack and meals to commuters. Thus relocation took only about an hour or two and the relocated APs are normally back in business. The removal of a small residential structure took some time to carry out with the displaced household relocating to nearby village of origin.

- Kyaiklat Township

61. The 2014 RP identified 30 affected structures of which two belong to the same AP/owner; hence, only 29 APs are listed as affected in Kyaiklat Township. These 29 APs had previously been asked by the MOC-DOH to dismantle their structures in January-February 2014 barely two months prior to the preparation and approval of the RP. However, as part of the due diligence, ADB SPS required a Tracer Study to be carried out to ensure inclusion of these households as part of the Project and the provision of the needed resettlement measures.

62. The monitoring (January-February 2016) result showed that all 29 affected households including those who previously removed their structures prior to 2014 RP completion were compensated for the dismantling and relocation. Affected structures included residential-shop structure, stalls, phone booth, tool booths and kiosks mostly made of light materials which were easily removed. The review of Kyaiklat documents showed that cash payment provided the traced APs ranged from 10,000 – 40,000 kyat which covered compensation for removal and relocation transport of these structures. With MOC-DOH's concurrence, a number of APs simply moved back to the easement section of the Project road outside the ROW.

63. A number of structures (total of 8) owned by the township's general administrative office and religious community were also affected. The record of MOC Kyaiklat township on compensation for affected structures showed the following amount of payment: for 4 bus stands - @ 50,000 kyat each; 2 pagoda archways - 1 @ K150,000 and the other @K300,000; and 2 public structures - 1 @ K50,000 and the other @ K100,000). The payment were provided to the organizations owning these affected structures.

- Pyapon Township

64. As reported in 2014 RP, seven APs were identified in the Pyapon section of the Project road. One of these APs had previously dismantled his structure prior to finalization of Project RP in March 2014 but was traced and included in the AP list. As per monitoring visit in February 2016 the six other APs already dismantled their affected structures after receiving compensation for disturbance, relocation and removal/transport. All affected structures were shop cum temporary residence made of either bamboo or timber material. Cost of compensation for the affected structures ranged from K10,000 to K40,000. Four of the APs relocated to the easement side of the Project road outside the ROW and re-established their structures and continued their livelihood pursuits. The rest (3 households) moved back to their village of origin.

(ii) Permission to relocate within the easement outside the road ROW

65. Most APs with affected temporary structures utilized for income generation activities were allowed to reconstruct their stalls/shops within the Project easement area outside the ROW and corridor of impact. The three households (2 in Kyaiklat and 1 in Pyapon) who have been identified as landless were allowed to reconstruct their residential structures on condition that they are not to build them using durable and permanent materials.

66. The AP of Maubin, whose semi-permanent residential structure was affected was not allowed to rebuild within the Project road easement area. The household relocated to their village of origin; they were however adequately compensated for the loss (@K650,000). The agreed amount was deemed adequate to cover transport of recoverable housing materials and reconstruction of residential structure.

(iii) Provision of Rehabilitation Measures to improve income generation skills

67. The implementation of proposed resettlement measures as part of rehabilitation intervention for the APs, e.g., preferential hiring as construction worker and/or livelihood skills development/training, are in progress. The Civil Work Contractors (CWC) of the two contract packages have already mobilized and have already commenced with the construction activities. A number of local workers from the three concerned townships were hired and employed as workers by the civil work contractors. Reminders from the MOC and the Consultant on this particular provision of the contract to the contractors are being carried out. Contractors' compliance is regularly monitored through the monthly progress reports being submitted.

(iv) Additional Assistance Provided the Vulnerable APs

68. **Table 6** below shows the number of vulnerable APs as listed in the 2014 RP. These APs have been extended special assistance by the respective township MOCs through the provision of special permit to rebuild their residential cum business structures along the Project road easement but outside the ROW. Eligible members of their households are also prioritized for preferential hiring as construction workers and participants of skills development and livelihood generation activities.

Table 6: Identified affected vulnerable households by townships

Section	APs below Poverty Line as identified in the RP	Below Poverty Line and Landless as identified in the RP	Total
Maubin	0	0	0
Kyaiklat - Pyapon	1	3	4
Total	1	3	4

Source: Ministry of Construction (25 April 2014). Resettlement Plan – MYA: Maubin Pyapon Road Rehabilitation Project.

69. **Table 7** below provides a summary of monitoring results on the physical accomplishment of RP as presented by contract package.

Table 7: Status of resettlement, compensation, ROW clearance and turnover to contractors as of February 2016

Contract Package	Location /township and length of road	No of AP per 2014 RP	Types/Number of Private and public Structures Affected	Resettlement Status				Total Length of ROW area cleared	Of area, total length turned over to contractor	Issues and Concerns
				Number of APs Relocated/Compensated Prior to 2014 Preparation and During the Project Implementation						
				Relocated		Compensated				
Pre 2014	2016 (M&E)	Pre 2014	2016 (M&E)							
ICB1	Maubin – Kyaiklat Section = 0 to 25.5 km	Maubin = 26 households and 1 public entity	House-shop = 2 Store/eatery = 14 Kiosk = 10 Pagoda archway = 1	None	26 relocated	None	26 compensated	25.5 km	25.5 km	Community development and livelihood development pending
Subtotal	= 25.5 km	27 APs	26 private and 1 public affected structures							
ICB2	Kyaiklat – Pyapon Section = 25.5 to 54.5 km	Kyaiklat: 29 households and 1 organizations = 30 APs Pyapon: 7 households and 1 public entity	Kyaiklat township: House =4 House-shop = 12 Shop =6 Kiosk = 4 Tollbooth = 1 Phone booth = 2 ² Waiting sheds = 2 ³ Pagoda arch = 2 ⁴ Pyapon township: House shop = 7 Waiting shed = 2 ⁵	Kyaiklat: House =2 House-shop = 11 Kiosk and shop = 11 Pyapon: House shop = 1	Kyaiklat: Remaining 5 private structures (2 phone booth, 1 tollbooth, 2 houses) Pyapon: Remaining 6 house shops	None None	Kyaiklat: All 29 HHs compensated 2 organizations compensated Pyapon: All 7 APs compensated 1 organization compensated	29 km	29 km	Community development and livelihood development pending
Subtotal	= 29 km	36 HHs and 1 public entity								
TOTAL	3 townships 54.5 km	65 APs					All 65 APs	54.5 km	54.5 km	

Source: Consolidated Report as of February 2016. Findings of Field Monitoring Visits (January-February 2016) Supervision Consultant – Resettlement Specialist

² The master list in Kyaiklat Township has listed 30 households as affected. However, it was later validated that two of the affected assets (phone booth found in two villages in Kyaiklat) belongs to only one affected household.

³ Only one owner

⁴ Ditto

⁵ Ditto

5.3 Progress on the Preparation of the Supplemental RP

70. In May and June 2016, the CSC Social/Resettlement Specialist prepared a draft Supplemental RP which was submitted to MOC-PMU for review and comments and eventual submission to the ADB.

71. The result of design review on horizontal alignment of project road indicated the need to adjust the radius of curve at km 24+049. The required adjustment will result in shifting existing alignment outside of road ROW necessitating additional land and resulting in resettlement impacts. Approximately 0.9348 ha is needed which will affect a portion of water channel used for irrigation and pasture/paddy land. Within the affected parcels of pasture land is a residential and a secondary structure. Located adjacent to these structures are some perennials. **Table 8** below summarizes the scope of resettlement impacts as a result of land acquisition for the realignment of concerned road section.

Table 8: Total number of AHs and Types of Assets Affected by the Project

Name of AHs	Paddy land (ha)	House/Other types of structures	Trees / crops (Number #)
U Tin New Oo	0.1092651	None	Mango trees – (5); Malaysian padauk (timber) – (2); guava – No fruit bearing age; bamboo cluster – approx. 40 poles; MaU (1); rain tree (i); chillies -
Daw Cho Mar	0.7648559	1 Residential house (full)	Mango trees – (4); drum stick tree (1); banana (5 clusters); Malaysian padauk (timber) – 3; bamboos (approx.. 200 poles); lime plant and lemon grass
U Moe Swe ¹	0.0404685	1 structure for housing fowls	None
U Aye Shwe	0.0202342	None	Drum stick (fruit bearing – (1); Malaysian padauk (timber) – (4); bamboo cluster (10 poles); rain tree – 3; Sitpin – (1); willow tree – 1
Total	0.9348237	2	As Indicated

Source: Census, IOL and DMS Survey, May 2016.

¹U Moe Swe owns about a hectare (.8094) paddy land of with his house beside it at an adjacent village (Chaug Lay).

72. **Table 9** shows the Entitlement Matrix to be applied in implementing the Supplemental RP. It incorporates the actual findings of the assets and impacts found on the ground.

Table 9: Entitlement Matrix

Impact Type	Application	Entitled Person	RP Entitlements	Implementation Issues
Loss of land: residential, agricultural and garden	Permanent loss of land	Eligible landowner/ occupant	Compensation at market rate or compensation through "land for land" mechanism at AP preference and if available in the area	Replacement agricultural land not available in the area. Cash compensation option
Building: residential house	House fully affected	Owner of structure whether structure was built with permit or not	Cash compensation at replacement cost for materials, labor, transport of materials, construction cost. Compensation will be without depreciation or deduction for salvageable material. or Where structure can be moved: Cash and/or in-kind assistance to move and repair affected structure. Household whose land is fully affected and has insufficient remaining land on which to rebuild and has no alternative land will be provided with appropriate assistance either in the form of suitable land on which to rebuild or cash assistance to enable them to purchase replacement land.	There is one residential structure which is fully affected. Valuation cost was determined by an Independent Valuator The land where the residential structure stands will be fully acquired as well. The remaining land where the house can be relocated is within paddy land and needs to be back filled to elevate a portion. The contractor will assist in the backfilling. Likewise a portion of the pond where the household sourced their drinking water is affected; the contractor will ensure that it is also rehabilitated. Dislocation and transfer allowance as well as assistance as vulnerable and severely affected household shall be provided as per implementing guideline agreed for the Entitlement Matrix of this RP.

Secondary structure	Permanent Secondary structure used as storage facility fully affected	AP who is the recognized owner, whether with land title or not, and whether the structure was built with permit or not	(i) Compensation in cash or materials at full replacement with cost at current market value with no deduction in compensation for depreciation or salvageable materials (ii) If removal is required, for movable structures, assessment or ability to move the un dismantled structure. Assistance will be provided to cover the replacement costs of site preparation, dismantling, moving and rebuilding the structure	Affected secondary structure is utilized as roosting place for ducks of one of the APs. The structure cannot be relocated anymore since the structure is made of traditional light materials which are already very old and fragile. Cash compensation will be based on replacement value including relocation allowance.
	Temporary during construction			If land is disturbed it will be restored within 1 month.
Annual crops		Owner of crops	APs will be given 4 months' notice to pick rice prior to clearance. For crops that cannot be harvested, APs will be awarded the full market value of production lost. Cash assistance equivalent to 6 years value of paddy in areas which APs can no longer be cultivated	If affected paddy rice land has crop on it, the owners will be allowed to harvest before construction will commence.
Perennial crops and trees	Timber and fruit trees Private shade trees	Owner of crops or trees Owner of trees	(i) Cash compensation at market price for loss of crops/fruits calculated as number of years needed to bear fruit. (ii) Replacement of saplings up to a factor of 15 new to one old tree included in the compensation. Wood value considered for applicable trees.	A number of fruit bearing and lumber trees are affected. The DMS included categorization of affected trees including determination of dimension and fruit bearing capacity. Replacement values are based on the RCS findings.
Moving allowance	House fully affected	Owner	For fully affected main structures: Moving allowance which is equivalent to labor and transportation will be provided based on the type of affected structure.	Moving allowance for each AH has been estimated to cover labor and transportation, between MMK50,000 to MMK75,000 per AH.
Severe impact allowance	AP suffering >10% income losses; AP with totally affected house structure		1 month allowance based on minimum subsistence allowance	MMK1,462 per day or monthly MMK 43,875 based on poverty rate of \$1.25 per day per person (at current exchange rate).
Vulnerable people allowance		AH below poverty line or headed by woman/ disabled	3 month allowance based on subsistence level	MMK 1,462 per day or monthly MMK 43,875 based on poverty rate of \$1.25 per day per person.

73. Review and approval of the Supplemental RP by the ADB is required prior to disbursement of compensation and assistance as well as the taking and clearance of land for the new ROW. **Table 10** provides indicative schedule for Supplemental RP implementation.

Table 10: Indicative implementation schedule for Supplemental RP

ADB reviews supplemental RP and provides comments. Revision of RP with comments (if any) incorporated and concurrence provided.	June
Information disclosure of RP implementation schedule to AHs including notification re date, place, required documents to bring along and from whom (office/person) to claim compensation. No land take, ROW clearance will take place until all AHs are fully paid as per compensation matrix. RCC is mainly responsible	July/August
ROW area take over by MOC DOH /GAO and land clearance	August
MOC-DOH hands over the new ROW to the contractor after completion of compensation payments and resettlement measures for all AHs.	September/October
Assessment/Monitoring the implementation outcomes of Supplemental RP	November
Reporting to MOC/ADB the result of Supplemental RP implementation monitoring	December

6 Redressal of Grievances

6.1 Grievance Redress Mechanism

74. The Grievance Redress Mechanism (GRM) aims to reduce the risk for the project, offers APs and communities a constructive and effective means of airing concerns and issues and achieving solutions. Specifically, the Project GRM is established to enable the APs to appeal any disagreeable decision or action arising from the implementation of the Maubin - Pyapon Road Rehabilitation Project and in particular related to the resettlement impacts and measures.

75. A GRM has already been set up for the Project following ADB SPS requirements with the implementation of the 2014 RP. The existing mechanism (see **Table 11**) will be utilized in addressing issues and concerns pertinent to the implementation of this supplemental RP.

Table 11: Grievance Redress Mechanism

ADB SPS on GRM	Project's GRM
The government/client will establish a mechanism to receive and facilitate the resolution of affected persons' concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups.	The RCC, an ad hoc body, has been set-up in each township. Apart from representatives from the DOH, village tract officials and village women organization representatives are also members since they are very familiar with the socio-economic situation and needs of the affected households in their village.
The grievance redress mechanism should be scaled to the risks and adverse impacts of the project.	The RCC is set up at the project level with representatives from DOH, general administrative office, village elders, NGOs, and affected households
It should address affected persons' concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the affected persons at no costs and without retribution.	The village tract chief has been designated as "point of contact" in the village. RCC members are to be provided with orientation and guidance by the construction supervision consultants in order to handle grievances.
The mechanism should not impede access to the country's judicial or administrative remedies	The RCC aims to receive and address concerns and grievances at the project level as part of the Project's good management; and it does not impede with the Government's judicial and administrative remedies
The borrower/client will inform affected persons about the mechanism"	The affected households have been informed during resettlement planning and the GRM is reflected in the resettlement information booklet included in 2014 RP.

76. Based on the above and given the scope of the project, a Resettlement Coordinating Committee (RCC), an ad hoc body, has already been constituted in each township at the start of 2014 RP implementation. However in view of the change of government in March 2016, new set of elected officials have assumed the various positions in the national as well as local government. Thus most of old officials designated as representative to the RCC had already vacated their posts. New officials had taken over.

77. In view of this, the CSC Social/Resettlement Specialist with PMU assistance conducted last 27 May 2016 an orientation/training for all local officials of the 3 townships and concerned villages on ADB social safeguard policy highlighting the GRM and RP implementation monitoring and reporting. One of the agreements was to strengthen RCC membership and reconstitute it the soonest in view of the ongoing concerns of the Project.

78. The primary role of the RCC is to ensure that any queries, or concerns made by the affected households and local communities about the Project are properly heard, logged (regardless of whether it was lodged verbally or in writing), and resolved in a transparent and timely manner. This set-up aims to address any concerns promptly, effectively, and transparently, accessible, and at no cost and retribution, to the affected households and communities at the project level. Lessons learned show that early and satisfactory resolutions of complaints help reduce project delays and costs to the Project. The RCC will follow a formalized process and procedures discussed in the following sections.

79. The RCC of the Township is composed of the following representatives: Township General Administration Office Head as Chair, DOH District (Pyapon) and Kyaiklat Township engineers; the representative of the Township Development Council (an addition made during the Orientation), village tract chief, land records officer, representatives of women organizations, and representatives of affected households (male and female).

80. The head of the village tract where the AHs reside will be the point of contact for AHs. He is responsible for receiving, recording, and facilitating the resolution of the affected households' concerns and grievances whether or not they were received verbally or in writing. A database will be managed by the RCC, directly under the GAO head to monitor grievances. The records will show the name and contact details of the complainant, date and nature of complaint, any follow up actions, resolutions and how and where resolutions were communicated, and the status of actions carried out.

81. The indicative timeframe in addressing/resolving concerns/grievances is as follows:

- Within 7 days, send acknowledgement in writing to the affected households from date of receipt of the grievance
- Within 30 days from receipt of grievance, propose resolution. It is noted that some cases may need special and immediate attention and that earlier solution is necessary.
- The RCC will report all grievances and resolutions, and will be reflected in the progress reports as part of its monitoring function.
- If the grievance could not be resolved at the RCC level, RCC will request guidance from DOH and MOC to resolve grievance. MOC will propose resolution within 15 days.
- If there is still disagreement after discussion with MOC on proposed resolution, the case will be brought to court.

82. All costs incurred in grievance resolution will be covered out of the project funds.

83. All districts/townships had been advised to expedite the grievance redressal tasks fully adhering to the process indicated in the GRM. RCCs in all townships have also been advised to keep proper reports and records of grievances received if any. **Table 12** provides the status of submitted grievances and resolved status. **Annex B** provides a sample case submitted and resolved through the GRM process.

Table 12: Status of submitted grievances and resolved status.

RCC Responsible	Number of Concerns	Description of Grievance	Status of Case
Maubin	TBD		
Kyaiklat	1	Report on ROW issue along Gon Nyin Dan Bridge, ICB2 Contract (see Annex B)	The land claimant brought the case to court after the decision passed by PMU/RCC was rejected. In the meantime ICB-2 Contractor deposited the amount of MMK120 Lakhs to the landowner with the agreement that if the landowner wins the case the amount will not be returned by the claimant. This will serve as payment for said parcel of land. However if the claimant loses the case then said amount needs to be paid back to the Contractor. Decision on the case by the court is being awaited.
Pyapon	TBD		

TBD = to be determined. During the conduct of the monitoring, no report has yet been prepared as the GRM has yet to be operationalized.

7 MONITORING OF RP IMPLEMENTATION ACTIVITIES

7.1 Implementation Activities and Monitoring Plan

84. The RP implementation activities have been closely monitored internally by the PMU, District DOH and RCCs. The agencies are involved for (i) administrative monitoring to ensure that implementation is on schedule and problems are dealt on timely basis; (ii) socio- economic monitoring during and after any resettlement impact utilizing the baseline information from sub-project preparation; (iii) overall monitoring to assess the displaced persons status; and (iv) preparation of quarterly progress reports to be submitted to MOC-PMU and ADB, reporting achievements against the targets fixed and reasons for shortfalls, if any.

85. The Resettlement and Social Safeguard Specialist with PMU assistance is responsible for carrying out field level monitoring through:

- (i) Review of census information for all APs;
- (ii) Consultation and informal interviews with APs;
- (iii) In-depth case studies;
- (iv) Informal sample survey of APs;
- (v) Key informant interviews; and
- (vi) Community/public meetings;

7.2 Avoiding and Minimizing Impacts Due to Monitoring

86. The Government policy and guidelines suggest to follow the most economical and practical way possible and making best use of appropriate technology while constructing/improving the infrastructures. Accordingly, the technical design of the all infrastructures were carried out based on the Government design standard by: (i) utilizing the existing alignment, ii) maximum utilization of public rather than private land ,and (iii) acquiring land based on actual need for likely resettlement impacts.

87. During construction, following consideration has been undertaken to minimize the impacts:

- (i) Ensuring use of ROW to minimize the impacts.
- (ii) Optimum use of ROW for efficiency purpose.
- (iii) Collection of land spoil and its management in proper way.

7.3 Livelihood Support and Enhancement

88. As discussed with the displaced persons and the community during the preparation of the original and supplemental RPs, part of the support and rehabilitation measures is the provision of employment to APs during construction period.

89. **Table 13** below shows the number of persons provided employment⁶ by the contractors during the first semester of 2016. Of the reported months, the contractors employed a total of 561 local workers from Maubin, Kayiklat and Pyapon. Of this total almost a third (33%) is composed of women with the rest (67%) made up of men. Of the total employed local workers reported for the reporting period January – June 2016, approximately 85% were employed by ICB 2 contractors; the rest (15%) by ICB 1 contractor.

Table 13: Number of APs provided employment by Contractors during the first semester (Jan-June 2016)

No	Contractor	Month Employed	Number by Gender of Employed Local Workers		Total
			Male	Female	
1	ICB - 1				
		March	31	0	31
		April	3	10	13
		May	19	10	29
		Subtotal	53	20	73 (15%)
2	ICB - 2				

⁶ The Contractors' monthly report on employment provides the total number of workers employed categorized by origin (Myanmar or expatriates) and by gender as well as the categories of work assigned. The total number of employed local worker coming from the three township was culled from these reports.

	January	86	8	94	
	February	67	18	85	
	March	43	42	85	
	April	43	68	111	
	May	51	5	56	
	Subtotal	290	141	431 (85%)	
	Grand Total	3 – 5 months*	343 (68%)	161 (32%)	504 (100%)

Source: Consultant Monthly Report (January-June 2016).

* Significant civil work activities started in March 2016 in both contracts.

7.4 Recommended Monitoring Adjustment based on Road Realignment

90. At start of Project implementation, the MOC-PMU reviewed the Consultant's recommendation on the proposed design of the road horizontal alignment and noted the need to further adjust the radius of the curves along various sections of the road in order to improve vehicle operating speed and safety. Curves in four locations of the Project road were considered dangerous and adjustment to the curve alignment to increase the radius was suggested. **Table 14** shows the existing, proposed and required radius to improve vehicle operating speed and safety as per standard.

Table14: Existing and proposed radius of curves in four locations to improve vehicle operating speed and safety.

Chainage Location	Radius			Length of the curve		Remarks
	Existing	Proposed by Consultant	Standard to meet standard operating speed and safety	Proposed by Consultant	Standard to meet required operating speed and safety	
CH: 24+049	Appr. 70 m	120 m	255 m	181.235 m	385.125 m	Consultant's design – adjustment can be accommodated within existing ROW. No additional resettlement impact anticipated Per standard to meet required vehicle operating speed and safety: additional land required for ROW will affect the irrigation canal beside the road and part of rice land along km24+049; the other 3 adjustments can be accommodated within existing ROW.
CH: 41+487	Appr. 140 m	150 m	255 m	109.591 m	186.305 m	
CH: 45+695	Appr. 255 m	200 m	255 m	157.907 m	201.331 m	
CH: 50+630	Appr. 110 m	120 m	255 m	63.764 m	135.498 m	

Note: Except for the curve at km24+049, the adjustment of curves at three other locations can be accommodated within the existing road ROW

91. During the ADB and MOC-PMU visit to these sites conducted in February 2016 as part of the ADB Review Mission activities, the curve alignment along km24+049 was deemed most hazardous to safety consideration. The radius of the horizontal alignment along this section was deemed too low with the angle of the road curve found to be at almost at 90°. Increasing the radius of the curve along this section from the existing 70m to standard 255m to meet the designed vehicle operating speed and safety will shift the centerline of the existing horizontal alignment by as much as 55.153m to the centerline of a new alignment. The shift in the alignment of this particular road chainage will result in the road section going out of the existing road right of way (ROW). The resulting shift will affect a portion of the water channel used for irrigation and will require the acquisition of new land as additional road right-of-way.

92. Adjusting the curves in the three other locations can be accommodated within the existing road ROW. These three sections will not require additional land acquisition to carry out the adjustment in its horizontal alignment.

93. In section km 24+049 approximately 0.9348 ha of additional land is required for the new road ROW. Affected land beside the Project road is officially classified as pasture land with the substantial portions cultivated to rice. Four parcels of land which are generally outside the portions cultivated to rice are going to be affected. Within these affected parcels are residential structure and a secondary structure utilized as a resting facility for the poultry animals raised by the owner. These structures will be fully affected as. Some portions of the affected parcels are cultivated either as vegetable gardens and planted to some perennials and fruit bearing plants and trees like bananas and mangoes.

94. The preparation of a Supplemental Resettlement Plan to complement the 2014 Resettlement Plan of the Project was mandated by the ADB as soon as the realignment design along km24+049 and the new right-of-way boundaries in site had been established.

95. This supplemental RP had been formulated in accordance with ADB's Safeguard Policy on Involuntary Resettlement and the approach adopted in the development of this draft RP followed that of the ADB-financed Eindu-Kawkereik Road Improvement Project. The Supplemental RP for the

realigned section of the Maubin Pyapon Road Rehabilitation Project will be reviewed and approved by the ADB prior to its implementation.

96. Monitoring the implementation outcomes of the Supplemental RP is part of the overall monitoring activities of the Project. As part of the Project covenant, the social monitoring indicators will ensure monitoring compliance to civil work contract provision of equal wage for equal work or no discrimination on basis of sex/gender as per contract document. Further, the arrangement to ensure local unskilled labor's in the construction activities will also be monitored.

7.5 Major Item of Focus for Next Report

97. The second semester report (July-December 2016) will essentially follow the format and substance of this Report. The second semester report will highlight the following:

- Assessment of the implementation outcome of the Supplemental RP to include the aspect of compensation payment, institution of support and rehabilitation measures for severely affected and vulnerable AP and relocation assistance provided.
- Determining efficiency and effectiveness of RP implementation processes and mechanism such as the GRM, monitoring and reporting and community/AP participation activities; and
- Documentation of other unforeseen social and resettlement impact during construction period.

98. **Annex C** provides an outline of the Second Semester Report

99. The next deployment schedule of the Social/Resettlement Specialist of the CSC in by mid-2017. Below are the proposed follow-up monitoring activities to be carried out during the next annual phase (June 2017):

(i) Stage 2⁷ Activities essentially entail the following:

- Assessment of efficacy of RCC management of grievance redress mechanism.
- Assessment of the implementation of rehabilitation and support measures (provision of employment to APs as well as Civil Work Contractors' implementation of community development measures)
- Assessment of changes in the pre-post socioeconomic condition of concerned APs and the ability of APs to improve entrepreneurial skills and income generating activities
- Preparation and submission of Stage 2 (2th QTR and First Semi-Annual 2017) Monitoring and Evaluation Report

100. Activities to be undertaken during this monitoring period will include the following:

(i) Primary Data Collection

The Consultant will collect primary data from the field. Issues and concerns raised by sample affected households, condition and situation related to particular section with regards to compensation payment and provision of other rehabilitation measures, clearance of obstruction as well as actual situation concerning takeover of land for ROW and relocation of affected households will be generated and documented.

A survey of sample affected households representing various categories of losses and sample households who qualified for support and rehabilitation including vulnerable groups will determine level of satisfaction to the resettlement measures.

(ii) Secondary Data Review

The local authorities (district and township), PMU and Contractor also document and record accomplishments and progress related to ROW, compensation and relocation; provision of work to local community members during construction period and information on "equal pay for equal work" as well as pertinent community development work carried out by contractors. The Consultant will request

⁷ Stage 2 refers to the second deployment period of the Social/Resettlement Specialist of the CSC.

access to such information. There will be reviewed, analyzed and consolidated. A summary report to provide the general overview of status and conditions of RP implementation and construction status will be prepared for MOC and ADB perusal.

(iii) Key Informant Interviews

To confirm and validate progress and issues and concerns, the Consultant will undertake key informant interviews of sample stakeholders representing the local authorities, MOC/PMU and contractors and supervision engineers. The result of such interviews will be integrated as part of the rationale, explanation and justification of the accomplishment and progress documented in the Monitoring Reports.

The result of interview of RP implementers at various levels will assess implementation processes and procedures especially on the aspect of GRM implementation and the level of coordination and management as well as efficiency and effectiveness of RP intervention measures.

Annex A: Highlights of Meetings on Supplemental RP Preparation

1. Minutes of Briefing/Orientation with the Kyaiklat Resettlement Coordinating Committee (RCC)

Date and Time: 10 March 2016 at 9:30-11:30 am

Venue: Project Office Conference Room, Kyaiklat Township

Total Number of Participants: 15 (3 females and 12 males):

Township Administration and RCC Chair
2 staff of the General Administration Department, Kyaiklat Township
2 staff of the Land Records Department, Kyaiklat Township
2 representatives of the ICB1 contractor
1 MOC-PMU Deputy Director for Safeguard concerns
1 MOC-DOH Engineer
1 MOC-Township Engineer
Team Leader, SMEC Consultant
International Social/Resettlement Specialist
4 Project staff, SMEC

Purpose of the Orientation/Briefing:

- Inform the participants re proposed land acquisition along km24+049 of ICB1 contract, which is within the administrative boundary of Kyaiklat Township
- Consult on status of affected land and process of land acquisition in the township
- Orient the township officials, RCC members, MOC-DOH/township engineers and ICB1 contractor on ADB Safeguard Policy on Involuntary Resettlement
- Discuss ADB policy and procedural guidelines and MYA rules and regulations on land acquisition, resettlement and compensation.
- Discuss requirement for Supplemental RP preparation including milestones and schedule
- Determine roles and responsibilities for RP preparation and implementation.

Highlights of the Meeting:

Introduction on the purpose of the briefing/orientation was given by Mr. Paul Clarke, Team Leader of the Consultant Team.

The International Social/Resettlement Specialist of the Consultant Team, Mr. Miguel Lopez provided the overview on the requirement for additional land as new right-of-way (ROW) for the proposed adjustment to the horizontal alignment of curve along km24+049 of ICB1 contract. He proceeded to explain that as a result of this additional land acquisition there is a need to develop a supplemental Resettlement Plan (RP) following the ADB Safeguard Policy on Involuntary Resettlement. The members of the Kyaiklat Resettlement Coordinating Committee (RCC), other township officials, MOC-DOH district and township engineers as well as representatives of the contractor (ICB1 contract) was given a "walk-through" of the ADB Safeguard Policy on IR and the recommended procedures for the formulation of the RP. The activities, milestones as well as tentative schedule to be pursued in the development, review and approval as well as implementation of the RP was also discussed.

The following are the summary of issues and concerns raised and discussed:

The township administrator expressed full support for the Project and understands the need to acquire additional land for the Project road. He also appreciated the need to comply with the requirement of the ADB. He however emphasized that land acquisition activities and everything related to them specially entering the affected area and dealing with the affected landowners, should involve all relevant parties, who must coordinate and work closely together to avoid misunderstanding and confusion later.

It was also pointed out that before the Township General Administration Office can initiate land acquisition activities there should be appropriate directives from the higher up (e.g., divisional and district General Administration Office). Thus the need to inform them officially about the Project and the requirement for additional land for road right of way.

It was also recommended that before land acquisition activities can be initiated the final land requirement details (technical) be provided to them. At least six copies of the final technical drawing of the alignment with relevant captions in Myanmar language should be provided to them.

The Consultant pointed out the need for conduct of land/ technical survey to finalize the details on land area required and determine individual plots affected.

It was suggested that at the start of the land/technical survey all parties (township land administration office, contractor, MOC-DOH/township offices and Consultant) be represented during staking of boundaries and determining affected areas.

Likewise, it was suggested that as early as possible potentially affected landowners be already formally informed about the Project's requirement for land acquisition and its potential impact on their parcels of land and assurance be given that appropriate mitigation measures will be provided and that procedures followed on land acquisition will be highly participative.

It was also recommended that the RCC as the body tasked at the local body with RP implementation be closely involved in the development and formulation of the supplemental RP.

The Consultant advised the RCC that implementation of land acquisition should await the formal approval of the supplemental RP by MOC and the ADB.

At the end of the discussion, the following were agreed:

Staking of the boundaries and technical survey of land required for the Project will be a joint effort of the Consultant, contractor, MOC-DOH staff and township officials.

That prior to initiation of the activities related to land acquisition, a formal directive from higher authorities of General Administrative Office to the township official should be awaited. To enable the higher offices to provide such directive, the MOC-PMU should communicate to the Divisional and District General Administrative Office officials concerning the Project and the requirement for land acquisition. SMEC Consultant will be responsible for informing the PMU concerning such requirement.

That as soon as the land/technical survey is completed, the census, inventory of losses (IOL), determining socioeconomic profile of AH, and cost replacement survey will be carried out.

As part of the task of the RCC, regular information and consultation activities with APs will be carried out.

The orientation concluded with the agreement on continuing close coordination of the parties involved in the Project.

2. *Minutes of Meeting with the Suu Ganan Village Tract officials*

Date and Time: 22 March 2016 at 10:00-11:30 am

Venue: Primary School classroom, Suu Ganan Village Tract center

Total Number of Participants: 13 (3 females and 11 males):

Suu Ganan Village Tract Leader, Incoming and Outgoing (2 males)

Village Secretary (1 male)

Farmers of Tha Yet Taw village (2 males)

Villager – female farmer (1)

Villagers – male farmers (2)

Primary school teacher – female (1)

Consultants – 1 female; 3 males

Purpose of the Orientation/Briefing:

To inform them about the project and need to adjust alignment along km24+049 including potential land acquisition impacts and assure them that the project will undertake continuing participatory activities. Also to collect socioeconomic information about the villages.

Highlights of the Meeting:

Introduction on the purpose of the meeting was given by the Resident Engineer of ICB 1 contract. Background information about the Project was also provided.

The International Social/Resettlement Specialist proceeded to explain the primary purpose of the meeting. The participants were informed that to ensure road safety the Project authorities plan to adjust the horizontal alignment of the curve along km24+049. It was pointed out that since road construction in 1992, there had been a number of accidents along that particular section of the road. They appreciated the fact that the authorities had recognized the risk and are doing something to address it.

It was also explained that as part of the alignment adjustment, the road will require additional land for ROW and that part of the paddy field beside the road will be affected. As a result of land acquisition some households will experience negative impacts thus the necessity to prepare a resettlement plan (RP) to mitigate the impact as required by the ADB Safeguard Policy on Involuntary Resettlement. The affected households will be fully consulted and engaged once the final design had been completed and the plan had been approved by concerned authorities. They participants were also assured that continuing consultation and participation will continue.

Accordingly as part of the preparation of the RP, socioeconomic condition of the village and the population need to be gathered where data collection also becomes a participatory process.

The participant villagers and officials readily agreed to the process and provided the required information to the group.

The Consultant also appreciated the fact that the incoming village officials (a change in the government at all political levels was taking place as a result of the general election) were able to participate in the process.

In conclusion, the villagers expressed their full cooperation with the project and willingness to participate in the scheduled activities in the next months.

Annex B: Report on ROW issue along Gon Nyin Dan Bridge, ICB2 Contract

The following met last 17 February 2016 in Kyaiklat Township Engineer's Office concerning the ROW issue along Gon Nyin Dan Bridge:

Field Team composed of: Miguel D Lopez, International Social Safeguard Specialist, Ms. Thinn Thinn, National Design Engineer and Mr. Khin Maung Tun - PMU Asst. Director
Mr. Khin Maung Aye – Resident Engineer 2, ICB2 - SMEC
Ms. Daw Khin Thint – Kyaiklat
Mr U. Tin Aye - Construction Manager, ICB2 Contract Package

Discussed were the following:

3. On 10th February 2016, Mr. U Thet Win, Deputy Project Manager of ICB2 contract package for Maubin Pyapon Road Rehabilitation Project, in behalf of Shwe Taung, Wika, Tokyu, STK Joint Venture wrote to Mr. U Ang Myint Oo of the Project Management Unit concerning land possession issue along the Gon Nyin Dan Bridge. The ROW area under the Gon Nyin Dan Bridge has earlier been approved by PMU for use by the ICB2 contractor. During preparation of site for the foundation of asphalt mixing plant, clearance activities were halted due to fencing of an area with the site carried out by a person who allegedly had right to said ROW. The "claimant" alleged that the plot had been granted to them for use as farm plot. The Contractor pointed out that when they started mobilizing in the area, there was no indication whatsoever that there were claimants or users therein. It was only when they had practically cleared the area that a "claimant" appeared.
4. Accordingly, the local township authority (Administrator and RCC Chair) was immediately informed of the matter. As a result a local inquiry committee was constituted composed of RCC members (DOH Assistant Engineer (chair), Farm Land Registration Department Records Officer (member), Kyaiklat Township Administrative Office - Assistant Officer (member) on 3rd January 2016. On the 3rd of February 2016 the Inquiry Committee came out with its report a copy (Inquiry Report in Myanmar), which essentially noted the following:
5. The said plot is situated beneath the Gon Nyin Dan Bridge and is within the ROW of the Project road. The MOC PMU has granted the ICB2 contractor right of use to the area for the duration of the construction period.
6. Before clearance of ROW area by the contractor, there was no indication that any part of the claimed area had been cultivated either for crops or orchard. The vegetation in the area within said ROW along that portion of the bridge was unvarying. Shrubs, grasses, vines and other crawling plants were the common features of the vegetation. (**Attachment 1** - Photo documentation before and after site clearance)
7. The claimant's name or any of his related party do not appear on the farm land registry as per Kyaiklat township record.
8. Further inquiry revealed that the "claimant" has no support document whatsoever related to his claim. He alleges though that a Division (Ayeyarwady) Minister has approved his request for use of claimed ROW plot for farm cultivation.
9. The township engineer also met informally with claimant to determine if he was willing to accept a small token (say up to USD300) to give way for the project. The "claimant" however said that he will only give up his claim on condition that he is paid about USD1,000 and at end of project he will have permanent use and formal right to the area.
10. On 9 February 2016, the alleged claimant put up some bamboo poles and wires to fence off a portion of the ROW area. Immediately after the said fencing, the township engineer ordered the "claimant" to remove the said structure out of the ROW as soon as possible. (Letter from township engineer to "claimant" – in Myanmar). The Contractor in the meantime is awaiting the formal response from the PMU.

During the discussion, it was pointed by the Social Safeguard Specialist that said claimant had not been identified in the census of APs and inventory of losses during the preparation of the 2014 RP. It was also noted that "claimant" did not manifest his claim during the prescribed period before the cut-off date (18 December 2013 for Kyaiklat Township APs). Between the period of AP census/IOL and post-IOL, a number of consultations and disclosure meetings were held to confirm the APs and to enable them to validate the scope of losses, engage the APs and impacted communities in participatory activities to ensure awareness and enable them to suggest measures on issues affecting them. Information about the project and the use of ROW has also been well disseminated in communities/villages along the existing road.

Status of the case is as follows: The land claimant brought the case to court after the decision passed by PMU/RCC was rejected. In the meantime ICB-2 Contractor deposited the amount of MMK120 Lakhs to the landowner with the agreement that if the landowner wins the case the amount will not be returned by the claimant. This will serve as payment for said parcel of land. However if the claimant loses the case then said amount needs to be paid back to the Contractor. Decision on the case by the court is being awaited.

Attachment 1 to Annex B

Photo of ROW site before clearance by ICB2 Contractor



Photo of ROW site after clearance by ICB2 Contractor



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Annex C: Outline of the Second Semester (July-December 2016) Report

1. The Project
 - 1.1 Background
 - 1.2 Institutional Arrangement
 - 1.3 Resettlement Impacts
 - 1.4 Consultation, Participation and Disclosure
 - 1.5 Physical Progress of Project Activities
 - 1.6 Objective, Approach and Scope of Bi-Annual Monitoring
 - 1.6.1 Objective of Bi Annual (July-December 2016) Monitoring
 - Assessment of the implementation outcomes of the Supplemental RP to include the aspect of compensation payment, institution of support and rehabilitation measures for severely affected and vulnerable AP and relocation assistance provided.
 - Determining efficiency and effectiveness of RP implementation processes and mechanism such as the GRM, monitoring and reporting and community/AP participation activities; and
 - Documentation of other unforeseen social and resettlement impact during construction period.
 - 1.6.2 Approach of Bi Annual Monitoring
 - 1.6.3 Scope of Bi Annual Monitoring
2. Qualitative and Quantitative Monitoring Data
3. Monitoring Parameters/Indicators and Methods
 - 3.1 Resettlement Impact Categorization
 - 3.2 Resettlement Scopes of Project based on 2016 Supplemental RP
 - 3.3 Implementation Status of support and rehabilitation measures for severely affected and vulnerable AP and relocation assistance provided.
4. Bi Annual Monitoring Results
 - 4.1 Outcome of Documentation and Approval of Supplemental RP
 - 4.2 Progress on Compensation Payment to APs Identified in the Supplemental RP
5. Redressal of Grievances
 - 5.1 Grievance Redress Mechanism Implementation Status
6. Monitoring RP Implementation Activities
 - 6.1 Implementation Activities and Monitoring Plan
 - 6.2 Activities Carried Out to Avoid Additional Resettlement Impacts during construction
 - 6.3 Status of Livelihood Support and Enhancement Activities
 - 6.4 Recommended Monitoring Adjustment based on Project Status in general
 - 6.5 Major Items of Focus in the Next Report

Annexes (as the case maybe)